

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/C.3/SR.41

41st meeting of the Third Committee

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

THIRD COMMITTEE

41st meeting

Tuesday, 21 August 1979, at 3.35 p.m.

Chairman: Mr. A. YANKOV (Bulgaria)

Report by the Chairman

1. The CHAIRMAN appealed to representatives to endorse the general assessments and concrete proposals contained in his report (A/CONF.62/C.3/L.33) and thereby further to advance the negotiations.

2. During the current session, negotiations had focused on those issues that had remained pending after the Committee had concluded its work in April 1979 at Geneva, namely, the régime for the conduct of marine scientific research on the continental shelf beyond 200 miles from the baselines from which the breadth of the territorial sea was measured and the problem of the settlement of disputes relating to the interpretation or implementation of those provisions of the convention which concerned marine scientific research. Other substantive issues were still pending; those were, *inter alia*, the facilities and assistance to be rendered to research vessels, the need to make the results of research internationally available, the conditions governing the suspension or cessation of research, the need to assist research vessels in preventing or controlling damage to the health and safety of persons or to the marine environment, the modalities of marine scientific research conducted under the auspices of an international organization and the rights of neighbouring land-locked and geographically disadvantaged States.

3. Because of the nature of the key issues still pending and the late date at which work had begun, the negotiations had been intensive and had been conducted under pressure. The procedure of considering specific amendments article by article, followed at previous sessions, had been combined with an issue-oriented approach. He had sought to involve all interested delegations, and from the views they had expressed there had emerged compromise formulae which had a substantial degree of support and provided a reasonable basis for consensus.

4. The compromise formulae suggested with regard to the various articles were as follows:

Article 242

The following sentence should be added:

"In this context, without prejudice to the rights and duties of States under the present Convention, a State in the application of the present Part shall provide when appropriate other States with a reasonable opportunity to obtain from it, or with its co-operation, information necessary to prevent and control damage to the health and safety of persons and the environment."

Article 246 bis

The following new article, the title and placement of which were to be determined by the Drafting Committee, should be added:

"For the purposes of article 246:

"(a) The absence of diplomatic relations between the coastal State and the researching State does not necessar-

ily mean that normal circumstances do not exist between them for purposes of applying article 246, paragraph 3;

"(b) The exercise by the coastal State of its discretion under article 246, paragraph 4 (a), shall be deferred and its consent shall be implied with respect to marine scientific research projects undertaken outside specific areas of the continental shelf beyond 200 miles, from the baselines from which the breadth of the territorial sea is measured, which the coastal State has publicly designated as areas in which exploitation or exploratory operations, such as exploratory drilling, are occurring or are about to occur;

"(c) The coastal State shall give reasonable notice of such areas."

Article 247

In line 1, "intergovernmental" should be added after "global".

Article 249

Paragraph 1 (d) should be redrafted to read as follows:

"(d) If requested, provide the coastal State with an assessment of such data, samples, and research results or assist in their interpretation;"

In paragraph 1 (e), "subject to paragraph 2" should be deleted.

Paragraph 2 should be redrafted to read as follows:

"2. The present article is without prejudice to the conditions established by the laws and regulations of the coastal State for the exercise of its discretion to grant or withhold consent pursuant to article 246, paragraph 4, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration or exploitation of natural resources."

Article 253

The title should be redrafted to read as follows:

"Suspension or cessation of research activities".

In the first line of paragraph 1, "suspension or" should be inserted before "cessation".

Subparagraph (a) should be redrafted to read as follows:

"(a) The research activities are not being conducted in accordance with the information communicated as provided for under article 248 upon which the consent of the coastal State was based and compliance is not secured within a reasonable period of time;"

A new paragraph 2 should be added, as follows:

"2. The coastal State may require cessation of research activities if the conditions provided for in paragraph 1 are not complied with within a reasonable period of time after suspension has been invoked, subject to any proceedings which may have been instituted pursuant to section 2 of Part XV."

with article 253". Without such a clarification, his delegation would oppose the paragraph.

