

Third United Nations Conference on the Law of the Sea

1973-1982

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A/CONF.62/BUR/SR.48

48th meeting of the General Committee

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gained at the current stage would not be lost. Delicate negotiations were still under way, particularly with regard to part XI of the draft convention. The Group therefore agreed

that the deadline for the negotiating groups should be extended by two days.

The meeting rose at 10.20 a.m.

48th meeting

Wednesday, 22 August 1979, at 10.15 a.m.

Chairman: Mr. H. S. AMERASINGHE

Organization of work

1. The CHAIRMAN invited the representative of Finland, as Chairman of negotiating group 7, the representative of Greece, as Chairman of negotiating group 5, and the representative of Honduras, as Chairman of the Group of 77, to take part in the meeting.

2. He read out a note which he had prepared concerning the programme of work of the Conference for the rest of its eighth session and concerning proposals in regard to the work of the ninth session (A/CONF.62/BUR.12), and drew attention to an error in paragraph 3, where the words "the seventh session" should be replaced by "the first part of the eighth session". He suggested that the Committee consider the note paragraph by paragraph and comment on whether the second revision of the informal composite negotiating text should be effected at the end of the current session or immediately thereafter.

3. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that that Committee still had to meet to consider the results of the consultations and negotiations which had been held. As it seemed to him difficult to decide whether the second revision should be effected at the end of the current session or immediately afterwards, he proposed that no decision be taken until more information was available.

4. The CHAIRMAN said that the Conference could take a decision on the question on Friday, 24 August.

5. Mr. KOZYREV (Union of Soviet Socialist Republics) supported the Chairman's suggestion and pointed out that it was unlikely that the second revision of the negotiating text could be completed at the current session. The results which had been achieved, including those in the First Committee and the group of 21, did not constitute an adequate basis for effecting the revision, and issues had been raised which, if not resolved, might destroy everything that had been agreed on. Instead of dealing with the second revision of the text in the General Committee, it would be better if that task were entrusted to the President of the Conference and the Chairmen of the Committees. Lastly, paragraph 5 of document A/CONF.62/BUR.12 should be deleted.

6. Mr. THOMPSON-FLORES (Brazil) said the contact group of the Group of 77 for the First Committee had concluded that at the current stage it lacked the information it would need in order to submit a proposal to the First Committee. Moreover, although the proposals submitted in the group of 21 were interesting, some of them were extremely complicated and more time was needed to consider them before expressing an opinion as to whether they should be included. Consequently, the text should not be revised at the current session.

7. Mr. SEALY (Trinidad and Tobago) said that the Group of 77 had not decided on its position with regard to the procedure proposed in the last sentence of paragraph 8 of document A/CONF.62/BUR.12. In addition, a number of countries, including some of the industrialized countries, had said that they needed more time to study the proposals put for-

ward in the group of 21. That being so, he did not think it was possible to determine which of the revised formulations satisfied the criteria specified in paragraph 10 of document A/CONF.62/62.¹

8. He emphasized the importance of preserving such results as had been achieved so far, and said that the next discussion should be of a purely preliminary nature, so that each Government could study the proposals of other countries or groups. Existing proposals should not be regarded as the only possible basis for the inevitably brief debates during the remainder of the current session.

9. Mr. ADIO (Nigeria) supported the text of paragraph 8 of document A/CONF.62/BUR.12.

10. Mr. EVRIVIADES (Cyprus) said that the second revision of the negotiating text could be effected by the procedure proposed in paragraph 8. Any revision should take into account paragraphs 10 and 11 of document A/CONF.62/62.

11. Mr. UL-HAQUE (Pakistan) supported the views expressed by the representatives of Trinidad and Tobago and Brazil. Discussions in plenary meetings of the Conference were not sufficient to enable the presidential team to determine which of the proposals that had been made commanded general support in the Conference. In his view, all the proposals should be set out in an annex without specifying which of them were acceptable, and he therefore proposed that the words "that satisfy the criteria specified in paragraph 10 of A/CONF.62/62" should be deleted from paragraph 8.

