

Third United Nations Conference on the Law of the Sea

1973-1982

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Summary Records of Plenary Meetings

1st plenary meeting

Extract from the Official Records of the Third United Nations Conference on the Law of the Sea, Volume I (Summary Records of Plenary Meetings of the First and Second Sessions, and of Meetings of the General Committee, Second Session)

PLENARY MEETINGS

1st meeting

Monday, 3 December 1973, at 4.15 p.m.

Acting President: The SECRETARY-GENERAL

President: Mr. H. S. AMERASINGHE (Sri Lanka).

Opening of the Conference by the Secretary-General

1. The SECRETARY-GENERAL said that it gave him great pleasure to open the first meeting of the Third United Nations Conference on the Law of the Sea which brought together the largest number of States ever to have participated in an international conference; he was especially glad to welcome the representatives of those States which were not Members of the United Nations and had been invited by the General Assembly to participate. It was the first Conference on the subject since the accession to independence of a large number of developing countries, a fact which gave it a very particular and historic significance.

2. The scale and complexity of the issues before the Conference had been clearly seen throughout the preparatory work undertaken by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, under the distinguished chairmanship of Ambassador Amerasinghe of Sri Lanka. It had been a remarkable achievement to have provided such extensive and significant material in such a relatively short time, and he knew that the Conference would wish him to pay a warm tribute to the Committee and its Chairman. He also recalled the debt owed to Ambassador Arvid Pardo of Malta for his pioneering work.

3. The importance of the Conference had been demonstrated in the high quality of the contributions made by Governments and their representatives in the preparatory process. States had made their special circumstances and interests very clear and had emphasized the extent to which vital national interests were involved. But it was also evident that there was a developing widespread realization of the fact that those interests must be reconciled if a generally accepted and effective international legal order was to be established. The Conference started from a solid base of knowledge. It knew that the uses which mankind made of the seas and oceans were evolving rapidly. It could discern what some of the new forms of use would certainly be, and it had a basis for envisaging what others might develop. It also had the means to assess the problems which were being created by present uses. Its knowledge was far from complete—indeed, in many areas it was still very ignorant. But it knew enough to realize that it had a real and vital opportunity to establish the legal foundations which could reconcile present needs and interests with those of future generations.

4. That opportunity arose at a time when a dominant concern of the United Nations was to close the gap between developing and developed countries, which had rightly been a major theme in the discussions in the preparatory stage and was a major concern of the Conference. It was essential to emphasize that the Conference would proceed on the basis of General Assembly resolution 2749 (XXV), namely, that the sea-bed beyond national jurisdiction was the common heritage of all mankind. That fact in itself made the Conference unique; for

the first time in history the representatives of States would be engaged in translating that vital concept into reality.

5. The problems before the Conference stemmed mainly from the situation created by the rapid pace of technology and by the ever-growing needs of mankind. In meeting those needs, the resources of the seas and oceans would be of major importance. But those resources were finite. The belief that they were limitless was a very dangerous delusion. In the words of the eminent explorer and scientist, Thor Heyerdahl: "To neglect the ocean is to neglect two thirds of our planet. To destroy the ocean is to kill our planet. A dead planet serves no nation." Energy, food, minerals, transport and trade, recreational activities, and the evils of pollution were all matters which were involved in the development of international law concerning the seas and oceans.

6. The essential purpose of the Conference was to establish a viable agreed legal basis for international co-operation without conflict and in the interest of all mankind. That, obviously, was a most formidable task. But all the available evidence indicated clearly that action must be taken now, and that the task would become substantially more difficult if the world waited for the development of new uses and for the inevitable intensification of existing uses. It was urgent that the first essential steps towards international agreement should be taken as quickly as possible. Time was running out, and delay would be perilous.

7. For, and perhaps most important of all, there was a very real probability that the causes of disputes between nations would be increased unless agreement was reached. That gave him particular concern as Secretary-General of a global organization with a fundamental concern for the prevention of conflict and the maintenance of international peace and security.

8. The Conference bore a heavy responsibility, but it also provided a very positive promise for the future of the United Nations. To produce a generally accepted and practicable legal order of the seas and oceans would demonstrate the great potential of the United Nations as a unique instrument of constructive preventive diplomacy. The United Nations was a long-term organization. The resolution of long-term problems before they became acute was one of the principal roles of the world Organization. The fact that the law of the sea was a highly complex and difficult area should not intimidate the Conference. On the contrary, it should make it even more determined to succeed.

9. The United Nations could not, and must not, evade the great issues. The fact that they presented great problems was precisely why the United Nations must face them, and endeavour to resolve them.

10. The task facing the Conference was, therefore, considerable. There could be no illusions about that. But he was convinced that it could succeed, if there was a genuine political desire to succeed. He was confident that such a spirit would characterize the Conference, and that the participants would work constructively together to achieve positive long-term re-

sults. In opening the historic Conference, he expressed his confidence that it would attain the objectives set by the General Assembly. He and his colleagues in the Secretariat and the specialized agencies stood ready to give the Conference all the assistance which it required.