21. Lastly, his delegation had presented some very simple proposals relating to articles 242, 248 and 249 which had not even been mentioned, let alone considered, and its proposal concerning article 254 remained pending. In such circumstances, he did not see how the Committee's work could be regarded as completed as the Chairman had intimated.

22. He greatly regretted that his delegation could not support the proposed formulations, which satisfied only certain delegations.

23. Mr. ATAIDE (Portugal) said that in general the amendments proposed by the Chairman had his delegation's support. Difficulties arose, however, in connexion with paragraph 2 of article 253, the wording of which was inconsistent with paragraph 1.

24. The coastal State should have the right to impose cessation or suspension. The milder wording of paragraph 2 was illogical, and his delegation could not accept it.

25. Mr. AL-HAMID (Iraq) congratulated the Chairman on his proposed new formulations, most of which faithfully reflected the majority views expressed during the negotiations. Some amendments, however, served the interests of only certain States and could not be regarded as compromise formulae. His delegation therefore reserved the right to submit subamendments. Consequently, the Chairman's comments with regard to the conclusion of the Committee's work at the current stage were somewhat premature.

26. Mr. FIGUEIREDO BUSTANI (Brazil) said that his delegation regarded the negotiating text as a basic consensus document which enjoyed his delegation's support and that of the Group of 77 as a whole. The amendments put forward by the Chairman greatly affected some aspects of the package deal that had been achieved. It was his delegation's understanding that no new compromise formulae had emerged from the negotiations, which had been intensive. The amendments read out by the Chairman had not been discussed in the plenary Committee, and his delegation had not had the opportunity to consider them.

27. The new article 242, with some further drafting changes, might be an improvement on the article in the revised negotiating text, but his delegation could accept the latter as it stood.

28. With regard to article 246 *bis*, subparagraph (b), he recalled that there had been exhaustive discussions concerning scientific research on the continental shelf but no consensus had emerged.

29. As to article 249, the proposed new formulation of paragraph 1 (d) failed to take account of the fact that developing countries were not on the same level in scientific and technological terms as researching States and therefore would not have the opportunity to learn to assess the data. Paragraph 2, as redrafted, also presented certain difficulties because of its restrictive approach, as had been clearly pointed out by the representative of Peru.

30. One of the most difficult problems for his delegation concerned article 253. While his delegation was ready to consider the idea of suspension or cessation, the matter had not been discussed exhaustively. The proposed paragraph 2 was merely a proposal by one delegation which apparently had not received support.

31. With regard to article 255, his delegation supported the views expressed by the representative of Peru.

32. As to article 264, his delegation was prepared to examine the new proposal but felt that it could be further improved.

33. He suggested that the Chairman's proposals be examined in detail at a later stage, since time was needed to consider their effect on the over-all package.

34. The CHAIRMAN pointed out that all the issues covered by his report had been discussed in the Committee but acknowledged that not all the proposals which had emerged during consultations had been discussed. Further consideration of the articles in part XIII of the negotiating text was a matter for the Conference to decide.

35. Mr. SMØRGRAV (Norway) said that his delegation had accepted most of the proposals put forward by the United States delegation and other delegations, but it could also accept the negotiating text as it stood. That also applied to the Chairman's proposals.

36. However, his delegation had reservations concerning article 246 *bis*, subparagraph (b), and would prefer a different wording at the end thereof.

37. Mr. MALIK (Pakistan) congratulated the Chairman on his proposals, which in certain respects represented a major step forward. His delegation could support the new wording of articles 242 and 247. Similarly, the new article 249, with the amendment proposed by Peru to paragraph 2, was a welcome improvement.

38. In certain areas, however, the proposed amendments would substantially alter the nature of the package in respect of that part of the convention. His delegation therefore had great difficulty in accepting them. That applied particularly to the question of implied consent embodied in the new article 246 *bis*, subparagraph (b), and that issue might require further negotiations. Referring to subparagraph (a), he said that the question raised by the representative of the United Republic of Tanzania concerning the distinction between the absence of diplomatic relations and a rupture of relations needed to be clarified.

39. As to article 253, he recalled that a consensus had been reached to the effect that the right to terminate marine scientific projects after consent had been given, in the event of any flagrant violation of the convention or a threat to the security of the State, would not be questioned and that the relevant wording would be retained intact.

