

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/ SR.20

Summary Records of Plenary Meetings 20th 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)

20th meeting

Thursday, 27 June 1974, at 4.10 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 Add.1, WP.4 and Add.1, WP.5 and WP.6) (concluded)

1. The PRESIDENT suggested that the Conference first take up the draft rules of procedure appearing in document A/CONF.62/L.1 to which no amendments had been submitted and on which there was no controversy.

Rule 1

2. The PRESIDENT said that Spain had withdrawn its proposed amendment to the draft rule.

Rule 1 was adopted.

Rule 2

Rule 2 was adopted.

Rules 3 and 4

3. The PRESIDENT, on a proposal by the representative of Egypt, suggested that draft rule 3 should be considered together with draft rule 4, to which an amendment bearing on draft rule 3 had been submitted. They would be taken up after the non-controversial draft rules had been adopted.

Rules 5 and 6

Rules 5 and 6 were adopted.

Rule 7

4. The PRESIDENT pointed out that the Soviet Union and Spain had withdrawn their proposed amendments.

Rule 7 was adopted.

Rules 8, 9, 10, 11, 12 and 12A

Rules 8, 9, 10, 11, 12 and 12A were adopted.

Rules 13, 14 and 15

5. The PRESIDENT said that Madagascar and the United Republic of Tanzania had withdrawn their amendment to draft rule 14 and that the Soviet Union had withdrawn its amendment to draft rule 15.

Rules 13, 14 and 15 were adopted.

Rule 16

6. The PRESIDENT recalled that rule 16 had been adopted at the previous meeting.

Rules 17 and 18

7. The PRESIDENT said that the Soviet Union and Spain had withdrawn their proposed amendments to draft rule 17.

Rules 17 and 18 were adopted.

Rules 19 and 20

8. The PRESIDENT said that Madagascar and the United Republic of Tanzania had withdrawn their proposed amendment to draft rule 20.

Rules 19 and 20 were adopted.

Rule 21

9. The PRESIDENT recalled that rule 21 had been adopted at the previous meeting.

Rules 22, 23, 24, 25, 26, and 27

Rules 22, 23, 24, 25, 26 and 27 were adopted.

Rule 28

10. The PRESIDENT recalled that rule 28 had been adopted at the previous meeting.

Rules 29, 30 and 31

Rules 29, 30 and 31 were adopted.

Rule 32

11. The PRESIDENT recalled that rule 32 had been adopted at the previous meeting.

Rules 33, 34 and 35

Rules 33, 34 and 35 were adopted.

Rule 36

12. The PRESIDENT recalled that it had been decided, as proposed in document A/CONF.62, WP.1, paragraph 5 that that draft rule be deleted. The subsequent draft rules would be renumbered accordingly.

Rule 37

13. The PRESIDENT said that the title had been amended to read "Requirements for voting" and that paragraphs 1-3 had been adopted at the previous meeting. The Conference now merely had to take a decision on the rule as a whole.

Rule 37 was adopted.

Rule 38

14. The PRESIDENT said that Afghanistan, Nepal and Zambia had withdrawn their amendment.

Rule 38 was adopted.

Rule 39

15. The PRESIDENT said that paragraphs 1, 1A, 2 and 3 had been adopted at the previous meeting. The Soviet Union, the United States of America, Australia, Spain, Madagascar and the United Republic of Tanzania had withdrawn their proposed amendments. The Conference now merely had to take a decision on the rule as a whole.

Rule 39 was adopted.

Rule 40

16. The PRESIDENT said that Spain had withdrawn its amendment.

Rule 40 was adopted.

Rule 41

Rule 41 was adopted.

Rule 42

Rule 42 was adopted.

Rule 42A

17. The PRESIDENT said that the Netherlands had withdrawn its proposal for a new rule 42A.

Rule 43

Rule 43 was adopted.

Rule 44

Rule 44 was adopted.

Rule 44A

18. Mr. ARIAS SCHREIBER (Peru) said that he understood the doubts expressed regarding the application of the amendment proposed by his delegation. He would not press for its adoption on the condition that the records would reflect that there was a political understanding to take a joint vote on related proposals so as to ensure equal treatment of items which would require simultaneous discussion.

