

Third United Nations Conference on the Law of the Sea

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144th Plenary meeting

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144th meeting

Tuesday, 17 March 1981, at 10.50 a.m.

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

Tribute to the memory of Mr. Hamilton Shirley Amerasinghe, first President of the Third United Nations Conference on the Law of the Sea

1. Mr. TUBMAN (Liberia), speaking on behalf of the group of African States said that the greatest tribute to the memory of Mr. Amerasinghe would be the completion of the work of the Conference by the adoption of the convention in 1981. Many of those participating in the work of the Conference had worked closely with Mr. Amerasinghe and had considered him a friend. He recalled the break-through agreement in 1973 on the list of subjects and issues to be elaborated in a new comprehensive convention and the inauguration of the Conference under the brilliant leadership of Mr. Amerasinghe. During all those years Mr. Amerasinghe had most ably presided over some of the most arduous and complex negotiations ever undertaken under the auspices of the United Nations. Both as President of the General Assembly and as President of the Conference on the law of the sea Mr. Amerasinghe had served with great objectivity, singleness of purpose, straightforwardness and unflinching dedication. He had never hesitated to call to order representatives of even the most powerful States when he considered such action appropriate. He could be both firm and flexible. He had known when it was necessary to move forward and when more time was needed to reach agreement. The tragedy of his death was all the more poignant at a time when the Conference had to face new and unexpected obstacles. Under such trying circumstances, the participants in the Conference must display the faith and vision which had always characterized Mr. Amerasinghe. The law of the sea negotiations were taking place in an era of great technological development and at a time when the fates of all peoples were closely bound together. Yet the generation which had grown up since the United Nations had been established to save succeeding generations from the scourge of war had witnessed the almost ceaseless occurrence of regional wars and an arms race capable of destroying all of human life. In spite of scientific and technological advances, the plight of countless millions throughout the world, particularly in the developing countries, continued to worsen. For many developing countries, the progress achieved in the negotiations on the law of the sea had appeared to offer the first glimmer of hope on an otherwise gloomy international horizon. Inspired and led by Mr. Amerasinghe, those countries had persisted in the negotiations, despite the sacrifices they had to make, in the belief that human reason could triumph over human greed. The entire international community, including the developed countries whose private companies had made large financial investments in sea-bed activities and whose able, enlightened spokesmen had negotiated in good faith over many years, deserved the credit for the progress made in the negotiations. The convention on the law of the sea was of great importance and could have far-reaching effects on the future of all nations. The successful conclusion of the Conference in 1981, in accordance with Mr. Amerasinghe's final wish, would be a monumental achievement which would open prospects for further breakthroughs in other areas of international relations.

2. Mr. ABAD SANTOS (Philippines), speaking on behalf of the group of Asian States, said that the work accomplished by Mr. Amerasinghe in the development of a new international legal order in respect of the sea beyond the limits of national jurisdiction was an eloquent tribute to his memory. At Geneva, as Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Juris-

diction, Mr. Amerasinghe had stood out among all other delegates because of his dignified bearing, his wisdom, his gentle sense of humour and his firmness when appropriate. He had guided the work of the sea-bed committee so well that when the Third United Nations Conference had been convened in 1973, there had been no doubt that he should be the President of the Conference. The unprecedented decision in 1978 that Mr. Amerasinghe should continue as President of the Conference even though he was no longer a member of the delegation of Sri Lanka had been a tribute to his great qualities as a leader. The group of Asian States felt his loss especially keenly, since Mr. Amerasinghe had come from that part of the world. He expressed the hope that, in accordance with the wish of Mr. Amerasinghe, the Conference would conclude its negotiations during the current session and that the convention on the law of the sea would be signed later in the year.

