

Third United Nations Conference on the Law of the Sea

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151st Plenary meeting

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XV (Summary Records, Plenary, General Committee and First Committee, as well as Documents of the Conference, Tenth and Resumed Tenth Sessions)*

151st meeting

Monday, 3 August 1981, at 4.30 p.m.

President: Mr. T. T. B. KOH (Singapore)

Tribute to the memory of General Ziaur Rahman, the late President of Bangladesh, Mr. Jaime Roldós, the late President of Ecuador, and General Omar Torrijos, former Head of State of Panama

On the proposal of the President, the representatives observed a minute of silence.

Organization of work

1. The PRESIDENT emphasized that the agenda for the present session of the Conference was the same as that adopted at the end of the ninth session (A/CONF.62/BUR.13/Rev.1). Priority must therefore be given to resolving the four outstanding issues identified at the end of the fourth session, and the Drafting Committee must be given time to complete its work. Moreover the Chairman of the First Committee would be holding consultations on the question of production limitation.
2. He enquired whether there were any objections to the programme of work proposed by the General Committee for the first two weeks of the Conference. That programme was tentative, and might have to be modified to include meetings on the participation clause and delimitation.
3. Mr. KOROMA (Sierra Leone) noted that the President, in outlining the programme of work to the General Committee, had said that an opportunity would be given to the United States delegation to express its objections to the draft convention, following the new Administration's review of the draft. That was perhaps the wrong approach to the matter; it might well result in the opening of a Pandora's box of objections by other delegations, and provide them with an opportunity to renegotiate the whole convention.
4. The PRESIDENT replied that the idea of asking the United States delegation to present the results of its Administration's review had come from the Group of 77. He called upon the Chairman of that Group to explain its request.
5. Mr. UL-HAQUE (Pakistan), Chairman of the Group of 77, reminded delegations that it had been impossible to conclude the work of the Conference at the first part of the tenth session because the new United States Administration wished to review the draft convention. It had therefore been agreed that the United States should be given time to complete its review, and the Group of 77 felt that it would be proper for that country to inform the Conference at the beginning of the present session of the results of its review.
6. Mr. MUDHO (Kenya) wondered whether the informal plenary meeting in question ought to be held before the meetings of the various regional groups which were at present scheduled for the day after that plenary meeting.
7. The PRESIDENT pointed out that the Chairman of the Group of 77 had already held negotiations with the chairmen of the regional groups and with the United States delegation, which had acceded to the request of the Group of 77 to explain its Administration's position.
8. Mr. UL-HAQUE (Pakistan), Chairman of the Group of 77, confirmed that that Group's position had not changed. There should be no difficulty in approving the programme of work on the understanding that, as proposed by the General Committee, all delegations would have an opportunity to express their views at the informal plenary meeting in question.
9. Mr. KOROMA (Sierra Leone) said that he was not opposed to giving the floor to the representative of the United States. His objection was one of substance: the convening of a meeting to permit delegations to voice objections to various provisions of the draft convention would open a Pandora's box of criticisms and reservations.
10. Mr. ADIO (Nigeria) said that the representative of Pakistan had stated the position of the Group of 77 quite clearly. The Nigerian delegation supported the proposed programme of work. He did not see how the Conference could proceed without hearing the views of the representative of the United States.
11. Mr. SHERMAN (Liberia), speaking as Chairman of the group of African States, endorsed the statement made by the representative of Pakistan as Chairman of the Group of 77. The work programme, as submitted, should be adopted.
12. Mr. MALITA (Romania) agreed with the general lines of the proposed programme of work. Efforts should be concentrated on consolidating and developing the results which had already been achieved, and on reducing areas of disagreement on those issues which had not yet been resolved. Negotiations must be continued with a view to reaching an acceptable text.
13. The structure of the draft convention was based on the innovative concept of the common heritage of mankind. The replacement of rivalries and conflicts by co-operation in a substantial area of the globe was fully consistent with the new concept of the solidarity and joint responsibility of mankind. He supported the statement of the Chairman of the Group of 77 who had said that negotiations must be patiently pursued with a view to solving all outstanding problems. Those included the delimitation of maritime boundaries; access of geographically disadvantaged States to fisheries; passage of foreign naval vessels through the territorial sea; and certain points pertaining to the final clauses, in particular, the question of reservations to the convention. The solution of such outstanding problems would require concrete negotiations rather than general statements. He said that the Romanian delegation had interpreted the President's explanation in the General Committee, that those issues would be negotiated during this resumed session.
14. Mr. ARIAS SCHREIBER (Peru) and Mr. ENGO (United Republic of Cameroon) supported the proposed programme of work.
15. Mr. PRANDLER (Hungary), speaking on behalf of the group of Eastern European States, considered it essential that the Conference should proceed with its work in accordance with the decision taken at the ninth session, on 28 August 1980 at the 57th meeting of the General Committee. It was of particular importance that the programme of work for the tenth session should provide for the adoption of the convention during 1981 and the signature of the final act at a date to be determined in consultation with the Government of Venezuela.
16. It had hitherto been impossible to implement that decision owing to the intransigent position adopted by the delegation of the United States. The group of Eastern European States had instructed him to state that it favoured a reasonable and negotiated settlement of all important provisions of the draft convention on the law of the sea; however, the attitude and approach of other delegations, and particularly of the United States delegation, would determine whether the work of the Conference could be resumed and continued in a constructive atmosphere during the current session. The group of Eastern European States therefore considered that the General Committee and the plenary

Conference should draw up a strict timetable for the resumed session, so that work could be continued on the pending issues which had been identified by the President at the end of the first part of the session earlier in 1981. The group attached great importance to the winding up of the very important and difficult work of the Drafting Committee as soon as possible. It would do its utmost to contribute to the final success of the current session and to that of the Conference itself.

