

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

1973-1982

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Document:-

**A/CONF.62/SR.181**

## **181<sup>st</sup> Plenary meeting**

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

possibilities. His delegation considered that the possibility envisaged by the Soviet Union delegation was purely theoretical.

18. Mr. JUNG (Federal Republic of Germany), speaking on a point of order, requested that a vote be taken on the proposal to amend article 1, paragraph 2, of annex VI to the draft convention to read "The seat of the Tribunal shall be in the free and Hanseatic City of Hamburg, in the Federal Republic of Germany". The co-ordinator of the Russian language group had been the only member of the Drafting Committee to oppose that amendment, because he considered that it involved a substantive question.

19. Mr. BEESLEY (Canada), speaking as Chairman of the Drafting Committee, said that in his view that was a substantive question which should be settled in a plenary meeting.

*The meeting was suspended at 5:55 p.m. and resumed at 6 p.m.*

20. The PRESIDENT announced that the representative of the Federal Republic of Germany had withdrawn his request that a vote should be taken on the question he had raised. He requested the Chairman of the Drafting Committee to hold consultations with interested delegations with a view to finding a generally acceptable solution.

*The meeting rose at 6.05 p.m.*

## 181st meeting

Friday, 30 April 1982, at 11.50 a.m.

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

### Adoption of the agenda

1. The PRESIDENT said that a number of changes had been made to the Conference's agenda (A/CONF.62/118) for the remaining meetings of the session. The revised provisional agenda, which would be distributed shortly, read as follows:

- "1. Report of the Credentials Committee
- "2. Report of the President in accordance with rule 37 of the rules of procedure
- "3. Report of the President on informal consultations conducted on 27 and 28 April
- "4. Report of the Chairman of the Drafting Committee
- "5. Adoption of the convention together with the related resolutions
- "6. Statements by delegations after the adoption of the convention and its related resolutions
- "7. Draft resolution A/CONF.62/L.127
- "8. Resumed session of the Conference for the conclusion of the work of the Drafting Committee and the adoption of its recommendations
- "9. Arrangements for the adoption and signing of the final act at Caracas, Venezuela, in consultation between the Government of Venezuela and the Secretary-General of the United Nations."

2. In connection with item 5, he reminded delegations that the draft convention contained in document A/CONF.62/L.78,<sup>1</sup> as modified by document A/CONF.62/L.93, by document A/CONF.62/L.132, annexes I, II, III and V, by document A/CONF.62/L.137, and by the annex to document A/CONF.62/L.141 and the related draft resolutions constituted an integral whole. Those draft resolutions were: (a) draft resolution I, establishing a Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea, contained in document A/CONF.62/L.94, together with modifications in the second paragraph of annex III in document A/CONF.62/L.132 and in the second paragraph of document A/CONF.62/L.137; (b) draft resolution II, governing preparatory investment in pioneer activities relating to polymetallic nodules, contained in annex IV of document A/CONF.62/L.132, as modified in document A/CONF.62/L.141; (c) draft res-

olution III, contained in document A/CONF.62/L.94; and (d) draft resolution IV, on national liberation movements, contained in annex I of document A/CONF.62/L.132. In all those documents the recommendations of the Drafting Committee adopted by the informal plenary meeting (A/CONF.62/L.85/Add.1-9 and A/CONF.62/L.142/Add. 1) were incorporated.

3. If he heard no objection, he would take it that the Conference wished to adopt the provisional agenda.

*It was so decided.*

### Report of the Credentials Committee

4. Mr. HALL (Executive Secretary of the Conference) said that the Credentials Committee had recently received credentials from several States not listed in document A/CONF.62/119. To those in paragraph 3 should be added the names of Ghana, Ireland, Madagascar, Nicaragua, Sri Lanka and Thailand; to those in paragraph 4, Yemen; and to those in paragraph 5, Democratic Yemen, Guinea and Panama.

5. The PRESIDENT said that if he heard no objection he would take it that the Conference wished to adopt the report of the Credentials Committee.

