

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/54

Letter dated 6 June 1977 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Conference

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

2. The USSR shall, within the sea areas referred to in article 1 of this Decree, exercise sovereign rights over fish and other living resources for the purpose of their exploration and conservation. These rights of the USSR shall also apply to anadromous species of fish within their migration area except when they may occur within other States' territorial waters and economic or fishery zones recognized by the USSR.

3. The taking of fish and other living resources as well as exploration and other operations related thereto, which are hereinafter referred to as "fishing", may be conducted by foreign juridical and natural persons within the areas referred to in article 1 of this Decree solely on the basis of agreements or other arrangements between the USSR and foreign States.

4. Optimum utilization of fish and other living resources within the areas referred to in article 1 of this Decree shall be effected on the basis of relevant scientific data and, when appropriate, with due regard for the recommendations of competent international organizations. To this end there shall be established, *inter alia*:

(a) A total annual allowable catch for each species of fish and other living resources;

(b) That part of the annual allowable catch of fish or other living resources which may be harvested by foreign fishing vessels, provided that the size of the total allowable catch of any stock of commercial species exceeds the harvesting capacity of the Soviet fishing effort;

(c) Measures to ensure rational conduct of fishing as well as to conserve and reproduce living resources.

5. Subject to the provisions of articles 2, 3 and 4 of this Decree, quotas of catch may be fixed for foreign States, and in accordance with these quotas foreign fishing vessels shall be issued fishing permits. No fishing shall be permitted without such permits.

6. The Council of Ministers of the USSR shall decide upon the conditions and dates for introducing provisional measures to conserve living resources and to regulate fishing in respect of specific sea areas adjacent to the coast

of the USSR, the establishment of measures to enforce the provisions of this Decree, and the procedure for application of articles 2, 3, 4 and 5 thereof.

7. Persons guilty of violating the provisions of this Decree or regulations issued in pursuance thereof shall be liable to a fine. The amount of the fine to be imposed by administrative procedure, shall not exceed 10,000 roubles.

Where such violations have caused substantial damage, have had other grave consequences or have been committed repeatedly, the persons guilty of them shall be prosecuted. The amount of the fine, to be imposed by judicial procedure, shall not exceed 100,000 roubles. Upon application by the authorities responsible for the protection of fish and other living resources in the areas referred to in article 1 of this Decree, the court may order the forfeiture of the vessel, fishing gear and appurtenances used by the violators as well as their entire illegal catch.

In the event of the seizure or detention of a foreign vessel, the competent Soviet authorities concerned shall promptly notify the flag State of the action taken and of any penalties subsequently imposed. The detained vessel and its crew shall be promptly released upon the posting of reasonable bond or other security.

8. The provisions of this Decree shall remain in force pending the adoption, in the light of the work of the Third United Nations Conference on the Law of the Sea, of another legislative act of the USSR governing the régime of the sea areas referred to in article 1 of this Decree.

(Signed) N. PODOGORNÝ
Chairman of the Presidium of
the Supreme Soviet of the USSR

(Signed) M. GEORGADZE
Secretary of the Presidium of the
Supreme Soviet of the USSR

Kremlin, Moscow
10 December 1976

DOCUMENT A/CONF.62/54

Letter dated 6 June 1977 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Conference

[Original: English/French]
[8 June 1977]

You will remember the letter¹ which was addressed to you on 10 September 1976 by the acting Chairman of the delegation of the Kingdom of the Netherlands, Mr. Riphagen, in his capacity of representative of the member State which at that time held the Presidency of the Council of Ministers of the European Communities. By this letter he drew your attention to the transfer of competences to the European Economic Community which has occurred according to the Rome Treaty in various fields examined by the Conference and therefore to the necessity that the European Economic Community becomes a contracting party to the future instruments which the Conference is elaborating. At his request this letter was

distributed as a document of the Conference. It was, however, not discussed because the discussion on the final clauses had not yet been undertaken.

As the leader of the delegation of a member State having, during the first six months of 1977, the Presidency of the Council of the European Communities, I have the honour to confirm to you in the name of all member States that in view of the transfer of competences which has occurred, the member States of the Community cannot undertake engagements with respect to third States in respect of those matters examined at the Conference over which the Community has competence. It is accordingly necessary that engagements with regard to these matters should be undertaken by the Community and this requires that it becomes a party to the future Convention together with its member States. This system of joint participation

¹ Official Records of the Third United Nations Conference on the Law of the Sea, vol. VI (United Nations publication, Sales No. E.77.V.2), document A/CONF.62/48.

responds furthermore to the legitimate concern of third States to have a legal guarantee that they have before them partners capable of honouring in their regard the totality of obligations envisaged by the Convention.

