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78th Plenary meeting

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the decision which the Conference had approved at the 76th plenary meeting with regard to the preparation by the President, with the Chairmen of the Committees, adopting the collegiate method and in consultation with

the Chairman of the Drafting Committee and the Rapporteur-General, of a composite text.

The meeting rose at 5 p.m.

78th meeting

Tuesday, 28 June 1977, at 12.05 p.m.

Chairman: Mr. H. S. AMERASINGHE (Sri Lanka).

Organization of work

1. The PRESIDENT read out the text of the document containing the proposals regarding the preparation of the informal composite negotiating text which he had made at the 32nd meeting of the General Committee (A/CONF.62/L.20). The proposals had been approved and assurances had been given that the comments made by Member States would be given full consideration. It was clear that the composite text would not be ready by the beginning of the following week so that negotiations could continue concurrently with its preparation. He had further announced his intention of presenting a memorandum listing the issues that constituted the essential elements of the package on which general agreement was needed and outlining the main differences. When the composite text was considered in plenary the list of key issues could also be considered and agreement could be reached on the order in which they should be discussed.

2. Mr. CASTAÑEDA (Mexico) said that the coastal states group attached great importance to the elaboration of a composite text. Confrontation should be avoided at all costs and the emphasis should be on persuasion. The group's position should not be interpreted as signifying any doubt as to the President's integrity or capacity to guide the debates and the elaboration of a composite text. Such a text should be elaborated jointly and the term "collegiate method" should not be used. The President's proposals—which incorporated the recommendations submitted to him by delegations from the coastal states group—constituted a basis on which to proceed.

3. Noting that different interpretations had been placed on the President's comments in the General Committee he said, with regard to the President's comment that, in the event of a difference of opinion between the Chairman of one of the Committees and the President, the Chairman's viewpoint would prevail, that his delegation felt that that would not, as some had asserted, be tantamount to granting a power of veto to the Chairmen and that the problem had been wrongly stated. A number of States had adopted legislation or other methods based on the revised single negotiating texts, and his delegation could not accept the proposition that those texts could be changed lightly or by any one person. If they were to be changed, it must be by joint decision of the Chairman of the Committee concerned and the President; if no joint agreement could be reached, then the existing texts should remain in effect.

4. Mr. VALENCIA-RODRIGUEZ (Ecuador) said that his delegation supported the procedure suggested by the President. Just as the Conference acted by consensus, so,

too, should the team responsible for elaborating the composite text. His delegation did not interpret the proposals as giving any single person the power of veto over proposals. The procedure to be adopted should be determined by the team that was going to do the work and, in that connexion, he agreed with the representative of Mexico.

5. The composite text must not be just a compilation of the revised single negotiating texts but must offer a different approach to the search for a satisfactory formula to fill the existing gaps and to solve matters that remained outstanding, while taking due account of the vital positions of the various delegations and groups.

6. With regard to the proposed memorandum of outstanding issues, he said that it could not be prepared until the contents of the composite text were known since it was conceivable that, once the various texts had been integrated, there might not be any basic questions outstanding. Once the composite text was available, the Conference would have to determine whether the text should be considered in plenary or referred to the various Committees. In the view of his delegation, the suggestion that the arrangements for the future work of the Conference should be discussed at the end of the current session was very important.

7. Mr. HAN (Republic of Korea) fully supported the President's proposals, but stressed that interest groups should be consulted during the preparation of the composite text. His delegation hoped that the text would not simply be a collection of competing views but would reflect a courageous attempt to solve the difficult problems outstanding.

8. Mr. ROBLE (Somalia) said that his delegation was beginning to question the utility of the Conference and would support any procedure designed to expedite and enhance its work. It endorsed the President's interpretation of the concept of the collegiate method and believed that, in view of the experience and knowledge of the Chairmen of the Committees, their opinions would be given the respect they deserved. His delegation also endorsed the explanations which the President had given when introducing his proposals in the General Committee. Finally, it believed that the two weeks of the session remaining after the composite text had been presented should be utilized for an exchange of views regarding the preamble and final clauses of the draft treaty.

9. Mr. TURKMEN (Turkey) said that, although his delegation was not sure that the Conference had made sufficient progress—particularly with regard to the matters discussed in the Second Committee—it placed its trust in the wisdom of the President. It had taken careful note

of the eighth and ninth paragraphs of the President's proposals (A/CONF.62/L.20), in which he stated that a composite text would enable all participants to see what mutual concessions and compromises were needed for the attainment of a consensus and that that would require that they look forward rather than backward, and that the composite text would be informal and provide a basis for negotiation without affecting the right of any delegation to suggest revisions. He suggested that it might be useful for the Secretariat to compile a document containing all the amendments proposed during the current session.