19. The PRESIDENT thanked the representative of Peru for withdrawing his proposal and said that his statement would be borne in mind by the Conference.

20. Mr. LAPOINTE (Canada) said that his delegation had had difficulty with the Peruvian amendment but it shared Peru's concern and hoped that there would be a linking of proposals whenever necessary.

21. Mr. JAGOTA (India) thanked the representative of Peru for withdrawing his amendment and said that he too hoped that interrelated matters would be considered jointly.

22. Mr. TELLO (Mexico) said that he was gratified that the representative of Peru had not insisted on his amendment and that his delegation understood that the Conference would consider the possibility of certain proposals being put to a joint vote.

23. Mr. LACLETAY MUÑOZ (Spain) agreed with the representative of Mexico.

24. Mr. OGUNDERE (Nigeria) said that his delegation too was gratified that the representative of Peru had withdrawn his amendment. While certain proposals should be considered jointly, if that was not possible in some cases then individual proposals should be able to stand on their own.

25. Mr. VALENCIA RODRIGUEZ (Ecuador) said that despite the withdrawal of the Peruvian amendment it was to be assumed that the Conference, even in the absence of a specific rule on the matter, could always authorize a joint vote on closely related proposals, especially as the matter was covered by the gentleman's agreement.

26. Mr. VINDENES (Norway) said that his delegation too thanked the representative of Peru for withdrawing his amendment and that it held the view that interrelated issues should be kept in mind by the Conference.

27. Mr. ABDEL HAMID (Egypt) thanked the representative of Peru on behalf of his delegation for withdrawing its amendment and said that the Conference should consider the possibility of a joint vote on interrelated issues.

Rule 45

28. The PRESIDENT said that the amendment proposed by Chile, Colombia, Kenya, Mexico, Pakistan, the United Republic of Cameroon and the United Republic of Tanzania had been withdrawn and replaced by the proposal in document A/CONF.62/WP.4/Add.1, paragraph 2.

Rule 45 was adopted.

Rules 46, 47, 48 and 49

Rules 46, 47, 48 and 49 were adopted.

Rules 50 and 51

Rules 50 and 51 were adopted.

Rule 51A

29. The PRESIDENT recalled that rule 51A had been adopted at the previous meeting.

Rule 52

30. The PRESIDENT said that rule 52 which contained two paragraphs had been adopted at the previous meeting.

31. Mr. LEROTHOLI (Lesotho) said that his delegation would have liked, at the previous meeting, to have associated itself with the ideas expressed in particular by the Tanzanian delegation following the explanations by Nigeria and Canada. It would have preferred the word "may" to the word "shall" after the word "proposal" in the new paragraph. That would have allayed certain misgivings since it would have left it to the discretion of the Chairman whether or not to invite sponsors of a proposal to meetings of the Drafting Committee.

Rule 53

Rule 53 was adopted.

Rule 54

32. The PRESIDENT said that the Soviet Union, the United States of America, Chile, Colombia, Kenya, Mexico, the United Republic of Cameroon and the United Republic of Tanzania had withdrawn their proposed amendments and that subparagraphs (b) and (d) had been adopted at the previous meeting.

Rule 54 was adopted.

Rule 55

33. The PRESIDENT proposed that, as suggested in document A/CONF.62/WP.4/Add.1, paragraph 4, rule 55 be deleted.

It was so decided.

Rules 56 and 57

34. Mr. ABDEL HAMID (Egypt) said that he had no objections to draft rules 56 and 57 but if the General Assembly adopted other languages as working languages, he would expect those languages to be used in the future deliberations of the Conference.

Rules 56 and 57 were adopted.

Rule 58

35. The PRESIDENT said that Spain had withdrawn its amendment in favour of the proposal in paragraph 5 of document A/CONF.62/WP.4/Add.1.

