

Third United Nations Conference on the Law of the Sea

1973-1982

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Summary Records of Plenary Meetings 15th plenary meeting

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tate the work of seeking a solution to a problem of universal concern.

61. That the Conference was meeting in Caracas was a well-deserved tribute from the international community to Latin America and one of its most notable countries—Venezuela—which had made a constant and valuable contribution to the codification of international law and of the law of the sea in particular. In view of the number of countries represented, the Conference was more “universal” than any other ever held, a further source of pride for Venezuela.

62. He expressed gratification at the presence of the Secretary-General of the United Nations, an Organization which had sought for many years to bring peace, security and harmony to the whole world and which had been responsible

for the initiative in convening it.

63. He felt certain that the members of the group on whose behalf he was speaking had come to the Conference with a sincere spirit of understanding and compromise; he hoped that that would make it possible to reach solutions that would satisfy the legitimate interests of all States. He was sure that under the guidance of the President of the Conference it would be possible to achieve the results that everybody wanted and expected.

64. The PRESIDENT expressed his gratitude to the President of the Republic of Venezuela for having attended the opening session of the Third United Nations Conference on the Law of the Sea.

The meeting rose at 4.45 p.m.

15th meeting

Friday, 21 June 1974, at 10.45 a.m.

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

Report of the General Committee (A/CONF.62/28)

1. The PRESIDENT drew attention to the first report of the General Committee (A/CONF.62/28) and requested the representatives to examine it paragraph by paragraph, on the understanding that each one would be adopted if no objection to it was made.

Paragraph 1

Paragraph 1 was adopted.

Paragraph 2

Paragraph 2 was adopted.

Paragraph 3

Paragraph 3 was adopted.

Paragraph 4

2. Mr. JAGOTA (India), referring to recommendations (a) and (b), said that as the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction had completed its work, the general statements to be made by Governments would be of great importance. It would therefore not be appropriate to limit the period allocated to such statements to six days. A certain amount of flexibility should be maintained with regard to the matter.

3. Mr. OGUNDERE (Nigeria) agreed with the representative of India, and said that it would also be necessary to take into account the case of delegations whose chairmen would arrive later and could only then make their general statements.

4. The PRESIDENT said that while he appreciated the validity of the remarks made by the representatives of India and Nigeria, he hoped that delegations would adhere as far as possible to the proposed programme of work, which was only a guide and was designed to facilitate the organization of work and the task of the secretariat. He also wished to assure the representatives that flexibility would be maintained and that the particular circumstances of each delegation would be borne in mind. If there was no objection, he would take it that the Conference was in agreement with paragraph 4.

Paragraph 4 was adopted.

Paragraph 5

5. The PRESIDENT, referring to the suggestion that delegations should restrict the length of their general statements as much as possible, urged representatives not to allow such statements to exceed 15 minutes in length. If there was no objection,

he would take it that the Conference was in agreement with paragraph 5.

Paragraph 5 was adopted.

Paragraph 6

Paragraph 6 was adopted.

Paragraph 7

Paragraph 7 was adopted.

Paragraph 8

6. The PRESIDENT suggested that consideration of paragraph 8 should be postponed until the question of the list of interested non-governmental organizations, to which it was closely related, had been examined.

It was so decided.

Paragraph 9

7. The PRESIDENT, replying to a question from the representative of the Ukrainian Soviet Socialist Republic, observed that although paragraph 9 was being considered under the heading “Allocation of items”, it in fact covered the list of subjects and issues proposed by the sea-bed Committee.

8. Mr. LACLETA Y MUÑOZ (Spain) said that the allocation of item 22 involved a certain inconsistency, since that item, unlike the others, would be examined simultaneously by the Plenary and by the Committees. He therefore wondered if it would not be appropriate to delete it from the agenda of the Plenary. Otherwise, it should be made clear that the Plenary would consider it after the Committees had done so.

9. The PRESIDENT said that simultaneous consideration of item 22 by the Plenary and the Committees involved no inconsistency, since such in fact were the terms of the agreement on organization of work arrived at in the sea-bed Committee. Under that agreement, each Committee would be entitled to examine various items in so far as they were relevant to its mandate. In addition, it had been proposed that item 22 should be allocated to the Plenary so that it would not have to wait for the results of the Committees’ discussions. If there was no objection, he would take it that the Plenary approved of the allocation of items as a whole.

It was so decided.

10. The PRESIDENT noted that two proposals had been left pending at the previous meeting. The first was to decide whether the President should suggest to the Main Committees and the Rapporteur that they be brief; that suggestion would

not be restrictive or binding, since the only purpose was to avoid long debates.

11. The second proposal was that any Main Committee should be able to consider an item which had not been allocated to it, provided that the item was relevant to its mandate or to the item under consideration at the time.

12. If there was no objection, he would take it that the Conference approved both proposals.

It was so decided.