It should also be mentioned that the procedure for the conclusion of agreements with the Community is well known. More than half of the Member States of the United Nations have indeed concluded such agreements with the Community in various fields.

I recall furthermore that Mr. Riphagen's letter included the text of two clauses to be inserted in the future instruments and, in view of the member States, capable of solving the present problem. These clauses would have the following wording:

"Customs unions, communities and other regional economic groupings exercising powers in the areas covered by this Convention may be parties to this Convention.

"Nothing in the present Convention shall prevent the Member States of such customs unions, communities or other regional economic groupings from implement-

ing provisions relating, in accordance with the rules governing such customs unions, communities or other regional economic groupings, to the mutual granting to the nationals of such States of national treatment or any other special treatment."

The member States and the Community attach great importance to the inclusion of these clauses in the informal single negotiating text which it is your intention to establish according to your proposals of 20 May (A/CONF.62/BUR.5).

In view of the great importance of this matter for them, they would be grateful if you could arrange for the text of this letter to be circulated as an official document of the Conference.

(Signed) D. A. LOGAN
*Head of the Delegation of the United Kingdom
of Great Britain and Northern Ireland
to the Third United Nations Conference
on the Law of the Sea*

DOCUMENT A/CONF.62/55

Letter dated 8 July 1977 from the representative of Portugal to the President of the Conference

[Original: English]
[12 July 1977]

I have the honour to inform you that in a note verbale dated 5 July 1977, addressed to the Permanent Missions and Observers to the United Nations, the Permanent Mission of Portugal announced that the Portuguese Government is prepared to offer facilities in Lisbon as a possible site for one of the institutions—specifically for the Law of the Sea Tribunal—the establishment of which is expected to result from the Convention or which may prove to be necessary from subsequent developments associated with the implementations of the new ocean régime. As referred to in the note verbale, the Portuguese Government reiterates that this initiative is not intended to prejudice the proposals already submitted by other countries regarding the headquarters of the International Sea-bed Authority.

I shall be grateful if you would circulate this letter and the attached note verbale as a document of the Conference.

(Signed) Mário RUIVO
*Head of the delegation of Portugal
to the Third United Nations Conference
on the Law of the Sea*

NOTE VERBALE DATED 5 JULY 1977 ADDRESSED TO ALL PERMANENT MISSIONS AND OBSERVERS TO THE UNITED NATIONS

The Permanent Mission of Portugal to the United Nations presents its compliments to the Permanent Mission of . . . to the United Nations and wishes to draw its attention to the following:

The Third United Nations Conference on the Law of the Sea is entering into an advanced phase, and matters concerning international organizations, the establishment of which is provided for in the Convention—including

their possible location—will become a subject of increased attention by participating States. Proposals for headquarters sites have, in fact, already been presented.

Portugal is by tradition a sea-faring country. Its history and culture have been strongly influenced by the sea. The uses of the oceans—particularly fishing—still play an important role in the lives and well-being of Portuguese people. Hence the importance attached by the Portuguese Government to the United Nations Conference on the Law of the Sea and to its outcome.

The Portuguese Constitution approved after 25 April 1974 upholds the principle of equality among States, the peaceful settlement of international disputes, the co-operation with all peoples for the emancipation and progress of mankind, and the establishment of an international order capable of safeguarding peace and justice in the relations amongst peoples.

This means, in fact, the return to the tradition of friendly collaboration with peoples of all continents, to which the Portuguese people have always been so deeply attached.

The Portuguese Government, having actively participated in the Third United Nations Conference on the Law of the Sea, recognizes that the future implementation of the Convention will depend, to a great extent, on the adequacy of the institutional arrangements in the sector of ocean affairs, specially on the organizations which are part of the United Nations system.

For the reasons mentioned above, the Portuguese Government, wishing to contribute to the further development of international co-operation, is prepared to offer facilities in Lisbon for the possible site of one of the institutions—specifically for the Law of the Sea Tribunal—the establishment of which is expected to result from the Convention or which may prove to be necessary from sub-