

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/35

Decision of the Executive Board of the United Nations Educational, Scientific and Cultural Organization and resolution of the Intergovernmental Oceanographic Commission

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)*

tionary Government of South Viet-Nam was also an administration which had been recognized by a large number of States and was accepted as a participant with equal rights at the Conference of Heads of State or Government of Non-Aligned States. It was that obvious violation of the principle of universality that prevented the Democratic Republic of Viet-Nam from participating in the Conference. The Hungarian delegation fully shared the views of the Democratic Republic of Viet-Nam and declared that the credentials of the Saigon Administration could in no way be interpreted as entitling that Administration to unilaterally represent South Viet-Nam.

7. In response to a question put by the representative of the Ivory Coast, the Chairman pointed out that the Committee should examine only the credentials of representatives newly accredited unless the Conference decided otherwise. He also noted that all the credentials listed in paragraph 4 of the Memorandum by the Executive Secretary were new credentials for the second session, except those of Iran and South Africa.

8. On behalf of the African delegations, the representative of the Ivory Coast reiterated the reservation formulated by the representative of Chad at the first session concerning the credentials of the delegation of South Africa. The delegation of the Ivory Coast has stated that it would comply with rule 4 of the Rules of Procedure, but that it reserved its right and that of the African delegations to bring the matter up again in the Plenary or at the next session, so that the Committee could re-examine the credentials of the delegation of South Africa. The Conference could not be unmindful of the relevant resolutions rejecting those credentials which had been adopted by a large majority at each session of the General Assembly since 1970. The position of the delegation of the Ivory Coast was motivated by its opposition to the policy of racial discrimination and *apartheid* practised by the South African white racist minority against the great African majority. He also stressed that because the South African Government had refused to recog-

nize the basic rights of that majority, to end its policy of *apartheid* and to comply with the relevant General Assembly and Security Council resolutions, it had no claim whatever to represent the African majority either in the United Nations or at the Conference.

9. The representative of Hungary associated himself with the statements made by the representative of the Ivory Coast, in the same manner as he supported the statements made by Chad at the first session.

10. The representative of China reiterated his delegation's position on the representation of the so-called Khmer Republic, the Lon Nol régime. The sole genuine and legitimate representative of the Cambodian people was the Royal Government of National Union of Cambodia, under the leadership of Prince Norodom Sihanouk. The Lon Nol régime was illegal from the very beginning and had no right whatsoever to represent the Cambodian people at the Conference. As to the representation of the South Viet-Namese people, there existed two administrations—i.e. the Provisional Revolutionary Government of the Republic of South Viet-Nam and the Saigon Authorities. Since the former was the authentic representative of its people, it was inappropriate and unreasonable for the latter to be represented unilaterally at the Conference. On the question of the credentials of the South African delegation, his delegation wished to support fully the views expressed by the delegations of African States and many other countries. The régime in South Africa had no right to represent the people of Azania and Namibia at the Conference due to its policies of racial discrimination and *apartheid*, as well as its illegal occupation of Namibia.

11. The Chairman noted that the views expressed by the representatives would be fully reflected in the report of the Committee. Subject to these views, summarized in paragraphs 6-10 above, the Committee considered that the delegations present at the second session of the Conference should be seated.

DOCUMENT A/CONF.62/35

Decision of the Executive Board of the United Nations Educational, Scientific and Cultural Organization and resolution of the Intergovernmental Oceanographic Commission*

[Original: English/French/Russian/Spanish]
[27 August 1974]

DECISION 4.3.1 OF THE EXECUTIVE BOARD OF UNESCO TAKEN AT ITS NINETY-FOURTH SESSION (MAY-JUNE 1974)

4.3 Natural sciences

4.3.1 Status and responsibilities of the Intergovernmental Oceanographic Commission (94 EX/13 and Corr. and 94 EX/56, part II)

The Executive Board,

I

1. Recalling

- (i) that, in 89 EX/Decision 5.1.2, Part II.B.VII, the Board drew the attention of the General Conference . . . to the need . . . to examine the comments of the Executive Council of IOC on [the recommendations of the United Nations Conference on the Human Environment], as

well as those of the Executive Board of the Director-General,

- (ii) that, accordingly, the Director-General presented document 90 EX/8 which contains observations by the IOC Executive Council and by the Director-General on the status and responsibilities of the IOC, and which, in paragraph 7, indicates that "a report of the Chairman of the Commission on its eighth session and proposals will be submitted to the ninety-third session of the Executive Board and to the eighteenth session of the General Conference of UNESCO, in 1974",
- (iii) that, by 90 EX/Decision 4.2.1 (paragraph 9), the Board invited the Director-General to inform it, at its ninety-second session, "of the positions adopted by the Intergovernmental Oceanographic Commission's Executive Council at its second session", and (paragraph 10) decided "to postpone its final consideration of this matter until its ninety-fourth session when the definite views of IOC will be available",
- (iv) that the Board at its ninety-second session, took note of the statement made in this connexion by the representative of the Director-General, and noted that this matter