3. Mr. YANKOV (Bulgaria), speaking on behalf of the group of Eastern European States, paid tribute to Mr. Amerasinghe's valuable contribution to the efforts of the United Nations to bring about a new international legal order governing the world's oceans. Although Mr. Amerasinghe had played leading roles in a number of United Nations organs, including that of President of the General Assembly at its thirty-first session, his major contribution, in terms both of long-standing service and of remarkable accomplishments, had been associated with the law of the sea. As President of the Conference since its inception in 1973, he had made a very substantial contribution to the elaboration and adoption by consensus of the rules of procedure, which were themselves based on the principle of consensus. All delegations had admired his perseverance, resourcefulness, energy and inventiveness in searching for compromise solutions to key problems in order to reconcile the differing points of view and thus facilitate the difficult process of mutual accommodation. The success of the Conference in spite of all the obstacles which it had to overcome was eloquent testimony to Mr. Amerasinghe's excellent leadership and rich experience in international negotiations. A skilled diplomat whose contribution to international understanding would always be remembered, he had also been a man of warmth, wisdom, common sense, integrity and devotion to a noble mission. The establishment of a just and effective international legal order governing the world's oceans would be the best tribute to the monumental work of Mr. Amerasinghe in behalf of peace and international co-operation.

4. Mr. VALENCIA-RODRÍGUEZ (Ecuador), speaking on behalf of the group of Latin American States, said that Mr. Amerasinghe had played the leading role in the work of the Conference. His skilful leadership had overcome many of the obstacles which had arisen and his intelligence, charismatic personality, good humour, optimism and perseverance had done much to further the work of elaborating the draft convention and the new legal institutions provided for in it. Many of the contributions of Mr. Amerasinghe, which were contained in the draft convention, had already been recognized and applied as principles of new international law. The continuation of his work would be the finest tribute which could be paid to his memory. Mr. Amerasinghe's contribution to the new law of the sea would always be remembered as a fundamental stage in the consolidation and reaffirmation of peace and the rule of law based on justice.

5. Mr. YOLGA (Turkey), speaking on behalf of the group of Western European and other States, said that the death of Mr. Amerasinghe had caused sadness and great concern: sadness, above all, at the passing of a man whose moral qualities,

courtesy and charismatic personality had won the friendship and esteem of all who had known him, and concern for the future of the Conference, which, at a time when it was hastening to put the finishing touches on the draft convention, had been deprived of the invaluable aid of its President. The Conference must, however, carry on with its work; that would indeed be the best tribute it could pay to the memory of its former President, whose name would forever be associated with the Conference and with its ultimate achievement: the elaboration of a generally acceptable new legal order for the seas that was more just and better balanced.

6. He asked the representative of Sri Lanka to transmit to the Government of that country and to Mr. Amerasinghe's family the condolences of the group of Western European and other States.

7. Mr. HUMAIDAN (United Arab Emirates), speaking on behalf of the group of Arab States, said that the members of the Arab group felt great sadness at the passing of Mr. Amerasinghe. His death, coming as it had at a crucial stage in the work of the Conference, had been a tremendous loss. Mr. Amerasinghe had always had good working relations with the Arab States, based on the principles of the United Nations and on a commitment to defending oppressed peoples and human rights. All Arab countries would cherish the memory of his efforts in behalf of the Palestinian people and the stand he had taken with regard to Israeli violations of the rights of the population of the occupied territories. Mr. Amerasinghe had been a man of outstanding diplomatic abilities and devotion to principle; the world would never see his equal again. The Conference must heed the newly elected President's appeal to redouble its efforts to adopt a convention on the law of the sea at the current session as the best tribute that could be paid to the memory of its first President. He asked the delegation of Sri Lanka to convey the condolences of the Arab States to the Government of Sri Lanka and to the bereaved family.

8. Mr. OXMAN (United States of America), speaking as representative of the host country, said that the Conference, and the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction before it, had been blessed for over a dozen years with the devotion and leadership of Mr. Amerasinghe, whose fairness, character and optimism had stood out as an inspiration to all. His delegation had admired Mr. Amerasinghe as a diplomat, had been in awe of him as a Chairman and President and had loved him as a man.

9. Without Mr. Amerasinghe's efforts, there would not have been in 1970 the Declaration of Principles Governing the Sea-bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction,¹ and without his leadership and courage, the Conference could not have developed the procedures that had yielded the single negotiating text. No one else could have persuaded the entire world to prepare the unprecedented step represented by Part XV of the draft convention.

10. He spoke with personal grief, having known Mr. Amerasinghe for many years, a man who had been warm and witty, wise and winning in his ways. Like all others whom Mr. Amerasinghe had touched, he felt the richer for having known him.

11. He asked the delegation of Sri Lanka to convey the condolences of the United States delegation and of all those United States nationals who had worked with Mr. Amerasinghe, to the family, friends and countrymen of that great citizen of Sri Lanka and of the world.

