

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

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-  
**A/CONF.62/15**

## **Report of the Credentials Committee**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume III (Documents of the Conference, First and Second Sessions)*

Accordingly, the Soviet Union fully supports the statement contained in the cable dated 22 November 1973 from the Minister for Foreign Affairs of the Democratic Republic of Viet-Nam<sup>1</sup> addressed to the Secretary-General of the United Nations to the effect that the Provisional Revolutionary Government of the Republic of South Viet-Nam "has full legal competence to participate in the work of all international conferences and organizations affecting the destiny of nations".

The delegation of the Union of Soviet Socialist Republics expresses regret at the discriminatory action taken against the Provisional Revolutionary Government of the Republic of South Viet-Nam, which has made it impossible for the Democratic Republic of Viet-Nam to participate in the Conference, and again declares that the Provisional Revolutionary Government of the Republic of South Viet-Nam is entitled to participate in the Third United Nations Conference on the Law of the Sea.

## DOCUMENT A/CONF.62/15

### Report of the Credentials Committee

[Original: English]  
[15 December 1973]

1. On 13 December 1973, at its 9th meeting, the Third United Nations Conference on the Law of the Sea, convened in New York at United Nations Headquarters for its first session, appointed a Credentials Committee composed of the representatives of the following States: Austria, Chad, China, Costa Rica, Hungary, Ireland, Ivory Coast, Japan and Uruguay.

2. The Credentials Committee met on 14 December 1973.

3. Mr. Heinrich Gleissner (Austria) was unanimously elected Chairman of the Committee.

4. The Committee had before it a memorandum by the Secretary-General dated 14 December 1973, which, as orally revised by the special representative of the Secretary-General, read as follows:

"1. As at 13 December 1973, the Secretary-General had received 128 replies from States invited to participate in the Third United Nations Conference on the Law of the Sea, in accordance with paragraph 7 of General Assembly resolution 3067 (XXVIII) of 16 November 1973. One of the 149 States invited stated that it would not participate in the Conference; two others stated that they would not participate in the first session only.

"2. Seventy-one of the affirmative replies received were accompanied by credentials issued by the Head of State or Government or by the Minister for Foreign Affairs of the country concerned.

"3. The Secretary-General has been informed by note verbale or by cable of the composition of the delegations of the 54 other States which accepted the invitation.

"4. Twelve States participating in the Conference had not, as at 13 December 1973, forwarded written confirmation.

"5. In view of the fact that States had very little time before the opening of the Conference, that the Conference has not yet adopted its rules of procedure and that 66 delegations participating in the first session of the Conference have not yet produced credentials in good and due form, the Credentials Committee may wish to recommend to the Conference that it should provisionally seat those delegations which have not yet submitted their credentials and defer the continued examination of credentials until the second session of the Conference."

5. The representative of Hungary formulated a reservation concerning the representation of Viet-Nam at the Conference. The two administrations of South Viet-Nam had signed the

Paris Agreement on the termination of the war and the re-establishment of peace and the Act of the International Conference on Viet-Nam. The exclusion of the Provisional Revolutionary Government of the Republic of South Viet-Nam was unacceptable. It was that exclusion which had prevented the Democratic Republic of Viet-Nam from participating in the Conference, thus seriously jeopardizing the principle of universal participation.

6. The representative of China stated that the Provisional Revolutionary Government of the Republic of South Viet-Nam was the authentic representative of the South Viet-Nameese people. That Government had signed the Paris Agreement on the termination of the war and the re-establishment of peace. It was therefore unjust not to invite the Provisional Revolutionary Government of South Viet-Nam to participate in the Conference on the Law of the Sea. The Saigon Administration lacked any basis whatsoever for representing the South Viet-Nameese people. Consequently, the delegation had every reservation with regard to the credentials of the delegation of that Administration. The representative of China also stated that the Lon Nol régime did not represent Cambodia, where it remained in existence only through support from abroad. The Royal Government of National Union of Prince Sihanouk represented 80 per cent of the population and controlled 90 per cent of the territory. At the Fourth Conference of Heads of State or Government of Non-Aligned countries, it was that Government which had been accepted as representing Cambodia.

7. The Chairman pointed out that some Governments had issued credentials for the first session of the Conference only.

8. In reply to a question put by the representative of China, the special representative of the Secretary-General confirmed that the Secretary-General had received from the Government of the Democratic Republic of Viet-Nam, in reply to the invitation addressed to it, a communication indicating that that Government would be unable to take part in the Conference for the reasons stated in that communication.<sup>2</sup>

9. The representative of Chad informed the Committee of the express reservations of his Government concerning the credentials submitted in the names of South Africa and Portugal. In the case of Portugal's credentials, the delegation of Chad had no objection in so far as those credentials related to Portugal in the sense of the territory of Portugal in Europe; however, it could not accept that representation as extending to the African Territories under Portuguese domination. In view of the urgency, the Chad delegation was in favour of the proposal that consideration of the entire question should be deferred until the next session of the Conference. The represen-

<sup>1</sup> Document A/9350.

