

# **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.6**

## **Summary Records of Plenary Meetings 6<sup>th</sup> 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)*

the Conference, should be applied in the election of officers.

*It was so decided.*

56. Miss FLOURET (Argentina) asked whether the decision just taken precluded the application of the Assembly rules to

the remainder of the Conference's work, pending the adoption of its own rules.

57. The PRESIDENT said that the decision did not preclude such application.

*The meeting rose at 6.50 p.m.*

## 6th meeting

Wednesday, 12 December 1973, at 12.35 p.m.

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

### Results of informal consultations

1. The PRESIDENT, noting that the debate on the previous day had dealt mainly with the proposed principle of "one State, one seat", said that he had held consultations with a view to devising a formula which would make it possible to avoid a vote on that question, while preserving the position of principle of some members and helping the Conference to proceed in a smooth and orderly manner and in a spirit of understanding and goodwill. He commended the following formula to the Conference: "No State shall as a right be represented on more than one main organ of the Conference." He trusted that that formula would be acceptable to the Conference. If he heard no objection, he would take it that the Conference accepted that formula.

*It was so decided.*

### Adoption of the rules of procedure (A/CONF.62/2 and Add.1)

2. Mr. KOLESNIK (Union of Soviet Socialist Republics) reserved his delegation's right to speak at a later stage on the formula the President had read out. His delegation had not been invited to participate in the consultations which, according to the President, had resulted in the formula.
3. The opening of the organizational session of the Conference marked an important stage in the work on problems relating to the law of the sea. As the Secretary-General had rightly observed in his opening statement the Conference must reconcile the vital interests of an immense number of States if it was to produce a generally accepted and practicable legal order of the seas and oceans. No group of States should be allowed to impose its views on others by means of an arithmetical majority. Any decisions the Conference might adopt should not impair the legitimate interests of any group of States. The interests of all groups of States must be taken into account, both those which currently played a leading role in the exploitation of marine resources and those which were only beginning such exploitation.
4. The world ocean was playing an increasing role in the life of States. The Soviet Union, as a maritime Power, had a substantial interest in the rational utilization of the wealth and possibilities of the sea.
5. Organizational matters were closely related to matters of substance; the successful conduct of the Conference would depend in large measure on how questions of organization and procedure were settled. If the new rules to be worked out by the Conference were to be viable and effective, and observed, they must be supported by all groups of States and take into account the interests of all. That was why the Conference should be of a universal character. Although it was broadly representative, the Conference had unfortunately failed to achieve complete universality. The Republic of South Viet-Nam had not been invited to participate, and because of that discriminatory decision the Democratic Republic of Viet-Nam had declined to

participate, giving its reasons in a cable from its Minister of Foreign Affairs addressed to the Secretary-General.<sup>1</sup> His delegation fully shared the views expressed by the Government of the Democratic Republic of Viet-Nam and considered that the Republic of South Viet-Nam was fully entitled to participate in the Third United Nations Conference on the Law of the Sea.

6. The problems which the Conference was called upon to resolve were unprecedentedly broad in scope, affecting the vital interests of States from all regions of the world in the political, defence, economic and other spheres. Accordingly, the rules of procedure were of particular importance and, if unsatisfactory, might adversely affect the success of the Conference. The rules of procedure should contain clear and unambiguous provisions regarding the procedure for the adoption of decisions by the Conference. In accordance with the gentleman's agreement approved by the General Assembly at its current session (see A/CONF.62/2), decisions on substantive matters should be taken by way of consensus. Voting should be resorted to only in exceptional circumstances when all efforts at consensus had been exhausted, as the gentleman's agreement stipulated. Accordingly, his delegation proposed that rule 39, paragraph 1 of the draft rules of procedure (*ibid.*) should be amended as follows:

"1. Decisions of the Conference on all matters of substance shall, as a rule, be taken by consensus. A vote shall be taken only in exceptional cases when all efforts at consensus have been exhausted and only after the General Committee has made a recommendation that the method of voting is to be applied.

"2. In the event that a vote is taken, the majority required for the adoption of a decision on matters of substance shall be as close as possible to a consensus."

7. Turning to the functions of the General Committee, he proposed the following amendment to rule 15:

"The General Committee shall, if necessary, determine when all efforts at consensus on matters of substance have been exhausted in the Main Committees and shall make recommendations concerning the application of the method of voting for the adoption of a decision. Such a recommendation shall be deemed to be adopted if there are no objections to it from a majority of the members of any geographical group represented in the General Committee."

8. The two amendments his delegation had proposed might necessitate some minor drafting changes in other provisions of the rules of procedure.

9. His delegation attached great importance to the rules of procedure; the extent to which the gentleman's agreement was reflected in them would determine its attitude to the future stages of the Conference's work.

10. In conclusion, he stated his delegation's willingness to do its utmost to solve the problems facing the organizational ses-

<sup>1</sup>See document A/9350 of 27 November 1973.

sion of the Conference in a spirit of full respect for the interests of all States and all groups of States.

