

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/C.2/SR.10

Summary records of meetings of the Second Committee 10th meeting

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume II (Summary Records of Meetings of the First, Second and Third Committees, Second Session)*

first one, which did not allow for combining the different powers; or to have a broad territorial sea with several régimes, in which case the contiguous zone would come to be regarded as one of the special régimes.

25. Mr. AL-SALEM AL-SABAH (Kuwait) moved the adjournment of the debate.

26. The CHAIRMAN said that in accordance with rule 28 of the rules of procedure he would invite two representatives to speak in favour of, and two against, the motion.

27. Mr. TELLO (Mexico) supported the motion of the representative of Kuwait and proposed that Informal Working Paper No. 2 should include the text of the only existing draft on the subject, which appeared in document A/9021 and Corr.1 and 3, volume IV, section 3, and that item 4 should be taken up at the next meeting.

28. Mr. ARIAS SCHREIBER (Peru) supported the motion of Kuwait and said that Informal Working Paper No. 2 should not only include the Indian draft, but should also state that the countries that supported a territorial sea of 200 miles considered that the contiguous zone was unnecessary and would be absorbed within the jurisdiction of the coastal State.

29. Mr. LIMPO SERRA (Portugal) opposed the motion by the representative of Kuwait and said that he would prefer the debate on item 3 to continue.

30. Mr. AL-NIMBER (Bahrain) opposed the motion made by the representative of Kuwait. The whole meeting had been devoted to discussing the postponement of the debate and he felt that the item should continue to be discussed, particularly as it related to the powers of the State in the contiguous zone.

31. After a procedural discussion in which Mr. AL-SALEM AL-SABAH (Kuwait) and Mr. MOVCHAN (Union of Soviet Socialist Republics) took part, the CHAIRMAN said that, since there was no consensus, the Committee should vote on the motion to adjourn the debate. An adjournment would not preclude submission of proposals on the item at any time.

The motion was adopted by 63 votes to 17, with 26 abstentions.

32. The CHAIRMAN said that the Committee would return to the item on the contiguous zone before dealing with agenda item 8, on the question of the high seas.

The meeting rose at 1.05 p.m.

10th meeting

Friday, 19 July 1974, at 3.30 p.m.

Chairman: Mr. Andrés AGUILAR (Venezuela).

Straits used for international navigation

[*Agenda item 4*]

The CHAIRMAN noted that no representative had asked to speak on the item under consideration. He suggested that the meeting should be adjourned.

It was so decided.

The meeting rose at 3.35 p.m.

11th meeting

Monday, 22 July 1974, at 12 noon

Chairman: Mr. Andrés AGUILAR (Venezuela).

Straits used for international navigation (*continued*)

[*Agenda item 4*]

1. Mr. LACLETA Y MUÑOZ (Spain) pointed out that his delegation was one of the sponsors of the draft articles on navigation through the territorial sea, including straits used for international navigation, submitted to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/9021 and Corr.1 and 3, vol. III, sect. 6). Also, agenda item 4.1, on innocent passage through straits used for international navigation, was closely related to item 2.4, on innocent passage in the territorial sea. Under item 4.1, the Second Committee would consider how the principles examined during consideration of item 2.4 would apply to particular situations. To that end, the revised text of Informal Working Paper No. 1, which had been submitted by the Chairman, should be available to the Committee, since the Committee could not consider particular cases without having an over-all view of the question.

2. The CHAIRMAN said that he would consult the officers of the Committee to obtain their views on the revised version of

the working paper he had submitted, and that delegations were clearly entitled to refer, in their interventions, to items related to the matter under consideration, and specifically, at that juncture, to item 2.4.

3. Mr. KAZEMI (Iran) referred to the earlier statement of the views of his delegation on the question of straits used for international navigation at the 23rd plenary meeting, in which it had noted, first, that the sovereignty of the coastal State in its territorial sea was subject only to the exercise of the right of innocent passage of ships; secondly, that passage through straits used for international navigation must not affect the legal status of the territorial sea when the straits were situated within the territorial sea of one or more States; thirdly, that rules could be devised to safeguard transit through the straits while taking into account the need to protect the security and other interests of the coastal State.

4. The Iranian delegation considered that some of the draft articles before the Committee tended to be prejudicial to the legal status of that part of the territorial sea which constituted a strait used for international navigation. Moreover, any pro-