

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/85

Letter dated 20 August 1979 from the heads of the delegations of Chile, Colombia, Ecuador and Peru to the President of the Conference

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

DOCUMENT A/CONF.62/84

Report of the Credentials Committee

[Original: English]
[22 August 1979]

1. The Credentials Committee held its 11th meeting on 21 August 1979. Representatives of all the members of the Committee, except Chad, Ivory Coast and Japan, were present.

2. The Committee had before it a memorandum by the Executive Secretary of the Conference, dated 20 August 1979, indicating that as of that date communications had been received concerning 138 States participating in the session.

3. For the purposes of the resumed eighth session, credentials in the form provided for by rule 3 of the rules of procedure had been submitted to the Executive Secretary by the following 102 States: Algeria, Angola, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, China, Czechoslovakia, Democratic Kampuchea, Democratic People's Republic of Korea, Democratic Yemen, Denmark, El Salvador, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Guatemala, Holy See, Honduras, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Monaco, Mongolia, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Portugal, Republic of Korea, San Marino, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Yugoslavia and Zaire.

4. The following eight States had submitted credentials which remained valid for the eighth session at Geneva, and the resumed eighth session in New York: Bahamas, Ethiopia, German Democratic Republic, Guyana, Hungary, Morocco, Poland and Uruguay.

5. The appointment of the representatives of the following 28 countries had been communicated to the Executive

Secretary by letters, cables or notes verbales: Afghanistan, Albania, Argentina, Benin, Burundi, Central African Empire, Colombia, Costa Rica, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, Grenada, Iraq, Jordan, Lebanon, Libyan Arab Jamahiriya, Norway, Paraguay, Philippines, Qatar, Romania, Saudi Arabia, Somalia, Tunisia, Upper Volta and Venezuela.

6. The Executive Secretary informed the Committee that, subsequent to the preparation of his memorandum, credentials in due form had been received from Guinea-Bissau and a cable had been received from Mauritius.

7. The Chairman proposed that, in the light of past practice, the Committee should accept the credentials referred to in paragraphs 3 and 4 above and that, as an exceptional measure and subject to later validation, it accept the communications referred to in paragraph 5 above in lieu of formal credentials.

8. The representative of Hungary recorded his delegation's objection to the acceptance of the credentials of the delegation of Democratic Kampuchea, stating that, in the view of the Hungarian delegation, these credentials were null and void.

9. The representative of China objected to the statement by the representative of Hungary, stating that, in the view of the Chinese delegation, the credentials of Democratic Kampuchea were valid.

10. The Chairman noted that the views and reservations expressed would be reflected in the report of the Committee. Subject to these views and reservations, summarized in paragraphs 8 and 9 above, the Committee decided to approve the following draft resolution.

"The Credentials Committee,

"Taking into account the views expressed during the debate:

"Accepts the formal credentials of the representatives that have been received;

"Accepts, as an exceptional measure and subject to later validation, the communications referred to in paragraph 6 of the Executive Secretary's memorandum of 20 August 1979 in lieu of formal credentials."

DOCUMENT A/CONF.62/85

Letter dated 20 August 1979 from the heads of the delegations of Chile, Colombia, Ecuador and Peru to the President of the Conference

[Original: Spanish]
[22 August 1979]

We have the honour to bring to your attention the text of the following official declaration by the Ministers for Foreign Affairs of Colombia, Ecuador, Chile and Peru issued on 18 August 1979:

"The Ministers for Foreign Affairs of Colombia, Ecuador, Chile and Peru, in the light of recent reports concerning instructions given to United States vessels and aircraft to defy the maritime jurisdiction of other States exercising sovereignty and jurisdiction beyond the three-mile limit, and in the light of official statements by the United States Government confirming such reports,

"Considering that, in the present state of development of the new law of the sea, it is unusual to attempt to deny the validity of the new provisions, whose initial and clearest expression is found in the Santiago Declaration on the Maritime Zone of 200 miles, which contains principles that represented a major and genuinely Latin American contribution to the discussions of the Third United Nations Conference on the Law of the Sea, now in its eighth session,

"Have resolved to declare that they do not agree with those manifestations of a policy seemingly based on ag-

gressive intentions, that they fully reserve their rights and that anyone seeking to trespass on the maritime zones where they exercise their sovereignty and jurisdiction rightfully, peacefully and without prejudice to the freedom of communication would be answerable for any violation of those rights.

