

Third United Nations Conference on the Law of the Sea

1973-1982

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Summary Records of Plenary Meetings 12th 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)

12th meeting

Saturday, 15 December 1973, at 12.45 p.m.

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

Report of the Credentials Committee (A/CONF.62/15)

1. Mr. GLEISSNER (Austria), Chairman of the Credentials Committee, introduced the Committee's report (A/CONF.62/15).
2. The PRESIDENT thanked the representative of Austria and the other members of the Credentials Committee for their work.
3. Mr. CEAUSU (Romania) said that his delegation believed that each State had the right to participate, on a basis of complete equality with other States, in international conferences and conventions of interest to the entire international community. The questions to be considered by the Third United Nations Conference on the Law of the Sea affected the vital interests of all countries. For that reason, his delegation felt that the Conference and the instrument to be adopted should be open to participation by all States. In that connexion, it noted with regret that the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been invited to participate in the Conference even though the international status of that Government had been established by the Paris Agreement and by the Final Act of the International Conference on Viet-Nam. Since the Saigon Administration could not unilaterally represent the people of South Viet-Nam at the Conference, his delegation felt that the Provisional Revolutionary Government of the Republic of South Viet-Nam should be invited to participate.
4. His delegation unreservedly supported the statement in the cable dated 22 November 1973 from the Minister for Foreign Affairs of the Democratic Republic of Viet-Nam addressed to the Secretary-General¹ that the Provisional Revolutionary Government of the Republic of South Viet-Nam had "full legal competence to participate in the work of all international conferences and organizations affecting the destiny of nations".
5. The Government of Romania recognized the Royal Government of National Union headed by Prince Norodom Sihanouk as the only legitimate Government of Cambodia. Consequently, his delegation did not recognize the representatives currently occupying Cambodia's seat at the Conference. Only the Royal Government of National Union of Cambodia had the right and the capacity to express the aspirations, interests and will of the people of Cambodia and, consequently, only that Government was qualified to represent that country at the Conference.
6. The PRESIDENT pointed out that the Conference was not considering invitations but credentials.
7. Mr. MEDJAD (Algeria) said that the Provisional Revolutionary Government of the Republic of South Viet-Nam was the only authentic Government of that country. His delegation therefore supported the statements and reservations expressed in paragraphs 5 and 6 of the report of the Credentials Committee. It likewise endorsed the reservation expressed in paragraph 9.
8. Mr. ENGO (Cameroon) said that his delegation had strong reservations regarding the credentials of South Africa. As it had repeatedly stated, the majority of the people in that country were not in a position to exercise their right of self-determination. The representatives of that country were adventurers and should not be seated at the Conference.
9. His delegation also regretted that the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been seated, as a result of which the people of the Republic of South Viet-Nam were not effectively represented.
10. Mr. SHUKE (Albania) said that his delegation regretted that, contrary to the well-known and important principle of universality, as mentioned in paragraph 7 of General Assembly resolution 3067 (XXVIII), the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been invited to, and was not participating in, the Conference. That Government was entitled to represent the people of South Viet-Nam in international relations and activities, including the Third United Nations Conference on the Law of the Sea. It was the only legitimate representative of the people of South Viet-Nam. His delegation strongly rejected the slanderous statement of the representative of the Saigon régime concerning the Provisional Revolutionary Government of the Republic of South Viet-Nam.
11. His delegation was resolutely opposed to recognition of the credentials of the so-called representative of the Lon Nol clique. His delegation and others had pointed out, especially during the twenty-eighth session of the General Assembly, that it was a grave violation of the sovereign right of the Cambodian people and of the Charter to deprive the representatives of the Royal Government of National Union of Cambodia of their legitimate rights and of their seat in the United Nations and its related bodies and Conferences. It was well known that that situation was a result of the imperialist policy of force and aggression of the United States of America and of the efforts of that country to dictate to the United Nations and other international organizations and conferences.
12. It was obvious that the participation in the Conference of the representatives of the Lon Nol clique was quite abnormal and directly affected the prestige of the Conference. They were representatives of a group of traitors to the Cambodian people, whose only authentic and lawful representative was the Royal Government of National Union of Cambodia, headed by Prince Sihanouk; in Cambodia, that Government was waging the just struggle of the peoples of that country. His delegation therefore opposed the relevant part of the report. It also strongly supported the position of many African States regarding the credentials of Portugal and South Africa.
13. Mr. NGUYEN HUU CHI (Republic of Viet-Nam) said that following the allegations made by some delegations, he wished to draw the attention of the Conference to the fact that the so-called Provisional Revolutionary Government of South Viet-Nam had been admitted to participate in the Paris Conference and to sign the Final Act because it had been a party to the conflict that it had itself unleashed. Its status as a political force was that of a political minority opposed to the legal Government. The fact that it had signed the Final Act of the Paris Conference did not make it the legal Government, as article 9 of that document clearly stated. The so-called Provisional Revolutionary Government could speak only for the Government of Hanoi, which wished to promote its expansionist policy of conquering South Viet-Nam and gaining international recognition.
14. Mr. PERISIĆ (Yugoslavia) said that his delegation wished to record once more its association with, and support of, the statements expressed in paragraphs 5, 6 and 9 of the report of the Credentials Committee.

