

Third United Nations Conference on the Law of the Sea

1973-1982

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Summary Records of Plenary Meetings 49th 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)

July 1974 of a working group of experts which had revised the document. The revised document, comprising a provisional definition and recommendations together with background information, would be submitted to the Board of Governors and, subject to the Board's approval, would be made available to the Conference.

51. The Inter-Governmental Maritime Consultative Organization was preparing procedures designed to minimize pollution damage to the marine environment by accidental spillage of noxious substances. The Agency would study the possibility of contributing to the preparation of such procedures to be applied in cases of accidental release of radioactivity at sea and of procedures for cases of release arising from inland operations and transport. It proposed to convene in 1976 an advisory group on the procedures to be followed in the event of accidental release of radioactivity during transport of radioactive materials.

52. The International Laboratory of Marine Radioactivity in Monaco was also conducting scientific research on the pollution of the marine environment. Its aim was to promote the inter-comparability of radioactivity measurements made in national institutions for marine radioactivity studies, to develop reference analytical methods and techniques for investigating the behaviour of radioactivity in the oceans, and to obtain the information needed for the assessment of the impact of waste disposal and nuclear power generation on the marine environment. The Laboratory's activities were being extended to include studies on non-radioactive marine pollution.

53. During the period 1975-1980 the Agency would carry out the following work: preparation and updating of safety standards and recommendations for the safe performance of nuclear activities; promotion and co-ordination of research related to the protection of man and his environment against the effects of releases from nuclear facilities, and collection, exchange and dissemination of information about the results of such research and about developments in corresponding techniques; assistance in the elaboration and implementation of measures concerning radiation protection, waste management and nuclear

safety. Work would continue on the preparation and harmonization of standards and recommendations for the radiological protection of workers, the general public and the environment; the Agency would assist Member States in applying the standards and recommendations.

54. An advisory group from countries in the catchment area of the Danube would be convened in 1975 and 1976 to study mutual co-operation in relation to the radiological safety aspects of nuclear power programmes in the region. An attempt would also be made to establish a co-ordinated research programme to study the behaviour of selected radioactive contaminants in the area.

55. Those who wished to acquaint themselves in detail with the Agency's work might use the papers published in its *Safety Series*.

56. The Agency undertook nuclear research and scientific studies on a wide range of topics and was therefore interested in the freedom of scientific research, without which the marine environment could not be successfully protected.

57. The Agency had given member States technical assistance in dealing with marine pollution problems by providing fellowships, experts and equipment. It could assist in the drafting of regulations concerning all aspects of the use of atomic energy. It would also act as an intermediary in securing emergency assistance in the event of a radiation accident and would send staff members to help at the site of an accident or as observers. The Agency was also prepared to help coastal States which did not have sufficient technical knowledge to cope with marine pollution by nuclear substances. It was important that the measures taken by States for the prevention of such pollution should be uniform. Consequently, the rules and standards involved should be established within the framework of the Agency. The document to be drawn up by the Conference should therefore reflect the competence of the Agency with regard to the pollution of the marine environment by nuclear substances.

The meeting rose at 10.55 a.m.

49th meeting

Tuesday, 27 August 1974, at 9.30 a.m.

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

Report of the General Committee

1. The PRESIDENT said that since the last plenary meeting, the General Committee had met on several occasions and prepared a number of recommendations. He invited the Rapporteur-General to present an oral report on the recommendations of the General Committee.

2. Mr. RATTRAY (Jamaica) said that the General Committee recommended that the following statements, declarations and documents should be drawn up to conclude the session: a concise, factual, informative and non-controversial statement to report on the activities of each of the main Committees; an oral statement by the Chairmen of the Main Committees summing up the progress of the work to date; a statement by the Rapporteur-General summarizing the activities of the plenary Conference; a final oral statement by the President of the Conference summing up the results of the work accomplished by the Conference to date; and a letter from the President of the Conference to the President of the General Assembly transmitting a request for the holding of one or more further sessions of the Conference and informing the General

Assembly of the steps taken by the Conference to invite national liberation movements and of any other recommendations which the Conference might wish to make.

