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Summary Records of Plenary Meetings 18th plenary meeting

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47. As regards rule 39, document A/CONF.62/WP.1/Add.1 contained a proposal which was still rather ill-defined. It was to be feared, however, that any attempt at the end of the Conference to amend the majority provision in rule 39, paragraph 1, would meet with serious difficulties. As regards the final procedure for the adoption of the Convention, it appeared that opinion among the participants at the Conference was more or less equally divided. His delegation regretted that, in accepting the proposal made by the President, the representatives were in fact opting for the first solution proposed. However, in a spirit of goodwill he would not oppose the proposal.

48. He wished to make a minor comment in regard to the wording of the first sentence of the proposal in question. When

reading it out, the President had omitted the words "the text . . . as a whole". That was probably of no great importance but, if the omission was intentional, document A/CONF.62/WP.1/Add.1 should be amended accordingly.

49. The PRESIDENT noted that the words "the text . . . as a whole" had been deliberately included in order to conform to current drafting practice.

50. In reply to a question from Mr. BROWNE (Barbados), he replied with regard to rule 37, paragraph 2, subparagraph (a), as revised, that it was always for the President to determine the period of the deferment on a case-by-case basis, within the 10-day limit specified in that subparagraph.

The meeting rose at 1.05 p.m.

18th meeting

Wednesday, 26 June 1974, at 4.55 p.m.

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

Tribute to the memory of four members of the United Nations Disengagement Observer Force

1. The PRESIDENT informed the Conference that four Austrian soldiers of the United Nations Disengagement Observer Force (UNDOF) had been killed and one wounded the previous day in a mine accident on the Golan Heights. As members of the peace-keeping forces, they had gallantly faced the risks of war and had given their lives in the cause of humanity and peace.

On the proposal of the President, the representatives observed a minute of silence.

2. Mr. TUERK (Austria) expressed the profound appreciation of his delegation for the expression of sympathy in connexion with the death of the four young Austrian soldiers who had given their lives in the cause of humanity and peace.

3. The PRESIDENT requested the representative of Austria to convey the sympathy of the Conference to his Government.

Adoption of the rules of procedure (A/CONF.62/L.1; A/CONF.62/WP.1 and Add.1 and WP.2) (continued)

4. Mr. GOERNER (German Democratic Republic) said that the provisions in documents A/CONF.62/WP.1/Add.1 and WP.2 represented a genuine compromise and should be approved so that the rules of procedure could be adopted and the Conference could proceed to discuss substantive issues. In connexion with the question of the adoption of the convention as a whole, he felt a higher majority should be required for it than for individual amendments and proposals. If the convention were adopted by a minority of States, the views of many States would be disregarded, and that would have a negative effect on the implementation of the convention. If any international law was to be universally valid, it should be accepted by all States and should be binding on all States. He therefore supported the voting formula proposed in Conference Room Paper No. 5. If agreement on that formula could not be reached, however, he would accept the formula proposed in document A/CONF.62/WP.1/Add.1 as it stood.

5. Mr. SARAIVA GUERREIRO (Brazil) said that, although he was not fully satisfied with the proposals in document A/CONF.62/WP.1, he would accept the document so that a consensus could be reached. He would not, however, be opposed to the deletion of the proposed new article 40A contained in document A/CONF.62/WP.1/Add.1.

6. With regard to the question of whether there would be a single convention, as agreed in principle in General Assembly

resolution 3067 (XXVIII), which had been supported by his delegation, he said that it might prove to be more logical and convenient to have more than one convention.

7. Mr. THOMPSON (Jamaica), appealing to representatives to accept a consensus, invited the representative of the United Republic of Tanzania to reconsider his suggestion that the new rule 40A should be deleted. It was important to take a decision at the present stage on the procedure for adopting the final convention in order to prevent a procedural debate later when there would be less hope of reaching a consensus. The second part of rule 40A, beginning "unless the Conference . . ." could well be deleted. He also proposed that the following should be inserted as a new paragraph 2 of rule 40A: "The procedures outlined in rule 37 shall not apply to paragraph 1 of this rule"

8. Mr. ENGO (United Republic of Cameroon) noted that the first part of new rule 40A stated that the Conference would adopt the convention by a two-thirds majority of those present and voting, while the second part of the rule seemed to leave the question open. He felt that the second part of the rule should be deleted because it was superfluous, since under rule 64 the Conference could amend any rule of procedure by a two-thirds majority of those present and voting.