12. As for the possibility that the Chairmen of the committees might, with the agreement of their respective committees, indicate in their reports that certain proposals satisfied the criteria mentioned in document A/CONF.62/62, he pointed out that the Group of 77 was unable to take a position on any of the texts which had been proposed but felt that the requirements for drawing up an acceptable set of provisions had not been met.

13. Mr. KOH (Singapore) said that he was in general agreement with the statements made by the representatives of Pakistan, Trinidad and Tobago and Brazil and with the proposal that no reference should be made to the criteria specified in document A/CONF.62/62, paragraph 10.

14. Mr. RAOELINA (Madagascar) said that the work of the First Committee had been particularly difficult, and his delegation would oppose giving any formal status to the proposals put forward in the group of 21. All proposals should be included in the President's report for consideration at the next session.

15. Mr. BEESLEY (Canada), speaking as Chairman of the Drafting Committee, said it must be made clear at what point in the proposed plan for the ninth session the Drafting Committee was to begin work. In the time-table proposed in doc-

¹Official Records of the Third United Nations Conference on the Law of the Sea, vol. X (United Nations publication, Sales No. E.79.V.4).

ument A/CONF.62/BUR.12, paragraph 10, no mention was made of the Drafting Committee at the third, fourth and fifth stages, and it should be made clear that that did not mean that the Committee would be deprived of its functions.

16. The CHAIRMAN explained that the Drafting Committee would have to perform the tasks assigned to it under the rules of procedure and that the text of the draft convention would not be final until the Committee had approved it.

17. Mr. ARIAS SCHREIBER (Peru) considered that the proposals made should be incorporated in annexes to the reports on the work done at the current session so that they could be studied at the following session, during the second stage outlined in paragraph 10 of document A/CONF.62/BUR.12. He therefore proposed the following amendment to the last part of paragraph 8: "the incorporation in a memorandum of the formulations proposed at this session, to be considered by the Conference at the next session in accordance with the procedure indicated under the heading 'Second stage' in this document".

18. Mr. YANKOV (Bulgaria) pointed out the need for officially recording the progress made by the Conference at the current session so as to ensure that the work of the following session would begin from that point and that there would be no backtracking. He therefore proposed that the last part of paragraph 8 be amended to read "the incorporation in a memorandum of the reports of the committees on the results of the work done at the current session, including the proposals contained therein".

19. As for the wording proposed by the representative of Peru, he pointed out that at its ninth session the Conference would continue its work in accordance with the proposed time-table, the first stage being devoted to the final clauses and to finding compromise solutions to outstanding issues so as to prepare the new revision of the negotiating text. The general debate scheduled for the second stage should deal with the second revision of the text and not the first revision, otherwise nothing would be accomplished during the first two weeks of the first stage.

20. Mr. ARIAS SCHREIBER (Peru) said that at the following session the procedures followed thus far need not necessarily be applied. A somewhat easy-going approach had been adopted, based on partial and informal compromises that had meant losing sight of the draft as a whole. The informal character of the work had enabled delegations to oppose the proposals formulated without giving serious and valid reasons. The results of the informal negotiations must be utilized during the second revision, but only after formal debate in which delegations stated their reasons for accepting or rejecting each proposal.

21. The proposed procedure would, in his opinion, lead to the opposite result. During the first stage there would be a second revision of the text based on fragmentary suggestions and on the assessment made by the chairmen of the possibilities of achieving a consensus on each proposal. Only later on, after the second revision had been effected, would there be a formal debate the results of which would not be reflected in the draft but would serve only to bring to light the positions and objections of the participants. For those reasons, he disagreed with the representative of Bulgaria.

