Third United Nations Conference on the Law of the Sea

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A/CONF.62/74

Letter dated 23 April 1979 from the co-ordinator of the group of Latin American States< to the President of the Conference

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XI (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Eighth Session)*

DOCUMENT A/CONF.62/73

Letter dated 19 April 1979 from the Chairman of the group of Asian States to the President of the Conference

[*Original: English*]
[*20 April 1979*]

At a meeting held today, the group of Asian States to the Third United Nations Conference on the Law of the Sea, both as a regional group and as constituent of the Group of 77, discussed the question of the site of the proposed International Sea-Bed Authority. The group has asked me to inform you that it reaffirms its decision, conveyed to you by the then Chairman of the group in his letter of 16 May 1978, that all the three candidatures for the site of the future Authority, namely Fiji, Jamaica and Malta, should be considered on an equal footing with each other. The group, accordingly, requests that the provisions of article 154, paragraph 3, be revised to reflect this principle of equal treatment. In making this request the group wishes to underline the fact that the Conference has never taken any decision on the location of the future Authority.

It is requested that this letter be circulated as an official document of the Conference.

(Signed) K. MAHMOOD (Pakistan)
Chairman of the group of Asian States to the Third United Nations Conference on the Law of the Sea

DOCUMENT A/CONF.62/74

Letter dated 23 April 1979 from the co-ordinator of the group of Latin American States to the President of the Conference

[*Original: English*]
[*23 April 1979*]

I have the honour in my capacity as co-ordinator of the group of Latin American States to the Third United Nations Conference on the Law of the Sea to inform you that at its meeting held today the group unanimously reaffirmed its decision to support the candidature of Jamaica as the seat of the International Sea-Bed Authority. Furthermore, the group also reaffirmed its decision, conveyed to you by the co-ordinator of the group in his letter of 5 May 1978, that it is opposed to any revision of the text which would alter the terms of article 154, paragraph 3, of the informal composite negotiating text[1] for the reasons contained in the attached memorandum.

It is requested that this letter along with the accompanying memorandum be circulated as an official document of the Conference.

(Signed) E. DE LA GUARDIA (Argentina)
Co-ordinator of the group of Latin American States to the Third United Nations Conference on the Law of the Sea

MEMORANDUM

It has been brought to the attention of the group of Latin American States that some members of the group of Asian States have proposed that the provisions of article 154 of the informal composite negotiating text naming Jamaica as the seat of the International Sea-Bed Authority should be revised so as to place on an equal footing the candidatures of Fiji, Jamaica and Malta.

The group of Latin American States is opposed to the revision in the manner proposed.

The name of Jamaica has appeared in all versions of the negotiating text since the first text was prepared in 1975. This has sought to reflect the widespread and substantial support expressed in the Conference by a large number of delegations and more particularly by the endorsement of Jamaica's candidature by the Group of 77 at Caracas in 1974, announced to the Conference by the Chairman of the Group of 77, Mr. Zuleta, at the 49th plenary meeting held on 27 August 1974.

It is significant to note that Jamaica's endorsement by the Group of 77 in 1974 was preceded by an endorsement in principle by that Group at Nairobi in May 1974 and by its subsequent separate endorsement by the groups of Latin American, African and Asian States. It was on the basis of this widespread and substantial support that the Chairman of the First Committee inserted Jamaica's name in the text and this position has been fully elaborated by the Chairman of the First Committee in his statement in the plenary meeting of 12 April 1978.

Neither Fiji nor Malta have been endorsed by the Group of 77 and there is no evidence of any widespread and substantial support for their candidatures. These countries do not therefore stand on an equal position with Jamaica and accordingly to place them on a position of equality would be to discriminate against the position of Jamaica.

On the other hand, the Conference has decided on the rules to be followed for any modifications or revisions to be made to the informal composite negotiating text. This is stated in document A/CONF.62/62, recommendation 10, in the following terms:

> "Any modifications or revisions to be made in the informal composite negotiating text should emerge from the negotiations themselves and should not be introduced on the initiative of any single person, whether it be the President or a Chairman of a Committee, unless presented to the Plenary and found, from the widespread and substantial support prevailing in Plenary, to offer a substantially improved prospect of a consensus."[2]

In the light of the widespread and substantial support for Jamaica, any alteration affecting the present situation of Jamaica's name in the text would constitute a flagrant violation of the Rules established by the Conference for modifications of the text. These Rules must be uniformly applied to the entire informal composite negotiating text and must not be applied in a discriminating manner. If the position of Jamaica's name in the text was to be altered the only legitimate consequence would be for a proliferation of alterations, be they blank spaces or alternatives to appear in numerous places in the text. At this stage of the negotiations the consequences of a proliferation of blank spaces or alter-

[2] *Ibid.*, vol. X (United Nations publication, Sales No. E.79.V.4).

natives in the text would be disastrous and the failure of the Conference would be assured.

In the light of the foregoing, it would be wholly illegitimate to alter the situation in respect of Jamaica's name in the informal composite negotiating text, and the group of Latin American States opposes any such move.

DOCUMENT A/CONF.62/75

Letter dated 23 April 1979 from the Chairman of the group of Arab States to the President of the Conference

[Original: English]
[23 April 1979]

As Chairman of the group of Arab States to the Third United Nations Conference on the Law of the Sea, I wish to reiterate to you the decision taken by the League of Arab States which endorsed the candidature of Malta for the seat of the International Sea-Bed Authority.

Since Malta and Fiji are also candidates for that seat, the group of Arab States considers it unfair to insert Jamaica in article 154, paragraph 3, of the informal composite negotiating text,[1] while mentioning the other two candidates in a foot-note.

I request, therefore, that the three candidates, namely, Malta, Jamaica and Fiji, be accorded equal treatment in any article relating to the said seat in the revised text you envisage to issue at the end of the current session.

I request that this letter be issued as an official document of the Conference.

(Signed) A. HUMAIDAN (United Arab Emirates)
Chairman of the group of Arab States
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/76

Letter dated 25 April 1979 from the Chairman of the group of Western European and other States to the President of the Conference

[Original: English]
[25 April 1979]

At a meeting today of the group of Western European and other States to the Third United Nations Conference on the Law of the Sea the group discussed the provisions of article 154, paragraph 3, of the informal composite negotiating text[1] with regard to the seat of the future International Sea-Bed Authority. The group has asked me, in my capacity as its Chairman, to convey to you its opinion that all candidatures for the seat should be placed on an equal footing with each other. Preferably, no mention should be made of any candidate in article 154, paragraph 3. This should be reflected in any revised Conference text.

It is requested that this letter be circulated as an official document of the Conference.

(Signed) N. R. LARSSON (Sweden)
Chairman of the group of Western European and other States
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/77

Letter dated 24 April 1979 from the Chairman of the Group of 77 to the President of the Conference

[Original: Spanish]
[25 April 1979]

I have the honour to enclose with this letter the document concerning the question of unilateral legislation which was drawn up by the group of legal experts of the Group of 77 under the chairmanship of Mr. Roberto Herrera Cáceres of Honduras. I would be grateful if you would arrange for it to be circulated as a document of the Conference to the participating States.

The group of legal experts has held various meetings during the present session and will continue its work during the coming months, with the object of contributing to the definition of the legal position of the Group of 77 in defence of the common heritage of mankind.

(Signed) M. CARIAS
Head of the delegation of Honduras
to the Third United Nations Conference
on the Law of the Sea
and Chairman of the Group of 77