

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/WS/2

Statement by the delegation of Romania dated 2 April 1980

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)*

12. The delegation of Paraguay considers the matter to be of the utmost importance and therefore requests the General Committee to take the necessary steps to ensure that the same thing will not happen at the resumption of this session.

13. It is the understanding of the delegation of Paraguay that the Conference operates on the principle that full consideration will be given to every proposal and that none will be put aside under the pretext of new procedures or the existence of other priorities.

14. In conclusion, the delegation of Paraguay wishes to recall that the purpose of this international gathering is to enact laws for the future. Its outcome, everyone hopes, will radically change the course of development of many of the institutions of international law. Therefore, let us not permit ourselves to be swept along by haste or by drastic decisions which our generation and, in particular, future generations may have reason to regret.

DOCUMENT A/CONF.62/WS/2*

Statement by the delegation of Romania dated 2 April 1980

[Original: English]
[10 April 1980]

1. With regard to the negotiations and the reports submitted at the end of the first part of the ninth session of the Third United Nations Conference on the Law of the Sea, the Romanian delegation would like to reaffirm its position concerning the particular importance of the Conference for the establishment of a new type of relations among States in this field. Such relations should reflect the increasing role of seas and oceans in the economies of all countries and in particular the developing ones. At the same time, they should contribute to a genuine solution of some fundamental problems of the world economy, namely to the establishment of a new political and economic order. The future convention should create better conditions for the development of all countries and a better climate of understanding and co-operation among all peoples, in the interest of world peace and security.

2. In our epoch, when an increasing number of States consider the utilization of the marine resources as being of paramount importance in their development strategies, Romania—a socialist and developing country—has an experience of its own in this area. Romania has made great economic efforts to develop a fishing fleet and technological and scientific capacities for the exploitation of marine resources; it actively participates in international co-operation in this field.

3. In the light of the above-mentioned principles and realities, Romania, together with other States, has acted to ensure that the provisions of the future convention on the law of the sea will be based on the fundamental principles of international law and, in particular, on the strict observance of national sovereignty of all countries, the equal rights of access in equitable terms to marine resources and the right to participate in the activities relating to the rational use of the ocean space. At the same time, Romania has insisted that the principles of common heritage of mankind—recognized for the seabed area beyond national jurisdiction—should be fully and correctly reflected in the provisions concerning the system of exploration and exploitation of those resources. These principles should also be reflected in democratic institutional arrangements which should ensure the participation of all States in the new organization to be established for promoting international co-operation in this area.

4. We have constantly proceeded from the need to use the seas and ocean space exclusively for peaceful purposes and thus to contribute to rapprochement among peoples providing in such a way a wide area for co-operation among all countries to the benefit of development and prosperity of the whole world.

5. From the point of view of these requirements, the results of the present session of the Conference, as reflected in the reports submitted to the plenary, mark a certain progress as they shape a wide framework of rules which should govern international maritime relations. At the same time, one cannot ignore the fact that not all the basic objectives and principles which we have referred to are fully and correctly reflected in

the reports. Moreover, these principles have not been entirely followed even in the process of negotiations. The reports do not take into account, in an appropriate manner, certain vital interests of States in this respect and the diversity of situations of various countries, as evident from the negotiations.

6. This does not conform, obviously, either with the principles of consensus which were accepted by the Conference as a basic norm for the elaboration and adoption of decisions, or with the unanimously accepted rule of solving the main issues before the Conference as a package deal. There should be a reasonable balance of rights and obligations of all parties to the future convention. The present negotiating text does not reflect fully this requirement and the negotiations at this session failed to ensure such a balance.

7. Under these circumstances, the Romanian delegation is of the opinion that, in regard to a series of problems, the reports are not satisfactory because they do not reflect appropriately the proposals made during the session relating to vital interests of certain States. This is even more regrettable as a number of countries spoke in support of such proposals. New efforts aimed at finding generally acceptable solutions are needed. We refer particularly to the access of geographically disadvantaged States and of countries situated in regions or subregions poor in biological resources, to fisheries in the economic zones, to the delimitation of the maritime spaces between States, to innocent passage through the territorial sea, to the outer limit of the continental shelf and certain aspects relating to the final clauses.

(a) We believe that the right of access to the living resources of the geographically disadvantaged States situated in the regions or subregions poor in biological resources is not reflected in an appropriate manner in the revised informal composite negotiating text, namely in article 70 (A/CONF.62/WP.10/Rev.1). That is why my delegation made several proposals during the last sessions in order to find a generally acceptable formula. As it is shown in the report of the Chairman of the Second Committee (A/CONF.62/L.51), the Romanian delegation proposed a new paragraph 1 *bis* in article 70, which reads as follows:

“If the region or subregion where States with special geographical characteristics are situated is poor in living resources, the rights of those States under paragraph 1 shall apply to the neighbouring regions or subregions.” (C.2/ Informal Meeting/51.)

This amendment was supported by an important number of delegations, which proves that new efforts are necessary in order to elaborate a just and equitable solution to this matter. Pending the settlement of this question, my delegation considers that there is no consensus on provisions concerning fisheries.

*Incorporating document A/CONF.62/WS/2/Corr.1 of 19 May 1980.

