

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

1973-1982

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Document:-

**A/CONF.62/SR.92**

## **92<sup>nd</sup> Plenary meeting**

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

posite negotiating text.<sup>8</sup> The delegation of Turkey believed, in any case, that it would not be convenient to propose new subjects for discussion at that late stage in the work of the Conference.

23. Mr. IBAÑEZ (Spain) said that in using the term "archipelagos of states" he was referring to the long-standing issue of archipelagos that formed part of a State and which deserved to be taken into consideration.

#### *Addition to the list of non-governmental organizations*

24. Mr. HALL (Executive Secretary of the Conference) said he had received requests from three non-governmental

organizations in consultative status with the Economic and Social Council to be invited to attend the Conference as observers. The Organizations concerned were the Arab Lawyers Union, International Co-operation for Socio-Economic Development, and the World Young Women's Christian Association.

25. The PRESIDENT said that, if there were no objections, the three organizations would be invited to attend the Conference as observers.

*It was so decided.*

<sup>8</sup>*Ibid.*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

*The meeting rose at 1.10 p.m.*

## 92nd meeting

**Tuesday, 18 April 1978, at 11.30 a.m.**

*President: Mr. H. S. AMERASINGHE.*

### **Organization of work**

1. The PRESIDENT announced that, following consultations between himself and the Chairmen of the First and Second Committees, the Chairmen of the African group, the Asian group, the Arab group, the Latin American group, the Eastern European group and the group of Western European and Other States, the Chairman of the group of Coastal States, the Chairman of the group of Land-locked and Geographically Disadvantaged States and the representative of the United States of America, agreement had been reached on the final composition of the nuclei of the negotiating groups on items (1), (4), (5) and (7) of recommendation 5 in document A/CONF.62/62.

2. The nucleus of the negotiating group on item (1) would be as set out in his note to the group chairmen and the representative he had mentioned, with the addition of the Dominican Republic and Venezuela. That change had been accepted on the understanding that it should not serve as a precedent for abandoning the general principle of equitable geographical distribution within negotiating groups. The Chairman of the group would be Mr. Njenga (Kenya).

3. The nucleus of the negotiating group on item (4) would be as announced in his note of 17 April 1978 to the group chairmen and the representative he had mentioned, with the exception of the replacement of the delegation of Nepal by that of Bolivia as a representative of the group of land-locked and geographically disadvantaged States. He was grateful to the representative of Nepal for the spirit of compromise he had demonstrated in agreeing to withdraw in favour of the representative of Bolivia. The Chairman of the negotiating group would be Mr. Nandan (Fiji).

4. The nucleus of the negotiating group on item (5) would comprise: Algeria, Angola, Egypt, Lesotho, Liberia, Madagascar, Nigeria, Swaziland and Zambia for the African States; China, Fiji, India, Indonesia, Iran, Oman, Pakistan and Singapore for the Asian States; Argentina, Chile, Colombia, Ecuador, Guyana, Jamaica and Mexico for the Latin American States; Australia, Canada, Denmark, Germany, Federal Republic of, Iceland, Norway and Switzerland for the Western European and other States; Bulgaria, Hungary, the USSR and Yugoslavia for the Eastern European States; and the United States of America. It had initially been intended that the group should be a tripartite body, with seven

representatives each from the group of land-locked and geographically disadvantaged States and the group of Coastal States and six representatives from other States, but it had subsequently been decided that that arrangement would be inappropriate in view of the issue the group was to discuss. The main criterion which had finally been applied in selecting the nucleus of the group had been that of equitable geographical distribution, subject to which the various regional and other groups had sought—successfully—to ensure that all points of view were represented. The Chairman of the group would be Mr. Stavropoulos (Greece).

5. All those who had been involved in the negotiations had agreed that the subject matter of item (7) was principally of interest to pairs of States and it had therefore been decided that no nucleus should be announced for the relevant negotiating group. Consequently, all States would be welcome to attend the first meeting of that group, which would be chaired by Mr. Manner (Finland).

6. At the suggestion of the Chairman of the Second Committee, it had been agreed that the chairmen of the negotiating groups on items (4), (5) and (7) would consult him in order to prevent conflicts between the schedules of those groups and of the Committee, and thus avoid the problems which such conflicts would entail for small delegations.

7. In his note addressed to participants in the Conference on 17 April 1978, he had drawn attention to the contents of recommendation 3 in document A/CONF.62/62, concerning the open-ended nature of negotiating groups, and had stated that "It may be noted that delegations are free to choose who should represent them at any time in any negotiating group". In order to dispel the confusion which the latter statement had apparently caused, he wished to make it clear that, in accordance with established practice and the sovereign right of States, a participating State could be represented in any negotiating group by any member of its delegation and could replace its representative in a group by any other member of its delegation at any time during the group's existence.