*Circulated at the request of the Director-General of UNESCO.

would be discussed at its ninety-fourth session, in conformity with 90 EX/Decision 4.2.1 (10) mentioned above,

2. *Observing* that, at the same session, under item 4.1.2, the Board devoted a substantial section (II) of 92 EX/Decision 4.1.2. to "UNESCO and Oceanography", and in paragraph (vi) invited "the Director-General and in particular the Secretariat of the Intergovernmental Oceanographic Commission to devote, whenever feasible, special attention to the new developments within the United Nations system in the field of oceanic research, exploration and management",

3. *Having considered* the Report by the Director-General on "Status and Responsibilities of the Intergovernmental Oceanographic Commission" (94 EX/13),

4. *Notes* this report, and *confirms* the decisions contained in 90 EX/Decision 4.2.1 (2), mentioned above;

5. *Takes note with satisfaction* of the measures taken by the IOC assembly at its eighth session to strengthen co-ordination between the United Nations agencies concerned and thus avoid any overlapping of their respective activities;

6. *Stresses again* the key role that the Intergovernmental Oceanographic Commission plays in organizing co-operation in the implementation of programmes in marine science and for marine services, within the framework of the United Nations system;

7. *Requests* the Director-General to continue support to the Intergovernmental Oceanographic Commission at the present or increased level, taking into account the urgent need to expand knowledge of the processes of the world ocean and the increasingly important role for IOC in present and projected new developments within the United Nations system in the field of marine research, exploration and scientific management;

II

8. *Considering* the desirability to enlarge the membership of the IOC so as to attain universal membership,

9. *Urges* the Director-General to continue his efforts to encourage Member States of UNESCO, particularly those from the developing States, to join and participate in the activities of the IOC as provided for under article 4 of the IOC Statutes;

10. *Also requests* the Director-General to draw the attention of the governing bodies of the IOC to the terms of resolution 10.1, adopted by the General Conference at its seventeenth session, with regard to the participation of South Africa and certain other States in UNESCO's activities;

III

11. *Being informed* of the forthcoming first session of the Third United Nations Conference on the Law of the Sea, to be

held in Caracas from 20 June to 29 August 1974, and *aware* of the great importance of this event and the role to be played by marine sciences in attaining knowledge, which should be considered as the common heritage of all mankind, concerning the oceans and seas,

12. *Expresses* its warmest wishes for the success of the Third United Nations Conference on the Law of the Sea and *pledges* the determined co-operation of UNESCO in the work and follow-up of this Conference;

13. *Requests* the Director-General to transmit this resolution to the Secretary-General of the United Nations for communication to the Conference;

14. *Invites* the Director-General to report to the eighteenth session of the General Conference, under items 15-17 of the Provisional Agenda, in an addendum to document 18 C/86, on the decisions of the Third United Nations Conference on the Law of the Sea in the fields of competence of UNESCO and its IOC which affect their activities.

RESOLUTION VIII-35 OF THE INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION (NOVEMBER 1973)

Third United Nations Conference on the Law of the Sea

The Intergovernmental Oceanographic Commission,

1. *Recalling* resolution VII-4, adopted by the Commission at its seventh session, concerning United Nations General Assembly resolution 2750 (XXV),

2. *Noting* that the preparations for the Third United Nations Conference on the Law of the Sea have now reached a final stage,

3. *Noting further* that the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which has met on a number of occasions since the seventh session of the Commission, among others to prepare for the United Nations Conference on the Law of the Sea, has established Sub-Committee III whose terms of reference had been as follows:

"to deal with the preservation of the marine environment (including *inter alia*, the prevention of pollution) and scientific research and to prepare draft treaty articles thereon",

4. *Recalling* the Statutes of the Commission and especially articles 1 and 2,

5. *Confirms* that the Commission is prepared, in the frame of its competence, to respond to all possible requests for scientific and technological advice from the United Nations Law of the Sea Conference;

6. *Expresses* the wish that the Third United Nations Conference on the Law of the Sea take into account the opinion of the Commission about the importance of promoting the scientific exploration of the ocean with a view to global study of its nature and resources.

DOCUMENT A/CONF.62/L.1

Draft rules of procedure: note by the Secretary-General

[Original: English]
[3 June 1974]

1. By paragraph 10 of its resolution 3067 (XXVIII) of 16 November 1973, the General Assembly requested the Secretary-General "To prepare appropriate draft rules of procedure for the Conference, taking into account views expressed in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and in the General Assembly, and to circulate the draft

rules of procedure in time for consideration and approval at the organizational session of the Conference."

2. In compliance with this mandate the Secretary-General prepared a set of draft rules of procedure (A/CONF.62/2), which were considered at the first session of the Conference at the 6th meeting, the 8th to the 11th meetings and at the 13th meeting. On the basis of certain decisions taken at that session