12. Mr. ENGO (United Republic of Cameroon), speaking on behalf of the Collegium consisting of the Chairmen of the three Committees, the Chairman of the Drafting Committee and the Rapporteur General, said that they all felt a deep sense

of loss at the passing of a skipper with whom they had worked so closely for over a decade.

13. To many, Shirley Hamilton Amerasinghe had been merely a President, but those who had had the privilege of sharing with him the grave burdens of leadership in the Conference had known him as a man, a friend and a leader.

14. When a man's physical body died, everyone hastened to pay tribute to his memory, trying, as it were, to make up for their failure to show such sentiments while he lived, weeping, in truth, not so much for him but for the pain of being made poorer by his eternal absence.

15. Shirley Hamilton Amerasinghe had been a proud, decent Oriental whose life had been dedicated to the service of the country he had loved so well, to the solidarity of peoples in the Afro-Asian and non-aligned worlds, and to the great ideal of establishing a new and just economic, social and political international order for the oceans. He had shared the conviction that the design produced by the Conference would determine the fate of international peace and security for present and future generations. He had recognized that today's generation was called upon to design a new world in which nations could peacefully rise and no nation would needlessly fall, to create institutions which bullied men and compelled Governments to co-operate for the common good. The very survival of the world depended on it.

16. The most fitting tribute to his memory would be the completion of the great work to which many associated with the Conference had given such an important part of their lives and for which Mr. Amerasinghe's life had provided such an excellent model. The Conference must go on. Having come as far as it had, it could not stop now. The international community must, as it had promised, arrive at Caracas together. He urged the Conference to continue in the spirit of mutual respect and accommodation which the first President had helped to foster at the ninth session, reconciling the interests and needs of all nations, large and small. The rich and powerful nations of the age had a crucial responsibility and a major role to play in that regard. It was to be hoped that, in the words of President John F. Kennedy, they would not shrink from that responsibility but would welcome it. He urged the biggest of them all, which had themselves been born in revolutionary change, to bring the benefits of their inspired ideals and achievements to a world trembling at a difficult crossroads of economic and social history.

17. Mr. ZULETA (Special Representative of the Secretary-General) said that the Secretary-General, speaking in the General Assembly on 4 December 1980,² had highlighted the outstanding contributions which Mr. Amerasinghe had made to the Organization since 1957, when he had represented his country in the Fifth Committee. The Secretary-General had mentioned, among those contributions, the role Mr. Amerasinghe had played as Chairman of the *Ad Hoc* Committee on the Peaceful Uses of the Sea-bed beyond the Limits of National Jurisdiction, which had marked the beginning of the process of historical importance that had led to the convening of the Conference. As the Secretary-General had remarked, Mr. Amerasinghe would be remembered by all with gratitude, respect and affection.

18. The General Assembly, for its part, in expressing its deep regret, had placed on record its great appreciation for Mr. Amerasinghe's outstanding personal gifts as a diplomat and leader and his singular contribution to the work of the Conference, and had asked the Secretary-General to report to it at its thirty-sixth session on the possibility of granting a fellowship in his memory in the field of the law of the sea.³

²See *Official Records of the General Assembly, Thirty-fifth Session, Plenary Meetings*, 82nd meeting.

³General Assembly resolution 35/116.

¹General Assembly Resolution 2749 (XXV).

19. He wished to add to the voice of the Secretary-General the voices of all members of the Secretariat whose work was connected with the Conference, especially the Executive Secretary of the Conference, for whom Hamilton Shirley Amerasinghe had been a warm friend, a hard taskmaster but an understanding and kind individual. He would be remembered by many at both Headquarters and Geneva for his deep respect for the individual, his contagious good humour and his warm personality.

20. Mr. Amerasinghe had possessed a blend of qualities which explained the exceptional role he had played in the Conference. As a man who had deeply loved his shining island of Sri Lanka, he could understand the national loyalty of others. With his appreciation for the beautiful, he had given an aesthetic dimension to his conduct of the business of the Conference. He had loved the United Nations and had been imbued with its purposes and objectives, and he had had a passionate love for the Conference to which he had dedicated the most productive years of his life.

