

Third United Nations Conference on the Law of the Sea

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A/CONF.62/49

Report of the Credentials Committee

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

Community and this requires that it should become a party to the future convention together with its member States.

This system of joint participation responds furthermore to the legitimate concern of third States to have a legal guarantee that they have before them partners capable of honouring in their regard the totality of obligations envisaged by the Convention.

The possibility for the Community to become a contracting party to the convention requires accordingly to be provided by a particular clause. Reference may be made in this connexion to the study by the Secretary-General previously mentioned and the examples there cited (A/CONF.62/L.13).

In so far as other regional groupings, according to a process analogous to that of the Community, exercise, or may come to exercise, competences in their own name in some of the domains covered by the convention, the formulation of such a clause could be of a general character, as follows:

“Customs unions, communities and other regional economic groupings exercising powers in the areas covered by this Convention may be parties to this Convention.”

It would be possible to combine a formulation on these lines with one which refers specifically to the European Economic Community, as is done in the case of some of the agreements previously concluded and to which reference is made by the Secretary-General in document A/CONF.62/L.13.

Becoming in this way a contracting party to the convention, the Community would naturally be itself entitled to the same rights and be subject to the same obligations as States participating in the instrument, and the institutions of the Community would be obliged to apply the provisions of the

Convention in the exercise of their competences. The transposition to the Community level of the responsibility to apply the convention, or certain provisions thereof, would leave to internal law of the Community the task of regulating relations between member States in the areas concerned. To make this explicit in the convention a suitable clause would be the following:

“Nothing in the present Convention shall prevent the member States of such customs unions, communities or other regional economic groupings from implementing provisions relating, in accordance with the rules governing such customs unions, communities or other regional economic groupings, to the mutual granting to the nationals of such States of national treatment or any other special treatment.”

The present communication is intended to notify you formally of the need for appropriate provisions to be included to enable the Community to participate in the future Convention, together with its member States, and to suggest how the final clauses might take account of this requirement. Additional issues may be presented elsewhere in the text (for example, as regards the application of part IV, concerning the settlement of disputes),³ to which attention will need to be given in due course.

(Signed) W. RIPHAGEN
Head of the Delegation
of the Netherlands
to the Third United Nations Conference
on the Law of the Sea

³ Official Records of the Third United Nations Conference on the Law of the Sea, vol. V (United Nations publication, Sales No. E.76.V.8), document A/CONF.62/WP.9/Rev.1.

DOCUMENT A/CONF.62/49

Report of the Credentials Committee

[Original: English]
[14 September 1976]

1. The Credentials Committee held its 5th meeting on 10 September 1976. Representatives of all the members of the Committee except the Ivory Coast were present.

2. The Committee had before it a memorandum by the Executive Secretary of the Conference, dated 10 September 1976, indicating that as of that date communications had been received concerning 144 States participating in the session.

3. Credentials in the form provided for by rule 3 of the rules of procedure of the Conference had been submitted to the Executive Secretary by the following 111 States: Afghanistan, Albania, Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger,

Norway, Oman, Panama, Papua New Guinea, Paraguay, Philippines, Portugal, Qatar, Republic of Korea, Romania, San Marino, Saudi Arabia, Singapore, Somalia, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tonga, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia and Zaire.

4. The appointment of the representatives of two States, Luxembourg and Senegal, had been communicated to the Executive Secretary by telegram from the Ministry of Foreign Affairs concerned.

5. The appointment of the representatives of the following 30 States had been communicated to the Executive Secretary by letter or note verbale: Argentina, Colombia, Egypt, Equatorial Guinea, Ethiopia, Gabon, Grenada, Guatemala, Guyana, Indonesia, Jordan, Lebanon, Lesotho, Mali, Mongolia, Nauru, Nigeria, Peru, Poland, Rwanda, Sierra Leone, Surinam, Togo, Tunisia, Turkey, Uganda, Upper Volta, Uruguay, Western Samoa and Yemen.

6. The delegation of Burundi had signed the Register of the Conference in accordance with rule 40 of the rules of procedure.

7. The Executive Secretary informed the Committee that, subsequent to the preparation of his memorandum, credentials in due form had been received from Bolivia, Chad, Guatemala, Kenya, Pakistan, Peru, Swaziland and Zambia.

8. The representatives of Chad and Hungary sought clarification concerning paragraphs 7 and 8 of the Executive Secretary's memorandum. The Executive Secretary replied.

9. The Chairman proposed that, in the light of the past practice of the Committee, the Committee should accept the credentials referred to in paragraphs 3, 4 and 7 above and that, as an exceptional measure and subject to later validation,

it accept the communications referred to in paragraph 5 above in lieu of formal credentials.

10. The Committee unanimously adopted the Chairman's proposal and recommended to the Conference the adoption of the following draft resolution:

“Credentials of representatives to the fifth session of the Third United Nations Conference of the Law of the Sea

“The Conference

“Approves the report of the Credentials committee.”

DOCUMENT A/CONE.62/50

Resolution of the Council of Ministers of the Organization of African Unity on the international zone extending beyond national jurisdiction*

[Original: English]
[14 September 1976]

The Council of Ministers of the Organization of African Unity, meeting in its twenty-seventh ordinary session at Port Louis, Mauritius, from 24 June to 3 July 1976,

Having considered the interim report of the Administrative Secretary-General on the deliberations of the Third United Nations Conference on the Law of the Sea (CM/762 (XXVII)),

Reaffirms that:

1. The international zone, extending beyond national jurisdiction, and its resources, is the common heritage of mankind and that its resources must be utilized in the interest of mankind as a whole with special regard to the interests and needs of developing countries.

2. The international zone, extending beyond national jurisdiction, is one and indivisible and shall neither be divided into sectors nor reserved for a country or a group of countries.

let alone private or public enterprise belonging to one or several States.

3. The international Authority to be set up shall have the power to manage or administer directly the international zone and its resources and may, whenever the need arises, sign contracts or set up mixed ventures with any natural or juridical persons.

4. Whatever the nature of the contract, the Authority must give special attention to strict planning so that the products of the sea-bed may be complementary in order to avoid at all costs competition against developing countries in general, and African countries producers of minerals in particular, to the detriment of their export earnings.

5. In sharing the benefits resulting from the exploitation of the resources of the international zone, consideration should be given to the needs of developing countries, in particular land-locked countries and the least developed among the developing countries.

6. The international zone, a common heritage of mankind, should be used exclusively for peaceful purposes. Any utilization of this zone for military purposes is strictly prohibited.

*Circulated at the request of the representative of Mauritius, Chairman of the Group of African States at the fifth session of the Third United Nations Conference on the Law of the Sea.

DOCUMENT A/CONE.62/51

Letter dated 15 September 1976 from the representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Conference

[Original: English]
[28 September 1976]

Representatives of the Government of Bermuda have been attached to the United Kingdom delegation at this and the previous sessions of the Third United Nations Conference on the Law of the Sea. I am now asked by the Government of Bermuda to make a communication to the Conference.

Discussion of the question of dispute settlement has not yet been taken to the point of decision on whether any permanent institution for settlement will be created, but Bermuda offers itself for the site of any permanent organ which may be decided upon. This offer is made subject to mutual agreement on the responsibilities which the Bermuda Government would be expected to assume.

I should be grateful if you would circulate this letter as a document of the Conference.

(Signed) D. A. LOGAN
Head of the Delegation of
the United Kingdom of Great Britain
and Northern Ireland
to the Third United Nations
Conference on the Law of the Sea