11. Mr. YTURRIAGA BARBERAN (Spain) requested clarification as to how the Conference was to proceed with its discussion of the draft rules of procedure. He wondered whether concrete proposals were to be discussed at the present time or whether they were to be first examined by the regional groups. His delegation had proposals to make and wished to know the correct procedure before putting them forward.

12. The PRESIDENT said that, in view of the shortage of time, the Conference should avoid a general debate on the rules of procedure. He asked those delegations which had concrete proposals to make to submit them directly to the Secretariat and to speak on them. The Conference might take each rule in turn and see what objections or observations it gave rise to. That would perhaps be the most orderly and business-like way of proceeding.

13. Mr. ZEGERS (Chile) suggested that the debate should be concentrated on the fundamental question of the rules concerning voting and their relation to the gentleman's agreement adopted by the General Assembly and to the general rules observed by international conferences. Some of the rules contained in the draft rules of procedure were of long standing and had been applied in the case of many international conferences; they should therefore not give rise to controversy. He formally proposed that the Conference should proceed to a debate on its rules of procedure, concentrating on the question of voting.

14. Mr. ZULETA TORRES (Colombia) said that he fully supported the Chilean proposal. He requested the Special Representative of the Secretary-General to put before the Conference those technical rules which had already been agreed

upon by consensus and the rules relating to the election of the General Committee. That would obviate the need for further debate on those questions.

15. The PRESIDENT said that the composition of the General Committee was already known. He asked whether there was any objection to the Chilean proposal to concentrate the debate on those draft rules of procedure which related to decision-making, namely, draft rules 38 to 49, 54 and 55.

16. Mr. ZEGERS (Chile) said that, in his view, draft rules 34 and 37 were also relevant in that connexion.

17. Mr. ZULETA TORRES (Colombia) pointed out that draft rule 28 was also related to the decision-making rules referred to.

18. The PRESIDENT said that, if he heard no objection, he would take it that the Conference agreed to concentrate in its debate on the draft rules of procedure on all those rules which related to the decision-making process.

*It was so decided.*

19. Mr. STAVROPOULOS (Special Representative of the Secretary-General), replying to the question put by the Colombian representative, said that the Conference had reached an agreement on the numerical composition of the Drafting Committee and the General Committee. He drew attention to paragraph 4 of document A/CONF.62/2, which indicated clearly that special procedures had been included in the draft rules of procedure to assist the Conference in devising appropriate means to implement the gentleman's agreement set forth at the end of that document. All the other provisions of the draft rules of procedure were classic and common to all international conferences.

*The meeting rose at 1.10 p.m.*

## 7th meeting

Wednesday, 12 December 1973, at 4.40 p.m.

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

### Election of officers

1. The PRESIDENT suggested that the officers should be elected in the following order: The Chairmen of the three Main Committees; the Chairman of the Drafting Committee; the Rapporteur-General; the Vice-Chairmen and Rapporteurs of the three Main Committees; the 31 Vice-Presidents of the Conference.

2. Mr. ZOTIADES (Greece) suggested that, in accordance with the procedure followed by several international bodies, the Conference should first elect its Vice-Presidents, then the Chairmen of the Main Committees, the Rapporteur-General and the Vice-Chairmen of the Main Committees.

3. The PRESIDENT said that the order he had suggested was consistent with normal United Nations practice. Furthermore, the agenda provided for the elections to be held in that order; the only innovation was the election of the Rapporteur-General.

4. Mr. ZOTIADES (Greece) said that in a spirit of accommodation he would not press his suggestion, but he thought that there was nothing in the rules of procedure to say that the election of the Chairmen of the Main Committees should precede the election of the Vice-Presidents of the Conference.

5. The PRESIDENT said that if there was no other objection, he would take it that the Conference accepted the order he had suggested.

*It was so decided.*

6. The PRESIDENT suggested that, in view of the number and complexity of the elections, the Conference should dispense with formal nominations. In many cases there would be no need to vote because the Conference had already agreed that when the number of nominations put forward by a regional group equalled the number of seats allocated to it, the election would be by acclamation.

7. Mr. BAKULA (Peru) said that in the view of his delegation the Conference should observe the principle of one State, one seat.

8. The PRESIDENT said that the delegation of Peru could cast its vote or make any reservations as it wished.

9. If there was no objection, he would take it that the Conference accepted the procedure he had outlined.

*It was so decided.*

10. Mr. JEANNEL (France) said that his delegation had noted the wide feeling in the Conference in favour of single candidacies. Accordingly, if the French nominee was elected to one of the vice-presidencies, his delegation would withdraw its candidacy to the Drafting Committee.

11. Sir Roger JACKLING (United Kingdom) said that his delegation took the same position as the French delegation.

### *Election of the Chairmen of the Main Committees*

12. The PRESIDENT said that the chairmanship of the First