36. Mr. STAVROPOULOS (Special Representative of the Secretary-General), explaining why summary records had not hitherto been distributed simultaneously in the languages of the Conference, said that there were three different language teams of translator/précis-writers (English, French and Spanish) which covered the meetings in rotation. Each meeting was covered by one team which prepared the record for distribution in its own language 48 hours after the meeting was held. Translation of the record into the other languages required 24 hours more. Hence there was a difference of 24 hours between the distribution of the record in the language of the team and the distribution of the translation in the other languages.

37. If the Conference wished the records to be kept until their earliest possible distribution could be made simultaneously in all the languages, the Secretariat would, of course, comply with its wishes. However, he interpreted the proposed rule as authorizing the Secretariat to continue its practice of issuing summary records in the language in which a particular record was prepared, to be followed as soon as possible, and normally within 24 hours, by the translated versions in the four other languages of the Conference.

Rule 58 was adopted.

Rules 59 and 60

38. The PRESIDENT said that Italy had withdrawn its amendment to draft rule 60 since that issue had been covered in draft rule 51A.

Rules 59 and 60 were adopted.

Rule 61

Rule 61 was adopted.

Rule 61A

39. The PRESIDENT said that the draft rule appeared in document A/CONF.62/WP.4/Add.1, paragraph 6 as draft rule 62A. It was now proposed to precede rule 62 which would be renumbered accordingly.

Rule 61A was adopted.

Rule 62

40. The PRESIDENT said that the representative of Spain had withdrawn his amendment.

Rule 62 was adopted.

Rule 63

41. The PRESIDENT said that the representatives of the Holy See and of Spain had withdrawn their amendments.

Rule 63 was adopted.

Rule 64

42. The PRESIDENT said that the United States representative had withdrawn his amendment to draft rule 64 which was replaced by the proposal in A/CONF.62/WP.4/Add.1.

Rule 64 was adopted.