<sup>2</sup> *Ibid.*

tatives of Hungary and China subsequently associated themselves with the position of the representative of Chad concerning the credentials submitted in the names of South Africa and Portugal.

10. The Chairman then noted that, subject to the observations made by various delegations, the Committee considered that the delegations present at the first session of the Conference should be seated.

## DOCUMENT A/CONF.62/23

### The Kampala Declaration\*

[Original: English]  
[2 May 1974]

*The Conference of the Developing Land-locked and other Geographically Disadvantaged States, meeting in Kampala, Uganda, from 20 March to 22 March 1974,*

*Having in mind the Third United Nations Conference on the Law of the Sea, inaugurated in New York on 3 December 1973, the second session of which is due to be held in Caracas, Venezuela, from 20 June to 29 August 1974,*

*Aware of the fact that the Conference is called upon to draw up a future comprehensive legal order for the sea and ocean space,*

*Believing that the Conference should strive, in drawing up the said order, to ensure the common interests of the international community as a whole and to provide for the orderly and equitable development and enjoyment of ocean resources, with the participation of all nations, including the land-locked and other geographically disadvantaged States,*

*Emphasizing the necessity of taking into consideration the needs and interests of the developing countries, particularly those of the land-locked and other geographically disadvantaged States,*

*Calling once again the attention of all States to the vital role and importance of the exercise by land-locked States of their right of free access to and from the sea, and their right of free transit and other facilities in the process of their economic development, and recognizing that developing land-locked States are among the least developed of the developing countries,*

*Affirming that the peaceful uses of the sea and the development and enjoyment of its resources represent vital and crucial elements of trade, commerce and communications in the world, which in turn play a very significant role in the process of economic development of nations,*

*Recognizing the needs of the land-locked States for the availability, suitability and operating efficiency of the transportation system, and port and other facilities in the transit States, upon which facilities they depend for their international trade,*

*Recalling that numerous international legal instruments have recognized the rights of land-locked States of free access to and from the sea and other related matters,*

*Convinced that the viability of the legal order of the oceans depends upon the fulfilment of the needs and interests of all nations on the basis of equality and non-discrimination in attaining higher levels of economic prosperity for their peoples,*

*Declares that the future legal order of the oceans should embody in an appropriate form the following principles representing the essential rights and interests of the developing land-locked and other geographically disadvantaged States:*

1. The right of land-locked States of free and unrestricted access to and from the sea is one of the cardinal rights recognized by international law.

2. The right of geographically disadvantaged States of free and unrestricted access to and from the high seas is one of the cardinal rights recognized by international law.

3. Transit States shall respect and facilitate the exercise of the right of free access to and from the sea by land-locked States and their right of free and unrestricted transit, and provide them with all other facilities necessary for traffic in transit without discrimination, by all means of transport and communication, through all the routes of access in the transit State.

4. Land-locked States and other geographically disadvantaged States shall have the right of free access to and from the area of the sea-bed, in order to enable them to participate in the exploration and exploitation of the area and its resources and to derive benefits therefrom.

5. In order that land-locked States shall exercise the right to sail ships under their own flag and to use ports, coastal States shall respect the right of land-locked States to use on an equal basis, facilities, equipment and all other installations in the ports.

6. Traffic in transit shall not be subject to any customs duties, taxes or other charges except charges levied for specific services rendered in connexion with such traffic.

7. Land-locked and other geographically disadvantaged States shall be adequately and proportionately represented in all the organs of the international sea-bed machinery, the decisions of which shall be made with due regard to their special needs and problems.

8. In the exploitation of the resources of the sea and seabed and subsoil thereof, beyond the territorial sea, the following principles shall apply:

(a) The rights and interests of all States, whether coastal or land-locked, shall be taken into account.

(b) All rights which land-locked and other geographically disadvantaged States have with regard to such resources under existing international law shall be maintained.

(c) The international area that would be governed under the concept of the common heritage, within the meaning of United Nations General Assembly resolution 2467 A (XXIII), shall be so extensive and contain such resources, as to ensure viable economic exploitation.

9. With respect to the exercise of jurisdiction over resources in areas adjacent to the territorial sea, the land-locked States and other geographically disadvantaged States shall have equal rights with other States and without discrimination in the exercise of such jurisdiction, in accordance with international standards to be drawn up by the Third United Nations Conference on the Law of the Sea.

\* Circulated at the request of the Representative of Uganda.