

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

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF.62/SR.107**

## **107<sup>th</sup> Plenary meeting**

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)*

146. Mr. ARIAS SCHREIBER (Peru) noted that the President had referred to the position of the group of African and Latin American States. Could he also indicate the position of the other groups?

147. The PRESIDENT replied in the negative, explaining that he had had no contact with the Chairmen of the other groups.

148. Mr. ZEGERS (Chile) pointed out that there had been no consensus within the group of Latin American States.

149. Mr. ARIAS SCHREIBER (Peru) said that the Chilean delegation had been the only one in the group to express disagreement; Mexico had merely indicated its preference for January.

150. Mr. VALLARTA (Mexico) endorsed the comment of the Chilean representative. The Mexican delegation had said that it wished the session to be resumed as soon as possible, and he indicated that it would cast its vote accordingly.

151. Mr. TORRAS de la LUZ (Cuba) said that Mr. Arias Schreiber, Chairman of the group of Latin American States, whose remarks he endorsed, had expressed the view of virtually all the members of the group.

152. Mr. CALERO RODRIGUES (Brazil) inquired whether the choice of the date (21 August) made allowance for the one-week meeting of the Group of 77 before the beginning of the session.

153. The PRESIDENT replied in the affirmative.

154. Mr. TUERK (Austria), referring to the President's earlier suggestion for a vote by secret ballot, moved that the Conference should proceed to such a vote.

*At the invitation of the President, the representatives of Canada and Brazil acted as tellers.*

*A vote was taken by secret ballot.*

<i>Number of ballot papers:</i>	110
<i>Invalid ballots:</i>	1
<i>In favour:</i>	51
<i>Against:</i>	46
<i>Abstentions:</i>	12

*The proposal for a resumption of the seventh session of the Conference on the Law of the Sea from 21 August to 15*

*September 1978 in New York was adopted by 51 votes to 46, with 12 abstentions.*

155. Mr. NANDAN (Fiji), speaking as Chairman of the Group of 77, said that in view of the decision just taken, the Group of 77 would meet in New York as from 14 August.

156. Mr. WITEK (Poland) asked what would be the agenda of the resumed session.

157. The PRESIDENT replied that the agenda would be the same as that of the Geneva session.

158. Before suspending the session, he wished to express his gratitude to all participants for their active co-operation during the past weeks of intensive and difficult work. In his opinion, although it had not been possible to work out a revised text, substantial progress had been made thanks to the efforts and goodwill of all, in particular the chairmen of the committees, negotiating groups and other groups to which he expressed his special thanks, as well as the secretariat of the Conference and the Secretariat of the United Nations Office at Geneva. He thanked the Special Representative of the Secretary-General and the Executive Secretary for their valuable assistance. He expressed gratitude to the language services, which had been called upon to make a great effort and especially the translation services, which had performed beyond the call of duty in order to provide the Conference with a mass of documentary material in all the working languages. He also thanked all the other persons who had worked for the current session of the Conference on the Law of the Sea.

159. Mr. ZULETA (Special Representative of the Secretary-General) announced that the document which consolidated, for the purposes of recapitulation and for the convenience of delegations, the reports of the committees and the negotiating groups on the negotiations which had taken place at the seventh session would be prepared during the night and issued the following morning, 20 May.

*The President declared suspended the seventh session of the Conference on the Law of the Sea.*

*The meeting rose at 10.40 p.m.*

## 107th meeting

Wednesday, 23 August 1978, at 11 a.m.

President: Mr. H. S. AMERASINGHE.

### Tribute to the memory of Mzee Jomo Kenyatta, President of the Republic of Kenya

1. The PRESIDENT said that the name of Jomo Kenyatta would occupy a prominent and revered place in the history of modern Africa and in the chronicles of man's fight for freedom and self-determination. For 15 years he had led his country with the benevolent paternalism that was the essence of the African genius, and had brought it prosperity and stability. Out of a diversity of tribes and races he had forged a single nation, a multiracial society, where all could live in freedom and security, in confident assurance of being treated as equals. That was an example many would do well to emulate and it was to be hoped that Jomo Kenyatta's work would continue to be an inspiration to those who had the arduous task of succeeding him. He expressed condolences on behalf of the Conference to the Government and people of Kenya, and to the bereaved family of the late President.