11. He wished the Conference well in its deliberations.

Election of the President

12. The ACTING PRESIDENT said he understood that during informal consultations many delegations had suggested that formal nominations should be dispensed with. If there was no objection, he would proceed accordingly.

It was so decided.

13. The ACTING PRESIDENT said that there had also been general agreement during informal consultations that Mr. Amerasinghe of Sri Lanka should be elected President by acclamation.

Mr. H. S. Amerasinghe was elected President of the Third United Nations Conference on the Law of the Sea by acclamation.

14. The PRESIDENT said that the inauguration of the Third United Nations Conference on the Law of the Sea was an occasion of historic significance in the life of the United Nations. On behalf of all the delegations participating in the Conference he thanked the Secretary-General for his presence and for the interest he had taken in the preparatory work of the Conference. He was personally gratified by the Secretary-General's warm reference to his work as Chairman of the Committee on the sea-bed during the past six years.

15. By electing him President of the Conference delegations had conferred a great honour on his country which far transcended any personal distinction he had achieved. His election was also a compliment to the continent of Asia.

16. The Conference was destined to be one of the most important in the history of the United Nations and even in the history of international relations. In terms of the number of participating States the Conference might be the largest ever held. Its agenda encompassed a range of topics of vital concern to the entire world. It embraced problems of a political, economic, ecological and technological character, and a successful outcome to the Conference would have a lasting impact on the future of mankind. Any agreement reached at the Conference must promote the well-being of all countries, especially the developing countries, by making them the beneficiaries of the common heritage of mankind. Such agreement must also protect the ecology of the oceans, on which mankind's survival depended to such a large extent. If the Conference resolved to be guided by the principles of justice and equity and if it showed a spirit of mutual understanding, goodwill and compromise, it would not only be living up to the high expectations of the United Nations Charter but also handing down to posterity perhaps one of the supreme achievements of the Organization.

17. A convention or conventions ensuring a generally acceptable, stable and durable law of the sea would be not only a monument to the patience, perseverance, diplomatic skill and spirit of fraternal co-operation of the participants and the States they represented, but would also honour the highest ideals of the Charter and other international legal instruments which sought to express the aspirations and yearnings of all peoples of the world.

18. He would like to express his gratitude to Ambassador Arvid Pardo of Malta for his vision and initiative.

19. He wished the Conference success in its deliberations.

20. Mr. WAPENYI (Uganda), speaking on behalf of the African group and his own delegation, congratulated Mr. Amerasinghe on his unanimous election as President of the Conference, which might prove the largest ever held. The people of Africa were confident that under the President's guidance the attempt to organize the sharing of the wealth of the sea would

be conducted with fairness, so that all countries, whether coastal or land-locked, would benefit from that wealth.

21. Mr. HADDAD (Lebanon), speaking on behalf of the Asian group and his own delegation, offered the President warm congratulations on his election, which had been unanimously supported by the Asian group. The President would have an opportunity to demonstrate his wisdom and the great experience he had acquired as Chairman of the Committee on the sea-bed. The President had drawn attention to the complexity of the agenda; agreement would be difficult to achieve, but it was essential to attain the aim of a fair distribution of the wealth of the sea. He hoped that the President's task would not always be too difficult and he assured him that he would always have the frank and sincere co-operation of the Asian group in seeking to achieve the lofty goal of the Conference.

22. Mr. GROZEV (Bulgaria), speaking on behalf of the Eastern European group and his own delegation, offered the President warm congratulations on his election, which, together with the statement by the Secretary-General, had made an auspicious beginning to the Conference.

23. The Conference was expected to codify existing laws on the sea and to discuss and adopt a comprehensive body of rules to be the basis for lasting international co-operation. The States of the world, including those of Eastern Europe, placed their trust in the President and were fully prepared to co-operate with him in seeking to attain the goal of the Conference. The President was a representative of a populous part of the world and of a developing country which was making a positive contribution to international co-operation. During his six years as Chairman of the Committee on the sea-bed he had worked untiringly to pave the way for the adoption of legislation on the sea-bed in the interests of peace and security. The Eastern European group was confident that under the President's guidance the Conference would be a success.

24. Miss FLOURET (Argentina), speaking on behalf of the Latin American group and her own delegation, congratulated the President on his election. He had had the support of the Latin American group from the moment they had learned of his candidature. There was no need to describe the President's great ability, for he had made it abundantly clear as Chairman of the Committee on the sea-bed.

25. Latin America had high hopes for the Conference and was happy that one of its sessions would be held in Venezuela. Latin America had been possibly the first region to become aware of the importance of a just distribution of the wealth of the sea-bed and to draw attention to the problems connected with the subject. The Latin American delegations were ready to make a full contribution to the Conference and were confident that under the President's guidance the expected results would be achieved.

26. Mr. KNOKE (Federal Republic of Germany), speaking on behalf of the group of Western European and other States and his own delegation, congratulated Mr. Amerasinghe on his election as President of the most important conference of the decade. The President's wisdom had been greatly appreciated during his years as Chairman of the Committee on the sea-bed and his great ability would certainly benefit the Conference. The States of the group looked forward to co-operating with the President and assured him of their full and loyal support. They hoped that the Conference would justify the hopes for the establishment of a universal and equitable law of the sea, which would greatly enhance peace and stability in the world.

