

navigation should be subject to the régime of "transit passage", it always maintained that that régime needed to be improved in some respects with a view to the prevention of pollution of the waters of the sea. This is the purpose of the amendment to article 42 proposing that the wording "applicable international regulations" should be changed to "generally accepted international regulations". The point is that the present text might be interpreted as preventing coastal States from adopting a set of objective regulations that could be uniformly applied to all ships in transit.

As regards overflight of the territorial sea in straits, the Spanish delegation has never accepted it, and its informal suggestions of 1978 (C.2/Informal Meeting/4) make this clear. Moreover, my delegation has reiterated that position on various occasions; I might mention the memorandum circulated at Geneva on 24 April 1978, the Spanish delegation's statements of 3 May 1978 and 26 August 1980 and those made in the Second Committee and the 163rd and 169th plenary meetings during the current session.

The amendment to article 39, proposing the deletion of the word "normally" in paragraph 3 (a), is a last attempt at

compromise offered by the Spanish Government, acceptance of which would enable it to join in a final consensus. For the reasons stated, I must maintain these two amendments.

In view of your appeal and of the fact that the amendments proposed by my delegation to articles 221 and 233 involve only matters of drafting, I can inform you that I shall not insist on their being put to the vote. Nor shall I insist on a vote on the proposal that the word "oily" should be deleted before "wastes" in article 42, paragraph 1 (b).

I would also inform you that I do not intend to seek a vote on my delegation's amendment to draft resolution III, concerning territories under colonial domination. However, I must state that the Spanish Government formally reserves its position on that draft resolution, to paragraph 2 of which it cannot signify its consent.

I should appreciate it if the contents of this communication were circulated as an official document of the Conference.

(Signed) J. LACLETA  
Representative of Spain  
to the Third United Nations Conference  
on the Law of the Sea

#### DOCUMENT A/CONF.62/L.137

Compromise proposal of the President on the participation of Namibia,  
represented by the United Nations Council for Namibia

[Original: English]  
[27 April 1982]

Article 305, paragraph 1 (as contained in document A/CONF.62/L.93): add a new subparagraph (b) reading as follows: "(b) Namibia, represented by the United Nations Council for Namibia"; renumber paragraphs (b), (c), (d) and (e) accordingly and make the consequential changes to articles 1 (bis) and 306.

Draft resolution I, on the Preparatory Commission, paragraph 2 (as contained in document A/CONF.62/L.94): the first sentence should read as follows:

"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."

#### DOCUMENT A/CONF.62/L.138

Letter dated 27 April 1982 from the representative of Israel to the President of the Conference

[Original: English]  
[26 April 1982]

I have the honour, on instructions, to communicate to you the following:

While fully maintaining its position on all matters as set out in my letter of 13 April 1982 (A/CONF.62/L.129), my delegation wishes to stress once again its strong opposition to draft resolution IV, proposed in document A/CONF.62/L.101 of 13 April 1982.

It has been, and is, the consistently held view of my delegation that a grouping such as the so-called "Palestine Liberation Organization" is not entitled, and must not be permitted, to sign the Final Act of this Conference. The proposed resolution IV is, therefore, utterly unacceptable to my delegation.

Similarly, my delegation cannot agree to the proposed amendment to article 156, paragraph 3, also contained in the aforementioned document.

My delegation is unable to accept the statement made by the President on behalf of the Collegium on 15 April 1982 (A/CONF.62/SR.168, para. 3) that "there had been wide-

spread and substantial support for the amendments proposed by Iraq (A/CONF.62/L.101) ..." and the repetition of that statement in paragraph 9 of the Report of the President to the Conference in accordance with article 37 of the rules of procedure (A/CONF.62/L.132).

In fact, as is well known, the initiative which led to these provisions has been a sharply divisive element in this conference. My delegation is, therefore, of the opinion that these amendments should have been put to the vote.

In the circumstances, and as already indicated previously, my delegation reserves for itself full freedom to take due action in this behalf at the appropriate time.

I have the honour to request that this letter be circulated as an official document of the Conference.

(Signed) S. ROSENNE  
Representative of Israel  
to the Third United Nations Conference  
on the Law of the Sea