17. Mr. PINTO (Portugal) considered that the proposed informal plenary meeting would represent a positive development. He agreed with the representative of Peru that all delegations, including that of the United States, should be at liberty to speak at that meeting. He did not believe that such a meeting would open a Pandora's box of objections.

18. The PRESIDENT said that, if there were no objections, he would take it that the Conference wished to adopt the proposed programme of work.

It was so decided.

Invitation by the Government of Malta

19. Mr. GAUCI (Malta) said that the choice of the site of the Authority was an important question of long-term significance on which delegations would require first-hand information before arriving at a decision. His Government had

therefore felt an obligation to give members a chance to see for themselves what Malta proposed to offer. He was consequently pleased to extend to heads of delegations or their representatives, and to the Special Representative of the Secretary-General, an invitation to visit Malta during the week-end of 7 to 9 August 1981. The invitation was pursuant to the letter addressed by the Prime Minister of Malta to Heads of State in which he had explained Malta's strong claim to host the Authority and had given advance notice that Malta would be extending an invitation to heads of delegation to visit the island as guests of the Government.

20. The visit would provide an opportunity to demonstrate the physical facilities which would be available, namely, the Mediterranean Conference Centre which was already fully equipped to house the Authority, as well as the alternative sites where a custom-built complex could be constructed. During their visit representatives would be able to see enough of the way of life in Malta to gain a lasting impression of the environment in which their personnel would be living once missions had been established on the island, if it was selected for the site of the Authority. There would be an opportunity for representatives to meet socially with members of Parliament from both sides of the House.

The meeting rose at 5.20 p.m.

152nd meeting

Monday, 17 August 1981, at 11.35 a.m.

President: Mr. T. T. B. KOH (Singapore)

Organization of work

1. The PRESIDENT drew attention to the programme of work recommended by the General Committee for the third week of the session. He also mentioned the question raised at an earlier meeting concerning the desirability of establishing time-limits for the work of the Drafting Committee.

2. Mr. SYMONIDES (Poland), speaking on behalf of the group of Eastern European States, expressed support for the proposed programme of work for the third week of the session, and observed that time and facilities had been allocated for speedy work on the problems still unresolved, while negotiations on the important issue of delimitation would also be continued during the week. Although it would have been better to have had a programme of work for the following week as well, the group which he represented understood that the President and the Collegium were reserving for themselves more freedom to allocate the remainder of the time in accordance with urgent needs. The programme of work was not an end in itself, but an instrument for achieving the goals established in the Conference decisions of 28 August 1980 (A/CONF.62/BUR.13/Rev.1) and in the 149th plenary meeting of the Conference of 16 April 1981. He was sure that everything would be done to finalize negotiations on outstanding issues; but there was no doubt that the successful outcome of the session depended very much on the work of the Drafting Committee. The group of Eastern European States appealed to the Drafting Committee to intensify its efforts. The group regarded the formalization of the draft convention as the ultimate goal of the session.

3. Mr. UL-HAQUE (Pakistan), Chairman of the Group of 77, said he had been instructed to suggest that the programme of work for the forthcoming weeks should be organized in such a way that it would be possible to formalize the text of the draft convention by the end of the session. In that connection, if necessary, the possibility of extending the session for a fourth week should also be borne in mind.

4. The PRESIDENT replied that that subject would be taken up at the next formal plenary meeting on 21 August. He suggested that it would be helpful if the regional groups could meet to consider the two problems raised by the Chairman of the Group of 77. The Collegium would be meeting on Thursday in preparation for the meeting on Friday, 21 August, and would take those problems into account.

5. Mr. MWANANG'ONZE (Zambia) said that, before the programme of work was adopted, his delegation would like to remind the Conference that, in its view, the outstanding issues to be negotiated included production limitations. Proposals had been made by African producers of metals affected by seabed mining, and constructive alternatives were being sought from other delegations. Negotiations should also be continued on the subject of the continental shelf, the exclusive economic zone and the access to the sea of landlocked States.

6. Mr. VALENCIA-RODRÍGUEZ (Ecuador) expressed his agreement with the proposed programme of work. The proceedings of the resumed tenth session should, however, be based strictly on document A/CONF.62/BUR.13/Rev.1 (note by the President on the programme of work for the tenth session). The formalization of the draft convention should therefore be subject to two basic conditions; one was the conclusion of negotiations on the outstanding issues, and the other was the successful outcome of consultations between delegations on issues that had not found adequate solution in the text as revised. Apart from the issues identified as outstanding, other questions also required negotiation in the appropriate committees and groups. That was the only way in which adequate conditions could be created for the formalization of the text.

7. The PRESIDENT expressed the hope that there would be no lengthy debate on the question of formalization which would depend, firstly, on the conclusion of negotiations on the outstanding issues as identified at the end of the ninth session and, secondly, on the results of consultations on certain other issues.