

# **Third United Nations Conference on the Law of the Sea**

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Document:-

**A/CONF.62/WS/7**

## **Statement by the delegation of Bahrain dated 4 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)*

they must be readjusted from time to time, without altering the principles on which they are based. Hence our insistence on the need for provisions for monitoring the application of the convention and on the desirability of including in the text suitable procedures for revising its provisions.

22. On the other hand, our job would be only half done if, after defining the rights of States in the different categories of ocean space, we did nothing to provide the essential means to ensure the exercise of those rights as an instrument for promoting the development and well-being of peoples. This is particularly important in the case of the third world countries, which are often rich in marine resources but poor in financial, scientific and technological resources. We must begin now to think about helping States to develop their own capacities, starting with marine scientific research, without which there would be no basis for even the transfer of technology. Let us, therefore, look forward and strengthen international co-operation both under the auspices of the United Nations and

of regional and subregional organizations and through multilateral and bilateral programmes. That is a challenge which justifies our efforts to promote the utilization of the seas and oceans for the benefit of future generations.

23. In putting forward these ideas, the Peruvian delegation wishes to state once again, as it did in the formal debate in the plenary Conference, that its remarks should on no account be taken to imply acceptance of the revised negotiating text. Peru's final decision in that regard will have to be taken by a new Government. If that decision is affirmative and the Conference goes on to adopt the draft convention, the latter will have to be submitted to the competent national bodies and the proper domestic procedures will have to be completed in order for it to be approved and ratified. In the meantime, we hope that other Governments will reflect on the problems we have outlined and that at the forthcoming session, at Geneva, an agreement can be reached that will ensure the universality of the future convention.

## DOCUMENT A/CONF.62/WS/7

### Statement by the delegation of Bahrain dated 4 April 1980

[Original: Arabic]  
[10 April 1980]

1. Like other delegations to the Third United Nations Conference on the Law of the Sea, the delegation of Bahrain wishes to record its observations and reservations regarding the reports submitted by the Committees.

2. My delegation supports the positions adopted by the developing countries with regard to matters examined by the First Committee and, in particular, supports the retention of the text of article 155, paragraph 6, regarding the moratorium on exploitation operations, as it appears in the revised informal composite negotiating text (A/CONF.62/WP.10/Rev.1), without replacing it with paragraph 5 of this article, as mentioned in the amendment contained in the annex to the report on the system of exploration and exploitation (see A/CONF.62/C.1/L.27, part II).

3. We also support the retention of the texts requested by the developing countries in article 5 of annex II concerning the transfer of technology. At this stage, however, my delegation has no comments to make on the report on financial arrangements (*ibid.*, part III) since the matters dealt with in that report are purely technical and, as such, must be referred to specialists.

4. With regard to the report on the Assembly and the Council (*ibid.*, part IV), we also support the positions adopted by the developing countries in connexion with the balanced distribution of powers among the organs of the Authority and, in particular, in connexion with voting in the Council, which we believe should take its decisions by a two-thirds rather than a three-fourths majority of the members present, as indicated in paragraph 7 of article 161 of this report.

5. In general, we have no objection to the report on the settlement of disputes (*ibid.*, part V) and hope that a consensus will be reached with a view to facilitating the work of the Conference.

6. My delegation's comments on the report submitted by the Chairman of the Second Committee (A/CONF.62/L.51), can be summarized as follows.

7. We support the position of the Arab States on the definition of the continental shelf as explained to the Conference by the representative of Iraq. In our opinion, the current provisions laid down in article 76, paragraph 5 and article 82 of both the revised informal negotiating text and the report of the Second Committee are complicated, unclear and generally unsatisfactory.

8. With regard to article 76, paragraph 5, we believe that distance should be the sole principle adopted and that the criterion of depth should be totally disregarded in view of its vagueness, the difficulty of its application and the adverse repercussions which it would have on the principle of the common heritage of mankind, since it would result in an undesirable expansion on the part of the coastal States at the expense of the area.

9. With regard to the definition of submarine ridges in article 76, paragraphs 3 and 6, as set forth in the report of the Chairman of the Second Committee, we do not agree with the amendments submitted in connexion with these submarine ridges since they remain vague and do not provide an acceptable legal definition in answer to all the questions raised by delegations.

10. Furthermore, we do not, in general, agree with some of the provisions in the report regarding the commission on the limits of the continental shelf, particularly in connexion with the functions and membership of this Commission. My delegation has already explained its viewpoint in this respect on a previous occasion.

11. We object to the provisions of article 82 concerning payments and contributions with respect to the exploitation of the continental shelf beyond 200 miles since, in our opinion, the payment rates specified in this article should be fully revised in such a way as to increase them in favour of the other States adversely affected as a result of this expansion of the continental shelf beyond 200 miles. We also believe that the text of this article should be amended in such a way as to delete the reference to exemptions during the first five years.

12. With regard to the rights of geographically disadvantaged States, my delegation has objections to the provisions of article 70 as it appears in the revised negotiating text since we support the positions of the geographically disadvantaged States with regard to the legal status of the exclusive economic zone and the rights of these States to an equitable share in the living resources of this zone. We would like to emphasize what we have repeatedly made statements on at this Conference regarding the need to agree on a precise definition of the "geographically disadvantaged States" which would take into consideration the economic interests of coastal States whose special geographical characteristics deprive them of adequate economic zones, in contrast to other coastal States which possess such exclusive economic zones. In our opinion, therefore,

the “geographically disadvantaged States” should be precisely defined and the heading of article 70 should be changed in the light of this definition.