22. Mr. YANKOV (Bulgaria), speaking on a point of order, said that in paragraph 8, which referred to the programme of work for the remainder of the current session, it would be possible to delete the last part and simply state that the memorandum would contain the reports of the committees on the work accomplished at the current session, including the relevant proposals. The questions raised by the Peruvian delegation and his own delegation could be considered when paragraphs 9 and 10 were discussed in connexion with the organization of work for the ninth session.

23. Mr. ABOUL KHEIR (Egypt) said that the reports submitted by the chairmen of the committees and of the negotiating groups could not be considered at that stage as a revision of the negotiating text but should be incorporated, with the proposals that had been made, in a memorandum to be sent to delegations for study and discussion at the ninth session before proceeding with the second revision.

24. Mr. SAMPER (Colombia) said that he saw no reason for deleting the reference to paragraph 10 of document A/CONF.62/62. It might be possible to combine the proposals of Bulgaria and Peru, which did not seem to be diametrically opposed, but in any event the reference to document A/CONF.62/62 should be maintained.

25. Mr. THOMPSON-FLORES (Brazil) said that he supported the solutions proposed by Pakistan and Bulgaria. The problem presented by the reference to document A/CONF.62/62 lay in the fact that the reports in question had not been considered either by the committees or by the Group of 77. Since it was not possible to apply the criteria specified in paragraph 10 of document A/CONF.62/62, the reference to that paragraph, contained in paragraph 8, would have to be deleted.

26. Mr. ENGO (United Republic of Cameroon) endorsed the comments of the representative of Brazil and said that the best solution would be to adopt the procedure followed at the seventh session at Geneva; that is, the President should prepare a detailed document outlining the current situation for the information of delegations.

27. Mr. EVRIVIADES (Cyprus) said that, while he understood the concern expressed by some delegations, he endorsed the Colombian proposal to maintain the reference to paragraph 10 of document A/CONF.62/62.

28. Mr. ALDRICH (United States of America) said that it was not necessary to do that, since the second revision would not be effected by the end of the current session.

29. The CHAIRMAN appealed to the delegations of Colombia and Cyprus not to insist on maintaining the reference to document A/CONF.62/62 which, as had just been pointed out, was unnecessary. The most appropriate solution might be that suggested by Mr. Engo.

30. Mr. SAMPER (Colombia) said that he understood the Peruvian proposal to mean that there would be serious negotiations in a general debate, in the light of which the revision of the text would be undertaken, applying the criteria specified in paragraph 10 of document A/CONF.62/62.

Organization of work for the ninth session

31. Mr. BAILEY (Australia) said that the time-table proposed for the various stages of the ninth session was rather ambitious, since the preparation of a revised text at the beginning of the session might prove to be a laborious task. It would be more realistic to prepare a formal text during the six-week session and to convene another six-week session for the fourth and fifth stages.

32. Mr. ORREGO VICUÑA (Chile) said that the ninth session would require at least 10 weeks, divided into two parts comprising, respectively, the first to third stages and the fourth and fifth stages. If an attempt was made to cover all the stages in a single session lasting eight weeks, there would be a repetition of the situation prevailing during the current session in which various groups met simultaneously, thus creating difficulties for small delegations that were short of staff.

33. Mr. NJENGA (Kenya) pointed out that agreement needed to be reached on a binding time-table that would cover all the stages. His delegation would prefer to have a single session lasting eight weeks. He stressed that the time-table adopted must be strictly adhered to.

