

Third United Nations Conference on the Law of the Sea

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56th Plenary Meeting

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also of those that would have to be reached on other matters still pending. All the interests concerned must be taken into account. He agreed that the Chairman of the Second Committee could not be expected to produce a single text without variants. On the basis he had outlined, his delegation would support the President's proposal, even though not fully convinced of its merits.

90. The slow progress of the Conference was only to be expected, in view of the large number of countries involved, and the extent to which their interests conflicted. One problem was that certain delegations had difficulty in reconciling themselves to the new realities of international life, in particular the full participation, on an equal footing, of all countries in drafting new rules of international law. Yet that must be the foundation of international democracy; that must be the starting point of any hope of arriving, within a reasonable time, at agreement on a new law of the sea, which would be the corner-stone of the new international order.

91. History showed that pressure and unilateral action were never effective in the long run, and he agreed that the Conference should adopt a solemn declaration, in line with General Assembly resolution 2574 D (XXIV), prohibiting any form of unilateral action calculated to bring pressure to bear on the Conference.

92. The PRESIDENT said that his proposal seemed to be generally acceptable. It was that the Chairmen of the three Committees should each prepare a single negotiating text covering the subjects entrusted to his Committee, to take account of all the formal and informal discussions held so far. The texts would not prejudice the position of any

delegation, and would not represent any negotiated text or accepted compromise. They would be a basis for negotiation.

93. The Chairmen would be helped by the Secretariat in the preparation of their texts, but would not consult the Secretariat. The single texts would have to be ready before the end of the current session. The Chairmen themselves would decide whom to consult and how. In the negotiations, any representative would be free to move amendments. In the preparation of the single texts, account must be taken of the results achieved in formal and informal groups. The drafting of single texts would not provide a pretext for ignoring any existing text, nor would it mean that no work could be done in working groups, or that other negotiations at the current session would cease. On the contrary, it should stimulate discussion, and facilitate progress in the negotiations. He was sure the Conference could have full confidence in the three Committee Chairmen and they would certainly take full account of all the comments made in the present debate.

94. He hoped that inter-sessional consultations would be pursued; as the representative of Paraguay had pointed out, there would be a useful opportunity for doing so at the General Assembly in New York.

95. He said he took it that the Conference was prepared to adopt his proposal.

It was so decided.

The meeting rose at 7.35 p.m.

56th meeting

Friday, 9 May 1975, at 10.25 a.m.

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

Report of the Credentials Committee

1. The PRESIDENT invited the Conference to take note of the report of the Credentials Committee (A/CONF.62/44). Since the submission of that report, the credentials of Argentina, Turkey and the Bahamas had been received.

The Conference took note of the report of the Credentials Committee.

Date, venue and duration of the next session of the Conference

2. The PRESIDENT said that the General Committee recommended that the fourth session of the Conference be held in New York from 29 March–21 May 1976, and that a decision regarding a fifth session be held over until the fourth session. It also recommended that the General Assembly be asked to give the highest priority to the work of the Conference. He suggested that the Conference adopt those recommendations.

3. Further, since the Secretariat would require advance notice if it were decided to hold a fifth session, he suggested that the General Assembly be asked to authorize

the Secretary-General to make the necessary arrangements for a further session in 1976 if the Conference found one necessary.

It was so decided.

Inter-sessional arrangements for informal consultations and negotiations

4. The PRESIDENT said that any groups wishing to hold informal consultations during the inter-sessional period should notify the Secretariat as soon as possible. He shared the view, widely supported in the General Committee, that it would do more to advance the work of the Conference if inter-group consultations, rather than consultations within individual groups, were held. The Secretariat would, however, require authority to make the necessary financial provision for such consultations.

5. Mr. HALL (Executive Secretary) said that on the basis of the information received by the Secretariat concerning proposed informal consultations, the estimated cost of providing interpretation facilities for consultations covering the equivalent of a period of eight weeks was approximately \$50,000.

6. The PRESIDENT suggested that the Conference request the Secretary-General to take the necessary steps, under the relevant rules laid down by the General Assembly, to secure the allocation of funds to cover the cost of the services in question.

It was so decided.

