

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

1973-1982

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**Argentina, Bahamas, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Surinam, Trinidad and Tobago, Uruguay and Venezuela: draft tribute to the Amphictyonic Congress of Panama**

*Extract from the Official Records of the Third United Nations Conference on the Law of the Sea, Volume VI (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Fifth Session)*

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[Original: Spanish]  
[13 August 1976]

*The Third United Nations Conference on the Law of the Sea*, at its fifth session,

*Considering* that the current year 1976 marks the one hundred and fiftieth anniversary of the Amphictyonic Congress of Panama, convoked by the Liberator Simon Bolívar for the laudable and visionary purpose of uniting the Latin American peoples,

*Considering likewise* that a spirit of universality prevailed at the Congress of Panama, which was ahead of its time and which foresaw that only on the basis of union and reciprocal co-operation is it possible to guarantee peace and promote the development of nations,

*Considering further* that the Congress of Panama evoked the prestigious and constructive Greek Amphictyony and anticipated the ecumenical and creative image of the United Nations.

*Decides* to render to the Amphictyonic Congress of Panama, in a plenary meeting of the Third United Nations Conference on the Law of the Sea, at its fifth session, a public tribute acknowledging its expressive historic significance.

## DOCUMENT A/CONF.62/L.16

Report by Mr. P. B. Engo, Chairman of the First Committee  
on the work of the Committee

[Original: English]  
[6 September 1976]

I wish to apologize for the length, not the content, of this report. The motivation is to speak frankly and to express views that I believe could help the Conference in general, and the First Committee in particular, in future negotiations.

The two preceding sessions of the Conference, held in Geneva and New York respectively, called for the preparation of unique documents which were to form the basis for negotiations. Part I of the single negotiating text that I submitted at the end of the Geneva session in 1975<sup>44</sup> contained ideas drawn from my personal impressions of what could provide a consensus, bearing in mind the nature and historic significance of the mandate of the Conference in general and the First Committee in particular. I was compelled in some instances to look outside and beyond the unproductive debates that had dominated that session, especially considering the climate of distrust and acrimony between opposing sides. As I explained in the introduction to that text, I worked in the light of the provisions contained in the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, adopted without discussion by the United Nations General Assembly on 17 December 1970.<sup>45</sup> Also of considerable importance for me was another international document commanding wide universal support: the Declaration on the Establishment of a New International Economic Order adopted by the General Assembly on 1 May 1974 at its sixth special session.<sup>46</sup> I could do this because I had a free hand.

During the last session of the Conference held in New York, a new mandate was given by the Conference by which I was to revise the single negotiating text in the light of the ideas and debates which occurred during the negotiations. I was thus bound by a new duty to produce another negotiating text reflective of the discourse in the Committee. Part I of the revised single negotiating text<sup>47</sup> was the result.

From that account, it is clear that, in spite of the intensive consultations carried out before their production, the two negotiating texts were, in the final analysis, the product and responsibility of one man, the Chairman of the Committee. As a first reaction, they were branded as everything from unbalanced to the worst basis for negotiations. Yet, after serious debates between opposing sides, I am reassured to find that each text has served the crucial purpose intended. They indeed did expose issues in concrete terms.

If the exchange of views this session can appropriately be characterized, it can hardly be disputed that they were conditioned by the clear knowledge of the nature and content of the issues which stand between us and the adoption of a universally acceptable Convention. It is not the revised single negotiating text that is an issue. The argument whether or not it or its predecessor is a good basis for negotiation responds only to subjectivity. A provision not in tune with one's cherished position risks condemnation as a bad basis. What must concern us at this juncture are issues which still divide us. I shall turn to this aspect later. I wish merely to state at this stage that the various observations and appeals which I

<sup>44</sup>See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IV (United Nations publication, Sales No. E.75.V.10), document A/CONF.62/WP.8.

<sup>45</sup>Resolution 2749 (XXV).

<sup>46</sup>Resolution 3201 (S-VI).

<sup>47</sup>See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8), document A/CONF.62/WP.8/Rev.1.