10. Mr. KOH (Singapore) supported the President's proposals. His delegation could not agree with the Mexican representative that, under the President's proposals, the Chairman of each Committee would have the power to veto any changes to the existing texts, not only because matters of procedure should be left for the team to elaborate, but also because he did not see why the President should be trusted less than the Chairmen of the three Committees who had earlier been entrusted with the elaboration of the revised single negotiating texts and, indeed, of the original texts. His delegation hoped that any difficulties that might arise would be resolved harmoniously, but felt that, if difficulties persisted, the President should be free to take such initiatives as he saw fit.

11. Mr. MWANGAGUHUNGA (Uganda) said that his delegation agreed with the President's proposals. The preparation of the composite text should be under the over-all direction of the President who should decide, together with the Chairmen of the three Committees, what working methods were needed. It fully supported the statement made by the representative of Singapore.

12. Mr. KOZYREV (Union of Soviet Socialist Republics) said that the socialist countries were of the unanimous opinion that the period until the end of the sixth session should be utilized as effectively as possible to achieve progress in the preparation of a generally acceptable convention. They supported the President's proposals to the effect that an informal composite text should be prepared during the sixth week and considered at informal plenary meetings during the seventh and eighth weeks, that the text should be informal in character and provide a basis for negotiations, and that, on the last day of the session, the plenary could decide on the organization of the future work of the Conference. The socialist countries also agreed that negotiations on the outstanding issues should continue while the composite text was being prepared and that the results of such negotiations should be taken into account in the composite text. They believed that the decision adopted at the President's suggestion at the previous session concerning the procedure for the preparation of the composite text was still valid. His delegation agreed that the composite text should be prepared jointly by the President and the Chairmen of the three Committees under the leadership of the President, and felt that the Chairman of the Drafting Committee and the Rapporteur-General should co-operate in that task. It was important for the success of the current session and of the Conference as a whole that the composite text should include not only the mutually agreed formulas on key issues but also all the formulations resulting from negotiations on outstanding issues which might form the basis for compromise decisions. The composite text would then be a prototype for a draft convention which could subsequently be adopted by the Conference on the basis of consensus.

13. Mr. SHEN Chih-cheng (China) said that his delegation attached great importance to the formulation of an informal composite negotiating text on the basis of the discussions held so far. It also attached importance to the basis on which the composite text would be prepared and to the substantive contents of the text.

14. It was clear that there were two diametrically opposite positions on the kind of convention that was needed. On the one hand, the developing countries upheld the view that the international sea-bed resources were the common heritage of mankind and should be exploited under the full control of the International Sea-bed Authority and that the coastal States should have sovereign rights and jurisdiction over the exclusive economic zone and the resources on the continental shelf. The super-Powers, on the other hand, were still trying to impose the parallel system on the Conference, in an attempt to pilage the international sea-bed resources under a cloak of legality and to enable the old law of the sea which protected their maritime hegemonism to continue in a new form.

15. The formulation of a new convention on the law of the sea was an important element in the struggle to establish the new international economic order to which the developing countries attached great significance. Accordingly, the composite text must be based on the reasonable proposals of the developing countries and reflect the fundamental interests of the people of all countries and it must firmly reject the proposals of the super-Powers. The text should be drafted democratically and serious consideration should be given to the views of the developing countries. It should not be elaborated in either a casual or impetuous manner. The task would not be easy, for the super-Powers would make every attempt to sabotage the work.

16. The PRESIDENT reminded the representative of China that only the procedural aspects of the issue were currently under discussion and asked him to confine his remarks to those aspects.

17. Mr. SHEN Chih-cheng (China) said that, while one super-Power was threatening to adopt legislation for the unilateral exploitation of the international sea-bed should the Conference fail to reach agreement at the current session, the other super-Power, although professing a willingness to make concessions to the developing countries, was advertising a new system which was not substantially different from the parallel system advocated by the former. The two super-Powers had made consistent attempts to undermine the unity of the developing countries, thus emphasizing the importance of such unity if a fair and reasonable convention on the law of the sea was to be secured. Although the developing countries included both coastal and land-locked States and although their geographical conditions varied, there was no fundamental conflict of interest among such States. His delegation was convinced that they would seek common ground on major issues while reserving differences on minor ones, and would promote a spirit of mutual understanding and accommodation in order to strengthen their solidarity.

