

Third United Nations Conference on the Law of the Sea

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A/CONF.62/SR.124

124th Plenary meeting

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)*

123rd meeting

Monday, 24 March 1980, at 11.55 a.m.

President: Mr. H. S. AMERASINGHE

Organization of work

1. The PRESIDENT said that, at its 52nd meeting, the General Committee had decided to recommend that the first stage of the programme of work for the ninth session should be extended up to and include 26 March, that the General Committee should meet again on 27 March, and that, unless the General Committee recommended and the Conference approved further modifications, the second stage, consisting of statements by delegations concerning the changes proposed to the revision of the informal composite negotiating text (A/CONF.62/WP.10/Rev.1), would commence on the morning of 28 March.
2. Mr. WARIOBA (United Republic of Tanzania) expressed doubt as to whether the negotiations at the committee level

could be completed during the proposed extension of the first stage and inquired how work would be conducted during that period.

3. The PRESIDENT said that the chairmen would convene their respective committees, receive the reports of all negotiating groups and other groups working within the framework of those committees, and then submit those reports for discussion in plenary meeting.

4. If he heard no objection, he took it that the Conference wished to adopt the procedure recommended by the General Committee.

It was so decided.

The meeting rose at 12.05 p.m.

124th meeting

Thursday, 27 March 1980, at 11.55 a.m.

President: Mr. H. S. AMERASINGHE

Organization of work

1. The PRESIDENT said that, at its 53rd meeting, the General Committee had decided to recommend that the first stage of the programme of work should be extended a few days. Negotiations in the negotiating groups would continue until the evening of 28 March, by which time the Second and Third Committees would have met. The first stage would end on 31 March with meetings of the regional groups, the Group of 77 and the First Committee. Any other interest groups wishing to meet that day would be serviced wherever possible. The second stage of the programme of work would begin on 1 April with a general discussion, which would end the following day to enable the Conference to achieve its main objective for the current session, namely, a second revision of the informal composite negotiating text. Delegations wishing to comment on the revisions must do so in accordance with the criteria set forth in paragraph 10 of document A/CONF.62/62.¹ The General Committee also recommended that statements in the general discussion should be limited to 10 minutes each. If the proposed time-table could not be adhered to, the General Committee would have to meet again on 31 March. The General Committee has also agreed that, when the session resumed in Geneva, the first item to be dealt with would be the general debate.
2. Finally, one delegation had asked whether delegations could present written statements. Although such statements had been envisaged as supplements to oral statements, the General Committee had decided to raise no objection to such a procedure provided that the statements dealt only with the present stage of the programme of work.
3. Mr. DREHER (Federal Republic of Germany) said it was his understanding that, while written statements would be expected to relate to the present stage of the programme of work,

that did not exclude the possibility that delegations might raise matters of a rather broader nature.

4. The PRESIDENT said that it was up to delegations to decide what they included in their statements.

5. Mr. ARIAS SCHREIBER (Peru) asked whether the second revision of the negotiating text was expected to be ready before delegations left New York or whether it would be mailed to them.

6. The PRESIDENT said that the collegium was scheduled to meet the following Thursday, and delegations would be able to take the revised text with them when they left.

7. Mr. BRECKENRIDGE (Sri Lanka), supported by Mr. ENGO (United Republic of Cameroon), Mr. WARIOBA (United Republic of Tanzania), Mr. TUBMAN (Liberia), Mr. ADIO (Nigeria), and Mr. GHELLALI (Libyan Arab Jamahiriya), expressed slight concern that the time-table outlined by the President might be a little too tight. Delegations should be given time to study the documents reflecting the results of the negotiations before the discussion in plenary meeting. He suggested that the meeting of the First Committee might be held the following Tuesday.

8. Mr. ZULETA (Special Representative of the Secretary-General) said that a substantial number of the documents were already being processed. It was his understanding that the documents prepared by the First Committee would be ready for processing later in the day; the Secretariat hoped to issue them on 28 or 29 March.

9. Mr. ZEGERS (Chile), supported by Mr. de LACHARRIÈRE (France) and Mr. RICHARDSON (United States of America), drew attention to the need to ensure that sufficient time was left after the discussions in plenary meeting to produce a second revision of the negotiating text.

10. After a procedural discussion, the PRESIDENT suggested that the Conference should decide to allow negotiations in the groups to continue on Monday, that the First Committee should meet on Tuesday morning and that the plenary Conference should meet either on Tuesday afternoon or on Wed-

¹See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. X (United Nations publication, Sales No. E. 79. V. 4).

nesday morning, depending on whether or not the First Committee had completed its work. The Conference should agree to the recommendation of the Special Committee that statements in the plenary discussion should be limited to 10 minutes each and that the resumed session in Geneva should start with the general debate.

