

Third United Nations Conference on the Law of the Sea

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A/CONF.62/L.32

Letter dated 11 September 1978 from the representative of the Federal Republic of Germany to the President of the Conference

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

rangements of this kind have been conceived for important conferences or meetings on the Secretariat level, there ensued in reality requests for more meetings than were originally planned.

3. A mere glance at the aggregate servicing requirements of both sessions as submitted by your offices reveals that not even 50 per cent of the desired meetings could be held, given the limited number of available conference rooms and the schedule of other meetings in that period. In view of the indisputable importance to be attached to the work of both the Conference and the Committee, I wonder

whether we can really afford to put both in a *de facto* strait-jacket with no room for additional meetings of regional groups or, eventually, newly established working groups.

4. This Department will not be in a position to commit itself to the provision of services over and above the level of eight meetings a day, four in the morning and four in the afternoon. I would like you to be fully aware of this situation and to inform the Bureau of your body of the situation in detail, in order to avoid any possible acrimony in September.

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Letter dated 11 September 1978 from the representative of the Federal Republic of Germany to the President of the Conference

[Original: English]
[14 September 1978]

You will remember that the heads of delegation of the member States which at that time held the presidency of the Council of the European Communities, in 1976 and 1977, drew your attention to the necessity of allowing the European Economic Community to become a contracting party to the future convention on the law of the sea by including in the text of that convention a particular clause to that effect. The letters, dated 10 September 1976 and 6 June 1977, respectively, have been distributed as official documents of the Conference (A/CONF.62/48⁹ and 54¹⁰).

During the debate on the preamble and final clauses of the future convention which took place at the 95th meeting of the Conference on 5 May 1978 at Geneva, Mr. Villadsen, head of the delegation of Denmark, speaking in his capacity as representative of the State, which at that time held the presidency of the Council of the European Communities, recalled and, by specific examples, further explained the reasons why the Community must obtain the right to become a contracting party to the convention due to the competences which have been transferred to the Community by its member States in various areas which will be covered by the convention.

Mr. Villadsen emphasized that it not only would be a logical consequence of the internal distribution of competences between its member States and the Community that it undertakes engagements in certain areas covered by the future Convention, but that it also would respond to the necessity of giving third States which have ratified the convention the legal guarantee that they have before them partners capable of honouring in their regard the totality of obligations envisaged by the convention.

Several delegations commented upon the statement made by the head of the Danish delegation and the Community has with the utmost care considered the comments and remarks which were made.

In the light of these developments and with a view to later deliberations at the Conference concerning the inclusion of provisions in a future convention which would allow the European Economic Community to become a contracting

party to the convention I have, in my capacity as chairman of the delegation of the member State which, during the second half of 1978, holds the presidency of the Council of the European Communities, the honour to transmit to the Conference the text of the clause which we propose in this respect. The clause, which could be inserted in the informal composite negotiating text as new article 299 *bis* and which contains certain additions and modifications compared with the text which has previously been proposed in documents A/CONF.62/48 and 54, is worded as follows:

“1. The present Convention is open for signature and approval or accession by customs unions, communities or other regional economic integration groupings, constituted by sovereign States, which exercise powers in areas covered by the present Convention.

“2. Their instruments of approval or accession shall be deposited with the Secretary-General of the United Nations.

“3. Customs unions, communities or other regional economic integration groupings referred to in paragraph 1 shall, upon deposit of their instruments of approval or accession, become contracting parties with the same rights and obligations as States Parties under the provisions of the Convention to the extent that these rights and obligations relate to an area where powers have been given to them by their member States.

“4. Nothing in the present Convention shall prevent the member States of customs unions, communities or other regional economic integration groupings referred to in paragraph 1 from implementing provisions relating, in accordance with the rules governing such groupings, to the mutual granting to the nationals of such States of national treatment or any other special treatment.”

I would be grateful if you could arrange for this letter to be circulated before the end of the current session as an official document of the Conference.

(Signed) R. WOLFF
Head of the delegation of the
Federal Republic of Germany to the
Third United Nations Conference on the
Law of the Sea

⁹*Ibid.*, vol. VI (United Nations publication, Sales No. E.77.V.2).

¹⁰*Ibid.*, vol. VII (United Nations publication, Sales No. E.78.V.3).