34. The CHAIRMAN asked delegations to consider the possibility of completing the first four stages in a period of six weeks.
35. Mr. ABoul KHEIR (Egypt) was in favour of agreeing on a binding time-table in order to complete all the work in a single session. Experience showed that if more than one session was planned, work might be postponed unnecessarily until the last minute. With regard to the duration of the single session, eight weeks seemed reasonable, although it might be advisable for the General Assembly to authorize the Conference to extend its session by one or two weeks, if necessary. Before proceeding to the fourth stage, it would be best to suspend the session for one week so that delegations could hold consultations and receive instructions from their Governments in order to propose official amendments.
36. Mr. DJALAL (Indonesia) announced that his Government had proposed that the next session of the Asian-African Legal Consultative Committee should be held in Indonesia in April 1980. In view of the fact that questions concerning the law of the sea would be among the main items on that Committee's agenda, it was especially important that there should be no overlapping with the ninth session of the Conference.
37. The CHAIRMAN said that if the ninth session of the Conference began in February, it could not overlap with the meeting of that Committee.
38. Mr. SEALY (Trinidad and Tobago) agreed that it was necessary to set time-limits for the work of the ninth session. However, in his opinion, an eight-week session in 1980 would not be sufficient, and another session would have to be held to complete the decision-making process.
39. Mr. ARIAS SCHREIBER (Peru) said that the time had come to agree on clearly defined and binding stages for the work of the Conference, so that the Caracas convention could be signed at the end of the following year. However, he felt that the eight-week time-table proposed by the President was insufficient, and agreed with the representative of Chile that 10 weeks would be needed, since the final stage was bound to be slow. Although, ideally, a single session should be held, it would be more realistic to divide it into two parts and, at the end of the first part, to submit the draft convention and official amendments so that Governments could consider them before taking any decisions. In that way, it would be possible to avoid the problems and expenses that would arise if, half-way through the Conference, representatives were obliged to notify their Governments of the amendments submitted.
40. The procedure established should be definitive and, once the first stage was completed, negotiations could not be reopened.
41. Mr. POWELL-JONES (United Kingdom) said that, although it was essential that the Conference should have a definite time-table for the ninth session, it should be flexible in its work and should not preclude the possibility of making changes if they became necessary.
42. In his opinion, the period provided for the first stage in paragraph 10 of the note by the President was not sufficient, and it would be more realistic to allow three or four weeks for the work of the First Committee.
43. With regard to the second stage, it was understandable that delegations should wish to place their position on record in order to ensure that there was adequate documentation of the preparatory work for the convention. Nevertheless, the formal statement mentioned as part of the second stage should be made either immediately before or immediately after the adoption of the convention so as to ensure that the last phase of the negotiations was not disrupted.
44. The CHAIRMAN, referring to the need for flexibility, pointed out that, during both the first and second stages, negotiations would be held not only in the First Committee but also in the other committees.
45. With regard to the proposal made by the representative of the United Kingdom, he pointed out that the main purpose of holding a formal debate before the final revision was precisely to ensure that the positions of delegations were placed on record before the revision was undertaken.
46. Accordingly, he hoped that the representative of the United Kingdom would not insist on his proposal.
47. Mr. GOERNER (German Democratic Republic) agreed that a definite time-table, covering separate stages, should be drawn up. Considering the meagre results of the current session, if the different stages proposed in paragraph 10 of document A/CONF.62/BUR.12 were to be completed, there would have to be greater collaboration, stricter discipline, and machinery to facilitate compromise solutions.
48. In any case, his delegation was not sure that all the proposed stages were necessary; moreover, the possibility of shortening the working procedure in the final stages should be considered. He therefore suggested that the Conference consider the time-table proposed by the President at the beginning of the following session, after delegations had had an opportunity to study the President's memorandum on the results of the current session.
49. Lastly, he stressed that it was necessary, especially in the final stages of the work of the Conference, that the principle of deciding basic issues only on the basis of a consensus should prevail.
50. The CHAIRMAN said that it would be possible to devote part of the following session to preparing a time-table for the work of the Conference, and he asked the representative of the German Democratic Republic not to insist on his proposal. With regard to the need to operate on the basis of a consensus, the possibility of invoking the rules of procedure and of having to take a vote could not be ruled out.
51. Mr. KOZYREV (Union of Soviet Socialist Republics) said that too much time had been spent on consideration of the time-table. He therefore suggested that the Committee should proceed to discuss how the ninth session of the Conference should be organized and that representatives should take advantage of the interval between the sessions to study the memorandum to be submitted by the President on the work of the current session.
52. Mrs. MUTUKWA (Zambia) agreed that a time-table was needed, but felt that it should be very realistic so that it could be strictly adhered to. The two weeks envisaged for the first stage were insufficient. The negotiating phase would have to continue during the ninth session. Moreover, it was necessary to avoid an overlapping of the revision and negotiating processes. In her opinion, at least four weeks would be required for the first stage, whereas one week should be sufficient for the second stage provided that the deadlines set were strictly observed.
53. Mr. ENGO (United Republic of Cameroon) said he favoured the adoption of a strict time-table during the current session. It was essential that Governments should know that the following session would be the final one and that their delegates should come prepared to adopt a final decision. He shared the view of the representative of Zambia that the first stage was too ambitious, and felt that three weeks would be needed in order to carry out the work scheduled for that stage.
54. On the other hand, he noted that the President of the Conference had requested in his note that a formal debate should be held on the revised informal text, especially during the second stage. As their statements would appear in the summary records of the meetings, delegations would have the tendency to submit proposals that were of a maximum benefit to their countries and it would be more difficult to