3. Mr. DONIGE (Australia) said that he was speaking in his capacity as a representative of the emerging nation of Papua New Guinea in order to put forward the claim of Papua New Guinea to participate in future sessions of the Conference. The new law of the sea would be of profound importance for the new nation, particularly with regard to archipelagos, islands, the economic zone, including fisheries in particular, and possibly the problem of delimitation. A representative of Papua New Guinea, at the 36th meeting had already stressed the importance of the question of archipelagos to that territory in the Second Committee. Consequently, Papua New Guinea considered that it would be preferable for it to join in the work of the Conference as a separate entity as soon as possible. The Australian Government fully shared that view.

4. Papua New Guinea had not yet formally exercised its right to become independent, but the date of independence was under consideration and would probably be in the near future. If independence came before the next session, Papua New

Guinea, as a State in its own right, could participate in the work of the Conference under the terms of operative paragraph 7 of General Assembly resolution 3067 (XXVIII), by becoming a Member of the United Nations or a specialized agency. If not, special provision would have to be made to enable it to participate in the session.

5. He therefore suggested that the Conference should recommend the General Assembly to invite Papua New Guinea to participate in the next session of the Conference as a full member if independent, or as an observer, if it had not yet attained independence.

6. Mr. BEEBY (New Zealand) fully supported that suggestion. The recommendation to that effect should be drafted in sufficiently general terms to apply to other territories which were or would soon be in a similar situation, such as the Cook Islands and Niue.

7. Mr. RIPHAGEN (Netherlands) also supported the suggestion of the representative of Papua New Guinea. During the general debate, the Netherlands delegation had already pointed out that Surinam and the Netherlands Antilles were expected to become independent in the near future and that it was important for those territories to be able to participate in the work of the Conference as soon as possible.

8. The PRESIDENT suggested that a text could be drafted and submitted to the Conference for its consideration and approval at the next meeting, so that it could be submitted to the General Assembly in the form of a recommendation.

9. Mr. STEVENSON (United States of America) said that the United States Government, aware of its responsibilities for the Trust Territory of the Pacific Islands, had met on several occasions prior to the Conference in Saipan and Washington with members of the Joint Committee on the Law of the Sea of the Congress of Micronesia to discuss the interests of the people of the Territory. Although its own positions did not in all respects coincide with the views of the Micronesians and it did not fully agree with all the conclusions reached by the Joint Committee, the United States Government had tried to take into account the interests of the people of the Territory in the positions it had adopted at the current Conference.

10. Therefore the United States delegation considered that the Micronesians should define their own views and interests. In the name of the Congress of Micronesia, Mr. Andon Amaraich, senator, and president of the Joint Committee as well as adviser to the United States delegation at the Conference had drafted a statement to that effect.

11. The PRESIDENT said that the statement would be issued as a document of the Conference.¹

12. Mr. ROSENNE (Israel), referring to the letter which the President of the Conference was to address to the President of the General Assembly, wished to reiterate the reservations and objections which his delegation had made concerning the advisability of inviting certain national liberation movements to participate in the work of the Conference as observers.

13. Mr. RATTRAY (Jamaica), continuing the presentation of the oral report of the General Committee, said that after lengthy debate the General Committee had decided to recommend that the plenary Conference request the General Assembly to organize a session at Geneva from 17 March to 3 May, or if possible, to 10 May in case the World Health Assembly could postpone the beginning of its session for a few days.

14. In addition, the General Committee had decided to recommend that the final session of the Conference should take place in Caracas for purposes of signing the Final Act and other instruments of the Conference, and that that session should be held, if possible, in July/August 1975.