Appendix

43. The PRESIDENT recalled that the Conference had agreed to replace the appendix contained in document A/CONF.62/L.1 with the declaration in document A/CONF.62/WP.2, which it had endorsed by consensus at the previous meeting.
- Rules 3 and 4*
44. Mr. KO Tsai-shuo (China) recalled that his delegation had proposed that the last sentence of draft rule 4 as contained in document A/CONF.62/L.1 should be deleted. Political developments could occur between sessions of the Conference, and the Conference and its Credentials Committee should be able to discuss problems arising from any such political developments. Moreover, new countries would be participating at each session of the Conference and they too should have a right to examine the credentials of all accredited representatives; if draft rule 4 was retained as it stood, those new participating States would be deprived of that right. The Credentials Committee of the General Assembly examined the credentials of all representatives at each session, and he failed to see why the Credentials Committee of the Conference should examine credentials only once.
45. If the Conference wished to retain the last sentence of draft rule 4, however, he proposed that it should be amended by the insertion of some additional wording, such as "if there are no objections" or "unless otherwise challenged", at the end of the sentence.
46. His delegation had participated in the consideration of the rules of procedure in a spirit of co-operation and he hoped the amendment he had proposed, which represented the position of principle of his delegation, would not lead to controversy.
47. The PRESIDENT said that each delegation was entitled to challenge the credentials of any other delegation at any time. He suggested that the words "unless the Conference otherwise decides" could be added at the end of the last sentence of draft rule 4, if that was acceptable to the Conference.
48. Mr. STEVENSON (United States of America) said that the proposed Chinese amendment to the last sentence of draft rule 4 was not substantially different from its original proposal to delete the whole sentence. His delegation supported the retention of draft rule 4 as contained in document A/CONF.62/L.1.
49. He recalled that the United Nations Conference on the Law of Treaties, which had planned to hold, and had held, two sessions, the first in 1968 and the second in 1969, had adopted exactly the same rule on credentials as that in document A/CONF.62/L.1.
50. The Conference on the Law of the Sea had already held an organizational session at which it had approved the credentials of delegations. The Chinese amendment would mean that after accepting the credentials of representatives of approximately 150 countries, the Conference would have to review those credentials even if only one delegation requested a review. He believed that the Conference should not review, at its substantive session, credentials which it had already approved.
51. His delegation strongly opposed any suggestion that the Conference should take up political issues, which could better be dealt with in the United Nations General Assembly. Reviewing credentials would divert the attention of the Conference from its work on the law of the sea, become a divisive factor and delay progress. He would therefore urge the representative of China to withdraw his amendment.
52. Mr. ABDEL HAMID (Egypt) expressed the hope that since the representative of China had said that he was willing to consider other wordings for his proposed amendment, the Conference would be able to resolve the problem of the text of draft rule 4. He noted that the original Chinese proposal for the deletion of the last sentence was in accordance with rules 27 and 28 of the rules of procedure of the General Assembly.
53. Mr. ENGO (United Republic of Cameroon) observed that although draft rule 3 had given rise to controversy no amendment had been proposed to it. With regard to draft rule 4, he expressed his appreciation to the representative of China for his willingness to withdraw his proposal for the deletion of the last sentence. That proposal would mean that the credentials of all representatives would have to be examined at each session, and that would be very time-consuming. The proposed Chinese amendment to the last sentence would mean that the credentials of newly accredited representatives would be examined at each session, and that any representative could exercise his right to challenge the credentials of any other representative. His own delegation, for example, would not approve the presence of any so-called representatives of a minority régime which did not represent the people of the country, not because it disapproved of the régime's internal policies, but because it did not represent the people it claimed to represent.
54. He fully supported the proposed Chinese amendment to the last sentence of draft rule 4.
55. Mr. POLLARD (Guyana) suggested that, if the proposed Chinese amendment was accepted, the first four words of the last sentence of draft rule 4 should be replaced by the words "at any session".
56. Mr. HARRY (Australia) expressed the hope that a consensus could be reached on draft rule 4. It was true, as the representative of China had said, that political changes could take place between sessions. One such change would be the granting of independence to Papua New Guinea which might well be admitted as a Member of the United Nations at the next session of the General Assembly; five members of the current Australian delegation to the Conference were from Papua New Guinea, and they would naturally have to present new credentials at the next session of the Conference. That would be a case of examination of the credentials of newly accredited representatives. Credentials already accepted by the Conference should be reviewed only if they had been rejected by the General Assembly. He therefore suggested that the last sentence of draft rule 4 should be amended by adding the following: "unless credentials previously approved by the Conference were issued by a Government, the credentials of whose representatives have meanwhile been rejected by the General Assembly of the United Nations".
57. Mr. AL-WITRI (Iraq) supported the proposed Chinese amendment to draft rule 4. He expressed the hope that, with guidance from the President, the Conference would be able to reach a consensus.
58. Mr. ANGONI (Albania) supported the proposed Chinese amendment to draft rule 4. The Conference was now adopting its rules of procedure which should cover all aspects of its procedure. It was the established practice for States participating in an international conference to know who they would be negotiating with. It was therefore important that the Credentials Committee should report to the Conference at each session and have its report approved by the Conference. Each State would thus have an opportunity to express any reservations it had on the credentials of representatives of other participating States. It was a matter of principle that the delegates to the Conference should be true representatives of the peoples of their countries.
59. Mr. BAYONNE (Congo) supported the principle contained in the Chinese amendment. He appealed to the spirit of compromise of the members of the Conference and urged the President to use his experience to suggest a suitable wording to secure the inclusion of that principle in the rules of procedure. The principle was a basic one that could not be ignored: participation by representatives could be meaningful only if they were the authentic representatives of their people. The rules of procedure of the Conference must reflect the traditional rules

of the United Nations General Assembly; the rules governing credentials must be applied on every occasion when representatives were unable to justify their credentials. He fully endorsed the views expressed by the representative of the United Republic of Cameroon and stressed that in the search for a compromise the principle underlying the amendment must not be lost.

