

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

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Summary Records of Plenary Meetings 50th 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)

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-Nameese 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

Union of Cambodia headed by Prince Norodom Sihanouk, which were the only legitimate representatives of the South Viet-Nameese and Cambodian peoples, should have been invited to participate in the Conference, particularly as they were full members of the movement of non-aligned countries. His delegation strongly opposed the participation of the minority racist régime of South Africa because of its policy of *apartheid* and racial discrimination and its continued disregard of the many recommendations of United Nations bodies. His delegation endorsed the reservations expressed by the representatives of Hungary, the Ivory Coast, China and recorded in paragraphs 6, 8, 9 and 10 of the report of the Credentials Committee.

9. Mr. ABDEL HAMID (Egypt) said that the Conference had indeed begun on a hopeful note by admitting the national liberation movements. However, he regretted the absence of the Provisional Revolutionary Government of South Viet-Nam and expressed strong reservations concerning the Lon Nol régime; Prince Norodom Sihanouk was the only legitimate representative of Cambodia. He also expressed strong reservations with regard to the credentials of the representatives of the fascist régime of South Africa. He hoped that the abnormal situation would soon cease to exist.

10. Mr. PLAKA (Albania) said that his delegation did not recognize credentials of the representatives of the Lon Nol clique, which had been definitively rejected by the Cambodian people. That régime had been brought to power to serve the aggressive designs and colonialist interests of the United States. The only legitimate representative of Cambodia was the Royal Government of National Union headed by Prince Norodom Sihanouk.

11. Nor did his delegation recognize the credentials of the puppet régime in Saigon, because the sole representative of the Viet-Nameese people was the provisional Revolutionary Government of South Viet-Nam. The absence of the Royal Government of National Union of Cambodia and the Provisional Revolutionary Government of South Viet-Nam was a direct result of the hostile policy adopted by American imperialism towards the Cambodian and Viet-Nameese peoples. The presence at the Conference of representatives of the puppet régimes in Phnom Penh and Saigon constituted unacceptable interference in the internal affairs of Cambodia and South Viet-Nam and did an intolerable injustice to the peoples of those countries. His delegation considered that the racist régime in Pretoria could not represent the people of South Africa and of Namibia, which it oppressed, and supported the view held by the African countries that the credentials of the representatives of that régime were not valid.

12. Mrs. PENG (Khmer Republic) said she regretted that certain representatives had used the holding of the Conference as a pretext for interfering in the internal affairs of her country and echoing the false claim that a government in exile, established and permanently based abroad and with the majority of its members dispersed throughout the world, was the legitimate government of the country and, in the circumstances, the authentic representative of the Khmer people.

13. On many occasions her delegation had described the tragedy that had befallen its country before the United Nations General Assembly, and the question of the legitimacy of its representation had been clearly decided.

Question of the Communication to the President of the General Assembly

14. The PRESIDENT said that he proposed to communicate to the President of the General Assembly a letter couched in the following terms:

“Sir,

“With reference to item 27 of the provisional agenda of the twenty-ninth session of the General Assembly, I have the honour to inform you of the following decisions taken by the

Third United Nations Conference on the Law of the Sea at its second session held in Caracas, Venezuela, from 20 June to 29 August 1974:

“On 27 August, the Conference decided that its next session should be held in Geneva from 17 March to 3 or 10 May 1975, the closing date to depend upon arrangements to be made with WHO. Following an invitation to that effect extended by the Government of Venezuela, the Conference also decided that when matters reached that stage its final session should be held in Caracas for the purpose of signing the Final Act and other instruments of the Conference.

“I also have the honour to request that these decisions be placed before the General Assembly for its approval in accordance with paragraph 4 of resolution 3067 (XXVIII).

“The Conference has further requested me to inform you of another matter which the Conference considers should be brought to the attention of the General Assembly.

“This concerns invitations addressed by the Conference to national liberation movements recognized by the Organization of African Unity and the League of Arab States to participate in its proceedings as observers. A decision to issue these invitations was adopted by the Conference at its 38th meeting on 11 July 1974. In so doing, members of the Conference took account of the spirit of the action by the General Assembly and by the Economic and Social Council with regard to national liberation movements in respect of other conferences subsequent to the adoption by the General Assembly of resolution 3067 (XXVIII).

“Finally I wish to inform you that the Conference decided to recommend to the General Assembly that:

• “(a) Papua New Guinea, which is already conducting its own relations as an independent nation, but whose House of Assembly has not yet decided finally the date for the formal declaration of independence be invited, if independent, to attend any future session of the Conference as a full participant or, if not yet independent, to attend as an observer;

“(b) The Cook Islands, Surinam and the Netherlands Antilles, being self-governing countries which have the right to choose to become fully independent, be invited to attend any future session of the Conference as observers or, should they exercise their right to become fully independent, to attend as full participants.

“Accept, Sir, the renewed assurances of my highest consideration.”

15. In reply to a question asked by Mr. WARIOBA (United Republic of Tanzania), the PRESIDENT made clear that the letter should be considered as emanating from the President of the Conference, and not from the Conference itself. Any delegations which wished to voice reservations would be able to do so at the next meeting. If there were no objections, he would take it that the Conference approved the wording of the letter.

It was so decided.

Tribute to the memory of the members of the United Nations Peace-keeping Force in Cyprus who had lost their lives in the performance of their duties

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

Tribute to the memory of Mr. Alcivar, Ambassador of Ecuador, and Mr. Khanachet, Ambassador of Kuwait

16. The PRESIDENT, speaking on behalf of the members of the Conference, paid a tribute to the memory of Mr. Alcivar, Ambassador of Ecuador, and Mr. Khanachet, Ambassador of Kuwait, who had participated in the work of the sea-bed Committee.

17. Mr. VALENCIA RODRIGUEZ (Ecuador) and Mr. IMAM (Kuwait) thanked the Conference for the tribute paid to the memory of the representatives of their countries.

The meeting rose at 10.35 a.m.