11. If he heard no objection, he would take it that the Conference agreed to those suggestions.

It was so decided.

The meeting rose at 12.45 p.m.

125th meeting

Wednesday, 2 April 1980, at 11.15 a.m.

President: Mr. H. S. AMERASINGHE

Tribute to the memory of Mr. Ton Duc Thang, President of the Socialist Republic of Viet Nam

On the proposal of the President, the representatives observed a minute of silence in tribute to the memory of Mr. Ton Duc Thang, President of the Socialist Republic of Viet Nam.

Organization of work

1. The PRESIDENT suggested that the list of speakers should be closed at 4 p.m. that afternoon.

It was so decided.

Report of the First Committee

2. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, made a statement reporting on the work of that Committee (see A/CONF.62/L.54).

Statements on the second revision of the informal composite negotiating text

3. Mr. ARIAS SCHREIBER (Peru) said that the decision to restrict the general discussion to comments on the formulas resulting from negotiations in the first part of the session and to impose a time-limit of 10 minutes on statements prevented his delegation from expressing its views on questions which, in its opinion, were of equal or greater importance and which had not been satisfactorily resolved. It regretted the fact that the informal text was again to be revised without any documented evaluation of the "package agreement". The informality of the negotiations on substantive articles, in which there was no record of delegations' arguments, had prevented reasoned consideration of the problems involved and of alternative solutions, while the submission of partial amendments, with brief comments, did little to remedy the situation. All those factors conspired against proper interpretation of the provisions of the convention, and a repetition of the situation should be avoided in the future.

4. He congratulated the President on the new text proposed for the preamble to the convention (A/CONF.62/L.49) and suggested that the text could be further improved by deleting from the first paragraph the words "as an important contribution to the maintenance of peace, justice and progress for all the peoples of the world", since the concept was restated in the seventh paragraph, and by replacing, in the sixth paragraph, the word "develop" by, possibly, the words "incorporate and put into practice". His delegation would be opposed to the use of the words "give effect", since, as was well known, the principles in question had had full legal effect since their adoption by consensus in 1970.

5. With regard to the proposal made by 10 delegations on the peaceful uses of the seas, referred to in paragraph 1 of document A/CONF.62/L.53, he expressed the hope that the consultations suggested by the President would make it possible to arrive at a consensus on the inclusion of the article in question in the text and that a decision of the Conference

would not have to be sought through recourse to the rules of procedure. It would be disconcerting for world public opinion to learn that certain Governments were refusing to honour one of the basic principles of the Charter of the United Nations and were opposed to the inclusion in the convention on the law of the sea of the obligation of all States to refrain from the threat or use of force against the territorial integrity or political independence of any State.

6. He thanked the Chairman of the Second Committee for giving delegations the opportunity to consider new proposals for amendments to articles which were still giving rise to difficulties. He expressed regret that in that Committee there had not been the time, the will or the procedure necessary to enable efforts to be made to resolve other differences through counter-proposals and compromise formulas: his delegation regretted the lack of a spirit of negotiation shown by certain delegations in their refusal to discuss issues which they incorrectly supposed to have been resolved, despite the objections of other delegations. That revealed a discriminatory interpretation of what was understood by promoting consensus, and, if the situation was not remedied with respect for the principle of the equality of States, it would be necessary to have recourse to the rules of procedure, which would involve a more serious threat to the success of the Conference. Those comments aside, his delegation was in agreement with the recommendations contained in the report of the Chairman of the Second Committee (A/CONF.62/L.51) and was particularly pleased to support the formula proposed for article 65 concerning the protection of marine mammals.

7. He congratulated the Chairman of the Third Committee on having completed the negotiations on marine scientific research (see A/CONF.62/L.50). His delegation was prepared to accept the amendments within a compromise agreement covering other parts of the text. It retained its objection to the title of article 254, believing that what was at issue was not the rights of States but rather an obligation on the part of States and international organizations which were proposing to conduct scientific research, namely the obligation to inform the States in question of projects and to permit their participation when feasible in accordance with the conditions agreed upon with the respective coastal State, which was the only one entitled to authorize such activities. Consequently, the title of the article should begin with the word "Participation". Furthermore, his delegation found the concept of "geographically disadvantaged States" unacceptable for reasons which it had previously explained, and it believed that the phrase should be replaced by the formula agreed upon in negotiations in the Second Committee, namely "States with special geographical characteristics".

8. He expressed his delegation's appreciation of the report of the Chairman of the group of legal experts on final clauses (FC/20) and of the Chairman's personal recommendations. On the whole, they offered a good basis for continuing and finalizing negotiations.