*On the proposal of the President, the representatives observed a minute of silence in tribute to the memory of Mzee Jomo Kenyatta, President of the Republic of Kenya.*

2. Mr. ZULETA (Special Representative of the Secretary-General) conveyed sincere condolences on behalf of the Secretary-General to the delegation, Government and people of Kenya on the death of one of the great liberators of the century. He recalled that, in his message to the Conference on the occasion of the preparatory meeting held in Nairobi, Mzee Jomo Kenyatta had revealed a profound interest in its endeavours, a clear understanding of the problems of the law of the sea and devotion to the cause of a new legal order in ocean space. He hoped that the memory of Mzee Jomo Kenyatta would serve as an inspiration to the Conference.

3. Mr. HOUNGAVOU (Benin), speaking on behalf of the group of African States, said that Africa had lost one of its

great sons whose name would evoke many events in the process of African liberation. He had liberated his people from British colonialism and his life was an example for all peoples, especially future generations in Africa and Kenya who had to complete his work and bring about the total liberation of the African continent. He expressed sincere condolences to the people and Government of Kenya.

4. Mr. LOHANI (Nepal), speaking on behalf of the group of Asian States, said that the death of the great freedom fighter and strong champion of African nationalism was being widely mourned throughout the world, where the dynamism, intellectual qualities, dedication to duty, and sense of justice of Mzee Jomo Kenyatta were recognized. Under his fearless and able leadership Kenya had made great strides and had become a modern nation. He requested the Kenyan delegation to pass on the heartfelt condolences of the group of Asian States to the bereaved family.

5. Mr. WITEK (Poland), speaking on behalf of the group of Eastern European States, expressed the profound condolences of the group to the Government and people of Kenya on the death of Mzee Jomo Kenyatta, an outstanding leader of Africa and of all progressive forces. In opposing colonialism and all forms of exploitation, he had savoured both the bitter and the sweet fruits of the liberation struggle. Under his wise leadership, Kenya had made tremendous economic progress. The world was grieved at the loss of one of the great figures of history.

6. Mr. VARVESI (Italy), speaking on behalf of the group of Western European and other States, after expressing condolences to the Government and people of Kenya, said that the death of Mzee Jomo Kenyatta was a blow to all those represented at the Conference. Courageous and determined in the struggle for the independence of his country, President Kenyatta had shown moderation and magnanimity as Kenya's President. Under his guidance, that country had achieved a high standing in the world community and had become a symbol of peace and democracy in modern Africa. His example would be a continued source of inspiration to the people of Kenya.

7. Mr. PIZA-ESCALANTE (Costa Rica), speaking on behalf of the group of Latin American States, said that President Kenyatta's role in the struggle for peace and independence made him one of the fathers of the African liberation movement. In the face of great odds, he had put his country on the road to peace and progress. In the international field, Kenya had always struck a balance between the various forces prevailing on the African continent. Condolences were due to the people of Kenya and Africa at the loss of one of the great men of the twentieth century.

8. Mr. ABOUL KHEIR (Egypt), speaking on behalf of the group of Arab States, expressed grief and condolences at the irreparable loss of a remarkable African leader. Mzee Jomo Kenyatta had set an example by mobilizing the African people in the struggle for liberation and by showing the way to the consolidation of economic independence in the wake of political freedom. As a wise leader, he had worked ceaselessly for the solution of African problems within a truly African context, and had been one of the pioneers of Afro-Arab political, economic and social co-operation. Africa had lost one of its most remarkable sons and liberators.

9. Mr. NANDAN (Fiji), speaking on behalf of the group of 77, said that the world was poorer for the loss of a great statesman who had remained a source of inspiration to his people until the end. He had helped hasten the wind of change which had swept Africa into the post-colonial era and had inspired developing countries across the world. His people had aptly named him the "burning spear". He would be remembered as the father of his country and of African nationalism, an ardent anti-colonialist and a towering political figure. By inviting the Group of 77 to meet at Nairobi in 1974,

he had laid the foundation for the Group's regular pre-session meetings. His spirit would continue to inspire the work of the Conference.

10. Mr. FERNANDO (Sri Lanka), speaking on behalf of the non-aligned countries, said that President Kenyatta had been in the forefront of the struggle against colonialism and was a towering figure in the history of the liberation of his own country and of Africa in general. He was one of the truly great personalities and statesmen of the century.

11. Mr. ARCULUS (United Kingdom) recalled that there were special links between the people of Kenya and his own country. Mzee Jomo Kenyatta would be specially mourned in London as a Commonwealth leader who had believed in that body's ability to foster co-operation. In leading his country through the early days of independence he had been an inspiration to all the peoples of the developing world. He had enjoyed universal respect and had brought prosperity and stability to his country. His death was a great loss to the people of Kenya and to the whole world.