Single negotiating texts

7. The PRESIDENT said that the Chairmen of the three Committees had each drafted a single negotiating text (see A/CONF.62/WP.8). Those texts were not intended to be the subject of discussion, but merely to provide a basis for negotiation. He thanked the Chairmen for discharging that onerous task, and the Secretariat for assisting them in their work.

8. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, said that, in the absence of any introduction to the text prepared for his Committee, he had circulated a mimeographed document to delegations outlining the content of the text and explaining the reasoning behind his decisions.

9. Mr. YANKOV (Bulgaria), Chairman of the Third Committee, said that the single negotiating texts were not an end in themselves, but rather an indication that the Conference had reached a turning point, and an expression of its will to negotiate. In preparing the text for his Committee, he had taken full account of all the proposals before it, and had tried to respect the frequently conflicting views as fully as possible. That had been no easy matter and he alone was responsible for the choices which had had to be made. He had also kept very much in mind that the text was intended only as a basis for negotiation; it had not been his intention to change the status of delegations' proposals and the text was in no way to be regarded as a compromise.

10. Mr. ZEGERS (Chile) said that, since it would be almost a year before the fourth session of the Conference was held, it would be useful if Governments could know in advance of any comments which other Governments might wish to make. He suggested that the Secretariat might undertake to circulate such comments to participants in the Conference.

11. The PRESIDENT pointed out that financial provision would have to be made for that work.

12. Mr. STEVENSON (United States of America) said that, while he welcomed the Chilean representative's suggestion, he feared there might be some risk of proliferation of amendments. He was concerned that States might tend to suggest amendments individually rather than jointly, after consultation, which would impede the negotiations.

13. Mr. HALL (Executive Secretary) said there was no budgetary provision for a large volume of translation and reproduction of documents after the end of the current session and the Secretariat was not in a position to predict the amount of documentation that would be involved. The cost per 100 pages would be approximately \$15,000.

14. The PRESIDENT suggested that delegations should themselves assume responsibility for circulating their comments.

It was so decided.

Statement by the President

15. The PRESIDENT said that the Group of 77, through its Chairman and the Chairmen of the African, Asian and Latin American groups, had expressed to him its grave concern at certain pronouncements made in responsible quarters to the effect that, if the Conference failed to conclude a treaty, unilateral action would be taken on the exploration and exploitation of the mineral resources of the sea-bed. Although no time-limit had been set for the conclusion of a treaty, such categorical statements were disturbing to the Group of 77, none of whose members had the capacity to carry out deep-sea operations.

16. It would take time to conclude a treaty and, in his view, there had not been a lapse of time sufficient to justify unilateral action. He therefore appealed to all States to refrain from taking any such action and to restrain their nationals from doing so, and from jeopardizing the conclusion of a just and universally acceptable treaty.

17. The Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, adopted in General Assembly resolution 2749 (XXV), and resolution 2574 (XXIV), should, notwithstanding certain reservations maintained by some States, serve as an earnest of good faith until such time as a treaty was concluded or the patience of the international community was taxed beyond endurance. There was too much at stake to imperil the outcome by precipitate action.

18. His appeal was not to be interpreted as a criticism of any State or person, and he trusted that it would not give rise to debate. He was indebted to the Group of 77 for raising the matter through him, rather than by the more formal method of submitting a resolution, and he saw that as an indication of its desire to avoid a long discussion.

19. He then read out the following statement, which the group of landlocked and geographically disadvantaged States had asked him to communicate to the Conference:

"Apart from an appeal not to take unilateral action in the international area, the group of land-locked and geographically disadvantaged States appeals to all States not to take any unilateral or other measures which would extend national jurisdiction beyond 12 nautical miles before the Third United Nations Conference on the Law of the Sea has completed its work."

20. He also read out a telegram from the President of the Governing Council of the United Nations Environment Programme, quoting the text of a decision reached by the Governing Council, in which the Conference was urged to give high priority to the inclusion, in the treaty under consideration, of effective provisions for the protection of the marine environment.

Closure of the session

21. The PRESIDENT thanked the Secretariat for the high quality of its services and expressed his gratitude to the Special Representative of the Secretary-General, the Executive Secretary of the Conference and the Director of the United Nations Office at Geneva for their help and guidance.

22. He then declared the third session of the Third United Nations Conference on the Law of the Sea closed.

The meeting rose at 10.55 a.m.