

DOCUMENT A/CONF.62/L.129

Letter dated 13 April 1982 from the representative of Israel to the President of the Conference

[Original: English]
[15 April 1982]

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

The delegation of Israel wishes to restate its position on certain matters now being faced by the Conference.

The general position of the delegation of Israel on the major problems under discussion at various stages of the deliberations of the Conference has been made clear on a number of occasions, the last one being in my statement at the 163rd plenary meeting on 31 March 1982.

While fully maintaining its position on all of the matters set forth in that statement of 31 March 1982, as well as in all previous formal statements, the delegation of Israel desires to emphasize again its strong opposition to the provisions now included in article 140 and related articles, regarding the interpretation of the expression "common heritage of mankind" as applied to the resources of the international Area and their distribution to certain non-State entities.

Likewise the delegation of Israel wishes to reiterate its preoccupation with articles 156 and 319 as contained in document A/CONF.62/L.93 and with article 2 of draft resolution I establishing the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for

the Law of the Sea (A/CONF.62/L.94). These provisions are unacceptable.

Draft resolution III (*ibid.*) deals with a purely political question not related to the law of the sea, and therefore has no place in any document emanating from this Conference. For this reason it is likewise unacceptable.

The delegation of Israel repeats its opposition to the draft decision of the Conference appearing at the end of the document. It restates its consistently held view that only States and the entities mentioned in article 305 of the draft convention as put forward in document A/CONF.62/L.93 should be entitled to sign the final act.

In the light of the foregoing, the delegation of Israel reserves its full freedom of action, to give in due course, in accordance with the rules of procedure, appropriate expression to its position and its objections.

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

DOCUMENT A/CONF.62/L.130

Letter dated 19 April 1982 from the representative of the United States of America to the President of the Conference

[Original: English]
[20 April 1982]

During the recent plenary sessions called by you for the discussion of formal amendments, my delegation, in view of the time available, limited itself to explanatory comments concerning the amendments proposed by seven countries contained in document A/CONF.62/L.121, and by five countries contained in document A/CONF.62/L.122.

I should like to avail myself of the opportunity to submit the following additional comments for the record.

Concerning the Second and Third Committees, the United States firmly opposes any substantive changes to the delicate balance that has been so painstakingly achieved. Particularly as regards the navigation and overflight provisions, any destabilizing change would make it impossible for the United States to participate in the convention.

Special emphasis of our opposition is made to those formal amendments which address articles 21, 39 and 310, or any

amendment that would permit reservations to the navigation and overflight provisions. Such amendments would compromise the very foundation upon which the negotiating package rests, and would in turn compromise the character of the resultant provisions, both within the context of the Conference and without.

My delegation reserves its right to comment further on other amendments proposed, should the opportunity be presented.

I would appreciate it if these comments could be made available to other delegations in the form of a conference document.

(Signed) J. L. MALONE
Representative of the United States of America
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/L.131

Letter dated 22 April 1982 from the representative of the Libyan Arab Jamahariya to the President of the Conference

[Original: Arabic]
[22 April 1982]

I wish to make it clear, at this important stage in the history of the Conference, that the Socialist People's Libyan Arab Jamahariya strongly opposes any substantive changes in the

provisions of Part XI of the draft convention on the law of the sea contained in document A/CONF.62/L.78,²¹ for the following reasons.

1. The provisions of Part XI do not represent the basic position of the developing countries. Rather, they are compromise solutions at which it was possible to arrive, at the end of the resumed ninth session at Geneva in 1980, after rigorous efforts and lengthy and complex negotiations. Those delegations which are now trying to demolish the foundations of these provisions took part in the drafting of those compromise solutions.

2. It was possible to arrive at those compromise solutions after a lengthy series of concessions which we, together with the group of developing countries, offered. It is not possible for those States to agree to any more concessions, or the convention would become useless with regard to us. This is a matter which must be taken into account, just as the interests of other States are taken into account.