9. He invited the representative of Jamaica to reconsider his proposal to add a second paragraph to the new rule 40A, as it too seemed unnecessary.

10. The PRESIDENT agreed that rule 64 could be applied at any time. The second part of rule 40A had been included to allay the fears of certain delegations. He expressed the hope that the Conference could reach agreement, without a vote, on the question of voting on the convention as a whole.

11. Mr. KOLOSOVSKY (Union of Soviet Socialist Republics) noted that although there had been considerable discussion and informal consultation on basic procedural questions, agreement had not yet been reached on the question of the majority required in votes in the Main Committees and in the Plenary. A simple majority of members present and voting would not be satisfactory, since that could represent in some cases a small minority of the participants at the Conference. If the basic method of decision-making was to be by consensus, the majority required in a vote should logically be as close as possible to a consensus, for example, a two-thirds majority of participants. If that was not acceptable, the majority required to adopt the convention as a whole should be higher than that required for the adoption of individual articles, and should be a two-thirds majority of all participants at the Conference. It

was necessary to take a decision at the present stage on what majority would be required.

12. Although the package deal had certain disadvantages, it was a compromise and should be retained. Some speakers had tried to minimize the importance of the principle of the consensus, which they felt would be difficult to apply in practice. His delegation felt that a consensus agreed to by all States, large and small, land-locked and coastal, developed and developing, was essential if the convention was to take account of the interests of all States in the world community. One group of States should not enforce its will on any other group or groups of States. The package should not be regarded as a number of individual rules, but as a whole based on the central principle of the gentleman's agreement, or consensus. The Conference should make every effort to adopt texts by consensus and resort to a vote only when all attempts at consensus had failed. The problem was that States had to try to reach agreement on the convention while at the same time defending their own legal rights. Yet a majority decision would not take account of the minority viewpoint, while in a consensus there would be no minority. International practice reflected a recent trend towards taking decisions by consensus; for example, at the recent Sixth Special Session of the General Assembly the international instrument calling for a new world economic order had been adopted by consensus.

13. It was clear that the success of the Conference would depend to a large extent on whether agreement by consensus would become part of the procedure and whether it would prove possible to reach a consensus in practice. The great danger was that an attempt would be made to destroy the consensus, and thus the whole package and the very basis of the Conference. He expressed his conviction, however, that good sense and a spirit of goodwill would prevail, and that all participants would actively try to reach a consensus.

14. Although his delegation did not find the whole package completely satisfactory, he would accept it so that a consensus could be reached.

15. The PRESIDENT noted that the provision concerning adoption of the convention as a whole by a higher majority had been inserted at the wish of certain delegations.

16. Mr. NYAMDO (Mongolia) said that his delegation attached great importance to the idea of a consensus so that the convention would be accepted as widely as possible. Informal consultations and discussions during meetings indicated clearly that all delegations accepted the idea of the gentleman's agreement which had been approved by the General Assembly at its twenty-eighth session. The first main task of the Conference was to incorporate the gentleman's agreement in the rules of procedure, and considerable progress had been made. With regard to the proposed amendments in document A/CONF.62/WP.1, he said that although he would have preferred a higher majority than that provided for in the amendments revising rules 37 and 39, he would accept the proposals in a spirit of co-operation. He supported the voting formula proposed by Singapore in Conference Room Paper No. 5. On the question of the adoption of the convention as a whole, he felt it should be adopted by a two-thirds majority of all participating States.

17. Mr. THEODOROPOULOS (Greece) said that although the package deal was not fully satisfactory, it had considerable merit. It maintained a balance between two very important elements, namely, the need to strive patiently, persistently and forcefully for agreement and wide acceptance, and the crucial need for rules providing the legal framework for decision-making if a consensus was not possible. He hoped that those two guiding principles would be applied in both procedural and substantive matters.

