

Third United Nations Conference on the Law of the Sea

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80th Plenary meeting

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text, the Conference should negotiate a text concerning those provisions which had not been sufficiently debated and concerning which serious difficulties arose. The team working on the composite text should take into account all the amendments put forward, because the composite text must be an improvement over the revised single negotiating text. It would be advisable to have a preliminary exchange of views on the preamble and the final clauses.

22. Mr. HELLNERS (Sweden) said he felt that all were agreed on the necessity of preparing a new text. It was necessary to give positive impetus to the work of the Conference, for it was clear from the long discussions at recent sessions that important changes were necessary if the Conference was to move out of the present impasse. He agreed with the President's proposals regarding the method to be followed in the preparation of the composite text, that is, that the President and the three Chairmen should try to work out a new text, incorporating changes where necessary. However, he stressed that if the four-man team did not reach consensus on any specific point, the final responsibility should lie with the President. It was obvious that the President was in the best position to have a well-balanced over-all picture of the situation.

23. With regard to the question how the composite text should be dealt with in the final days of the sixth session, the President's proposal to hold plenary meetings was probably wise. Alternatively the matter might be considered both in plenary meetings and in the Committees, as had been suggested. However, the committee stage of the Conference's work was now more or less over.

24. Mr. RUIVO (Portugal) stressed his delegation's appreciation of the President's objectivity in the guidance of the Conference's work. His proposals concerning the establishment of an informal team to prepare a composite text showed great sensitivity and constituted an appropriate solution to the problem.

25. While a list of outstanding questions for negotiation might be useful, it would probably be better to hold a debate to evaluate such issues. That would pave the way for the preparation of the composite text and reduce differences of opinion. Rather than a list of questions, notes might be prepared highlighting the points on which further work was required.

26. Mr. JAGOTA (India) paid a tribute to the President's skill in producing a well-balanced proposal for the procedure to be followed by the Conference. Although one sometimes received the false impression that the Conference was going round in circles and that positions were being polarized instead of progress being made,

many issues had been resolved or almost resolved during the past three years. After a period of intensive work, the Conference had reached a stage where it had an over-all perspective of the issues involved and his delegation welcomed the President's proposals for the preparation of a composite text. Such a text would be a useful product of the session, and all the interdependent issues would be reflected in one document. The new text would still be an informal negotiating text, but it would be a step forward in the consolidation of the work done by the Conference and would highlight the outstanding issues. When the text of a convention was being prepared at a later session, the Conference could consider the question of the preamble and the final clauses.

27. The method proposed by the President for the preparation of the composite text should produce useful and beneficial teamwork. It was right that the President should be the leader of the drafting team, because he did, in a sense, bear collective responsibility for the progress of the Conference.

28. Mr. LOGAN (United Kingdom), speaking on behalf of the nine States members of the European Economic Community, supported the President's proposals. He had every confidence that the President would lead the drafting team effectively and make a significant and vital contribution to negotiations, thus paving the way for the success of the Conference.

29. Mr. LOVO-CASTELAR (El Salvador) supported the President's procedural proposals. The preparation of a composite text to serve as a basis for negotiations constituted an important step forward in the work of the Conference.

30. The PRESIDENT said that, if he heard no objections, he would take it that the Conference agreed to adopt his proposals.

It was so decided.

31. The PRESIDENT thanked the delegations for their co-operation.

32. Mr. MHLANGA (Zambia) said that he fully agreed with the President's proposals and was especially gratified to know that the composite text would not have the status of the International Law Commission text submitted to the Geneva Conference of 1958. Despite the informal nature of the informal single negotiating text, some coastal States had taken unilateral action with regard to the extent of their territorial sea. His delegation continued to protest against such acts, which served to undermine the negotiations of the Conference.

The meeting rose at 4.40 p.m.

80th meeting

Friday, 15 July 1977, at 12.30 p.m.

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

Organization of work (A/CONF.62/L.21)

1. The PRESIDENT informed the Conference that the General Committee at its 33rd meeting had discussed the

possible need to extend the current session by one day in order to make up for the time lost on the previous day—when the Headquarters building had been closed because of the power failure—and had recommended that

the session should not be extended. If he heard no objection, he would take it that the Conference wished to adopt that recommendation.

It was so decided.