“This protest by the countries of the South Pacific group is voiced as yet another expression of the solidarity existing among its members in the defence of the rights and interests of their peoples and as a proclamation of their decision to reject any type of pressure or threats impeding or obstructing the negotiations taking place in the Conference on the Law of the Sea, through which the developing countries hope to establish a more just, equitable and effective legal régime of the sea.

“Accordingly, the countries of the South Pacific group appeal to the peoples who support concordant maritime policies to associate themselves with this just protest, with a view to joining their forces to ensure that this Conference achieves its noble goals for the development of peoples and the safeguarding of peace.

“This declaration is issued in identical terms at Bogota, Quito, Santiago and Lima on 18 August 1979, the twenty-seventh anniversary of the Santiago Declaration.”

We should be grateful if you would have the text of this declaration circulated as an official document of the Third United Nations Conference on the Law of the Sea.

(Signed) H. CHARRY-SAMPER
Head of the delegation of Colombia
to the Third United Nations Conference
on the Law of the Sea

(Signed) L. VALENCIA-RODRIGUEZ
Head of the delegation of Ecuador
to the Third United Nations Conference
on the Law of the Sea

(Signed) F. ORREGO VICUÑA
Head of the delegation of Chile
to the Third United Nations Conference
on the Law of the Sea

(Signed) A. ARIAS SCHREIBER
Head of the delegation of Peru
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/86

Letter dated 22 August 1979 from the Chairman of the group of Islamic States to the President of the Conference
[Original: English]
[22 August 1979]

In accordance with the decision taken at the meeting of the group of Islamic States I have the honour to submit herewith the following documents: the recommendations of the experts on the law of the sea of the member States of the Islamic Conference adopted at the meeting held at Istanbul from 6 to 9 March 1979 (IS/LEG/11); and resolution 17/10-P on the law of the sea, adopted at the Tenth Islamic Conference of Foreign Ministers held at Fez from 8 to 12 May 1979.

I would like to request that these documents be circulated as official Conference documents.

(Signed) N. YOLGA
Chairman of the group
of Islamic States

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RECOMMENDATIONS OF THE EXPERTS ON THE LAW OF THE SEA OF THE MEMBER STATES OF THE ISLAMIC CONFERENCE TO THE TENTH CONFERENCE OF FOREIGN MINISTERS

INTRODUCTION

The experts on the law of the sea from the member States of the Islamic Conference met at Istanbul from 6 to 9 March 1979 pursuant to resolution No. 17/8-P of the Eighth Conference of Foreign Ministers of the Islamic Conference and resolution No. 1/9-P of the Ninth Conference and have decided to recommend a draft declaration for adoption by the Tenth Conference of Foreign Ministers.

I. FIRST COMMITTEE MATTERS

1. The Islamic States reaffirm their belief in the Declaration of Principles embodied in resolution 2749 (XXV) and in the principles contained in resolutions 2750 (XXV) and 3029 (XXVII) of the United Nations General Assembly.

2. They reiterate in particular their attachment to the principle stipulating that the resources of the sea-bed beyond national jurisdiction are the common heritage of mankind.

3. The Islamic States believe that the activities in the international area shall be carried out for the benefit of mankind as a whole, taking into account the needs and interests of the developing countries, and in particular, those of the peoples that have not attained full independence.

4. They further declare that the international Authority shall conduct the activities in the area on behalf of mankind as a whole, taking into consideration the objective of contributing to the strengthening of all efforts towards the realization of a new world economic order.

5. The Islamic States reiterate their deep concern regarding any unilateral action that may be taken in the field of sea-bed mining activities before the conclusion of the convention on the law of the sea. Such unilateral action shall be unacceptable and in violation of the moratorium contained in General Assembly resolution 2574 (XXIV).

6. The Islamic States are of the opinion that substantial progress has been made towards achieving a consensus and finding generally acceptable solutions to most of the issues related to the area, including the question of resource policy. They affirm their determination to continue the negotiations to solve the remaining issues, particularly:

- (a) Financial arrangements of contracts for exploration and exploitation of resources;
- (b) Contractual arrangements between the contractors and the Authority;
- (c) Composition, powers and functions of the Council and the Assembly;
- (d) Fair and just representation and equal voting rights in the Council;
- (e) A viable enterprise which can begin to carry out activities in the area at the same time with other entities.