

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

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Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF.62/L.160**

## **Report of the Chairman of the Drafting Committee on behalf of the President and the Chairmen of the First, Second and Third Committees**

*Extract from the Official Records of the Third United Nations Conference on the Law of the Sea, Volume XVII (Plenary Meetings, Summary Records and Verbatim Records, as well as Documents of the Conference, Resumed Eleventh Session and Final Part Eleventh Session and Conclusion)*

and to the written statement by the delegation of Colombia dated 29 April 1982 (A/CONF.62/WS/32),<sup>59</sup> wishes to note the fundamental balance between the rights and duties of coastal and other States in the adopted text of the Convention on the Law of the Sea relating to zones of coastal State jurisdiction.

The relevant provisions of the Convention recognize, beyond and adjacent to the territorial sea, specific resource-related rights and jurisdiction of the coastal State in the exclusive economic zone, while all States continue to enjoy in that zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea.

The United States delegation has the honour to request that this letter be circulated as an official document of the Conference.

*(Signed) T. A. CLINGAN, Jr.  
Representative of the United States  
to the Third United Nations Conference  
on the Law of the Sea*

#### DOCUMENT A/CONF.62/L.159

##### Letter dated 24 September 1982 from the representative of France to the President of the Conference

*[Original: French]  
[27 September 1982]*

Referring to the letter dated 28 April 1982 from the representatives of Chile, Colombia, Ecuador and Peru (A/CONF.62/L.143)<sup>59</sup> and to the written statement by the delegation of Colombia dated 29 April 1982 (A/CONF.62/WS/32),<sup>59</sup> I wish to note the fundamental balance between the rights and duties of coastal and other States in the adopted text of the Convention on the Law of the Sea relating to zones of coastal State jurisdiction.

The relevant provisions of the Convention recognize, beyond the territorial sea, and contiguous zone, specific resource-related rights and jurisdiction of the coastal State in the exclusive economic zone, while all States continue to enjoy in that zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea.

The French delegation requests that this letter be circulated as an official document of the Conference.

*(Signed) C. CHAYET  
Representative of France  
to the Third United Nations Conference  
on the Law of the Sea*

#### DOCUMENT A/CONF.62/L.160

##### Report of the Chairman of the Drafting Committee on behalf of the President and the Chairmen of the First, Second and Third Committees

*[Original: English]  
[18 October 1982]*

#### RECOMMENDATIONS OF THE DRAFTING COMMITTEE

1. At three informal plenary meetings, two held on 22, 23 and 24 September 1982, consideration was given to the recommendations of the Drafting Committee on: preamble: Part I; Part II, articles 10, 19, 22, 26; Part III, articles 34, 36, 37, 42, 45; Part IV, article 47; Part V, articles 61, 62, 63, 66, 69, 70, 71, 74; Part VI, articles 76, 77, 79, 83, 85; Part VII, articles 91, 94, 96, 109; Part IX, article 122; Part X, article 127; Part XI, articles 133, 137, 138, 142, 144, 150, 151, 155, 156, 160, 161, 162, 168, 171, 188, 189; Part XII, articles 194, 200, 201, 202, 208, 211, 212, 216, 217, 218, 219, 220, 221, 223, 227, 230, 231, 232, 235, 236; Part XIII, articles 240, 241, 244, 246, 249, 252, 253, 254, 261, section 5, title, article 263; Part XIV, articles 266, 267, 268, 269, 271, 275, 276, 277; Part XV,

articles 286, 288, 294, 297; Part XVI; Part XVII, articles 308 to 317, articles 319 and 320; annex I; annex II, articles 2, 3, 5, 6; annexes III, IV; annex V, articles 2 and 3; annexes VI, VII, VIII and IX; resolution I, paragraphs 5 (h) and (i), paragraphs 8 and 9; resolution II.

2. The recommendations of the Drafting Committee, approved during the informal plenary meetings, are set out in the addenda to the report of the Drafting Committee, A/CONF.62/L.152/Add.1 to 26, as amended by document A/CONF.62/L.152/Add.27.