13. We are also of the opinion that the word “surplus” should be deleted and that the phrase “nutritional needs of the populations” in article 70 should be replaced by a more meaningful phrase such as “the economic or developmental needs of the populations”.

14. Since articles 61 and 62 of the revised negotiating text also have a bearing on this subject, my delegation believes that the strict provisions of these two articles should be mitigated in the case of fishing vessels belonging to the geographically disadvantaged States which also take part in fishing in the exclusive economic zone.

15. As regards the report of the Chairman of the Third Committee (A/CONF.62/L.50), the delegation of Bahrain is in favour of the deletion of article 246, paragraph 4, which refers to the possibility of the existence of “normal circumstances” despite the absence of diplomatic relations. We believe that this additional paragraph in the report is an unnecessary explanation of the phrase “normal circumstances” contained in paragraph 3 of the article.

16. We also support the position adopted by the geographically disadvantaged States with regard to the proposed

amendments to the text of article 254 and are in favour of the retention of this article as it appears in the revised negotiating text.

17. With regard to the question of the settlement of disputes concerning sea boundary delimitations between adjacent or opposite States, we are in favour of retaining the text of paragraph 1 (a) of article 298 as it appears in the revised negotiating text. We see no need for the insertion in this article of the amendment proposed in the report of the Chairman on the work of negotiating group 7 (A/CONF.62/L.47).

18. Concerning the report of the Chairman of the group of legal experts on final clauses (FC/16);<sup>2</sup> the delegation of Bahrain believes that the report’s recommendations concerning the general prohibition of reservations on the provisions of the Convention should be reviewed.

19. We are in agreement with the final version of the draft preamble (See A/CONF.62/L.49) which was generally accepted by the developing countries.

20. These are the principal observations of my delegation on the reports and on the revised informal composite negotiating text.

<sup>2</sup>See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XII, document A/CONF.62/91.

#### DOCUMENT A/CONF.62/WS/8

Statement by the delegation of Guatemala dated 3 April 1980

[Original: Spanish]  
[14 May 1980]

1. The delegation of Guatemala wishes to place on record its deep appreciation to the President of the Conference, to the Chairmen of the First, Second and Third Committees, and to the Chairmen of the various working groups, whose unremitting efforts have enabled positive steps to be taken towards agreement on and the solution of the complex issues which are still pending and which have been an obstacle to the consensus necessary for agreement on and the institution of the new international law of the sea, which will undoubtedly be a mainstay of the new economic order so urgently sought by all peoples of the world.

2. We recognize that significant progress has been made at this session of the Conference in various areas, although in some cases the amendments were not unanimously accepted. They did, however, receive substantial support, and this affords a better basis for continued negotiations on what was, before the beginning of this session, the informal composite negotiating text. Those amendments should therefore be included in the text.

3. My delegation definitely agrees that the presidential team should, before the end of this session, complete the second revision of the negotiating text, so as to give Governments an opportunity to examine the exact status of the Conference and consider the areas of agreement and disagreement before deciding on their contributions to conciliation and compromise at the Geneva session. We believe that the scope of the negotiations will then have to be further broadened, for many delegations at the New York session have been left with the impression that the negotiations have been taking place in very small and select circles, which has made it difficult to secure greater support for the proposals.

4. For these reasons, the second revision of the text will be very useful, even if its provisions are not binding on delegations, because of the lack of agreement.

5. My delegation supports the inclusion in the text of all those amendments which obtained the substantial support of a majority of delegations. In particular, we strongly support the

proposals submitted by the contact group, chaired so efficiently by Mr. de Soto, and those submitted by the Group of 77 as a whole—of which we are a member—and ratified by its Chairman, the representative of Uganda.

6. In the short time available, we wish to make the following main points concerning the problems still pending.

7. The preamble has noticeably been improved, thanks to the proposal made by the President of the Conference, and is now acceptable to my delegation with any amendments which may be appropriate or necessary to express the philosophical and teleological purposes and principles which the Convention is designed to uphold.

8. Progress has also been made in connexion with the final clauses, which are on the whole acceptable, although we have some reservations with regard to the provisions on entry into force and on reservations.

9. With regard to the First Committee, we understand the complexity of the problems involved, which arise from the differences between the highly industrialized Powers with great technological capabilities, on the one hand, and the developing States, on the other. We appreciate the efforts made by working groups 1, 2 and 3, and the constructive proposals made by their Chairmen. In particular, we wish to state our preference for a definition of boundaries that would provide for a balance between land and sea mining. We therefore view with satisfaction the proposal by the Chairman of the First Committee, which can serve as a basis for future negotiations.

10. We believe that the convention on the law of the sea will be a multilateral treaty giving rise to international rights and obligations. We therefore consider that only sovereign States can be parties to it, although the interests and needs of peoples who have not yet achieved independence should be taken into account.

11. We agree, in principle, with the proposed revision and with the chapter on the compulsory transfer of technology under article 5.