12. Mr. DJOUDI (Observer, Organization of African Unity) said that those who had been privileged to take part in the national liberation struggle had often drawn courage and faith from the example of leaders like Mzee Jomo Kenyatta. He had met slander and humiliation with the calm assurance of one who had accepted his responsibilities and his destiny. Backed by a people prepared for any sacrifice and by the armed struggle, he had refused to succumb to threats, detention or imprisonment. His people had rightly named him "Mzee" and "Father of the Nation". The armed struggle of Kenya in the 1950s had opened the door to others and Jomo Kenyatta had become a symbol of the renaissance of the African peoples. Now, when Africa was facing one of the most critical periods in its history, the example of his courage and indomitable will was a clear guide to the inevitable victory of the peoples of Namibia, Zimbabwe and South Africa in their struggle against régimes which appeared as indestructible as the colonial racist system in Kenya in earlier times. He hoped that the image of Mzee Jomo Kenyatta would remain as an encouragement to those who were continuing the struggle.

13. Mr. RICHARDSON (United States of America) said that the American people mourned with the Kenyan people the passing of their illustrious President Jomo Kenyatta. As a leader of the struggle for freedom and as a nation-builder, he had combined wisdom with moderation and had inspired reconciliation in his country and far beyond its borders. In leading his nation to stability and prosperity, he had never lost sight of the aspirations of his people for freedom and democracy. With regard to the law of the sea, he had been deeply committed to the objectives of the Conference. A towering figure in the world community had passed into history, and his example would remain a shining light in a troubled world.

14. Mr. WOLFF (Federal Republic of Germany), speaking on behalf of the members of the European Economic Community, paid a tribute to the eminent role played by the late President Jomo Kenyatta, whose personality, wisdom and zeal made him a truly great statesman. His death would be mourned all over the world.

15. Mr. EVENSEN (Norway), speaking on behalf of the five Nordic countries, expressed deep sadness at the passing away of President Kenyatta, who would remain a towering symbol of freedom and independence to all freedom-loving nations. By his personal courage and far-sightedness, he had held aloft a beacon of hope to all those struggling for self-determination. His life-long dedication to the peoples of Africa would be remembered by all. Under his leadership, Kenya had played a key role in bringing about a more just and peaceful world; it had also made a constructive contribution to the work of the Conference on the law of the sea.