#### PROPOSALS SUBMITTED TO AND APPROVED BY THE INFORMAL PLENARY

3. At the informal plenary meeting held on 24 September 1982, the following amendments of a drafting nature to docu-

ment A/CONF.62/L.78<sup>61</sup> were submitted to and were approved by the informal plenary:

(a) Article 56, paragraph 1 (a), lines 2 and 3: replace “of the sea-bed and subsoil and the superjacent waters” by “of the waters superjacent to the sea-bed and of the sea-bed and its subsoil”;

(b) Article 218, paragraph 4: replace “Any proceedings initiated” by “Any proceedings instituted”;

<sup>61</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV.

(c) Article 283, paragraph 2: replace “a settlement” by “the settlement”;

(d) Annex V, article 10, title: should read “*Right of parties to modify procedure*”.

#### TITLES

4. In response to a question on the function of titles, I submit as Chairman of the Drafting Committee that, on the basis of the consultations I have had with the co-ordinators of the language groups of the Drafting Committee, the titles given to parts, sections and articles of the Convention be considered as helpful for an understanding of the structure of the draft and for promoting ease of reference.

### DOCUMENT A/CONF.62/WS/34

Statement by the delegation of Turkey dated 15 November 1982

[Original: English]  
[15 November 1982]

In connection with the views expressed by the Greek delegation in the written statement contained in document A/CONF.62/WS/26 of 4 May 1982,<sup>59</sup> the delegation of Turkey wishes to make the following statement:

The scope of the régime of straits used for international navigation and the rights and duties of States bordering the straits are clearly defined in the provisions contained in Part III of the United Nations Convention on the Law of the Sea. With the limited exceptions provided in articles 35, 36, 38, paragraph 1, and 45, all straits used for international navigation are subject to the régime of transit passage.

In the written statement referred to above, Greece is attempting to create a separate category of straits, i.e. “spread out islands that form a great number of alternative straits” which is not envisaged in the Convention nor in international law. Thereby Greece wishes to retain the power to exclude some of the straits which link the Aegean Sea to the Mediterranean from the régime of transit passage. Such arbitrary action is not permissible under the Convention nor under the rules and principles of international law.

It seems that Greece, failing in the Conference in its efforts to ensure the application of the régime of archipelagic States to the islands of the continental States, is now trying to circumvent the provisions of the Convention by a unilateral and arbitrary statement of understanding.

The reference in the Greek written statement to article 36 is of particular concern as it is an indication of Greece's intentions to exercise discretionary powers not only over straits, but also over the high seas.

With regard to the air routes, the Greek statement is contrary to the International Civil Aviation Organization (ICAO) rules according to which air routes are established by ICAO regional meetings with the consent of all interested parties and approved by the ICAO Council.

In view of the above considerations, the delegation of Turkey finds the Greek views expressed in document A/CONF.62/WS/26 legally unfounded and totally unacceptable.

### DOCUMENT A/CONF.62/WS/35

Statement by the delegation of Argentina dated 8 December 1982

[Original: Spanish]  
[9 December 1982]

On 30 April 1982, at the 182nd plenary meeting,<sup>59</sup> the Conference, on your initiative, adopted together the text of the United Nations Convention on the Law of the Sea and of four resolutions. Argentina voted in favour because it wanted to fulfil the commitment of the Group of 77 to adopt the text of the Convention as soon as possible.

On that occasion, however, the Argentine delegation placed on record its formal reservation concerning resolution III, reiterating the reservation it had expressed on 31 March in the informal plenary, to the effect that the resolution was unacceptable to Argentina and that if separate votes had been taken on the individual documents, it would have voted against it.

It was not possible to do that because all the texts were submitted as a “package”, thus precluding separate voting. The wording of resolution III, particularly that of paragraph 1 (b),

completely invalidates the principles contained in paragraph 2 of the former Transitional Provision with regard to territories concerning which a dispute exists.

In this connection the Argentine Republic wishes specifically to place on record its position that resolution III in no way affects the “Question of the Malvinas (Falkland) Islands”, which is governed by the following specific resolutions of the General Assembly: 2062 (XX), 3160 (XXVIII), 31/49 and 37/9, adopted within the framework of the decolonization process.

In this connection and bearing in mind that the Malvinas and the South Sandwich and South Georgia Islands form an integral part of Argentine territory, the Argentine Government declares that it neither recognizes nor will recognize the title of any other State or the exercise by it of any right relating to the exploration and exploitation of resources which are