15. Mr. STAVROPOULOS (Special Representative of the Secretary-General) said that he had received a cable from the Director-General of the World Health Organization informing him that the Organization would be unable to postpone the opening of its Assembly beyond 12 May 1975, owing to the importance of that session and because the International Labour Conference had to meet in June. Nevertheless, if the Secretary-General of the United Nations requested him to do so, the Director-General would be ready to propose to the World Health Organization Executive Board that the opening of the World Health Assembly should be deferred until 12 May. In accordance with the wishes of the Conference, the Secretary-General of the United Nations would therefore convey to the Director-General a request to that effect, on which the Executive Board would take a decision. It was to be anticipated that the postponement requested would be accorded.

On the proposal of the General Committee, the Conference recommended that the next session should be held at Geneva from 17 March to 3 or 10 May 1975.

16. The PRESIDENT invited the Conference to take a decision on the General Committee's recommendation on holding the final session at Caracas, for the signature of the Final Act and other instruments of the Conference.

17. Mr. KOLOSOVSKY (Union of Soviet Socialist Republics) said he considered that it would be premature to mention the dates of the final session at Caracas in the recommendation. A decision on that subject could be reached only at the conclusion of the Geneva session, taking into account the progress achieved in the work of the Conference. Any immediate decision regarding a date would, to some extent, subject the participants in the next session to pressure and would be ill-advised since it would have the effect of tying the hands of the Venezuelan Government. His delegation, whose standpoint had been shared by several other delegations at the meeting of the General Committee, requested that its reservation should be duly reflected in the summary records.

18. Miss MARTIN-SANE (France), supported by Mr. KNOKE (Federal Republic of Germany), said that her delegation supported the view expressed by the Soviet delegation. It agreed that the Final Act of the Conference should be signed at Caracas, but considered it preferable to mention no specific date for the time being.

19. The CHAIRMAN noted the observations made and suggested that the Conference should frame its recommendation in the following terms:

"The Conference recommends that its final session should be held at Caracas for the purpose of signature of the Final Act and other instruments of the Conference."

It was so decided.

20. The CHAIRMAN said that he was interpreting the feelings expressed by numerous delegations during the meetings of the General Committee, in thanking the Austrian Government, on behalf of the Conference, for its invitation and in expressing regret that overriding considerations of timing had prevented the Conference from accepting the hospitality offered by Austria and holding its next session there.

21. The majority of delegations attending the meetings of the General Committee had felt that the Conference should conclude its work during 1975, but no formal decision had been taken on the matter and it might not be possible to respect that time-table if, as was also desired by a number of delegations, only one session was to be held in 1975. The Fifth Committee of the General Assembly would have to consider the recommendations of the Conference and, at that stage, all delegations would be able to put forward such proposals as they deemed useful in that connexion.

22. Mr. RATTRAY (Jamaica) submitted the proposals of the General Committee with regard to arrangements for the

¹Subsequently circulated as document A/CONF.62/L.6.

closing meeting of the second session. At the conclusion of the meeting on 29 August, statements would be made successively by the chairmen of the regional groups, by the Chairman of the Venezuelan delegation, the Minister for Foreign Affairs of Venezuela, and by the President of the Conference. Following a minute of silence for prayer or meditation, the President would declare the session closed. The participants would then proceed to the entrance of Parque Central to attend the ceremony of lowering the flags. The flags of the countries participating in the Conference would be hauled down, followed by that of the United Nations. After the Venezuelan national anthem had been played, the flag of Venezuela would be lowered last of all.

The proposals of the General Committee relating to arrangements for the closing ceremony of the second session were adopted.

23. Mr. ZULETA TORRES (Colombia), Chairman of the Group of 77, announced that the delegations belonging to that Group would be in agreement concerning acceptance of the offer made by the Government of Jamaica to act as host to the future International Sea-Bed Authority. Because of its situation and its geographical position, Jamaica symbolized the concerns of those who wished to see a new law of the sea elaborated.

The meeting rose at 10.05 a.m.

50th meeting

Wednesday, 28 August 1974, at 10 a.m.

