

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

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

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## **143<sup>rd</sup> Plenary meeting**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XV (Summary Records, Plenary, General Committee and First Committee, as well as Documents of the Conference, Tenth and Resumed Tenth Sessions)*

## 143rd meeting

Friday, 13 March 1981, at 5.10 p.m.

*Temporary President:* the Secretary-General

*President:* Mr. T. T. B. KOH (Singapore)

### Election of the President

1. The TEMPORARY PRESIDENT said that, having consulted all the regional groups, he had been informed that there was general agreement to elect Mr. T. T. B. Koh of Singapore President of the Conference.

*Mr. Koh (Singapore) was elected President by acclamation.*

*Mr. Koh (Singapore) took the Chair.*

2. The PRESIDENT expressed his gratitude to the group of Asian States for nominating him and to all delegations for electing him President of the Conference. He thanked Mr. Nandan of Fiji and Mr. Pinto of Sri Lanka for withdrawing their candidatures in his favour. They were both outstanding colleagues who had made valuable contributions to the work of the Conference. Mr. Pinto had been at an earlier stage an extremely constructive and successful chairman of the negotiating group on First Committee matters and had also been an eloquent spokesman and effective negotiator for the Group of 77. Mr. Nandan, whose contributions to the Conference spanned a very broad spectrum of questions and issues, had played a pivotal role in the negotiations on the question of straits used for international navigation and the question of archipelagic States. As chairman of negotiating group 4 on the relationship between coastal States, on the one hand, and land-locked and geographically disadvantaged States, on the other hand, he had successfully resolved the dispute between those two groups of States concerning the living resources of the exclusive economic zone. In the past two years he had been helping the Chairman of the First Committee to find an acceptable compromise on the production policy of the international sea-bed Authority and related issues.

3. He thanked the Secretary-General for the very keen interest which he had shown in the work of the Conference and the quiet but helpful role which he had always played, behind the scenes, whenever the Conference had run into trouble. In his report on the work of the Organization of 10 September 1980, he had described the monumental negotiation to draft a constitution for the seas as one of the most significant achievements in international relations since the United Nations Charter. He agreed completely with that observation, and also with the Secretary-General's comment that the method of work of the Conference—i.e., the process of negotiations leading to consensus—signalled a striking victory for the rule of law and the rule of reason. The Secretary-General had also observed that the Conference "disposes of the idea that the United Nations cannot be used as an effective negotiating body and that it is impossible to negotiate on complex matters in large groups of Governments . . . Quite apart from the achievement of the specific objectives of the Conference on the Law of the Sea, I attach the highest importance to the impact which its success may have had in strengthening the role of the United Nations in finding viable solutions to global issues."<sup>1</sup> He and his colleagues would find inspiration in the

Secretary-General's words and would endeavour to do their best to bring the Conference to a successful conclusion in 1981.

4. He would also like to pay a sincere tribute to the first President of the Conference, Mr. Hamilton Shirley Amerasinghe, not out of concern for ritual but because he had loved him as a brother. He counted himself one of a small band of his faithful friends who had worked very closely with him for many years. The Conference owed Mr. Amerasinghe a profound debt of gratitude. His first major contribution had been in the difficult negotiations leading to the adoption of the Conference's rules and procedures. The question had been by what rule the substantive decisions of the Conference would be reached. Since some of those decisions had impinged critically upon the security, communication, economic, environmental and other important interests of States, the usual rules of decision-making, by themselves, had been found to be inadequate. The Conference had eventually adopted a rule proposed by its former President containing what had come to be known as the "gentleman's agreement". That rule implied that the Conference would endeavour to adopt all its substantive decisions by consensus. If, however, all efforts to achieve consensus should fail, the Conference would observe a cooling-off period before resorting to voting. The remarkable result of that procedural innovation was that the Conference had so far been successful in agreeing to more than 300 articles and 8 annexes of the draft convention without resorting to voting.

5. The second major area of Mr. Amerasinghe's contribution to the Conference had been in dispute settlement. If an international treaty granted rights to and imposed duties on States, the question by what procedure disputes arising between States, under the treaty, would be resolved was both important and difficult. The question was critical under the present draft convention because of the importance of the interests involved and because the rights and duties of States were so delicately balanced in many of its provisions. Mr. Amerasinghe had succeeded in negotiating a text on dispute settlement which enjoyed widespread support in the Conference. It would certainly constitute one of the most important aspects of the convention.

6. The third and perhaps most important area of Mr. Amerasinghe's contribution had been his charismatic personality and strong leadership. He had presided over the Conference with efficiency and firmness, but also with charm and wit. His good humour, cheerful disposition and optimistic philosophy had been infectious. He had been not only a brilliant intellect but also a warm, loving, vital and compassionate man with very broad interests.

7. Certain developments which had taken place in the past two weeks had threatened to dissipate the optimism and interrupt the momentum generated by the last session and the years of hard work leading up to it. The Conference must arrest that process and pick up the work which remained to be done from where it had been left off. An endeavour must be made to negotiate and to resolve the outstanding issues before the Conference. He called upon all delegations, without exception, to join in collective efforts to conclude and adopt a generally acceptable convention in 1981.

*The meeting rose at 5.25 p.m.*

<sup>1</sup> See *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 1 (A/35/1), Sect. XI.*