40. His delegation could accept the new article 255, with the addition proposed by Peru to the effect that facilities would be given to scientific research vessels if their activities were in accordance with the convention and that otherwise general maritime law or customary international law would operate.

41. As to article 264, he agreed with the representative of Peru that provision should also be made for the coastal State to terminate a research project that was prejudicial to its interests. With such an amendment, the new article 264 would be acceptable to his delegation.

42. Mr. EITEL (Federal Republic of Germany), commending the Chairman on his efforts, said that his country, as a researching State, was committed to the principle of freedom in all fields of scientific research. He therefore supported the efforts of many researching States to improve the wording of the negotiating text without upsetting the delicate balance between the positions of the coastal State and the researching State, with a view to providing a workable basis for effective co-operation that would benefit both sides and mankind as a whole.

43. His delegation was not completely satisfied with the results. The key issues concerning the régime for marine scientific research on the continental shelf beyond the 200-mile limit and the settlement of disputes in accordance with article 264 had not been completely resolved. His delegation maintained that a substantially more liberal régime for marine scientific research was needed in the case of the outer shelf than in the case of the exclusive economic zone. Ac-

cordingly, it had proposed the exemption of basic research from a consent régime. Furthermore, it had supported proposals concerning resource-related research, aimed at accommodating the interests of coastal and researching States in a way that deferred the full implementation of the consent régime until the coastal State had taken steps to exploit the resources of the continental shelf. His delegation was pleased to note that at least those proposals were reflected in the Chairman's draft. It regretted, however, that basic research was still subject to the consent régime. His delegation hoped that the negotiations on the various controversial points would be resumed.

44. As to the settlement of disputes, his delegation was not entirely satisfied with the outcome of the discussions. It was committed to the principle of comprehensive and effective compulsory judicial settlement of disputes. Such a settlement would be more in line with the inner balance of the negotiating text, which did not explicitly grant the coastal State any sovereign or exclusive rights with regard to marine scientific research in the exclusive economic zone and on the continental shelf.

45. With regard to article 253, no progress had been made in achieving a better balance in the provisions concerning the protection of research projects commenced with the consent of the coastal State; nor had progress been made in safeguarding the international availability of research results, under article 249. However, his delegation reserved its position until it had examined the new texts more closely.

46. Referring to article 242 concerning the promotion of international co-operation, his delegation noted with interest the widespread support for incorporating the substance of the revised proposal relating to article 242 *bis* into document MSR/2/Rev.1. It would be an important further improvement if the main element of that proposal were combined with the version of article 242 proposed by the Chairman. He also drew attention to the alternative text of article 244 *bis* contained in that same document; his delegation could support either text.

47. Mr. McKEOWN (Australia) said that while there was insufficient time to consider the Chairman's proposals at length, he hoped that they would facilitate the task of reaching a consensus on marine scientific research. Having only recently seen the proposals, his delegation could offer only preliminary comments.

48. With regard to article 242, the proposed additional sentence seemed to be an improvement on previous versions and deserved support.

49. As to article 246 *bis*, his delegation welcomed the Chairman's proposal that such a provision might become a paragraph within article 246. With regard to subparagraph (a), his delegation interpreted the words "does not necessarily mean" as suggesting that the absence of diplomatic relations might or might not mean that normal circumstances existed and that that question depended on the particular situation. His delegation regarded subparagraph (b) as a compromise proposal and interpreted the existing position under international law to be that all research undertaken on the continental shelf was subject to the consent of the coastal State. His delegation recognized, however, that what was needed was a formulation which met the concerns of both the researching State and the coastal State. The underlying concept reflected in the Chairman's proposal was that marine scientific research might be facilitated if the application of the full consent régime was deferred in areas other than those specifically designated for exploration and exploitation operations. The assumption was that the coastal State would progressively declare areas of its continental shelf open for exploration and exploitation and that it had absolute discretion to do so whenever it deemed it appropriate. That was a most interesting proposal, which appeared to

depart from existing law and which perhaps went even further than the proposals made by Australia in that area. His delegation would therefore give it serious consideration.

