

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/3

Letter dated 12 December 1973 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Conference

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)*

DOCUMENTS OF THE CONFERENCE

DOCUMENT A/CONF.62/1

Provisional agenda of the first session of the Conference

[Original: English]
[26 November 1973]

1. Opening of the Conference by the Secretary-General
2. Election of the President
3. Adoption of the agenda of the Conference
4. Adoption of the rules of procedure
5. Appointment of the Credentials Committee
6. Election of Chairmen of the . . . Main Committees
7. Election of the Chairman of the Drafting Committee
8. Election of Vice-Presidents
9. Appointment of other members of the Drafting Committee
10. Organization of work
11. Consideration of the subject-matter referred to in paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973
12. Consideration of a decision, if necessary, to convene a further session or sessions of the Conference, to be submitted to the General Assembly for approval pursuant to paragraph 4 of General Assembly resolution 3067 (XXVIII), of 16 November 1973
13. Adoption of a convention dealing with all matters relating to the law of the sea, pursuant to paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973, and of the Final Act of the Conference
14. Signature of the convention and the Final Act

DOCUMENT A/CONF.62/3

Letter dated 12 December 1973 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Conference

[Original: Russian]
[12 December 1973]

The delegation of the Union of Soviet Socialist Republics to the Third United Nations Conference on the Law of the Sea requests that the attached statement should be circulated as an official document of the Conference.

(Signed) D. KOLESNIK
*Head of the delegation of the
Union of Soviet Socialist Republics
to the Third United Nations
Conference on the Law of the Sea*

STATEMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

The delegation of the Soviet Union considers it necessary to make the following statement:

In conformity with the principle of sovereign equality which is generally recognized under international law, all States are entitled, without discrimination of any kind, to participate in

international conferences and conventions of interest to the international community as a whole. The Third United Nations Conference on the Law of the Sea is called upon to draw up a convention on matters affecting important interests of all countries of the world. Accordingly, the delegation of the Union of Soviet Socialist Republics has at all stages of the preparations for the Conference insisted that the Conference should be open for participation by all States and has urged, in particular, that representatives of the Provisional Revolutionary Government of the Republic of South Viet-Nam should be invited to the Conference.

The delegation of the Union of Soviet Socialist Republics considers it necessary to draw attention to the fact that under the Paris Agreement on the termination of the war and the re-establishment of peace in Viet-Nam there are, from an international standpoint, two administrations and two areas of control in South Viet-Nam. The Provisional Revolutionary Government of the Republic of South Viet-Nam is a signatory of the Paris Agreement and the Act of the International Conference on Viet-Nam. It is an official participant in the Conference of Heads of State or Government of Non-Aligned Countries.

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-Nam¹ 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-Namese 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-Namese 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 Noi 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.²

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-

¹ Document A/9350.

² *Ibid.*