(b) With regard to the question of delimitation, my delegation firmly believes that the basic element in this field should be the agreement between interested States and equitable principles, by taking into account all relevant factors. The islets that are uninhabited and without their own economic life should not have negative effects vis-à-vis the maritime spaces which belong to the main coasts of the respective States. Pending an agreement between States concerned, the parties shall not take any unilateral measures which jeopardize or hamper the reaching of the final agreement. The present revised negotiating text, concerning the settlement of disputes resulting from delimitation is unacceptable to my delegation. We can go along with the proposals of the Chairman of negotiating group 7 and we can accept compulsory conciliation (See A/CONF.62/L.47).

(c) We have to reaffirm our well-known position that innocent passage through the territorial sea of foreign warships must be submitted to the prior authorization of or notification to the coastal State. In this respect we should remember that a proposal was made during the present session to this effect, which has had widespread support in the Second Committee. Such a provision is based on present international law, the long practice of States and on national legislations, including my own country's laws. It is understood that such a provision cannot affect navigation through international straits. It is our conviction that all these proposals will be reflected in an objective manner in the second revision of the negotiating text.

(d) Regarding the outer limit of the continental shelf, we do not see sufficient support either for the provisions of the negotiating text, or for the new amendments made to article 76 during this session. We consider that the extension of the continental shelf beyond the 200 miles—provided in those texts—is

excessive. It affects considerably the common heritage of mankind and the sharing revenues do not compensate the large losses suffered by the international community as a whole.

8. We believe that in the elaboration of the second revision of the negotiating text, the above-mentioned considerations should be taken into account with the attention they surely deserve.

9. As is well known, consensus means the achievement of generally acceptable solutions through equal participation of all States and duly taking into consideration their positions and interests. The positions and interests of each country should be fully respected on the basis of the principles of sovereign equality, which is applicable to all participants irrespective of the size and the technological and economic capacities of their countries.

10. In spite of the late stage of our negotiations, there are some other important political, legal and practical issues which have not been thoroughly discussed in all their aspects; we are referring to the preamble and the final clauses.

11. It is our firm conviction that at the resumed session at Geneva we shall have appropriate conditions for a profound and complete examination of these questions, so that a harmonious convention—governed by clear principles conforming with the new principles of international relations and especially with the objectives of a new international economic order—can be adopted.

12. My delegation is fully prepared to make any necessary efforts in order to reach an agreement on all still controversial issues and we hope that the other delegations will proceed in the same manner, in a spirit of genuine co-operation and understanding.

DOCUMENT A/CONF.62/WS/3

Statement by the delegation of Mongolia dated 3 April 1980

[Original: English]
[10 April 1980]

1. My delegation joins other delegations in expressing its appreciation to the President of the Conference and the Chairmen of the three committees, negotiating groups and groups of legal experts for the fruitful work that you, as a team, have undertaken during the last two years and which has found its due reflection in the reports presented.

2. In the view of my delegation, the work of this part of the ninth session of the Conference was productive. Most of the complicated issues were considered and successfully solved, and the Conference, in general, moved closer toward the final drafting of a global and comprehensive convention on the law of the sea. It should be noted that considerable progress has been made especially in the Second and Third Committees.

3. The preamble of the future convention was discussed in several meetings of the informal plenary and the text that emerged, as presented by the President (A/CONF.62/L.49), is acceptable to our delegation. It is neither too long nor too short, non-controversial and non-polemical, and, what is most important, it emphasizes that the convention shall be of historic significance and an important contribution to the maintenance of peace, justice and progress for all the peoples of the world. We are also pleased to note that the preamble expressly notes that the problems of ocean space are closely interrelated and need to be considered as a whole.

4. The questions of the First Committee were thoroughly discussed and progress was made towards arriving at a mutually acceptable text for further negotiations in the field of transfer of technology, financing of the Enterprise etc. The anti-monopoly clause in paragraph 3 (d) of article 6 in annex II could be acceptable to my delegation if its provisions would

equally be applicable both to reserved as well as non-reserved areas.

5. The most difficult question yet to be resolved within the First Committee, and in fact within the Conference, is the question of decision-making in the Council. It is a very sensitive political and legal issue with far-reaching implications, the outcome of which, as was rightly mentioned, will in fact determine whether the Council shall be an effective instrument of co-operation of States or an instrument of discrimination, permitting one group of States to impose its views on others. Its immediate outcome, no doubt, would have direct impact on all major issues of the Conference, including composition of the Council, competence and balance of power between the Assembly and the Council, etc.

6. My delegation agrees with paragraph 14 of part IV of the report of the co-ordinators to the First Committee (A/CONF.62/C.1/L.27 and Add.1), which points out that broadly speaking the four elements which, during negotiations, appeared to commend consensus were the necessity for attaining consensus or decisions, an over-all majority, a protective blocking minority for interest groupings, and protective blocking by geographical regions—i.e. ensuring that no decisions will be taken which are opposed by the totality of any given region.

7. Bearing all these elements in mind, my delegation, together with some other delegations, has worked out a compromise formula and presented it orally to the First Committee. It is based on the well-established international practice in decision-making and at the same time takes into account the specifics of the Conference and the issues involved. Thus we