attain a consensus. All progress achieved so far was the result of informal negotiations. If it was essential that there be a general debate, he recommended that it should be informal and should be held for one week during the second stage.

55. The CHAIRMAN said that holding two debates in plenary meeting, one informal and the other formal, would result in duplication of effort. He wished to suggest that the proposed formal debate be held during the second stage, that the last paragraph concerning the first stage be deleted and that the revision be effected at the end of the formal debate.

56. Mr. ENGO (United Republic of Cameroon) stressed that it would be unproductive to hold a formal debate, which, moreover, he did not consider absolutely necessary. Unlike informal debates, formal meetings were of no advantage.

57. The CHAIRMAN said he felt that a formal debate should be held in plenary meeting.

58. Mr. MARSIT (Tunisia) said that it was essential to hold a formal debate on the negotiating text.

59. Mr. AL-WITRI (Iraq) supported the President's proposals in paragraphs 9 and 10 of his note. With regard to the second stage, he felt that it was necessary to leave sufficient time to debate the revised text before adopting it as a final document. Perhaps the proposed limit of 15 minutes to be allowed to each speaker was insufficient time, since delegations had to place their positions on record.

60. Mr. LUKABU-K'HABOUJI (Zaire) shared the view of the Kenyan delegation that one session should suffice in order to finalize the work of the Conference. He felt that the duration of the first stage provided for in the President's note was insufficient, since it would not be possible to carry out all the scheduled work in two weeks. With regard to the second stage, he shared the view of the United Kingdom representative concerning the time at which it should take place. On the other hand, he felt that the position of the representative of the United Republic of Cameroon was justified, since formal debates impeded the adoption of flexible positions, a situation which would be particularly hazardous during the second stage. Delegations would put forward formal proposals which they would reconsider during the third stage, and it would be necessary to start again from the beginning. Lastly, he requested the Chairman to ensure that documents were distributed in the various official languages so that delegations could participate in the debate on an equal footing.

61. The CHAIRMAN said that, in accordance with current practice, documents must be issued simultaneously in all the relevant languages, and he gave his assurance that that rule would in future be strictly complied with.

62. Mr. KOZYREV (Union of Soviet Socialist Republics) observed that the General Committee had not yet adopted a decision concerning the proposed plan or the stages envisaged in the time-table. He was not sure that it was appropriate to decide on a plan with so many stages and, in his view, it would be preferable to establish general guidelines for the conduct of the ninth session of the Conference.

63. The majority had established their position in the gentlemen's agreement and it would be appropriate to adhere to that agreement and adopt the draft convention by consensus.

64. He proposed that a general recommendation on the conduct of the following session should be submitted to the plenary Conference and that the General Assembly should be requested, in convening that session, to authorize the Conference itself to extend its duration if necessary. Work could thus be concentrated on the proposals of the Chairmen of the committees and the negotiating groups.