16. Mr. KOH (Singapore), speaking on behalf of the members of the Association of South-East Asian Nations (Indonesia, Malaysia, the Philippines, Singapore and Thailand), said that the delegations of those countries were paying a tribute to the memory of Jomo Kenyatta not merely because their countries enjoyed very close and cordial relations with Kenya, but also because Kenyatta was a great man. He was a fearless fighter for independence and he suffered many trials and tribulations in the struggle for his country's freedom. He emerged from long imprisonment with his spirit uncrushed and his magnanimity undiminished. He succeeded in forging the different tribal ethnic and linguistic groups of Kenya into a united family. He has left Kenya a legacy of political stability and economic prosperity.
17. Mr. RATTRAY (Jamaica) said that the world had lost one of the great men of all times, a warrior against injustice and oppression who had been committed to the cause of liberation and equality. He had borne his loss of personal liberty without recrimination. By his charismatic leadership and his commitment to human ideals, he had welded together many disparate forces and had brought about an unparalleled achievement in which his oppressors had remained to contribute to the process of nation-building. After a life of struggle for noble ideals, his name lived on, a flaming torch of inspiration to all. Jamaica would mourn his loss.
18. Mr. SOETAN (Nigeria) said that Africa had lost an illustrious son who had opposed all forms of colonialism. Undaunted by his imprisonment, he had guided his nation's destiny to become its revered and charismatic leader. He had played a crucial role in the emancipation of Africa, subsequently enjoying the prestige of an elder statesman. In his death, Kenya and Africa had lost a guiding light. His record of patriotism and dedication would be a source of inspiration to generations yet unborn.
19. Mr. ENGO (United Republic of Cameroon) said that Africa had lost a great general and a pioneer in the fight for freedom and racial justice. He had personified Africa's determination to be free, demonstrating the highest ideals of African culture and a capacity for reconciliation and racial tolerance. He had lit up the path to freedom which other nations had followed.
20. Mr. HYERA (United Republic of Tanzania) said that the passing away of President Kenyatta had robbed Africa and the world of an illustrious leader. He had been a pioneer of African nationalism at a time when the colonial Powers had regarded such action as a great heresy. One of his greatest virtues had been his spirit of compassion and forgiveness. He had encouraged multiracialism within Kenya, helping it to develop stability and a sense of common purpose as a nation. He would be remembered as a foremost Pan-Africanist and elder statesman who had helped to reconcile inter-African conflicts.
21. In a message of condolence to the Acting President of Kenya, the President of the United Republic of Tanzania, Mr. Julius Nyerere, had paid a tribute to the late President Kenyatta as a pioneer and source of inspiration to Africa in its struggle, and as a leader who had been regarded with great admiration and affection.
22. Mr. PERIŠIĆ (Yugoslavia) said that the passing away of one of the greatest statesmen was a profound loss for the entire international community. His delegation wished to pay a special tribute in view of the close personal relationship between the President of Yugoslavia and the late President Kenyatta. The father of independent Kenya, he had organized and led the arduous struggle for the self-determination and freedom of his people, and for a viable social and economic structure for his country. As a leader in world affairs and in the non-aligned movement, he had contributed to the creation of a better world. His death would be a great loss.
23. Mr. DROUSSIOTIS (Cyprus) said that, in the passing away of President Kenyatta, Cyprus had lost a true friend. A wise and dynamic statesman and a great leader, he would undoubtedly go down in history as a giant who had fought for colonized and oppressed peoples throughout the world.
24. Mr. DE LACHARRIÈRE (France) said that, in the death of President Kenyatta, the world had lost one of its most eminent statesmen. He would remain an exemplary figure because of the impact of his action on international affairs and because of the human and intellectual dimension which he gave to that action.
25. Mr. IGUCHI (Japan) said that President Kenyatta was renowned in Japan for his achievements, and that Japan and the entire world shared Kenya's profound sorrow at the passing of its respected leader, who had been so devoted to the independence, development and prosperity of his country.
26. Mr. ZEGERS (Chile) expressed his delegation's condolences upon the death of President Kenyatta, which was a loss not only for Kenya but also for Africa and the entire world. Jomo Kenyatta had been responsible for the creation of the Kenyan State which, under his leadership, had enjoyed great stability and prosperity.
27. Mr. WEEKS (Liberia) said that his delegation was saddened by the passing of President Kenyatta, a great statesman who would be forever remembered as a man who truly loved his fellow men. A veteran in the struggle for the rights of Africans, Jomo Kenyatta had made sacrifices not only for the people of Kenya but for the people of the entire continent. He had made important contributions to the establishment of African organizations, including the Organization of African Unity, and under his leadership Kenya practised a good-neighbourly policy towards all countries. The greatest tribute which the Conference could make to Jomo Kenyatta would be to conduct its deliberations in the spirit of *harambee* (Let's pull together), the watchword which had guided his life.
28. Mr. JAGOTA (India) said that Jomo Kenyatta had been a great man, son of Africa and leader of his people. He had been a torch of freedom for all peoples who aspired to a life of greater dignity, equality and freedom. Jomo Kenyatta had been a great friend of India, and the people of India sincerely mourned his passing.
29. Mr. MWANGAGUHUNGA (Uganda) paid a tribute to Jomo Kenyatta, the leader of Uganda's neighbour, a great friend, statesman and intellectual giant. The news of his death had stunned the people of Uganda, and President Idi Amin Dada had sent a personal message of condolence to the Acting President of Kenya, in which he had described Jomo Kenyatta as a legend in African politics and an inspiration to all people struggling for freedom. President Amin had assured the Acting President of Kenya of his desire to strengthen the excellent relations which existed between the two countries. The freedom for which Jomo Kenyatta had fought was greatly cherished by the people of Uganda, and the greatest tribute they could pay to his memory would be to continue on the path of solidarity and intensify the struggle to achieve the total liberation of the African continent.
30. Mr. URIBE-VARGAS (Colombia) said that the death of the illustrious President of Kenya had saddened the entire world. Jomo Kenyatta had devoted his life to noble causes and had been the champion of Kenyan nationalism. He had played an important role in the Conference on the law of the sea by advocating the necessity of decolonizing the world's seas and placing them in the service of international justice. He had also endorsed the policy of jurisdiction over the geostationary orbit as a means of defending the interests and resources of countries in the path of such an orbit. Jomo Kenyatta had distinguished himself not only as a great African but as a leader of international stature.

31. Mr. GHARBI (Morocco) said that some leaders were marked for immortality because they represented the sufferings and aspirations of their generation. Such leaders lived on as guiding lights to future generations which shared similar ideals. In modern times, especially in Africa, fate had raised up a number of men who had become a source of inspiration to their peoples and the entire world. President Kenyatta was the incarnation of all his people's virtues and aspirations for a better future based on equality, and he had been deeply loved by the Kenyan people for his qualities as a political leader and for his great wisdom.