27. Mr. STEVENSON (United States of America) congratulated Mr. Amerasinghe on his election as President of the most important gathering since the San Francisco Conference. If the crisis of the law of the sea was not resolved, the result might be the partition of the oceans with all the conflicts that would entail. If the Conference was successful, it would not only provide for the use of the oceans for the benefit of mankind, but would also strengthen international law and institutions. His country had been aware of Mr. Amerasinghe's leadership

in the Committee on the sea-bed and it thought that no one was better qualified to be President of the Conference—a view which had been borne out by his unanimous election. As the Secretary-General had said, time was running out; the problems of the law of the sea must be solved now.

28. The PRESIDENT said that he was very grateful for the congratulations and support which had been expressed. He would do his utmost to justify the confidence placed in him and he knew from experience that he could rely on the co-operation of all the participants in the Conference.

29. He was sure that all delegations would wish him to convey their thanks to the Government of Venezuela for undertaking to act as host for the first substantive session of the Conference, to be held in 1974.

Adoption of the agenda of the Conference (A/CONF.62/1)

30. The PRESIDENT said that if there was no objection, he would take it that the Conference adopted the agenda.

It was so decided.

31. Mr. PATRICIO (Portugal), speaking on a point of order, said that the sea was an element essential to the progress and

the survival of mankind, and therefore a just and universal juridical system must be established. His country was participating in the Conference in order to co-operate in the implementation of the principle of universality with regard to the law of the sea, to ensure the protection of its legitimate national interests and to reconcile them with the interests of the international community. As a coastal country with a long maritime tradition Portugal felt it a duty to contribute its experience to the Conference. However, his country's participation in the Conference could not be interpreted as recognition of the so-called Republic of Guinea-Bissau, which did not fulfil any of the requirements of international law for any form of recognition. His delegation protested against the participation in the Conference of any persons representing that fictitious State. It requested that its statement and the fact that the Secretariat had sent to Conakry an invitation to the fictitious Government should be included in the record of the meeting.

32. The PRESIDENT said that the representatives of the Republic of Guinea-Bissau were participating in the Conference by the decision and at the invitation of the General Assembly.

The meeting rose at 4.55 p.m.

2nd meeting

Friday, 7 December 1973, at 4.55 p.m.

President: Mr. H. S. AMERASINGHE (Sri Lanka).

Results of informal consultations

1. The PRESIDENT said that he had held consultations with the chairmen of the regional groups and the United States representative about the structure and organization of the Conference and the composition of its important bodies. Tentative agreement had been reached about the composition of the General Committee and the Drafting Committee. Firm agreement had been reached about the constitution of three Main Committees which would deal with the subjects covered by the three sub-committees of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

2. It had been tentatively agreed that the General Committee would consist of 48 members: 12 each from the African and Asian groups, 9 from the Latin American countries, 9 from the Western European and others group and 6 from the Eastern European group. Those figures would include as *ex officio* members the President and Rapporteur-General of the Conference, the Chairmen of the three Main Committees and the members of their bureaux, and the Chairman of the Drafting Committee. It had been tentatively agreed that the Drafting Committee would consist of 23 members comprising 6 each from the African group and Asian groups, 4 from the Latin American group, 5 from the Western European and others group, and 2 from the Eastern European group. It had been firmly agreed that each of the three Main Committees would have, in addition to a chairman, three vice-chairmen and a rapporteur and that each group would have one representative in the bureau of each Main Committee.

3. The Chairmen of the three Main Committees and the Chairman of the Drafting Committee were regarded as having equal status. It was understood that the Chairman of the First Main Committee would come from the African group, the Chairman of the Second Main Committee from the Latin American group, the Chairman of the Third Main Committee

from the Eastern European group and the Chairman of the Drafting Committee from the Western European and others group, so that each regional group would hold one important office. The post of Rapporteur-General of the Conference had been assigned to the Latin American group. In addition, the Conference would have 30 vice-presidents: 9 from the African group, 8 from the Asian group, 5 each from the Latin American and the Western European and others group and 3 from the Eastern European group.

4. It would also be necessary to appoint a Credentials Committee, with which he did not propose to deal at that stage. He thought, however, it might be possible to adopt for each session of the Conference the Credentials Committee which had served the immediately preceding session of the General Assembly.

5. If the Conference agreed, he would suggest that the vice-presidents of the Conference, the vice-chairmen of the Main Committees and the members of the Drafting Committee should be elected by country.

It was so decided.

6. The PRESIDENT suggested that the Chairman and Rapporteur of the three Main Committees, the Chairman of the Drafting Committee and the Rapporteur-General of the Conference should be elected in a personal capacity.

It was so decided.

7. The PRESIDENT suggested that, in the event of its becoming necessary to replace any of the Chairmen or Rapporteurs of the three Main Committees or the Chairman of the Drafting Committee, the regional group to which the post had been allocated should nominate the candidate.

It was so decided.

8. Mr. MAHMOOD (Pakistan) inquired whether the Drafting Committee would have vice-chairmen and a rapporteur and whether they would be *ex officio* members of the General Committee.