50. His delegation was able to support article 255 in the negotiating text and felt that the new version suggested by the Chairman entailed significant changes. The question of access to ports touched closely on the sovereignty of coastal States and had implications going far beyond the régime for marine scientific research. He noted, however, that the Chairman's proposals were presented as a compromise, and his delegation would consider them in that light.

51. His delegation's position on the compulsory settlement of disputes was well known. In other parts of the draft convention, exceptions to that principle had been recognized in matters touching upon the sovereign rights of coastal States. The Chairman's proposal concerning article 264 offered better prospects of achieving consensus and was closer to meeting the very diverse positions of delegations than any previous text. Accordingly, his delegation was prepared to give serious consideration to it on the understanding that it represented a compromise on a particularly difficult issue.

52. Mr. PFIRTER (Argentina) said that his delegation had repeatedly stressed the undesirability of making substantial changes in the articles relating to marine scientific research in the negotiating text. Argentina was among the countries which would be most affected by a discontinuation of the negotiations on some of the important issues discussed at the current session. His delegation had consistently supported the search for solutions which would strike a fair balance among all the legitimate interests of States with regard to marine scientific research and had, in the interests of general acceptability, even agreed to compromises entailing difficult choices. A balance between all legitimate interests would, in the view of his delegation, be the best guarantee that the future convention would enjoy the support of all States. Such support was fundamental if the convention was to contribute effectively to peace and order in international relations. Those considerations would guide his Government in determining its position on the Chairman's proposals. He was confident that the Chairman would assist the Committee in deciding which amendments should be accepted, with a view to ensuring general acceptance of the future convention.

53. Mr. LUPINACCI (Uruguay) said that his delegation supported the informal composite negotiating text as it stood and that consequently its acceptance of any amendments would entail certain concessions. The text in its present form struck an adequate balance among the interests of all States, and it was necessary to determine which amendments did not radically alter that balance. For example, some of the Chairman's proposals relating to researching States, while perhaps reflecting a slightly different viewpoint, served only to strengthen guarantees already recognized in the text and, accordingly, were acceptable. His delegation had no difficulty in supporting the Chairman's proposal concerning article 242. The addition of the new phrase served to improve the text.

54. As to article 246 *bis*, his delegation felt that the absence of diplomatic relations mentioned in subparagraph (a) should not be regarded as the sole factor in determining whether abnormal circumstances existed between the two parties. Where no diplomatic relations existed, account should be taken of other factors affecting relations between the researching State and the coastal State. On that understanding, his delegation could support the Chairman's proposal regarding subparagraph (a).

55. He sought confirmation of his understanding that the provisions of article 252 applied to the implication of the coastal State's consent provided for in subparagraph (b) of

article 246 *bis*. If his interpretation was correct, that fact should be made explicit in the paragraph.

56. Subparagraph (c) of article 246 *bis* needed to be further developed, and he suggested that the words "at any time" be added at the end of the sentence. It might also be desirable to add a provision in subparagraph (c) which would guarantee reasonable extensions of consent already granted.

57. The comments made by the representative of Peru on the proposed redrafting of article 253 were apposite. In that connexion, he sought clarification concerning the meaning of the phrase "subject to any proceedings which may have been instituted pursuant to section 2 of part XV" in the new paragraph 2. It was his understanding that the parties were obligated to have recourse to conciliation only if they had concluded an express agreement to that effect. Accordingly, he suggested that the word "instituted" be replaced by the words "agreed to by the parties". Subject to that amendment, his delegation could accept the Chairman's proposal.

58. He had no serious objections to the proposal relating to article 255 but felt that the addition of the words "conducted in accordance with the Convention", as proposed by the representative of Peru, would help to make the text clearer and improve its chances of general acceptance.

59. His delegation was prepared to agree to the inclusion of a new paragraph 2 in article 264 but felt that subparagraph (b) of the negotiating text should be amended by adding the words "or to suspend" after the word "terminate".