21. He recalled having had the privilege of working closely for nearly eight years with Mr. Amerasinghe, first as a representative of his own country and spokesman for the developing countries, and subsequently for more than six years as Special Representative of the Secretary-General. The first President had been a dear friend and a teacher from whom he had learnt much not only about diplomacy but also about the use of the English language and, above all, about the art of handling difficult responsibilities with elegance and humour.

22. Whatever personal beliefs members might hold, all were convinced that, in some way, Hamilton Shirley Amerasinghe was still present to guide the newly elected President of the Conference and, indeed, all members at a decisive time in the history of the Conference.

23. Mr. PINTO (Sri Lanka) thanked the many delegations which, through the chairmen of their regional groups, had paid an eloquent tribute to the first President of the Confer-

ence for his brilliant qualities of leadership, and also thanked the representative of the host country, the spokesman for the Collegium and the Special Representative of the Secretary-General. As ambassador and permanent representative of Sri Lanka, Hamilton Shirley Amerasinghe had been called upon to play a leading role in many initiatives that had transcended his mission as a representative of his country. He had responded with extraordinary ability and dedication, with justice and integrity, and with an irrepressible good humour and humanity that had endeared him to all those with whom he had had to deal.

24. Working with Mr. Amerasinghe through most of his brilliant United Nations career had provided an opportunity to know at first hand the extraordinary range of his capacities and his outstanding effectiveness as an internationalist and diplomat. As had been suggested, the greatest tribute to him might well be the early completion of a convention on the law of the sea, followed by its early signature, ratification and entry into force, the task to which he had given some of the best years of his life.

25. The delegation of Sri Lanka would convey the sentiments expressed at the meeting to its Government and to Mr. Amerasinghe's family. His memory would live for ever in the hearts of all who had known him. Those who would some day walk the halls of the future international sea-bed Authority might well recall the saying in Latin, a language Mr. Amerasinghe had loved nearly as well as his native Sinhala: *Si monumentum requiris, circumspice*.

26. The PRESIDENT asked the delegation of Sri Lanka to transmit the record of the commemorative meeting to the Government of Sri Lanka and the close relatives of Mr. Amerasinghe. The best tribute to his memory would be the completion and adoption of a generally acceptable convention on the law of the sea in 1981, so that the convention would be linked forever to his name.

The meeting rose at 12.05 p.m.

145th meeting

Tuesday, 17 March 1981, at 3.15 p.m.

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

Adoption of the agenda for the session (A/CONF.62/107)

The agenda was adopted.

Election of a Vice-President

1. The PRESIDENT said that the Chairman of the group of Asian States had informed him that Sri Lanka had been nominated by that group to replace Singapore as Vice-President. If he heard no objections, he would take it that the Conference wished to elect Sri Lanka as one of its Vice-Presidents.

It was so decided.

Organization of work

2. The PRESIDENT said that the programme of work proposed in his note (A/CONF.62/110) embodied the recommendations of the Collegium, which had been endorsed by the General Committee at its 59th meeting on 16 March.

3. A tentative schedule of meetings for the period 17-27 March had been circulated to delegations. The Collegium had used as the basis for its work the programme of work submitted by the former President of the Conference on 28 August 1980 (A/CONF.62/BUF.13/Rev.1), which singled out four outstanding matters that should be taken up at the tenth session; they were: the work of the Drafting Committee and the man-

ner in which its recommendations affecting those parts of the draft convention falling within the mandate of the Committees should be processed, the participation clause, the mandate of the Preparatory Commission and the treatment to be accorded to the preparatory investments made before the convention entered into force. The discussions and recommendations of the collegium on those matters were outlined in document A/CONF.62/110; in view of recent events the collegium had made no recommendation concerning the fourth outstanding question. As delegations knew, the Chairman of the Group of 77 had informed the Collegium, through the Chairman of the First Committee, that in view of the uncertain attitude of the United States delegation towards the draft convention in general, and towards Part XI in particular, the Group of 77 was not prepared to negotiate on that question until the attitude of the United States delegation towards Part XI was clarified.

4. The Collegium had taken note of the fact that the two interest groups on the question of the delimitation of maritime boundaries between States with opposite or adjacent coasts wished to continue their consultations. The Collegium had therefore recommended that conference facilities should be made available to them for that purpose.