18. With regard to the proposed new rule 40A, he agreed that special treatment might be required for the adoption of the convention as a whole. Since rule 64 provided that the Confer-

ence could amend its own procedure at any time, he felt that the second part of rule 40A, beginning from the words "unless the Conference", could be deleted.

19. In connexion with the comment by the representative of Brazil on whether there would be one or more conventions, he felt that matter should be resolved after a decision had been taken on rule 40A.

20. Mr. SAPOZHNIKOV (Ukrainian Soviet Socialist Republic) said that the unofficial consultations had resulted in a package designed to solve an extremely difficult question. The package included the formal adoption by the Conference of the principle of consensus decision-making reflected in the gentleman's agreement arrived at by the General Assembly. It was, of course, vital that all members of the Conference should apply the principles of the gentleman's agreement if the difficult problems of international sea law were to be solved successfully. The agreement was the only possible way to ensure the effectiveness and subsequent application of decisions taken by the Conference. If decisions were taken by a simple automatic majority, they would not be ratified by an adequate number of countries and they would acquire little significance in real international life; consequently, the Conference would not have achieved the desired result.

21. Neither the rules of procedure of the United Nations General Assembly nor those of other conferences on international law contained suitable provisions for a decision on the adoption of a convention on the law of the sea. General Assembly resolutions were simply recommendations to States; the convention or conventions to be adopted by the Conference would be legally binding on States. Moreover, unlike other international law conferences, the Conference on the Law of the Sea would have to take decisions on a wide range of very important problems involving the vital interests and vested rights of all countries of the world. Decisions on such problems could not be taken by a simple majority vote; if they were, there would be disputes and friction between States.

22. The approach required was one of agreement that would solve problems while having due regard to the interests of all countries. As everyone knew, the law of the sea was beset with problems involving divergent interests of States. It would have to be accepted that there was no viable alternative to taking decisions on all substantive matters by consensus, voting being a last resort when all other possibilities had been exhausted. Moreover, any vote taken must be as near a consensus as possible. As far as his delegation was concerned, the nearest majority to a consensus was two thirds of the participants. It was therefore unhappy to see that the package deal provided for decisions by a majority of members present and voting. His delegation would also have preferred decisions in the Plenary to be taken by a majority of two thirds of the participants. Such a majority would make decisions more authoritative and would help to make decisions more acceptable to all countries of the world. Some of the delegations that objected to the idea of a majority of two thirds of the participants had said that it was unnecessary because in practice the outcome would be the same. If that was indeed the case, and those members were so certain, there was no reason why the figure of two thirds of the participants should not appear in the rules. Even if the majority was not ready to accept the figure of two thirds of the participants for certain provisions, they should support the proposal to adopt the convention or conventions by a majority of two thirds of the participants.

23. Although the package deal contained certain provisions that did not satisfy his delegation, it embodied the vitally important principle of consensus. He stressed that his statement was not intended to prejudice the compromise reached; his delegation simply wished to ensure the establishment of the most useful and rational rules of procedure to ensure the success of the work of the Conference. He was convinced that the

problem would be solved and that the Conference would be able to move on to substantive discussions.

24. The PRESIDENT announced that the time-limit for the list of speakers wishing to make general statements would be extended to 7 p.m. that day; the Conference would begin to hear general statements on the morning of Friday, 28 June.

25. Mr. RASHID (Bangladesh) said that the procedures adopted for the decision-making process would be of crucial importance to the work of the Conference. In spite of limitations imposed on delegations by national interests, a considerable degree of understanding had been reached. Clear and definite rules were needed. Commenting on rule 40A, he felt that the second part, beginning "unless the Conference", should be deleted in view of the provision in rule 64; but if that second part of rule 40A reflected a compromise, he would not object to it. The revised rule 37 deviated from traditional voting procedures, and he felt it would create a precedent for the future; he would accept it, however, in a spirit of compromise.