65. The CHAIRMAN observed that the majority seemed to feel that a time-table should be set for the work of the following session and recalled that in the gentlemen's agreement it had been expressly laid down that efforts to attain a consensus should not conflict with the rules of procedure.

66. Mr. EVRIVIADES (Cyprus) said that it was essential to ensure the preparation of a draft acceptable to all delegations, and the procedure that had been proposed was the only effective solution. Although the time-table was demanding, it could be adopted on condition that provision was made for a certain flexibility and that the total length of the session was extended; one single session should be held even if it had to be a long one.

67. Mr. RAOELINA (Madagascar) also felt that the ninth session should be held without interruption. In his view, the first stage of the proposed time-table should last three weeks and the General Assembly should authorize the Conference to extend the duration of the session.

68. Mr. SYMONIDES (Poland) considered that it was necessary to adopt a programme of work with set stages. It was possible that a period of eight weeks was insufficient for the ninth session. It would be necessary for the debate scheduled for the second stage to be held simultaneously in all the Committees and not only in plenary meeting. Another solution would be to merge the second and third stages.

69. Mr. YOLGA (Turkey) said that he agreed that two weeks would not be sufficient time in which to complete the first stage of the proposed plan. Efforts were well advanced to find compromise formulae that would solve various problems, and a final attempt should be made. He therefore proposed that the first stage should last for four weeks.

70. In his opinion, delegations required an official and permanent record of their statements; otherwise, it would be difficult to interpret the text finally adopted. The work of the Conference in the second stage should be placed officially on record.

71. Mr. ABOUL KHEIR (Egypt) pointed out that the second paragraph on the first stage was unclear. According to the text, the Chairmen of the committees, assisted by the Chairmen of the established negotiating groups and the group of legal experts on part XI, should conduct the necessary consultations within their respective spheres of competence in order, to the extent possible, to reach compromise solutions on outstanding issues. It was not clear whether the consultations were to be held among a limited number of delegations; that procedure did not seem adequate to his delegation, for it was only through consultations among all delegations that the necessary degree of consensus for adopting the proposed amendments to the official text could be obtained.

72. Mr. UL-HAQUE (Pakistan) associated his delegation with the comments made by the representative of Egypt. The outstanding issues were extremely important and a broad consensus would be required in order to achieve a valid agreement on them.

73. The plans for the second stage seemed to imply that a third revision would be made before the negotiating text became a final Conference document. His delegation believed that the second and third revisions could profitably be combined into one. Although he agreed with the delegations that had stressed the need for terminating the work of the Conference in 1980, he recognized that that might prove impossible. In his delegation's view, a period of six weeks would be required for the first three stages.

74. The CHAIRMAN explained that the second revision would be the last one. With regard to the scope of the consultations that the Chairmen of the Committees and negotiating groups were to carry out, it was up to them specifically to determine who would participate in those consultations,

since there would be no reason to restrict them to small groups or to hold them at the informal level.

75. Mr. ADIO (Nigeria) said that he did not agree that a flexible position must in principle be adopted with regard to the separate steps required to complete the work at each stage. In any case, his delegation could not countenance spending more than three weeks on the first three stages, nor a session of more than eight weeks to complete all the work.

76. Mr. de LACHARRIÈRE (France) drew attention to the dangers of excessively rigid planning and the imposition of inordinate obligations, because such a procedure could discredit the very idea of obligation. He proposed that the flexibility required in planning work at the different stages should be kept in mind. Nevertheless, it was necessary to decide very precisely whether one or two sessions should be held, and how long they would be in either case.

77. Mr. RICHARDSON (United States of America) said he was confident that the work could be completed within the proposed stages. He agreed with those who had suggested the need for some flexibility in the planning of the work in each stage. He further stressed the need for preserving the unofficial atmosphere of the informal negotiations. Once the text had been appropriately amended or revised and the final draft convention became available, there would be time to make official statements which would be reflected in the summary records.

