

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

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**A/CONF.62/WS/20**

## **Statement by the delegation of Turkey dated 17 April 1982**

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## DOCUMENT A/CONF.62/WS/20

## Statement by the delegation of Turkey dated 17 April 1982

[Original: English]  
[17 April 1982]

The Turkish delegation has chosen to devote its initial statement solely to the introduction of its formal amendment in document A/CONF.62/L.120 in order to highlight the crucial importance of securing the minimum conditions under which Turkey would be able to adhere to the new convention.

In asking for the right to formulate reservations, it has never been the Turkish delegation's intention to upset the balance of the package deal, since the Vienna Convention on the Law of Treaties of 1969 has prudently provided that reservations should be permitted if they are not incompatible with the object and purpose of the Treaty. Therefore, the insinuations purporting to prove the contrary are not, in the view of the Turkish delegation, valid or justified. In our opinion, the only route through which universality could be obtained is the flexible approach which can be achieved by allowing the formulation of reservations.

Turning now to the other formal amendments before the Conference, the Turkish delegation supports those contained in document A/CONF.62/L.100 regarding the composition of the Council, of which it is also co-sponsor, as well as in document A/CONF.62/L.103 on the same subject.

The delegation of Turkey also lends its support to the Iraqi amendment contained in document A/CONF.62/L.101 concerning the participation of the national liberation movements and A/CONF.62/L.102 relating to the signature of the convention by the United Nations Council for Namibia.

The Turkish delegation finds the amendment by the United Kingdom contained in document A/CONF.62/L.126 relating to article 76, paragraph 8, reasonable and can go along with it.

The amendment by France contained in document A/CONF.62/L.106 concerning article 60, paragraph 3, of the

draft convention deserves, in the opinion of the Turkish delegation, favourable consideration.

With regard to the amendment in A/CONF.62/L.108 formulated by Venezuela, the Turkish delegation supports the main principle on which it is based, namely the possibility to formulate reservations.

The Turkish delegation is strongly opposed to the deletion of paragraph 3 of article 121 as proposed by the United Kingdom in A/CONF.62/L.126.

Article 39 of the draft convention on duties of ships and aircraft sets out in paragraph 3 (a) that the State aircraft will normally comply with the Rules of the Air established by the International Civil Aviation Organization. The present drafting of the text is not fully compatible with article 3 (a) of the Chicago Convention on International Civil Aviation,<sup>44</sup> signed on 7 December 1944, which stipulates that the provisions of the Convention are not applicable to State aircraft. The Spanish amendment in document A/CONF.62/L.109 aims at exacerbating this incompatibility by deleting the word "normally". For this reason, the Turkish delegation is against this proposal.

On the other hand, the Turkish delegation supports the Spanish amendment to article 42, paragraph 1 (b), contained in document A/CONF.62/L.109.

Finally, the Turkish delegation is not able to go along with the amendments contained in documents A/CONF.62/L.97 and L.117 concerning article 21 of the draft convention.

<sup>44</sup>United Nations, *Treaty Series*, vol. 15, No. 102, p. 295.

## DOCUMENT A/CONF.62/WS/21

## Statement by the delegation of Colombia dated 16 April 1982

[Original: Spanish]  
[19 April 1982]

The general debate on the 30 amendments submitted enables us to acquaint ourselves not only with the positions of the various countries but also with the general trends regarding the single body of law constituting the draft convention on the law of the sea. The records of the debate will be useful to those who seek to interpret and implement the work of this Conference in the future. I take this opportunity to reaffirm the position which we set forth in the written statement of 1 April (A/CONF.62/WS/18). We shall support the efforts of the President to consolidate the consensus for which he can avail himself of rule 37 of the rules of procedure and we certainly have confidence in him.

The Conference has been moving ahead step by step, unanimously complying with its own ground rules that are binding on all States which adopt them by sovereign decision. We all decided that document A/CONF.62/L.78<sup>41</sup> is the draft convention. Without a single dissenting voice, we decided, with regard to this finalized text, that the only procedural avenue still open was that provided for in rule 33, in other words, all other avenues were closed by consensus. No change in the draft convention can be made except by consensus and, as we

are prepared to accept amendments on which there is consensus, we shall not support anything that departs therefrom or impairs the text.

With regard to the topics dealt with in the First Committee, as members of the Group of 77, we share its general position. We helped to ensure that the negotiations on the topics pending at the start of these meetings would serve to iron out difficulties in a spirit which took into account both the common essential requirements incorporated in the draft convention (A/CONF.62/L.78) and the need for universality which would enable a juridically acceptable, workable and realistic convention to be drawn up to serve all, especially the developing countries. We support the amendment submitted on behalf of the Group of 77 in document A/CONF.62/L.116 and the amendment (A/CONF.62/L.114) to article 63.

Our delegation wishes to comment on the following set of amendments: A/CONF.62/L.108 (Venezuela), A/CONF.62/L.111 (Romania), A/CONF.62/L.120 (Turkey) and A/CONF.62/L.126 (United Kingdom). We are opposed to them, bearing in mind the views of the delegations which expressed their opposition, and we wish to make the following