3. Any substantive amendment to the provisions of Part XI will, in fact, disturb the components of the overall package.

The successive rapid events which have taken place at this session underscore the fact, without any doubt, that a number of States have been greedy to obtain more concessions from the developing countries, to an extent which knows no limits. Indeed, some of these States, in order to obtain more concessions, have gone so far as to exert various kinds of pressure on the delegations participating in the Conference, sometimes threatening non-participation in the convention, sometimes

submitting proposals which would take us back to the early days of the Conference and sometimes threatening to lay the responsibility for the failure of the Conference on the developing countries unless their wishes are met. They have forgotten that they are responsible for the obstacles which they have placed before the Conference. They have started to give the delicate balance between the provisions of the draft convention and the components of the package a meaning which conflicts with the proper logic of things. While they call for radical changes to Part XI, they see in the amendments which establish harmony and balance among the provisions of the convention a disturbance of the delicate balance and the overall package.

For all these reasons, the Socialist People's Libyan Arab Jamahiriya strongly opposes any substantive amendment to the provisions of Part XI of the draft convention, and in particular articles 137, 138, 140, 150, 151, 152, 153, 155, 158, 160, 161, 162, 163, 165, 178, 188 and 189, annex III and annex IV.

It strongly opposes also any preparatory investment régime which would discriminate between States and affect the substantive provisions of Part XI.

(Signed) A. S. MUNTASSER
Representative of the Libyan Arab Jamahiriya
to the Third United Nations Conference
on the Law of the Sea

DOCUMENTS A/CONF.62/L.132 AND ADD.1*

Report of the President to the Conference in accordance with rule 37 of the rules of procedure

[Original: English]
[22 April 1982]

1. In accordance with the programme of work contained in document A/CONF.62/L.116, the door was closed to the submission of amendments on Tuesday, 13 April at 6.00 p.m. By the deadline 30 amendments, viz. A/CONF.62/L.96 to A/CONF.62/L.126, were duly received.

2. In accordance with rule 37, paragraph 2 (a) of the rules of procedure, the President informed the Conference of his decision to defer the taking of a vote on the amendments for a period of eight calendar days, commencing 14 April and terminating on 21 April 1982.

3. In accordance with the programme of work, the plenary Conference met from 15 to 17 April 1982 in order to enable delegations to make statements on the amendments. Altogether, 87 delegations took part in the debate. In addition, a number of delegations submitted written statements.

4. Both the programme of work and rule 37, paragraph 2 (c), require the President, during the period of deferment, to make every effort with the assistance, as appropriate, of the General Committee to facilitate the achievement of general agreement.

5. In view of the large number of amendments submitted and the limited time available, the President addressed a letter to the sponsors of the amendments. In his letter the President emphasized that, as a general rule, the delegations submitting the amendments should take the initiative to carry out consultations with other interested and concerned delegations in an attempt to resolve the issues raised in the amendments. The initiative lies, in the first place, with the sponsors of the amendments. Some delegations have been kind enough

to respond to the President on the results of their own consultations.

6. In carrying out his responsibilities the President was able to rely upon the assistance of the Chairmen of the Main Committees and other members of the General Committee.

7. Under rule 37, paragraph 2 (c), the President has a duty to report to the Conference prior to the end of the period of deferment on the results of his efforts to facilitate the achievement of general agreement.

8. This report is being submitted in compliance with this provision of rule 37 of the rules of procedure.

9. As a result of the consultations undertaken by the President on the amendment submitted by Iraq in document A/CONF.62/L.101 and the amendment submitted by Belgium in A/CONF.62/L.119, the President has found widespread and substantial support for these amendments concerning questions relating to participation in the convention. The President believes that the two amendments offer a better prospect to achieve general agreement.

10. The amendment by Iraq in A/CONF.62/L.101 is contained in annex I to this report.

11. The amendment by Belgium in A/CONF.62/L.119 is contained in annex II to this report.

12. The President, assisted by the Chairman of the First Committee, Mr. Engo, conducted consultations on paragraphs 1 and 2 of A/CONF.62/L.116.

13. As a result of those consultations, the President is satisfied that there is widespread and substantial support for those two amendments, thereby offering better prospects for the achievement of general agreement.

14. The President, therefore, recommends that these two amendments be incorporated in the draft convention in

*Incorporating documents A/CONF.62/L.132/Corr.1 and A/CONF.62/L.132/Add.1/Corr.1 of 23 April 1982; document A/CONF.62/L.132/Add.1 contained the annexes to the report.