

DOCUMENT A/CONF.62/L.95

Statement by the President of the Conference at the 167th plenary meeting

[Original: English]
[7 April 1982]

We have now completed the first and second stages of our programme of work as contained in document A/CONF.62/L.116.²⁷

As you are all aware, the Collegium has issued a memorandum (A/CONF.62/L.93) containing the changes that will be incorporated in the draft convention and document A/CONF.62/L.94 containing the draft resolutions and draft decision which will form part of the final act.

We are now in the third stage of our programme of work. In document A/CONF.62/L.116 it was decided that should delegations feel it necessary to submit formal amendments, such amendments would have to be submitted to the secretariat by 6 p.m. on Tuesday, 13 April.

The purpose of our meeting this afternoon is to decide the date on which rule 33 of the rules of procedure will become operative, i.e. the date on which amendments may be submitted to the secretariat. On behalf of the Collegium, I wish to propose to the Conference that rule 33 become operative as from Thursday, 8 April.

Now that the Conference has decided that rule 33 will become operative on 8 April and that amendments, if any, should be submitted to the secretariat by 6 p.m. on Tuesday, 13 April, I should like to make the following points concerning the present stage of our work.

Firstly, I wish to recall that the draft convention, the draft resolutions and the draft decision contained in documents A/CONF.62/L.78, A/CONF.62/L.93 and A/CONF.62/L.94 constitute the only proposals against which amendments can be moved.

Secondly, I wish to remind delegations that the problems of ocean space are closely interrelated and need to be considered as a whole. For this reason, we have been working on the basis of a package deal and I would like to point out that amendments to one part of the draft convention package could have drastic implications for the whole. I wish also to recall that in accordance with the "Gentleman's Agreement" contained in the appendix to the rules of procedure, the Conference should make every effort to reach agreement on substantive matters by way of consensus and there should be no voting on such matters until all efforts at consensus have been exhausted. Accordingly, before the Conference can vote

²⁷ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVI (United Nations publication, Sales No. E.83.V.4).

on any amendments, it will have to decide that all efforts at reaching general agreement have been tried and proven unsuccessful.

Thirdly, in accordance with the programme of work contained in document A/CONF.62/L.116, delegations will be given an opportunity in the period between 14 and 21 April to make statements on the amendments.

Fourthly, following rule 37, paragraph 2 (a) of the rules of procedure, I will defer the taking of votes on any amendments submitted for a period of eight calendar days. During that period I shall make every effort, with the assistance of the Collegium and of the General Committee, as appropriate, to facilitate the achievement of general agreement and will report to the Conference in plenary meeting with my recommendations.

Fifthly, on a date not later than Friday, 23 April, the Conference will have to determine, in accordance with rule 37, whether all efforts at reaching general agreement with regard to the draft convention as a whole, i.e. including the draft resolutions and draft decision, have been exhausted.

Sixthly, I wish to make the following explanation concerning the meaning and application of rule 44 of the rules of procedure. After the Conference has determined, in accordance with rule 37, that all efforts at reaching general agreement have been exhausted, the amendments which have been properly submitted and outstanding will be put to the vote following the numerical order of the articles of the draft convention or of the draft resolutions and draft decision before the Conference.

If two or more amendments are moved to a draft article, the Conference shall vote first on the amendment farthest removed from the original article and then on the amendment next farthest removed and so on, until all amendments have been put to the vote.

Finally, I wish to express my fervent hope that it will be possible for the Conference to avoid voting on any amendments and that the draft convention, draft resolutions and draft decision can be adopted by consensus.

With the help of my colleagues in the Collegium, with the co-operation of the General Committee and with your good will I feel confident that our collective goal of adopting the draft convention by 30 April 1982 by consensus will be achieved.

DOCUMENT A/CONF.62/L.96

Romania: amendment to article 70

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Article 70: add a new paragraph 1 (*bis*) to read as follows:

"1 (*bis*). If the region or subregion, where States with special geographical characteristics are situated, is poor in living resources, the rights of those States under paragraph 1 shall apply to the neighbouring regions or subregions."