Approval of the list of interested Non-Governmental Organizations (A/CONF.62/28, A/CONF.62/L.2)

13. The PRESIDENT recalled that together with the present item the Plenary was to consider paragraph 8 of the first report of the General Committee (A/CONF.62/28). He read out paragraph 9 of General Assembly resolution 3029 A (XXVII) and said that if the Conference so decided, paragraph 8 would be approved and the Secretary-General would send invitations to the interested non-governmental organizations listed in document A/CONF.62/L.2.

It was so decided.

Adoption of the rules of procedure (A/CONF.62/L.1) (continued)*

14. The PRESIDENT said that the consultations held between 25 February and 1 March had not had positive results. Informal consultations had been held since that date. Earlier the General Assembly, at its 2169th meeting on 16 November 1973, had approved a gentleman's agreement, which was annexed to document A/CONF.62/L.1. He read out the agreement and noted that it was to be submitted to the Conference for approval, since the Conference was to be master of its own procedures and its own method of work.

15. The informal consultative group had made two suggestions. First, it had suggested that the gentleman's agreement might be incorporated in a decision which the Plenary would approve by acclamation, on the understanding that any delegations wishing to do so might have their reservations entered in the record.

16. Secondly, it had suggested that the President should read out the terms of the gentleman's agreement and should suggest that it be approved by consensus. Personally, he thought that it should be read out and approved by acclamation.

17. Mr. ZEGERS (Chile) understood that the incorporation of the gentleman's agreement in the work of the Conference was part of a global agreement which also included a "cooling-off" period, that would be included in the rules of procedure, in the same way as the actual voting rules. In other words, the majority rule governing the approval of substantive and procedural motions would apply.

18. His delegation thought that the three matters mentioned should be negotiated and decided together. In fact, they should be the object of consultations directed by the President in accordance with a procedure to be suggested by him.

19. The PRESIDENT agreed that the agreement consisted of the three elements referred to by the representative of Chile and that it would be better to consider them together. He also thought that he should preside over the consultations since otherwise certain possibly important points might be overlooked.

20. Mr. LAPOINTE (Canada) supported the Chilean proposal, although he thought that the consensus formula should be incorporated in the work of the Conference. Informal con-

sultations had already been held in Caracas and he understood that further consultations were to be held with a view to reaching an agreement.

21. The PRESIDENT suggested that when the meeting ended he should meet with the members who had already held consultations and then with the regional groups in order to keep them informed. All representatives who wished to do so might take part in the consultations.

22. Mr. ARIAS SCHREIBER (Peru) said that he had no objections to make, but he wished to point out that account should be taken of the views of the delegations which had submitted amendments to the draft rules of procedure.

23. The PRESIDENT pointed out that he had already said that any representative who wanted to do so might take part, though he wished to make it clear that basically the informal consultations would concentrate on rule 37 and the related rules.

24. Mr. ARIAS SCHREIBER (Peru) noted that the countries which had submitted amendments had taken part in the informal consultations held by the President, but the representative of Canada had referred to consultations held in Caracas, of which his delegation had not been informed.

25. Mr. NJENGA (Kenya) said that his delegation, too, had not been aware that informal consultations had been held in Caracas.

26. Mr. LAPOINTE (Canada) explained that he had expressed himself badly and that he should have said "conversations", not "informal consultations".

27. Mr. AKYAMAÇ (Turkey) noted that the President had been interrupted when he had been about to report on the consultations he had held in New York.

28. With respect to the informal consultations, he wondered whether it might not be better for the President to give in the Plenary the information which he had promised to give to the regional groups.

29. The PRESIDENT said that he would do so, but that he also wished to meet separately with the regional groups.

30. He said that the manner in which the consensus formula should be incorporated in the work of the Conference had been considered during the consultations held on 10, 11 and 12 June.

31. If an agreement had to be reached on rule 37 by consensus, there would first have to be a "cooling-off" period. When all efforts to reach a consensus had been exhausted, the Conference would be able to take a vote. Thus, it was necessary to decide what majority was needed for the deferral of approval by consensus or for the taking of a vote.

32. It had been proposed that the Main Committees should conduct their work on the basis of a simple majority of representatives present and entitled to vote, and the Plenary on the basis of a two-thirds majority as laid down in the draft rules of procedures.

33. On the other hand, the Main Committees should be able to submit an item to the Plenary for its consideration. It must also be remembered that many of the formulas put forward were now out of date, since a revised formula which considerably improved the text was being prepared.

34. Replying to a question put by Mr. OGISO (Japan), he said that although some of the rules of procedure which did not present problems might certainly be considered during the remainder of the meeting, he thought the rest of the day should be devoted to informal consultations and that the Plenary should reconvene on Monday, 24 June; if there was no objection, he would take it that that was the wish of the Conference.

It was so decided.

The meeting rose at 11.45 a.m.

*Resumed from the 13th meeting.