2. The PRESIDENT said that the General Committee had also discussed the question of the venue for the seventh session. He wished to outline the various views and preferences indicated at that meeting.
3. Under the plan for structural alterations at Headquarters, reconstruction work on Conference Rooms 1 and 2 would be carried out from 1 January to 30 June 1978, and work on the General Assembly hall would be carried out from 1 January to 4 August 1978. Consequently, only Conference Rooms 3 and 4 and the Trusteeship Council chamber would be available for the United Nations Conference on the Law of the Sea. Any decision to defer the reconstruction work could be taken only by the General Assembly, and additional costs amounting to some \$1.5 million would be incurred by the need to work "round the clock" in order to complete the work on time. Accordingly, in his own judgement, and in the light of the views expressed by delegations, although New York would in many respects be very suitable as the venue for the next session, it had to be ruled out.
4. There were three other possibilities. First, there would be no difficulty in holding the session at Geneva during the winter or spring of 1978. Secondly, with regard to the Jamaican offer (A/CONF.62/L.21), the representative of Jamaica had expressed his Government's readiness to comply with the requirements of General Assembly resolution 31/140 concerning the defrayal of additional costs, and was prepared to provide the necessary facilities for the Conference. Some delegations in the General Committee had expressed reservations concerning the choice of that venue on the ground of communication difficulties, although the representative of Jamaica had pointed out that his country had satellite communication facilities. Thirdly, with regard to the offer from Malta, that country had also agreed to defray any additional costs.
5. Summing up the views of delegations as expressed in the General Committee, he said that the representative of Japan, speaking on behalf of the group of Asian States, had said that the group generally favoured Geneva, although it was in full sympathy with the position of Jamaica, as a developing country. The representative of Turkey, speaking on behalf of the group of Western European and other States, had said that that group also favoured Geneva. The representative of the Soviet Union, speaking on behalf of the group of socialist States, had expressed that group's preference for Geneva, although it was willing to consider another venue if the developing countries or a majority preferred it. The representative of Egypt, as the spokesman for the group of Arab States and for the group of Islamic Conference States as a whole, had said that the two groups strongly preferred Geneva. In the case of the group of Latin American States, a majority had preferred the choice of Jamaica. As to the group of African States, it was not clear whether any delegation had spoken on its behalf; those African delegations which had spoken had expressed a preference for Jamaica.
6. Mr. GAYAN (Mauritius), speaking as Chairman of the African group, said that the group did not wish to adopt a collective position on the subject of the venue for the seventh session of the Conference.
7. Mr. ENGO (United Republic of Cameroon) pointed out that it was United Nations practice to give priority to sovereign States which offered to host conferences. Accordingly, delegations must first discuss the invitations received from Jamaica and Malta and should go on to discuss the remaining possible venues, namely New York and Geneva, only if those invitations were rejected.
8. Mr. AGUILAR (Venezuela) said that in the past, when the possibilities had been limited to New York and Geneva, his delegation had been in favour of holding the seventh session in Geneva, because of the practical problems involved in holding it in New York. Geneva was easily accessible to most delegations and offered all the facilities required for what would prove to be a vital stage in the work of the Conference.
9. Now that two developing countries had officially offered to host the seventh session, however, his delegation was forced to revise its position. While it welcomed the invitations from both Jamaica and Malta, as Jamaica was a member of the group of Latin American States and maintained very close relations with Venezuela his delegation felt bound to favour its invitation. His delegation was of course anxious that the country which hosted the seventh session should be able to provide all the necessary conference facilities, but the representative of Jamaica had given every assurance of his country's ability to do so.
10. None the less, because of the diversity of views expressed in both the plenary meetings and the General Committee, if a majority of delegations expressed a preference for Geneva as the venue for the seventh session, his delegation would be able to rally to their position.
11. The PRESIDENT noted that all delegations agreed that, for practical reasons, it would be impossible to hold the seventh session of the Conference in New York.
12. Mr. YANKOV (Bulgaria) said that a distinction had to be made between practical and political considerations when determining the venue for the seventh session. All delegations agreed that it would be impossible to hold the session in New York and, as far as his delegation was concerned, for practical reasons there could be no doubt as to which of the three other proposed venues was most suitable. Geneva offered all the necessary facilities for the seventh session and his delegation, while it was extremely grateful to Jamaica and Malta for their invitations, had serious practical reservations as to the advisability of holding the session in either of those countries. There was no reason why those countries, or the groups to which they belonged, should be offended by any reluctance to take up their offer. The simple fact was that more delegations had missions in Geneva than in either Jamaica or Malta.
13. As far as political considerations were concerned, the group of Latin American States should perhaps show some restraint. Two sessions of the Conference had already been held in Latin America and, no matter how great the contribution of that group of countries had been to the Conference, they should be prepared to consider invitations from countries from other regional groups. Indeed, no continent should claim a prominent role in the Conference. Thus, from both the practical and the political standpoint Geneva was the most appropriate venue for the seventh session.
14. Mr. ENGO (United Republic of Cameroon) pointed out that many of the African countries did not have a mission in Geneva, Jamaica or Malta and that the argument put forward by the representative of Bulgaria was therefore irrelevant. He had also been rather surprised by that representative's admonition to the group of Latin

American States and hoped that it did not imply a criticism of Venezuela for having twice hosted the Conference. In any case, if one applied the criterion of equitable geographical distribution of conferences, Geneva would be the worst choice of venue. However, that was not the appropriate criterion and he was aware that for many delegations Geneva would be the most convenient choice.