26. Commenting on document A/CONF.62/WP.1, he suggested that the title of chapter VI should be "Requirements for voting", and that of rule 37 "Deferment".

27. Commenting on document A/CONF.62/WP.2, he noted that it indicated that there would be a single convention, and took no account of the possibility that there might be more than one convention.

28. Mr. RANA (Nepal) said his delegation had already expressed its view that a majority of two thirds of the participants must be the basis for any decision. Nevertheless, in a spirit of co-operation, it was prepared to agree to the proposal submitted by Singapore. It would also, in a spirit of compromise, accept the proposal made by the President in document A/CONF.62/WP.2., but it regretted that there was opposition to the declaration. The provisions for the final approval of the text of the convention as a whole, in document A/CONF.62/WP.1/Add.1, did not take into account the interests of those countries less favourably situated and the minority countries. Consequently, the suggestion that a two-thirds majority decision should be required for approval of the convention must be given due consideration.

29. Mr. SANTISO GALVEZ (Guatemala) said that the amendments proposed in document A/CONF.62/WP.1 were an expression of the efforts made by the President to reach a consensus on voting, and contained the basic principles of the gentleman's agreement adopted by the General Assembly. His delegation accepted the document and was ready to consider amendments to it. The words "unless the Conference, by a like majority, specifies a higher majority for such adoption" in the proposed new rule 40A in document A/CONF.62/WP.1/Add.1 should, as other delegations had suggested, be deleted.

30. He agreed with other delegations that the issue should be decided immediately to avoid debate when the results of the work of the Conference were adopted. He fully supported the endorsement by consensus of the proposed declaration in document A/CONF.62/WP.2. He agreed with other delegations that the gentleman's agreement should be inherent in the rules of procedure but should not appear as a formal provision.

31. Mr. POLLARD (Guyana) said that the first five words of the proposed new rule 40A raised conceptual questions and could lead to problems for the Conference. It was his understanding that the work of the Conference would be complete only when the final act had been signed. It would be strange if the convention would be adopted only after that. He suggested that the new rule should begin with the words: "Upon its completion, the text of the convention on the law of the sea as a whole shall be adopted by the Conference . . .".

32. Mr. TUERK (Austria) agreed with other delegations that there should be no bullying of the minority by the majority or vice-versa. His delegation was willing to co-operate with all other delegations to find solutions acceptable to everybody. It

had always advocated a consensus where possible, and therefore laid great emphasis on the proposed declaration incorporating the Gentleman's agreement. The text contained in document A/CONF.62/WP.2 represented the lowest common denominator and was not entirely satisfactory to his delegation, which would have preferred a resolution. He also wished to point out that the use of the word "should" was not appreciated by jurists. Nevertheless, in a spirit of compromise, he would not stand in the way of a consensus. He proposed that the reference to the declaration, mentioned earlier by the President, should be made in paragraph 10 of document A/CONF.62/WP.1.

33. The procedures laid down in the proposed rule 37 were very elaborate; he hoped that every use would be made of the possibilities they provided. Although those procedures were not entirely satisfactory to his delegation—the concept of a common heritage was well established and should be reflected in the rules of procedure—it realized that in some cases unanimity was impossible and that a vote would prove necessary. Any such vote must take into account the interests of the greatest number of countries possible; the proposal submitted by Singapore was a very valuable basis for a suitable formula. Nevertheless, in view of the support of the provisions in document A/CONF.62/WP.1, his delegation would accept them, provided that the convention itself was adopted by a majority of two thirds of the participants. That approach was a compromise between the position of delegations seeking a greater majority and that of delegations pressing for a majority of delegations present and voting. The decision on the voting procedure must be taken immediately to prevent subsequent problems arising that might prejudice the success of the work of the Conference.

34. Mr. MHLANGA (Zambia) said there still appeared to be disagreement as to whether the majority wished decisions to be taken by a majority of those present and voting or by a majority of participants. His delegation would prefer decisions to be taken by a majority of two thirds of the participants as proposed by the delegation of Singapore.