78. Mr. ARIAS SCHREIBER (Peru) said that excessive flexibility was what had brought the Conference to its current situation.

79. The opinion seemed to be prevalent that the Conference should have three weeks for the first stage instead of the two weeks called for in the President's note.

80. He proposed that, after the fourth paragraph concerning the first stage, the first paragraph relating to the second stage should be included and that the beginning of that paragraph should be amended to read "At the beginning of the fourth week . . .".

81. That paragraph would then be followed by the existing final paragraph on the first stage, which would be amended to read: "Half-way through the fifth week the President and the Chairmen of the Committees, assisted by the Chairman of the Drafting Committee and the Rapporteur-General within their respective spheres of competence, should prepare the next and final revision of the informal composite negotiating text." Then the revised text would be considered with a view to making it a final document, the committees would study it and formal amendments would be submitted, a process which would take about six weeks. An additional four or five weeks would be needed for consideration of the formal amendments, attempts to arrive at a consensus and the adoption of the relevant decisions.

82. Finally, he disagreed with the United States representative regarding the formal or informal nature of the negotiations. In his view, a record must be kept of the views of the various delegations, for that was the only way that the second revision of the negotiating text would gain widespread acceptance.

83. Mr. BAILEY (Australia), referring to the 15-minute limit on speakers mentioned in the first paragraph concerning the second stage, asked whether a decision had to be taken on that issue at the current session. With regard to the proposal in the same paragraph that delegations could present written statements to be included in the official records of the Conference, he wished to know whether delegations would be able to comment on those statements in plenary meeting.

84. The CHAIRMAN said he hoped that a decision would be reached at the current session on his suggestion of a 15-minute limit on speakers.

85. With regard to the second question by the representative of Australia, he suggested that delegations should submit their written statements far enough in advance to be distributed, enabling the participants to make statements in plenary meeting.

The meeting rose at 1.15 p.m.

49th meeting

Thursday, 23 August 1979, at 10.20 a.m.

Chairman: Mr. H. S. AMERASINGHE

Organization of work for the ninth session (continued)

1. The CHAIRMAN submitted document A/CONF.62/BUR/12/Add.1, containing a series of amendments to that part of his note referring to the organization of work for the ninth session, to take account of the comments made by various delegations.

2. Mr. ARIAS SCHREIBER (Peru) said that the amendments submitted by the President met the concerns expressed by various delegations at the previous meeting. Two basic premises had to be borne in mind when considering the work of the final session: first, that the work of the Conference would have to be arranged in such a way as to ensure its completion in 1980, and, secondly, that decisions would be taken preferably by consensus, having regard to the gentlemen's agreement. If that proved impossible, the relevant provisions of the rules of procedure would apply.

3. Some, but not all, developed countries would wish the next session to be conducted with the same flexibility and informality as had hitherto been the case, so that they could prolong the negotiations at will and give final consent only at the end of the session, when there would be no time to

implement the rules of procedure of the Conference and it would be forced to accept the conditions imposed by those countries or run the risk of ending up without a convention. That would clearly damage the interests of the developing countries, and his delegation reiterated its flat rejection of the use of such a procedure. Where it was impossible to take a decision by consensus, it would request that the matter should be put to the vote, following the normal procedure, and decided by a simple majority, in accordance with article 39, paragraph 3, of the rules of procedure.

4. Mr. UPADHYAY (Nepal) said that the amendments proposed by the President were acceptable to his delegation. He stressed that it would be useful to hold the session in two parts, the first for the purpose of detailed consideration of all outstanding issues. He recalled that his delegation had submitted two informal proposals to negotiating group 6 (NG6/15) and to an informal meeting of the Second Committee (C.2/Informal meeting/45) which had been sponsored by nine countries. In his note (A/CONF.62/BUR/12), the President had proposed that during the first three weeks of the ninth session the Chairmen of the Committees, assisted by the Chairmen of the established negotiating groups, should con-