15. It had been argued that there were both practical and political difficulties involved in accepting the invitations from Jamaica and Malta. Yet the representative of Jamaica had already given assurances that his country could offer all the necessary facilities and, as far as missions were concerned, it should be noted that less than a quarter of the African countries had missions in Geneva. As the group of African States included many of the least developed and land-locked countries, there was obviously some question of interest groups. Moreover, as the cost of sending representatives from New York to Geneva would be far greater than that of sending them from New York to Jamaica, Governments would be forced to send smaller delegations to Geneva than to Jamaica.

16. As far as political considerations were concerned, it was established United Nations practice to encourage developing countries to host conferences provided that they had the necessary facilities. As the representative of Jamaica had given the necessary assurances in that respect, there could be no justification for rejecting the Jamaican invitation.

17. Unfortunately, the invitation from Malta had come a little too late. Moreover, in response to the Maltese rep-

resentative's argument that the seventh session should be held on "neutral ground", he wished to assure that representative that in opting for the Jamaican invitation his delegation was not indicating a preference for Jamaica with regard to certain other matters connected with the Conference.

18. Mr. BARODY (Saudi Arabia), speaking on a point of order, suggested that in order to save time a vote should be taken immediately on the venue for the seventh session of the Conference. Alternatively, the President should limit the number of speakers on that item so that due consideration might be given to the date and duration of the seventh session.

19. Mr. ATIGA (Libyan Arab Jamahiriya) said that, like other members of the Arab group, his country favoured the choice of Geneva for objective reasons. Geneva offered all the necessary facilities for the seventh session and its choice would obviate the need to choose between invitations from two developing countries. It was proving difficult to convince some delegations of the objectivity of that approach, with the result that the question of venue was now becoming a political issue. He appealed to all delegations not to allow that question to become a source of political conflict, forcing delegations to adopt extreme positions according to their geographical or political affiliations, and called on all delegations to accept Geneva as the venue for the seventh session.

The meeting rose at 1.20 p.m.

81st meeting

Friday, 15 July 1977, at 4 p.m.

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

Venue, date and duration of the seventh session

1. The PRESIDENT outlined the positions of the various regional groups on the question of the venue of the next session. The group of Asian States, like the group of Western European and other States and the group of Eastern European States, were in favour of holding the session at Geneva; the group of Latin American States, with a few exceptions, wanted it to be held in Jamaica. The group of African States, for its part, had not yet taken a position on the matter. In any event, in the absence of consensus, it would be necessary to take a decision by vote.

2. After an exchange of views in which Mr. BARODY (Saudi Arabia), Mr. ENGO (United Republic of Cameroon), Mr. HYERA (United Republic of Tanzania) and Mr. VELLA (Malta) participated, the PRESIDENT, acting at the request of Mr. ENDAMNE (Gabon), suspended the meeting in order to allow the group of African States to hold consultations.

The meeting was suspended at 4.10 p.m. and resumed at 4.20 p.m.

3. Mr. GAYAN (Mauritius), speaking as chairman of the group of African States, said that there was no more consensus within that group than there was among the

various regional groups on the question whether to hold the next session of the Conference in Jamaica, in Malta or at Geneva. The Conference should therefore put the question to a vote. There was no reason why a secret ballot could not be taken—a procedure that, in keeping with the views of the President, had been suggested by various delegations during the earlier exchange of views.

4. Mr. ENGO (United Republic of Cameroon) said he would prefer the vote to be taken by roll-call.

5. The PRESIDENT said that, unless any delegation raised a formal objection, the vote would be taken by secret ballot.

It was so decided.

At the request of the President, Mr. Sobhy (Egypt) and Mr. Hashim (Malaysia) acted as tellers.

A vote was taken by secret ballot.

Number of ballot papers:	136
Invalid ballots:	2
Number of valid ballots:	134
Abstentions:	3
Number of members voting:	131
Required majority:	66