35. The declaration in document A/CONF.62/WP.2 went some way towards meeting his delegation's approval. He was very interested in the suggestion that the rules of procedure should contain a reference to the declaration and that the declaration should appear in the records in full. The most suitable place in which to reproduce the text of the declaration would be in an appendix to the rules of procedure. That would be logical, because it was the only declaration made so far and it referred only to the rules of procedure. Since the Conference was a conference of plenipotentiaries, it would be unfair to have to refer to a declaration by the United Nations General Assembly when the Conference could have its own declaration.

36. Mr. JOSEPH (Trinidad and Tobago) said his delegation had always supported classical rules of procedure and still did so. Those rules made no reference to a majority in terms of the number of participants. However, his delegation was prepared, in a spirit of compromise, to depart from its position on and to accept the quorum and qualified majority in terms of the number of participants. However, it still felt that there was a danger in requiring too high a number of votes and that it was going too far to require the adoption of the convention as a whole by two thirds of the participants.

37. His delegation understood and appreciated the importance of the adoption of the gentleman's agreement, but felt that the agreement should not be considered in the context of rule 37. It should not be endorsed until its links with that rule had been considered, because rule 37 was in fact a translation of the agreement into concrete terms. Although his delegation could not accept many of the provisions of rule 37, it would comply with the majority, though it felt that the deferment provisions might prove dangerous. He had considerable misgivings about the application of paragraphs 2 (a) and (b) of rule

37; he wished to know whether they could be invoked after a decision by the Conference that all efforts at reaching general agreement had been exhausted.

38. The PRESIDENT explained that the procedures provided in paragraph 2 of rule 37 applied only prior to a determination that all efforts at reaching general agreement had been exhausted. Once it had been determined that all efforts had been exhausted, the only part of rule 37 that still applied was paragraph 3.

39. Mr. MANGAL (Afghanistan) said that the general desire for an early adoption of the rules of procedure should not undermine the importance of proposals that might strengthen the compromise agreement reached. His delegation supported Singapore's proposals which would place the Conference in a better position to give due consideration to the right of all States. It was not fully satisfied with the compromise because while the gentleman's agreement provided for consensus as a rule of the Conference, the package deal provided for a limited, restrictive way of reaching consensus. His delegation, however, was willing to join the trend towards co-operation and would, accordingly, accept the compromise.

40. His delegation attached great importance to the determination that all efforts at reaching general agreement had been exhausted and to the requirement that such a determination should be decided by the highest majority possible. The Conference must therefore differentiate between normal matters of substance and the determination provision.

41. His delegation believed that the new rule 40A fell short of what it was intended to accomplish. The Conference might very well find that it had agreed to adopt the Final Act after successful negotiations, but would then be bound to apply the provision laid down in the new rule. His delegation would therefore suggest that the following paragraph be added to the new rule 40A: "This provision shall not apply if the Conference agrees to adopt the text of the final convention by consensus, general agreement or acclamation".

42. Mr. MOTT (Australia) said that the Conference needed to arrive at a compromise on rules 37, 39 and 40A. The main difficulty seemed to lie in the last phrase of rule 40A regarding the possibility of a majority higher than that of those present and voting. His delegation believed that those differences could be resolved and was willing to reach a compromise solution in order to ensure the success of the start of the Conference. It might be timely for the president, after further but brief consultation, to propose a solution on which, in the end, it would be for the Conference to decide.

43. Mr. CAMARA (Guinea) said that all could understand the problem of the rules of procedure which had defied solution by specialists for some time. While his delegation was aware of the need for a consensus, it felt that too many compromises had been made on matters of principle and it believed that a postponement of the decision on how the convention would be adopted might complicate matters. The gentleman's agreement should not be used to sacrifice the future of peoples.

44. Mr. THOMPSON (Jamaica) said that his delegation wished to make a correction to what had been said by the representative of Bulgaria. He would accept the Bulgarian suggestion but that did not mean that he would withdraw his amendment. He would alter it in a spirit of accommodation, to read as follows: "The procedures outlined in rule 37, paragraphs 1 and 2 shall not apply to paragraph 1 of this rule".