60. Mr. ZULETA TORRES (Colombia) proposed a 15-minute suspension of the meeting to allow the President to prepare an agreed text.
61. The PRESIDENT said he would suspend the meeting after hearing the remaining speakers on his list.
62. Mr. LAPOINTE (Canada) said his delegation fully shared the views of the delegation of Australia and supported its amendment.
63. Mr. OGISO (Japan) said he had had difficulties with the original Chinese proposal because he interpreted the last sentence of draft rule 3 as requiring the review of the credentials of only new representatives at subsequent sessions. In the event of any political changes such as those referred to by the representative of China, credentials would be withdrawn or superseded and would therefore be subject to examination by the Credentials Committee. Although his delegation was perfectly happy with the original version of rule 4, it was prepared, in a spirit of compromise, to support the proposal of the representative of Australia. He hoped that the President would be able to produce a compromise proposal on the lines of the Australian proposal in order to avoid a vote on the last issue before the Conference on the rules of procedure.
64. The PRESIDENT asked whether the representative of China was prepared to accept the Australian proposal.
65. Mr. KO Tsai-shuo (China) said that his delegation would be unable to do so.
66. Mr. MEDJAD (Algeria) said that the Chinese amendment to draft rule 4 reflected the misgivings felt by the Organization of African Unity about the activities of certain Governments which were objected to every year. That organization could not accept those Governments which ignored the ideals for which the United Nations stood. Consequently, he could not understand why the powers of the Credentials Committee should be so drastically reduced by the rules of procedure. The Conference must also take into account the fact that changes in certain parts of the world would have repercussions on the work of the Conference. The Australian compromise proposal was not completely convincing: United Nations procedures took a long time and tended to confirm situations after they had become long established. He was certain that the President would be able to find a suitable way out of the impasse, and he supported the proposal by the representative of Colombia.
67. Mr. CAMARA (Guinea) said his delegation fully supported the amendment proposed by the representative of China. A solid foundation was necessary for the work of the Conference; decisions must be taken by the authentic representatives of the people, and the work of the Credentials Committee was therefore vital. The amendment touched on a matter of substance, and he appealed to the President to find a solution that would preserve the honour of the African peoples.
68. Mr. ARIAS SCHREIBER (Peru) said that while the Chinese proposal reflected the legitimate concern of many countries, the Australian proposal offered no complete solution, because it took no account of delegations that were not represented in the United Nations General Assembly. He supported the Chinese amendment and hoped that those who could not support it would permit its adoption without a vote.
69. Mr. TORRAS DE LA LUZ (Cuba) noted that many delegations, particularly those from the African and Arab countries, had expressed a very clear desire for the second Chinese proposal to be adopted. As it stood, the last sentence

of draft rule 4 restricted the ability of delegations to object to the representatives of Governments that were not the authentic representatives of their people.

70. Mr. MOORE (Ghana) said that he supported the proposal for a short adjournment of the meeting.
71. Mr. LEROTHOLI (Lesotho) said the meaning of the last sentence of draft rule 3 was not quite clear. If credentials were withdrawn by the government that issued them originally, the expression "in the absence of a contrary indication" was unnecessary. If, on the other hand, the withdrawal could be effected by other means, that would presumably include objections raised to credentials presented. The ambiguity in the rule would be resolved by the Chinese amendment.
72. The PRESIDENT said there was no ambiguity in draft rule 3. A contrary indication might consist, for example, of a statement that the credentials were only valid for the second session.
73. Mr. RASOLONDRAIBE (Madagascar) supported the Chinese amendment. He understood the last sentence of draft rule 3 to be an invitation to all countries to issue credentials valid for all sessions, so as to facilitate the work of the Credentials Committee. Nevertheless, draft rule 4 allowed the Credentials Committee to meet at any time during the course of any session and to report to the Conference whenever it saw fit. There was no contradiction between the last sentence of draft rule 3 and the proposal to delete the last sentence of draft rule 4. One point that had been made by the representative of China was that all countries, regardless of their size, should have the right to examine the credentials of any new delegation. That right must be safeguarded by allowing the Credentials Committee to meet at any time and review all credentials. The Chinese amendment was therefore entirely pertinent.
74. Sir Roger JACKLING (United Kingdom) said he had believed that the Conference would be able to accept the rule as prepared by the Secretariat so as to minimize the time spent on matters not directly germane to the aims of the Conference. Since the representative of China had been unable to accept the Australian proposal, which his delegation felt reflected the political considerations in the minds of delegations that were not satisfied with draft rule 4, he proposed the addition to the Australian amendment of the words "or in appropriate circumstances by this Conference by a majority specified in accordance with rule 39.1".
75. Mr. CISSE (Senegal) said that his delegation supported the Chinese amendment for obvious reasons. The development of the political situation, especially in the third world where there was a movement towards greater liberty, necessitated the review of credentials at every session. The African countries expected the liberation of a number of countries in the near future, including that of Cambodia, of which the government of Prince Sihanouk was the only legal representative. The two-thirds majority that would be required by the United Kingdom amendment was unnecessary, because a simple majority was sufficient for the acceptance or rejection of credentials.
76. Mr. SAULESCU (Romania) supported the Chinese amendment, which would allow participants to take a decision on credentials at every session. The last sentence of draft rule 4 was ambiguous: it made no distinction between new representatives and new countries. The Conference must also be informed whether all credentials were in good and due form.
77. Mr. JAEN (Panama) said that his delegation was faithful to the spirit of the rules of procedure of the General Assembly of the United Nations. It should be possible for the Credentials Committee to examine at every session of the Conference on the Law of the Sea any credentials questioned by any delegation. The work of the Conference must not be impeded by doubts about the validity of credentials. He supported the proposal by the representative of Colombia that the President should seek a formula to satisfy the interest of all delegations.