18. The PRESIDENT again called on the representative of China to refrain from commenting on the substance of the issue.

19. Mr. SHEN Chih-cheng (China) said that, while some progress had been achieved, many obstacles still remained and they would not be overcome without much effort, for the super-Powers would not abandon their

position of maritime hegemonism of their own accord. He expressed confidence, however, that the developing countries would achieve their goals since there was no force

that could stem the march of history.

The meeting rose at 1.10 p.m.

79th meeting

Tuesday, 28 June 1977, at 3.25 p.m.

Chairman: Mr. H. S. AMERASINGHE (Sri Lanka).

Organization of work (A/CONF.62/L.20)

1. Mr. IGUCHI (Japan) said that his delegation had already commented on the President's proposals (A/CONF.62/L.20) at the 32nd meeting of the General Committee, but in view of the precedent set by other regional groups, it would now like to speak in its capacity as Chairman of the group of Asian States. There had been a remarkable degree of unanimity among members of that group and a consensus in favour of supporting the preparation of the informal composite negotiating text. Full confidence had been expressed in the President's ability to draw up the text in co-operation with the Chairmen of the three Committees. It would be the President's role to reconcile any divergencies of views and to ensure that the text reflected the interests of the various groups.
2. Mr. STAVROPOULOS (Greece) said he endorsed the President's proposals and considered the choice of the word "team" most apt, since by definition, members of a team were people who worked harmoniously together. The three Committee Chairmen had already demonstrated how effective they could be in furthering the work of the Conference, and he was confident that they would continue to do so.
3. Because of the lack of a composite text, almost a year had been lost. What was needed was a document agreed upon by the team and eventually by the whole Conference. He appealed to the team not to produce another text with a plethora of square brackets; experience had proved how hard it was to remove them at a later stage.
4. Mr. LUPINACCI (Uruguay) endorsed the President's proposals, which he believed constituted an important step toward agreement. His delegation had every confidence that the President, together with his accompanying team, would successfully accomplish the task of drafting an informal composite negotiating text. He welcomed the President's proposal that there should be no interruption in the negotiating process. It was very important that in remaining weeks of the Conference a special effort should be made to negotiate and reach agreement on those points and issues on which there were still differences of opinion, some of which were extremely serious. The results of such negotiations should be communicated to the team preparing the informal composite negotiating text.
5. The document stated that as soon as the composite text was ready plenary meetings would be held. He took that to mean that the plenary meetings would consider the procedure to be followed, including submission of the composite text to the Committees for discussion of the parts relating to the matters within their terms of reference, in order to conclude that stage of the negotiations.

6. Mr. BAKULA (Peru) observed that the Conference had been going through a very difficult stage. Many problems had been overcome, thanks to the constructive proposals made by delegations, individually and through the various groups. The President's proposals were equitable and realistic and should enable the Conference to make progress. His delegation was confident that the joint efforts of the President and the Chairmen of the three Committees would reflect the increasing harmony which had been apparent in the work of the Conference and make it possible to reach a solution that would be fair to all concerned, thereby contributing to the establishment of a new international economic order.

7. Important points had been raised in the General Committee, one of which had just been mentioned by the representative of Uruguay. His delegation attached particular importance to the procedural aspect of the plenary meetings. The President's proposals, together with the clarifications he had given at the 32nd meeting of the General Committee, had clearly been welcomed. Thanks to the President's leadership, the Conference could hope to make progress towards the next stage of the negotiations.

8. The PRESIDENT, in reply to the comments made by the representative of Peru, reiterated his assurances that any consideration of the informal composite negotiating text would be without prejudice to the responsibilities and roles of the Committees.

9. Mr. ATIGA (Libyan Arab Jamahiriya) stated that although his delegation did not believe that a great amount of progress had been made it nevertheless supported the proposals contained in the President's document, for it was convinced that the drafting of an informal composite negotiating text was important if legal contradictions were to be avoided and harmony established. The fact that the President had stressed that the composite negotiating text would be an informal one with the same status as the revised single negotiating text, namely that of a basis for negotiation, in no way jeopardizing the right to negotiate, should allay any fears that groups might have had about taking courageous initiatives. It would be opportune at that juncture for the Secretariat to prepare a list of the various proposals made so that the President's team could take them into consideration.

10. Mr. AL-WITRI (Iraq) reiterated his delegation's endorsement, expressed at the General Committee meeting, of the proposals for the preparation of the informal composite negotiating text and said he agreed with the view of the representative of Singapore on the President's role in the team. The discussion in the General Committee had clearly shown that the revised single negotiating text was still far from reflecting the interests of all delegations and it was to be hoped that the informal