8. He hoped that all the groups would start their work with the utmost expedition and that, rather than merely repeating set positions, the participants in the groups would engage in genuine negotiations.

9. Mr. TUERK (Austria), speaking on behalf of the group of land-locked and geographically disadvantaged States,

thanked the President for his efforts to resolve the procedural problems which had beset the Conference and assured him that, for their part, the members of the group were eager to commence substantive work. It was the understanding of the members of the group that, since all the negotiating groups would be open-ended, all their documents would be circulated to all participants in the Conference.

10. If the President permitted, he would make a statement setting out the position of the States he represented on the question of the right of access to the living resources of the exclusive economic zone.

11. The PRESIDENT suggested that it might be more appropriate for that statement to be made in the relevant negotiating group.

12. Mr. TUERK (Austria) accepted the President's suggestion. The text of the statement he intended to make would be circulated to all delegations for information.

13. Mr. KOH (Singapore) requested the secretariat to ensure the circulation to all delegations of the text of all the proposals put forward by States or groups of States in the various negotiating groups.

14. The PRESIDENT said that the secretariat would comply with that request.

15. Mr. BRENNAN (Australia) asked whether it was intended to publish a list of the members of the negotiating groups.

16. The PRESIDENT pointed out that reference would be made to the composition of the negotiating groups in the summary record of the meeting. He would, however, arrange for the circulation of the complete list mentioned by the representative of Australia if the Conference so desired.

*It was so decided.*

17. Mr. AL-NIMER (Bahrain) observed that all the negotiating groups were to be open-ended and that the President,

in his note of 17 April 1978 to participants in the Conference, had drawn attention to recommendation 3 which stated that any participant not included in the original nucleus would be free to join the groups with the same status as the original members. He therefore assumed and hoped that the proceedings of the groups would be public.

18. The PRESIDENT said that, since the function of the groups was to negotiate, they would have to work in private, unless they decided otherwise.

19. Mr. YOLGA (Turkey), referring to the question of the chairmanship of the negotiating group on item (5), said that it was normal practice to select as chairman of a negotiating group a representative of a State whose interests were not directly affected by, and which did not have a clear position on, the subject of the group's deliberations. With that in mind, his delegation wished to express the hope that, in discharging his duties as chairman of the group in question, Mr. Stavropoulos—for whom it felt only esteem and friendship as a person—would remain strictly impartial and keep the discussion within the limits of the topic assigned to the group.

20. The PRESIDENT said that, while the representative of Turkey was entitled to reassert the principle that the chairmen of negotiating groups should remain impartial, he was sure that that principle had not and would not be violated by the chairman of any of the negotiating groups of the Conference.

21. Mr. ZEGERS (Chile) said that Mr. Stavropoulos' record as Legal Counsel of the United Nations and Special Representative of the Secretary-General to the Conference, and also the general nature of the topic for the negotiating group on item (5), should be sufficient guarantees for any delegation that the proceedings of that group would be conducted with impartiality.

*The meeting rose at 11.55 a.m.*

## 93rd meeting

Tuesday, 25 April 1978, at 12.20 p.m.

*President:* Mr. H. S. AMERASINGHE.

### Organization of work

1. The PRESIDENT informed the Conference that the General Committee had met to consider the question of the revision of the tentative time-table set forth in recommendation 12 of document A/CONF.62/62. The proposals he had made to the General Committee were contained in document A/CONF.62/BUR.10. The Rapporteur-General was not mentioned in paragraph 1 of that document, because he had been unable to attend the meeting at which the President, the Chairmen of the committees and the Chairman of the Drafting Committee had discussed the question of the revision of the time-table.

2. The following corrections should be made to the proposals in document A/CONF.62/BUR.10: the beginning of paragraph 2 *b* should be amended to read "Second stage to cover the period 3 to 10 May 1978"; in paragraph 2 *d* the words "consideration of" should be inserted before the words "the revised informal composite negotiating text"; the last part of paragraph 3 should be amended to read "The second stage referred to in paragraph 2 *b* above would, there-

fore, cover the period 3 to 10 May 1978"; and, paragraph 4 should be deleted.

3. He had reminded the General Committee that the Conference had decided to convene the current session on the understanding that it would be the last at which there would be substantive negotiations. The revised time-table had been submitted because it had been found necessary, with that understanding in mind, to amend the tentative time-table contained in recommendation 12. The Conference, he had said, must now decide what its objectives should be for the current session, and how it was to plan its work in order to reach agreement on a final convention. The Conference should not modify its earlier intention of having a revised version of the informal composite negotiating text<sup>1</sup> prepared and, if possible, formalized before the present session adjourned, since that would enable delegations to submit formal amendments in what would be the last stage of the Conference's work. If those amendments were to receive

<sup>1</sup>Official Records of the Third United Nations Conference on the Law of the Sea, vol. VIII (United Nations publication, Sales No. E.78.V.4).