78. Mr. KHARAS (Pakistan) said that his delegation supported the Chinese amendment, which endeavoured to ensure that every country was represented by its authentic representatives.

79. Mr. EL KOHEN (Morocco) said his delegation supported the position taken by Egypt and Algeria on draft rule 4. The issue was one of substance. The last sentence of draft rule 4 placed an unjust restriction on the powers of the Credentials Committee. It took no account of the effect of time, of the development of peoples, or of changes in the world. The last sentence of draft rule 4 was unnecessary. The Credentials Committee must have the right to examine the credentials of all representatives at every session.

80. The PRESIDENT said that he would suspend the meeting for 15 minutes to consult with the delegations of China, the United States of America, Australia, the United Kingdom, and others.

The meeting was suspended at 6.15 p.m. and resumed at 6.55 p.m.

81. The PRESIDENT announced that consultations during the recess had resulted in the following compromise proposal for rule 4: at the end of the present text, the final full stop would be replaced by a comma and the phrase "unless the Conference decides otherwise by a majority of the representatives present and voting" would be added. The formula was perhaps not completely satisfactory to all delegations which had expressed views, but the essence of a consensus lay not in the acceptance of all the elements of the formula but in a spirit of understanding. Delegations were free to express reservations to the compromise, but he hoped they would adopt it by consensus in order to avoid having to hold a vote.

Rule 3 was adopted.

Rule 4 was adopted.

82. Mr. STEVENSON (United States of America) said he wished to record his delegation's reservations on the amended version of rule 4. It was only because of its spirit of compromise and its desire that the Conference should be auspiciously launched that his delegation would not press its objection to the point of blocking approval of the rules of procedure by consensus. He was accepting the compromise reluctantly and in the hope its provisions would be used with restraint. It would strongly deplore any effort to reopen credentials questions already settled by the Conference in December 1973, as that would be inconsistent with the aim of concluding an acceptable convention on the law of the sea as speedily as possible. Mutual restraint would do good service to the search for a meaningful consensus on a new law of the sea.

83. Mr. HARRY (Australia) said he appreciated the spirit of compromise shown by the Chinese and United States delegations. His delegation realized that its own proposal had not met the concerns of many representatives, and was glad a way had been found to solve the problem.

84. Mr. KO Tsai-shuo (China) thanked the delegations which had expressed their views before the recess, especially those from Asia, Africa and Latin America. China shared the viewpoint of the Asian, African and Latin American nations on the basic questions facing developing countries, and its consultations, particularly with the delegations of those countries, had led to the compromise formula just adopted.

85. The PRESIDENT thanked the Chinese and United States delegations, and all others which had participated in the informal consultations, for their admirable spirit of compromise, which he hoped would prevail throughout the Conference. If he heard no objection, he would take it that the rules of procedure as a whole were adopted by consensus.