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

Report of the Credentials Committee (A/CONF.62/34)

1. The PRESIDENT introduced the report of the Credentials Committee (A/CONF.62/34). Since the last meeting of the Committee, the Secretariat had received the credentials of the representatives of the following four States: Italy, Liberia, Peru and the Philippines. If there was no objection, he would take it that the report was adopted.

It was so decided.

2. Mr. CEAUSU (Romania) said that it was with deep regret that he noted that the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been invited to the Conference; that had prevented the Democratic Republic of Viet-Nam from participating in the work. The Saigon authorities could not be regarded as unilaterally representing the people of South Viet-Nam. Similarly, the emissaries of the Phnom Penh régime could not represent the people of Cambodia; only representatives designated by Prince Norodom Sihanouk and the Royal Government of National Union of Cambodia were qualified to do so. With respect to the credentials of the representatives of South Africa, his delegation shared the opinion which the African delegations had expressed in the plenary and in the Credentials Committee. His delegation was gratified by the decision taken to allow the representatives of the national liberation movements to participate in the work of the Conference.

3. The PRESIDENT pointed out that those views had already been recorded in the report of the Credentials Committee. It was therefore unnecessary to embark on a debate on the subject.

4. Mr. NGUYEN HUU CHI (Republic of Viet-Nam), exercising his right of reply, said that a political and ideological debate would not contribute to the success of the Conference. He refuted the allegations of the Romanian delegation that the Government of the Republic of Viet-Nam could not represent the people of South Viet-Nam. It should be pointed out that nowhere in the still valid Geneva Agreements or in the recently signed Paris Agreement was there mention of two territories, two administrations or a second Government south of the 17th parallel. Furthermore, the reservations set forth in article 9 of the Act of the Paris International Conference were more positive and formal. Moreover, what emerged from an interpretation of the text was corroborated by the facts, namely, that the so-called administration of the Provisional Revolutionary Government was nothing but a political-

military apparatus staffed and controlled by Hanoi. It would be a denial of the evidence to claim that the freely and constitutionally elected Government of the Republic of Viet-Nam did not represent the population which it controlled. The Viet-Namense peasants, who represented the majority opinion and whose good sense and sincerity could not be questioned, had clearly chosen their representative and their liberator in the elections.

5. Mr. D'STEFANO (Cuba) said that he wished to say that he fully agreed with the remarks made by the representative of Romania.

6. Mr. LILIĆ (Yugoslavia) said that it might be of interest to recall, in connexion with the credentials of the representatives of South Viet-Nam, the Khmer Republic and South Africa, the resolutions adopted at Algiers in 1973 by the Conference of Heads of State or Government of Non-Aligned Countries. He pointed out that the Government of South Viet-Nam, the racist régime of South Africa and the Lon Nol Government of Cambodia did not represent the peoples of those countries. His delegation deeply regretted that the Provisional Revolutionary Government of South Viet-Nam had not been invited to participate in the Conference even though it had signed the Paris Agreement and the Act of the International Conference on Viet-Nam. He emphasized that the only Legal Government representing the Cambodian people was the Royal Government of National Union of Cambodia headed by Prince Norodom Sihanouk.

7. Mr. KOLOSOVSKY (Union of Soviet Socialist Republics) said that under the act of the 1973 International Conference, there were two zones and two administrations in South Viet-Nam: the Provisional Revolutionary Government of the Republic of South Viet-Nam and the Saigon administration. The Saigon authorities therefore could not claim to represent South Viet-Nam. His delegation believed that it was abnormal and discriminatory not to have invited the Provisional Revolutionary Government of South Viet-Nam, thus preventing the Democratic Republic of Viet-Nam from participating in the work of the Conference.

8. Mr. MESLOUB (Algeria) said that the Conference had made a promising start in giving real meaning to the principle of universality by allowing the national liberation movements to participate in its work. However, other problems relating to the implementation of that principle had not been so happily resolved. In fact, the Provisional Revolutionary Government of South Viet-Nam and the Royal Government of National