

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/92

Statement by the representative of the United States of America in response to the statement by the Vice-Chairman of the group of coastal States contained in document A/CONF.62/90

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)

6. The President expressed appreciation for the spirit of compromise and for the co-operation shown by the delegations of the Netherlands and Switzerland which had indicated that they would not pursue the other suggestions in their informal proposal.

7. At the conclusion of the informal plenary meeting on the settlement of disputes, the President identified the other outstanding issues, which were as follows:

(i) The necessary changes to co-ordinate article 298, paragraph 1 (b), with article 296 as formulated by negotiating group 5;

(ii) The report by the Chairman of the group of legal experts on the settlement of disputes relating to part XI;

(iii) The report of the Third Committee relating to the dispute settlement provision on marine scientific research;

(iv) The report relating to the dispute settlement provisions within the mandate of negotiating group 7.

8. Regarding the first item, as a consequence of the re-drafting of article 296 by negotiating group 5, it has become necessary to bring article 298, paragraph 1 (b), in line with the new structure of article 296. Article 298, paragraph 1 (b), therefore needs to be reformulated to maintain its original intent.

9. Regarding the second item, the Chairman of the group of legal experts on the settlement of disputes relating to part XI has presented his report (A/CONF.62/C.1/L.26, appendix B) to the formal plenary Conference. The report has been

presented to the working group of 21 of the First Committee, and to the Committee itself, where it has been considered. The changes suggested in that report relate to annex V, the statute of the Law of the Sea Tribunal, and in particular to the provisions concerning the Sea-Bed Disputes Chamber. This report could be accepted by the Conference without the need for a separate consideration of its content. The outstanding issues referred to by the Chairman would need to be dealt with at the first stage of the ninth session, and this has already been included in the decision of the Conference in the programme of work for that session. The Chairman is to be complimented on the excellent work done by the group which has been appreciated all around.

10. Regarding the third item, the Chairman of the Third Committee has presented his report to the plenary Conference and that included a new formulation of article 264 dealing with dispute settlement. There has been a discussion of that report and it is only necessary for the plenary Conference, therefore, to take note of the dispute settlement provision on the question of marine scientific research.

11. Regarding the fourth item, the Chairman of negotiating group 7 has also presented his report to the Conference. As all matters falling within the competence of that negotiating group are closely interrelated, including the dispute settlement provision, and as the Chairman had not presented any new formulations which would satisfy the conditions laid down by the Conference in document A/CONF.62/62, there is no need for the report to be discussed at the present stage.

DOCUMENT A/CONF.62/92

Statement by the representative of the United States of America in response to the statement by the Vice-Chairman of the group of coastal States contained in document A/CONF.62/90*

[Original: English]
[1 October 1979]

It is both surprising and distressing that distorted press reports should have caused such a stir at the Third United Nations Conference on the Law of the Sea, where the views of the United States with respect to navigation and overflight have long been well known to all participants. Press reports notwithstanding, those views have not changed. Activities in the oceans by the United States are fully in keeping with its long-standing policy and with international law, which recognizes that rights which are not consistently maintained will ultimately be lost. At the same time, it remains the firm position of the United States that a comprehensive convention on the law of the sea offers by far the best, and perhaps the last, opportunity to establish a universally agreed and conflict-free régime governing all uses of the world's oceans and their resources. We have indicated that, as part of such an agreement, we could accept a 12-mile territorial sea coupled with transit passage of straits used for international navigation, all within the context of the over-all package deal. In this regard, we note that the group of coastal States reaffirms its determination to continue working towards the early adoption of a generally accepted comprehensive convention on the law of the sea.

Let us not be diverted from our shared goal by debate over the very differences in national régimes that compelled our Governments to enter into negotiations in the first place.

*Circulated at the request of the representative of the United States of America.

DOCUMENT A/CONF.62/93

Statement by the representative of the United States of America in response to the statement by the Chairman of the Group of 77 contained in document A/CONF.62/89

[Original: English]
[1 October 1979]

It is regrettable that controversy has been introduced once again into the deliberations of this Conference, which can ill afford distraction from its goal of forging consensus on a

comprehensive legal régime for the use and management of the oceans and their resources. In light of the full and repeated explanations of views and positions to which the Con-