

DOCUMENT A/CONF.62/L.146

Letter dated 29 April 1982 from the representative of Sierra Leone to the President of the Conference

[Original: English]
[29 April 1982]

I take this opportunity to underscore the importance my Government attaches to the Third United Nations Conference on the Law of the Sea and to its equitable and just outcome. As evidence of this, my Government, at great cost and sacrifice, has sent a delegation to every one of the sessions of the Conference since its inception.

My delegation is constrained to register serious reservations to some of the proposals contained in document A/CONF.62/L.132, in particular with respect to annex IV of draft resolution II governing preparatory investment in pioneer activities relating to polymetallic nodules. The decision to allocate 150,000 square kilometres as the size of the exploratory area is not based on objective criteria and, given the number of areas to be allocated to the so-called "pioneer investors", considerably reduces that area of the sea-bed that could be exploited by the Authority.

My delegation also believes that the decision to allocate a minimum of eight sites to the "pioneer investors", as against one to the Enterprise, is inequitable.

It is the considered conclusion of my delegation that the draft resolution relating to preparatory investment grants implicit recognition to the unilateral legislations enacted by certain participants of the Conference and which the Conference has declared illegal. The draft resolution in its present form would delay the coming into operation of the parallel system of exploration and exploitation of the sea-bed resources or at least reduce the Authority to a licensing agent. As regards Part XI, the draft resolution in a way makes the draft convention superfluous. For all these reasons, we have come to the conclusion that this resolution is too high a price to pay to get the industrialized countries to become parties to the convention.

I will respectfully request you to circulate this letter as a document of the Conference.

(Signed) A. G. KOROMA
Representative of Sierra Leone
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/L.147

Report to the plenary of the Conference on the recommendations of the Drafting Committee presented by the Chairman of the Drafting Committee on behalf of the President and the Chairman of the First Committee

[Original: English]
[29 April 1982]

1. At an informal plenary meeting of the Conference held on 16 April 1982 consideration was given to the recommendations of the Drafting Committee contained in documents A/CONF.62/L.93 and A/CONF.62/L.94, together comprising approximately 800 proposals.
2. The recommendations of the Drafting Committee approved during the informal plenary meeting of the Conference held on 16 April 1982 are set out in the addendum to the report of the Drafting Committee (A/CONF.62/L.142/Add.1).

DOCUMENT A/CONF.62/L.148

Letter dated 30 April 1982 from the representative of India to the President of the Conference

[Original: English]
[30 April 1982]

1. The Indian delegation to the Third United Nations Conference on the Law of the Sea has seen on 29 April 1982 the text of the letter dated 28 April 1982, from the representative of Bangladesh addressed to you, which was circulated to all delegations as document A/CONF.62/L.140 on the same date.

2. In this connection, I have the honour to state as follows:

The proposal concerning the drawing of baselines in the deltaic area referred to in the aforementioned letter by the representative of Bangladesh was made as an informal suggestion with respect to the contents of paragraph 2 of article 7 of the informal composite negotiating text³⁹ at the

seventh session of the Conference held at Geneva from 28 March to 19 May 1978. Their proposal would have allowed the establishment of straight baselines joining base points at sea rather than base points located along the coastline. With reference to their suggestion, and the claim that it had received substantial support, I, as representative of India at the Conference, had made the following statement at the 104th plenary meeting on 18 May 1978:

"54. . . . the informal suggestion made by Bangladesh with respect to the content of paragraph 2 of article 7 (C.2/Informal meeting/6) would have the effect of establishing a new rule of international law, under which a coastal State would be able to establish straight baselines from base points at sea, and would therefore require wide acceptance by the international community before it could come

³⁹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

into force. As his delegation has stated at an informal meeting of the Committee on 28 April, such a suggestion must be considered in the light of the distance from the coastline of the base points for the future baselines; the effect which the new baselines would have on the general direction of the coastline; the possibility that the baselines would be used in fixing the outer limits of the territorial sea or exclusive economic zone, or maritime boundaries with neighbouring coastal States; and the effects on navigation in the enclosed internal waters. It was therefore gratified that Bangladesh was willing to discuss its suggestion with the other States interested in the matter and to raise it again at the Conference's next session. That attitude on the part of Bangladesh showed that its suggestion could not be regarded as having already obtained the substantial support to which reference was made in subparagraph 2 of paragraph 9 of document A/CONF.62/L.28."⁴⁰

3. The suggestion of Bangladesh was not discussed with India after the aforementioned statement, nor has the Bangladesh suggestion been raised at the Conference since 1978, except at the present session and particularly in the form of the letter dated 28 April 1982, referred to at the outset.

4. In view of the above, it will not be correct to say that article 7 of the draft convention (A/CONF.62/L.78)⁴¹ cannot preclude the founding of a baseline on depth criteria and bathymetric factors, as stated by the representative of Bangladesh. In fact, the Conference has not accepted the suggestion of Bangladesh.

5. Article 7, paragraph 2, of the draft convention reads as follows:

"2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, the straight baseline shall remain effective until changed by the coastal state in accordance with this Convention."

I shall be grateful if you will kindly arrange to have this communication registered and distributed to the delegations as an official document of the Conference.

(Signed) S. P. JAGOTA
Representative of India
to the Third United Nations Conference
on the Law of the Sea

⁴⁰*Ibid.*, vol. IX (United Nations publication, Sales No. E.79.V.3).

⁴¹*Ibid.*, vol. XV (United Nations publication, Sales No. E.83.V.4).

DOCUMENT A/CONF.62/L.149

Letter dated 30 April 1982 from the representative of Burma
to the President of the Conference

[Original: English]
[30 April 1982]

In his letter dated 28 April 1982 addressed to you and circulated to all delegations in document A/CONF.62/L.140 of the same date, the representative of Bangladesh asserts that his delegation's proposal concerning the establishment of a straight baselines system on the depth criteria and bathymetric factors had received, and continues to enjoy "substantial and favourable support from a large number of delegations" and further that his Government considers that "article 7 of the draft convention (A/CONF.62/L.78)⁴¹ cannot preclude the founding of its baselines" on such a basis.

In this connection, my delegation is of the view that the above-mentioned assertions are not borne out by the history of negotiations on the proposal at the Conference, particularly in the broadly representative informal negotiating group on baselines established during the third session. Nor are they supported by the text of article 7, paragraph 2 of the draft convention embodying the results of the said negotiations, which specifies in precise and unambiguous terms the fundamental rule that straight baselines may be drawn only from land-point to land-point, and not from sea-point to sea-point.

I should be grateful if you would kindly arrange to have this letter distributed to all delegations as an official document of the Conference.

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

DOCUMENT A/CONF.62/L.150

Letter dated 28 April 1982 from the representative of Ecuador
to the President of the Conference

[Original: Spanish]
[30 April 1982]

In accordance with the letter dated 13 April 1982 which I addressed to you and which is contained in document A/CONF.62/L.128, I am to inform you, as Chairman of the Ecuadorian delegation to the eleventh session of the Third United Nations Conference on the