45. Mr. STEVENSON (United States of America) said that it was important to retain the three cornerstones of the consensus. The new rule 40A was a favourable development expressing the fact that the text of the convention would be voted on as a whole. That would assure delegations that voting on individual articles in the Plenary would not necessarily be final. The wording of the new rule seemed, to his delegation, to present a balance and those who had supported the idea that the required majority should consist of two thirds of the parti-

cipants had gone far to meet the concern felt by others. He therefore felt that the retention of the last phrase of the new rule would be a small concession in the event that the Conference might need to seek a higher majority. As at present amended, it would favour those delegations which desired that the required majority should be two thirds of those present and voting; furthermore a deletion of the last phrase would upset the delicate balance.

46. The PRESIDENT said that the package deal consisted of three elements. First, there was the proposed declaration incorporating the gentleman's agreement (A/CONF.62/WP.2). At the suggestion of some delegations, the word "acclamation" in the first line would be changed to "consensus". He wished to inform the Conference that the declaration was linked to the rules of procedure, in particular rules 37 and 39 and that there appeared to be no objection to its being reproduced in an appendix to the rules.

47. Secondly, in document A/CONF.62/WP.1, the following changes should be made: the title of Chapter VI, "Voting", should be replaced by "Decision-making". In paragraph 2(a) of article 37, the words "taking of" should be replaced by the words "question of taking"; in paragraph 2 (b) the words "the question of taking" should be inserted after the word "defer"; in paragraph 2 (d), the word "voting" should be replaced by the words "question of taking a vote". In rule 39, which had proved to be such a controversial issue, he would suggest that the following words be added after the word "substance", "including the adoption of the text of the convention on the law of the sea as a whole"; in this connexion the provisions of rule 64 as amending the rules should be borne in mind; if that were not acceptable, then the Conference would have to choose between rule 39; paragraph 1, as it stood and the new rule 40A. In rule 54 (d), the words "of a vote by the Chairman of the Committee" should be added after the word "deferment" and the words "the Chairman" should be added after the word "rendered".

48. The third element of the package deal was his proposal for a new rule 40A (A/CONF.62/WP.1/Add.1). If that new rule were to be accepted, it would replace the bracketed words in paragraph 1 of rule 39. The representative of Guyana had suggested that the first sentence should begin as follows: "Upon its completion, the text of the convention on the law of the sea as a whole . . .". The representative of Jamaica had suggested a new paragraph reading: "The procedures outlined in rule 37, paragraphs 1 and 2 shall not apply to paragraph 1 of this rule." The representative of Afghanistan had suggested a new paragraph as follows: "This provision shall not apply if the Conference agrees to adopt the text of the final convention by consensus, general agreement, or acclamation"; since the word "consensus" was considered controversial in the rules of procedure, he would suggest to the representative of Afghanistan that it be deleted from his amendment.

49. The differences just outlined were far too sharp for an agreement and he would continue to hold consultations in order to arrive at a general agreement.

50. Mr. CHAO (Singapore) said that his delegation's proposals had been made for two reasons. First, they were in line with the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction as set forth in General Assembly resolution 2749 (XXV) and in particular paragraph 9 which stated that international machinery to give effect to the provisions of the Declaration should be established by an international treaty of a universal character, generally agreed upon. Unless the convention gained wide support, it could not be considered as being generally agreed upon. Secondly, his delegation's proposals were intended to ensure that the interests of minority, land-locked and geographically disadvantaged States would be served.

51. Both the Conference and the convention that would come out of it were different from other conferences and conventions in that while States could refuse to sign or ratify the convention they could not effectively reject it. For example, fishermen from States not parties to the convention who were caught exploiting the waters in the economic zone of another State party to the convention, would in all likelihood be punished.

52. The proposals made in Conference Room Paper No. 5, while submitted by his delegation, comprised suggestions by other delegations including those of Ecuador, Spain and Bulgaria, and also suggestions by the President himself. While document A/CONF.62/WP.1 included many of the traditional procedures for achieving agreement, his delegation did not feel that it was adequate and although the proposals in Conference Room Paper No. 5 had been largely accepted, his delegation

did not wish to be the only one to insist on its proposals. He was certain that the President would endeavour to ensure that the gentleman's agreement was implemented.