*It was so decided.*

### Report of the President in accordance with rule 37 of the rules of procedure (continued)

### Report of the President on informal consultations conducted on 27 and 28 April (continued)

6. The PRESIDENT invited the Conference to consider the two reports jointly.

7. Mr. de SOTO (Peru), speaking as Chairman of the Group of 77, said that although some of the proposals in the two reports went considerably farther than the Group of 77 would have liked, it was nevertheless prepared to accept them, provided that the convention and its related resolutions were to be adopted by consensus. Before committing itself to accepting the proposals, therefore, the Group asked the President to state whether any objections had been raised to an adoption by consensus.

<sup>1</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV (United Nations publication, Sales No. E.83.V.4).

8. The PRESIDENT said that he had to inform the Group of 77 and all other members of the Conference that he had prior to the meeting received a letter from the head of the United States delegation, which read as follows: "In view of the outstanding difficulties we have with the emerging package, I respectfully request that it be put to a recorded vote by roll call."

9. Mr. de SOTO (Peru) said that, in the light of that letter, he took it that there would be no alternative to the adoption of the convention by vote. Invoking rule 31 of the rules of procedure, he asked the President to adjourn the meeting in order to allow the Group of 77 time to hold further discussions before the next meeting of the Conference.

10. Mr. BEESLEY (Canada) said that the countries known as the group of 11 had tried in document A/CONF.62/L.104 to provide a basis for discussion which might lead to a consensus. Even at so late a stage, he wished to commend the proposals contained in that document to the United States and the Group of 77.

11. Mr. ROSENNE (Israel) said that in view of the latest turn of events, notably the letter from the head of the United States delegation, he wished to inform the Conference that when the time came his delegation would probably request a separate recorded vote on draft resolution IV.

12. Mr. MALONE (United States of America) said that he had listened with interest to the Canadian representative and thought that the proposals to which he had referred should receive careful consideration.

13. The PRESIDENT said that he wished that the United States and other delegations had taken a more favourable attitude to the work of the group of 11 a few weeks earlier, when he and the Chairman of the First Committee had tried in vain to encourage negotiations based on document A/CONF.62/L.104. Appealing to the Group of 77 to complete its discussions before the appointed time for the next meeting, he proposed that the meeting should be adjourned.

*It was so decided.*

14. Mr. de SOTO (Peru) said that the Group of 77 had no wish to delay the Conference's final decision. The hour had struck, and, as the President had said in his statement on the previous day, the Conference had a rendezvous with history. With reference to the statements he had just heard, he said that it was probably too late to revive the possibility of saving what was perhaps already beyond salvation by the introduction of loopholes or subtle innuendoes.

*The meeting rose at 12.10 p.m.*

## 182nd meeting

Friday, 30 April 1982, at 3.20 p.m.

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

Report of the President in accordance with rule 37 of the rules of procedure (*concluded*)

Report of the President on informal consultations conducted on 27 and 28 April (*concluded*)

1. The PRESIDENT proposed that the two items, which related to the amendments to the draft convention proposed in documents A/CONF.62/L.132 should be considered together.

*It was so decided*

2. Mr. ROSENNE (Israel), speaking on a point of order, asked that a separate vote should be taken on draft resolution IV contained in annex I in document A/CONF.62/L.132.

3. The PRESIDENT said that it had been decided that all the proposals in the documents he had mentioned should be considered together.

4. Mr. ROSENNE (Israel), speaking on a point of order, said that, on the instructions of his Government, he had to appeal, in accordance with rule 25 of the rules of procedure of the Conference, against the ruling announced by the President.

5. Mr. KOZYREV (Union of Soviet Socialist Republics), raising a point of order, asked for an explanation, before the appeal against the President's ruling was put to the vote, of why the President had included in his proposals paragraphs on which agreement had not yet been reached, particularly annex IV, paragraph 1 (a), and annex V of document A/CONF.62/L.132. The status of that document was not, in his view, the same as that of others submitted on the basis of prior agreement.

6. Mr. de SOTO (Peru), speaking on a point of order on behalf of the Group of 77, said that the two questions before the Conference—Israel's appeal against the President's ruling and the inclusion of document A/CONF.62/L.132 among the proposals to be submitted for decision by the Conference—would have to be dealt with separately.

*At the request of the representative of Israel, a recorded vote was taken on his appeal under rule 25 of the rules of procedure.*

*In favour: Israel.*

*Against: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany, Federal Republic of Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Holy See, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San*