The rules of procedure as a whole were adopted.

86. The PRESIDENT noted with satisfaction that the Conference had kept its promise to approve the rules of procedure by 27 June.

87. He thanked all delegations for working together in a spirit of co-operation and for making concessions where necessary in order to reach a consensus on the rules of procedure. He was confident that the same spirit would prevail throughout the Conference.

88. Mr. ARIAS SCHREIBER (Peru) thanked the President for his able efforts, without which agreement on the rules of procedure would not have been possible. He wished to observe, however, that his delegation had been disappointed to see from the debates that a minority of States might tie the hands of the Conference and prevent the attainment of its legitimate wishes. Peru had agreed with the spirit of the gentleman's agreement from the beginning, and would continue to act in accordance with it so that justice in the law of the sea, for which it had fought so hard, would prevail. However, one should not be deceived by the professed willingness to negotiate of those Powers that adhered to old notions. It was interesting that some of those Powers were invoking the Geneva Conventions of 1958, which had been adopted by a two-thirds majority of delegations present and voting. His delegation felt that the machinery incorporated into the rules of procedure to make vote-taking more difficult was either superfluous, if the intention was to comply with the gentleman's agreement, or dangerous, if the intention was not to comply. It would have been sufficient, in his delegation's view, to follow usual voting procedures, i.e. a simple majority of those present and voting in the Main Committees and a two-thirds majority in the Plenary. The new law of the sea could thus have been adopted through use of the same procedures as had been used in the 1958 Conferences. Indeed, his delegation would not have had any difficulty in supporting a simple majority rule for the Plenary as well, as that would have made it easier to convert to positive law the progressive currents of thought favoured by the developing countries and by a significant number of developed countries which wished to end hegemony over the seas. The rules of procedure adopted might be used by a minority of delegations to block reforms supported by the majority, reforms aimed at ensuring that the oceans would be used no longer in the interests of the more powerful but in those of peace, justice and development for all. Such procedural obstacles might also lead to the unfortunate result that no convention would be adopted at all, if delegations which adhered to conservative views and colonial ideas and practices boycotted the Conference upon discovering that others would not give up defending the interests of their peoples.

89. The amendments to the rules of procedure agreed to by his delegation represented considerable concessions, somewhat greater than it had deemed reasonable. He hoped that they would be taken into account when the substantive work of the Conference began.

90. Mr. KOLOSOVSKY (Union of Soviet Socialist Republics) congratulated the President for his successful efforts in bringing about adoption of the rules of procedure. Adoption of the rules was extremely important, as it showed, at the first stage of the Conference, that the principle of decision by consensus yielded results.

91. His delegation firmly believed that voting by simple majority in the Committees, as provided in the package deal, was insufficient, and that the proposal to decide substantive matters by a two-thirds majority of Conference participants was more in keeping with the consensus principle. However, his delegation had not voted against the package deal primarily because it supported the consensus method, which should be the main method used in taking decisions both in the Committees and in the Plenary.

92. If a vote was taken on any question requiring a simple majority, in that case his delegation would abstain. If the package deal as a whole had been put to the vote, his delegation would also have abstained.

93. The Conference had begun satisfactorily by reaching a decision by consensus, and although his delegation did not fully agree with what had been decided, it had not objected, out of a spirit of compromise.

94. Mr. AGUILAR (Venezuela) said it was a good omen that the first and highly important decision of the Conference had been taken by consensus, on the very date that had been set at the first session in New York. The Conference owed a debt to the President for his able and untiring efforts and for the long hours he had spent in consultations.

95. The Conference would now have to use the rules of procedure, basing itself primarily on the gentleman's agreement, in a spirit of openness towards negotiations. He was optimistic that members would at least be able to agree on the main points of a convention even if a complete convention could not be adopted. He was optimistic that the views of delegations could be harmonized.

96. Mr. YTURRIAGA BARBERAN (Spain) expressed his satisfaction with the results just reached. Some representatives, like apprehensive parents, might have felt that what they had

produced was inadequate, but he was confident the Conference would end successfully.