¹See document A/9350 of 27 November 1973.

15. Mr. STEVENSON (United States of America) said that in view of the statements of previous speakers, his delegation wished to place on record the views of his Government: the Governments of the Republic of Viet-Nam and the Khmer Republic were the only legitimate representatives of South Viet-Nam and the Khmer Republic respectively.

16. Mr. MAU PHAT (Khmer Republic) said that, certain delegations having attempted to challenge the credentials of his Government at the Conference, he wished to point out that his Government's credentials were in order under rule 27 of the rules of procedure of the General Assembly. His delegation, which had been invited to attend the Conference by the Secretary-General in accordance with General Assembly resolution 3067 (XXVIII), was composed of jurists and technicians so that it could discuss questions related to the law of the sea. He thought all would agree that in technical matters there were no traitors or cliques. With respect to the question of inviting the so-called Royal Government of National Union of Cambodia to the Conference, he observed that the Government of the Khmer Republic was the only Khmer Government recognized by the United Nations and, consequently, only the representatives of the Government of the Khmer Republic were qualified to represent the Khmer people at any conferences

organized by the United Nations. He therefore strongly protested the assertion that the so-called Royal Government of National Union of Cambodia should have been invited.

17. Mr. WAPENYI (Uganda), speaking as Chairman of the African group, endorsed the reservations of the representative of Chad as set forth in paragraph 9 of the report of the Credentials Committee regarding the minority Government of South Africa and the colonial aspirations of Portugal in Africa. Those two countries were not the legitimate representatives of the peoples of South Africa or of Mozambique, Angola or other areas under Portuguese domination.

18. Mr. FERNANDES (Guinea-Bissau) said that his delegation did not recognize Portugal's capacity to represent the peoples of Mozambique, Angola, Cape Verde and the other Territories under Portuguese domination. It associated itself with the statements expressed in paragraphs 5, 6 and 9 of the report of the Credentials Committee.

19. The PRESIDENT said that if he heard no objections, he would take it that the Conference approved the report of the Credentials Committee.

It was so decided.

The meeting rose at 1.10 p.m.

13th meeting

Saturday, 15 December 1973, at 4.30 p.m.

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

Adoption of the rules of procedure (A/CONF.62/2 and Add.1-3, A/CONF.62/4-14) (*continued*)*

1. The PRESIDENT said that during the last few days he had held informal consultations on the draft rules of procedure (A/CONF.62 and Add.1-3) which had a bearing on the gentleman's agreement. Proposers of amendments to the draft rules and others interested in the subject had participated in the consultations. The gentleman's agreement, as recorded in the proceedings of the General Assembly at its 2169th meeting held on 16 November 1973, read as follows:

"Recognizing that the Third United Nations Conference on the Law of the Sea at its inaugural session will adopt its procedures, including its rules regarding methods of voting, and bearing in mind that the problems of ocean space are closely interrelated and need to be considered as a whole and the desirability of adopting a Convention on the Law of the Sea which will secure the widest possible acceptance, the General Assembly expresses the view that the Conference should make every effort to reach agreement on substantive matters by way of consensus; that there should be no voting on such matters until all efforts at consensus have been exhausted; and further expresses the view that the Conference at its inaugural session will consider devising appropriate means to that end."

2. The consultations had failed to devise appropriate means to that end. As there was not sufficient time to proceed with the consultations and as there was no prospect of their yielding fruitful results, he proposed to invite to informal consultations proposers of amendments to the draft rules and others interested in the subject in order to reach as much agreement as possible on the subject. The informal consultations would be held in New York and would take place from 25 February to 1 March 1974. If necessary, further meetings would be held for the purpose of the informal consultations. He further proposed

that the decision in regard to the rules of procedure should be taken by the Conference in Caracas not later than 27 June, if necessary by voting. Members were requested to send in their amendments to the draft rules of procedure not later than 31 January 1974.

3. Mr. DE SOTO (Peru) asked whether the President was intending to hold the informal consultations on his own initiative.

4. Mr. BONNICK (Jamaica) said that his delegation shared the concern implicit in the question put by the representative of Peru. He was not questioning the President's prerogatives, but it would be better for the Conference itself to take a decision on consultations, so that the decision would be binding. The consultations should be conducted not on an informal basis, but within the framework of an organ of the Conference—for example, the General Committee—or by representatives of the regional groups. A decision to vote on the rules of procedure should be a decision of the Conference requiring a two-thirds majority for reversal.

5. The PRESIDENT said that he did intend to hold the consultations on his own initiative. He did not think it was feasible to set up a formal group. His aim was to resolve the difficulties informally, and he would report on the consultations at the beginning of the Caracas session.

6. Mr. THOMPSON-FLORES (Brazil) said that his delegation could not support any proposal for a formal meeting of the Conference before the Caracas session. He suggested that the Conference should take a decision on the second part of the President's proposal, namely, that the rules of procedure should be adopted, by voting if necessary, before 27 June. Once that decision had been taken, the President would be free to hold informal consultations to ease the way for the adoption of the rules of procedure.

7. The PRESIDENT observed that there had been no proposal for an inter-sessional meeting.

*Resumed from the 10th meeting.