53. Before being amended by the President, the new rule 40A had been meaningless since it held out false hopes that a majority higher than that of the two thirds present and voting might be achieved. His delegation agreed that there should be further consideration of ways of adopting the final convention.

54. The PRESIDENT said that if the Conference wished to arrive at a general agreement and did not wish to vote on the rules of procedure, it would have to avoid controversy by accepting the amended rule 39 and by deferring the decision on the procedure for adopting the convention.

The meeting rose at 7.35 p.m.

19th meeting

Thursday, 27 June 1974, at 12.45 p.m.

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

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

1. The PRESIDENT recalled that, in accordance with an earlier decision, the Conference was to consider the gentleman's agreement, together with the amended versions of rules 37, 39 and 54 which were closely related to the agreement.

2. He read out the declaration which appeared in document A/CONF.62/WP.2:

"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 Conference should make every effort to reach agreement on substantive matters by way of consensus and there should be no voting on such matters until all efforts at consensus have been exhausted."

3. If there was no objection, he would take it that the Conference adopted the declaration.

The declaration was adopted by consensus.

4. Mr. MHLANGA (Zambia) said it was his impression that the gentleman's agreement would also appear as an appendix to the rules of procedure.

5. The PRESIDENT suggested that the declaration should appear as an appendix to the rules of procedure. If there was no objection, he would take it that the Conference agreed to his suggestion.

It was so decided.

6. Mr. WARIOBA (United Republic of Tanzania) said it was his understanding that the gentleman's agreement would be referred to in the rules of procedure but would not appear as an appendix. Since a decision had already been taken, he wished to place on record his formal reservation on the point.

7. The PRESIDENT drew attention to rules 37 and 39 of the rules of procedure (A/CONF.62/L.1) and to the amendments which appeared in documents A/CONF.62/WP.1 and Add.1, WP.2, WP.3 and Add.1 and WP.4. The amendments had been proposed on the understanding that the gentleman's agreement would have to be officially adopted by the Conference and, as was stated in paragraph 2 of document A/CONF.62/WP.1, they formed a whole, every part of which constituted an essential element.

8. If there was no objection, he would take it that the amendments would be adopted as they were read out.

Rule 21 (A/CONF.62/WP.1)

Rule 21, was adopted.

Rule 28 (A/CONF.62/WP.1)

Rule 28, was adopted.

Rule 36 (A/CONF.62/WP.1)

Rule 36 was deleted.

Title of Chapter VI (A/CONF.62/WP.4)

The title of chapter VI was adopted.

Rule 37

Title

The title of rule 37 "Requirements for voting" was adopted.

Paragraph 1 (A/CONF.62/WP.1)

Paragraph 1 was adopted.

Paragraph 2

Subparagraphs (a) and (b) (A/CONF.62/WP.3)

Subparagraphs (a) and (b) were adopted.

Subparagraph (c) (A/CONF.62/WP.1)

Subparagraph (c) was adopted.

Subparagraph (d) (A/CONF.62/WP.3)

Subparagraph (d) was adopted.

Subparagraph (e) (A/CONF.62/WP.1)

Subparagraph (e) was adopted.

Paragraph 3 (A/CONF.62/WP.1)

Paragraph 3 was adopted.

Rule 39

Paragraph 1 (A/CONF.62/WP.3)

Paragraph 1 was adopted.

Paragraph 1A (A/CONF.62/WP.3/Add.1)

Paragraph 1A was adopted.

Paragraphs 2 and 3 (A/CONF.62/L.1)

9. The PRESIDENT said it was his understanding that all the other amendments to paragraphs 2 and 3 appearing in document A/CONF.62/L.1 had been withdrawn. If there was no objection, he would take it that that was the case.

Paragraphs 2 and 3 were adopted.

Rule 54

Subparagraph (b) (A/CONF.62/WP.1)

Subparagraph (b) was adopted.

Subparagraph (d) (A/CONF.62/WP.3)