97. Mr. CISSE (Senegal) said that a meeting of the African group, many delegations had expressed concern about the enormous number of concessions made by them in the course of adopting the rules of procedure. His delegation had accepted the amended rules in a spirit of compromise, hoping those concessions would be borne in mind. It should be remembered that the African countries had been absent, and their interests unrepresented, when the legal order which they were now challenging had been established. He therefore hoped that the larger countries would give attention to their views, which were legitimate ones aimed at safeguarding their economic interests.

98. The PRESIDENT said that adoption of the rules of procedure had not been the result of his work alone but had been a co-operative effort with representatives who had worked long hours. He expressed his gratitude to the Special Representative of the Secretary-General and his colleagues for their assistance.

The meeting rose at 7.30 p.m.

21st meeting

Friday, 28 June 1974, at 10.40 a.m.

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

General statements

1. The PRESIDENT read out a message from Richard M. Nixon, President of the United States of America.

The meeting was suspended at 10.50 a.m. and resumed at 11 a.m.

2. Mr. FACIO (Costa Rica) said that his delegation was participating in the Conference with the conviction that it was essential to draft a convention that could be ratified by the overwhelming majority of the international community so as to avoid a situation in which the fishing fleets of the most developed countries and the multinational corporations would appropriate the ichthyological and mineral resources of the seabed and ocean floor that were the common heritage of mankind.

3. The Latin American States had been precursors in the development of international legal thinking on the régime of the seas: as early as 1956, the Mexico resolution, adopted by the Inter-American Council of Jurists, had established that the breadth of three miles for the delimitation of the territorial sea was insufficient and did not constitute a general rule of international law. In 1970, a large group of Latin American countries had adopted the Montevideo¹ and Lima² Declarations which stressed the economic interest of the coastal States in disposing of the natural resources of the sea and noted the geographical, economic and social link between the sea, the land and man, which gave the coastal States legitimate priority in the utilization of the natural resources of the marine environment. In 1972, the Declaration of Santo Domingo³ had been signed, which had made clear the need to establish two zones in ocean space; one under the jurisdiction of coastal States, extending not more than 200 miles, and another subject to the authority of the international community.

4. The concept of the patrimonial sea had come into being as a consequence of the economic needs of Latin America, which was a region with a birth-rate of over 3 per cent a year, compared with 1.5 per cent in the industrialized countries. That situation made it essential for the peoples of those countries to be able to make maximum use of the natural resources existing off their coasts in order to combat malnutrition and underdevelopment.

5. Objections had been raised to the 200-miles thesis, on the ground that it would mean the closing of vast areas of the sea to free navigation. That argument would be seen to be baseless if it was taken into account that the Declaration of Santo Domingo distinguished between a territorial sea 12 miles wide in which the coastal State would exercise every aspect of full sovereignty, and a patrimonial sea, or zone of exclusive economic jurisdiction, extending to a maximum of a further 188 miles, in which the coastal State would exercise limited sovereignty over exploration, exploitation and conservation of its marine resources both on the sea-bed and in the subsoil, the exercise of that jurisdiction not, however, impeding free navigation or the additional right to lay submarine cables and pipelines. He noted with satisfaction that even the naval Powers were now ready to accept a 12-mile limit provided that it did not limit their freedom of navigation over and through straits. The Conference would have to find a suitable formula to meet that condition, because it was unrealistic to think that a naval Power would agree that the movement of its fleets should be subject to the goodwill of coastal States in international straits less than 24 miles wide. The formula might perhaps take the form of specific agreements regulating navigation and overflight in each of the international straits.

6. He stressed that the economic zone could not be the same width everywhere, which was why mention had been made of a maximum limit of 200 miles, to be reduced when the distance separating two States was less than 400 miles, as was the case with the coastal States of the Caribbean, where exact rules would have to be drawn up to delimit the patrimonial sea and even the territorial sea of neighbouring States.

¹ See A/AC.138/34.

² See A/AC.138/28.

³ *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21 and corrigenda, annex I, sect. 2.*