32. Mr. ROSENNE (Israel) expressed his delegation's sympathy on the death of Jomo Kenyatta, a great son of Africa and a champion of African nationalism, tolerance and reconciliation. President Kenyatta's leadership had been inspiring and exemplary in times of adversity as well as in triumph. As one of the architects of contemporary Africa, he had left his imprint on the second half of the twentieth century.

33. Mr. GELAGA-KING (Sierra Leone) said that the people of Kenya had lost a revered and illustrious leader. He had personally had the privilege to hear Jomo Kenyatta address the nineteenth session of the UNESCO General Conference at Nairobi in 1976 on the theme of self-help and unity, and Kenya was living proof of the success of that philosophy. Jomo Kenyatta's ingenuity, determination and sacrifices had left an indelible mark in the annals of history. His tolerance, wisdom and foresight were attested to by his long and successful leadership of his country.

34. Mr. YUSUF (Somalia) expressed his delegation's deep sorrow at the death of a heroic fighter for the freedom of his own people and of all peoples of Africa. Jomo Kenyatta's death was an irreparable loss not only to Kenya but to the

entire world, and the people and Government of Somalia joined in mourning his death.

35. Mr. OSMAN (Sudan) said that the entire African continent was in mourning for one of its most faithful sons and one of the foremost leaders of mankind. The memory of Jomo Kenyatta would live on forever.

36. Mr. ATEIGA (Libyan Arab Jamahiriya) said his delegation was deeply grieved at the loss of a great African leader, a militant freedom fighter and one of the most outstanding men of the century. While the world was saddened by President Kenyatta's death, it could take some comfort in the fact that his noble philosophy would continue to serve as a guide to his people and all mankind.

37. Mr. BEESLEY (Canada) expressed his delegation's condolences upon the death of a great African leader and Commonwealth statesman. Jomo Kenyatta had been among the very few whose influence extended beyond their own country to the people of the entire world, and he had left a rich legacy to all.

38. Mr. KASINA (Kenya) expressed his delegation's gratitude to the President of the Conference for the kind tribute he had paid to the late Kenyan President and to all delegations which had expressed their condolences on the death of the beloved father of the Kenyan nation. Jomo Kenyatta would be forever remembered both in Kenya and the world over for his courageous and selfless struggle for the freedom and dignity of mankind. President Kenyatta had restored dignity to the Kenyan people after the humiliation of colonialism and had become the symbol of the country's stability, prosperity and unity. He assured delegations to the Conference that he would convey their expressions of condolence to the Acting President of Kenya, to the Kenyan people and to the bereaved family.

*The meeting rose at 2.05 p.m.*

## 108th meeting

Friday, 15 September 1978, at 11.20 a.m.

*President:* Mr. H. S. AMERASINGHE.

### Organization of the future work of the Conference

1. The PRESIDENT introduced the report of the General Committee to the plenary Conference (A/CONF.62/69).

2. Mr. GAYAN (Mauritius) said he objected to the choice of Geneva as the venue of the next session of the Conference. The calendar of conferences, which had not yet been adopted by the General Assembly, provided only for the convening in New York during the period in question of meetings requiring smaller conference rooms and interpretation into fewer languages. Furthermore, simultaneous work in a smaller number of rooms was more favourable to countries which could send only small delegations.

3. The PRESIDENT observed that the recommendation of the General Committee that the next session of the Conference should be held in Geneva had been adopted after favourable views had been expressed by all the regional groups except the group of African States, in which opinions had been divided. In March and April 1979, the only accommodation available in New York would be three large conference rooms with complete interpretation services and, owing to other meetings, it would be impossible to make available a sufficient number of smaller conference rooms.

4. Mr. ZULETA (Special Representative of the Secretary-General) observed that, in addition to the conferences scheduled in the calendar, the Economic and Social Council and other bodies established by it or by the General Assembly were due to meet during the period in question. The Secretariat could not even guarantee that the three main conference rooms would be available to the Conference.

5. Mr. GAYAN (Mauritius) said he wished to record his delegation's reservations concerning the recommendation.

6. The PRESIDENT said that, if there were no further comments, he would take it that the Conference adopted the report of the General Committee.

*The report of the General Committee was adopted.*

7. The PRESIDENT, after recalling that some of the reports of the Negotiating Groups on the work done during the first part of the current session had been issued as informal papers, suggested that the reports relating to the first part of the seventh session and the resumed seventh session should be included among the documents printed in the official records of the Conference.

*It was so decided.*