

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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A/CONF.62/99

Letter dated 31 March 1980 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 XIII (Summary Records, Plenary, General Committee, First and Third
Committees, as well as Documents of the Conference, Ninth Session)*

tion is that of a clause which will permit the European Economic Community to become a party to the convention.

The inclusion of the clause is necessary not only for the nine member States of the European Economic Community, but also for the other States at the Conference.

On the one hand, in view of the transfer of competences which has occurred, the member States of the Community cannot undertake engagements with respect to third States in relation to matters over which the Community has competence. It is accordingly necessary that these engagements should be undertaken by the Community and this requires that it should become a party to the future convention together with its member States.

On the other hand, the participation of the European Economic Community responds to the need to give third States which ratify the Law of the Sea convention the legal guarantee that they have before them partners capable of honouring in their regard the totality of the obligations envisaged by the convention.

With this in mind, the Community and its member States are prepared, with regard to litigation and application of the dispute settlement procedures to offer arrangements which would ensure to third States that they can in all cases take action against either a member State or the Community, or both, as the case may be.

The responsibility of the Community to apply certain provisions of the convention would leave to the internal Com-

munity law the task of regulating relations between member States on the questions concerned. One must also recognize the mutual granting of national treatment or any other special treatment within the Community: this will be the consequence of the fact that the Community would be a party to the convention.

This seems to be particularly relevant as regards fisheries, a subject over which the European Economic Community exercises competences which entail that it is exclusively entitled to negotiate, to conclude and to apply international agreements.

I shall draw particular attention to the proposal submitted by the nine member States of the Community (see FC/5 of 3 August 1979). This proposal contains a specific clause allowing the Community to become a contracting party to the future Law of the Sea convention on the same level and with the same rights and obligations as States parties within areas where powers have been given to the Community by its member States. I wish to underline, in the name of all nine member States, the great importance which they attach to the insertion of this provision among the final clauses of the convention.

I should be grateful if you could arrange for this letter to be circulated before the end of the current session as an official document of the Conference.

(Signed) N. VARESI
Head of the delegation of Italy
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/99

Letter dated 31 March 1980 from the co-ordinator of the group of Latin American States to the President of the Conference

[Original: Spanish]
[1 April 1980]

I have the honour, in my capacity as Co-ordinator of the group of Latin American States, to inform you that, at the meeting held on 31 March 1980, the group unanimously reiterated its support for the candidature of Jamaica as the seat of the International Sea-bed Authority.

This decision once more confirms the well-known position of the group, communicated to you in the note dated 5 May 1978, in which you were also informed of the group's opposition, for the reasons stated, to any revision of the text that would involve a change in the provisions of article 156, paragraph 3, of the informal composite negotiating text.¹

Furthermore, the position of the group was reaffirmed in the note addressed to you on 23 April 1979² by the then co-ordinator of the group, Mr. de la Guardia, of Argentina.

I should like to request you to have this note reproduced and distributed as an official document of this Conference.

(Signed) C. LUPINACCI (Uruguay)
Co-ordinator of the group of Latin American States
to the Third United Nations Conference
on the Law of the Sea

¹Ibid., vol. VIII (United Nations publication, Sales No. E. 78.V.4).

²Ibid., vol. XI (United Nations publication, Sales No. E.80.V.6).

DOCUMENT A/CONF.62/L.46

Organization of work: note by the President

[Original: English]
[22 February 1980]

1. At its 118th plenary meeting, held on 23 August 1979, the Conference took a decision regarding the organization of work for the ninth session. In adopting a definite time-table divided into four stages, the fourth of which would be the final stage, the Conference took into consideration the need for concluding a convention during its ninth session in 1980 as, in the absence of such a programme which the Conference would accept as binding on it, there would be a very serious risk of final decisions being deferred in the belief that more time would be available.

2. As noted in paragraph 9 of the report of the General Committee¹ as submitted to and approved by the Conference at its 118th meeting the Conference concurred in the proposal that the Conference must impose a discipline on itself and agree at the expiry of each stage indicated in the time-table to proceed to the next stage without modifications that would

¹Ibid., vol. XII (United Nations publication, Sales No. E.80.V.12), document A/CONF.62/88.