60. Mr. YTURRIAGA BARBERÁN (Spain) said that, while understanding the time constraints under which the Committee was working, he wished to protest against the presentation of an important report containing proposals for the amendments to the negotiating text in only one working language at the very meeting at which members were being asked to take a decision. Although members had agreed to a high degree of flexibility in order to expedite the Committee's work, certain minimum standards had to be observed. The fact that the report of the negotiating groups had not been made directly to the Committee had also complicated the situation.

61. The Chairman's proposals fell into three categories. First, there were those which had been discussed and accepted in the Committee, such as the suggested amendment to article 247, which his delegation had no difficulty in accepting. Second, there were proposals relating to issues which had been discussed in the Committee without ever reaching the stage of being formulated as concrete proposals. Lastly, there were issues that had never been raised in the Committee itself, such as those dealt with in the Chairman's proposals relating to article 246 *bis* and article 264. His delegation was not currently in a position to take a stand on the latter proposals. His comments on the other proposals would, of necessity, be of a preliminary nature.

62. As to article 242, his delegation had no difficulty in accepting the Chairman's proposal, but he pointed out that not all the proposals put forward by Peru in document MSR/5 had been taken into account.

63. He agreed with the representative of Peru that the Chairman's proposal with regard to article 253 did not seem to reflect the results of the negotiations at the session. The coastal State should, depending upon the circumstances of non-compliance by the researching State, have the option of either suspending or requiring the cessation of research activities and should not be limited to requiring cessation alone. Accordingly, he proposed that the words "and compliance is not secured within a reasonable period of time" should be deleted in paragraph 1 (a). In addition, the new paragraph 2 was unacceptable to his delegation.

64. With regard to paragraph 254, his delegation had repeatedly urged the deletion of all references to geograph-

ically disadvantaged States. In that connexion, he agreed with the representative of Peru that the issue had not been fully discussed and that the negotiations should be pursued. In the circumstances, his delegation was not prepared to accept article 254 as it stood.

65. Article 255 similarly did not reflect the outcome of the discussions at the session. It was necessary to add the words "to be conducted in accordance with this Convention" after the word "activities". His delegation could not accept the inclusion of the words "subject to the provisions of their internal law", since the article dealt with the practical arrangements for the granting of access to harbours and not with the right of access *per se*. An international obligation should not be subordinated to the domestic law of a State.

66. He endorsed the suggestion made by the representative of Brazil that the Chairman's proposals should be considered at the next session and that no decision should be taken on them at the current stage.

67. The CHAIRMAN recalled the difficult circumstances in which the report had been processed, and he hoped that delegations would appreciate that time constraints had made it impossible to have the report translated into all the official languages in time for the meeting. The Conference could hardly be accused of adopting decisions hastily when the media and even Governments were becoming increasingly impatient with the slow pace of the negotiations.

68. Mr. LIU Hanhui (China) observed that the Chairman's proposals seemed to have a number of positive features but also involved a number of problems which required more detailed consideration. In view of the fact that his delegation had not received the text of the report in Chinese, and given the pressure of time, it could not comment on the substance of the proposals at the current stage.

69. Mr. YUSUF (Somalia) said that many of the Chairman's proposals reflected the results of intensive negotiations and hence could be considered a step forward in efforts to improve the prospects for wider acceptance of the negotiating text. Many of the proposals, however, had been considered only as possible compromises, and agreement on them had not yet crystallized. In addition, many of the proposals had important implications for the over-all régime governing marine scientific research and the total package embodied in the informal composite negotiating text, which enjoyed widespread support. The Committee should not, therefore, be hasty in concluding its work.

70. He was dismayed to see the proposal for a new paragraph 2 of article 253 in the Chairman's report, since, to his recollection, that issue had not been discussed in the Committee. Coastal States had the right to require the cessation of research activities irrespective of whether they had invoked the right to suspend those activities at an earlier stage. The two rights were independent, and coastal States had the right to invoke either right whenever the researching State failed to comply with articles 248 or 249. Article 253 should be redrafted to reflect that fact.

71. He shared the concern expressed by the representative of the United Republic of Tanzania with regard to article 246 *bis*, subparagraph (a).

72. With regard to article 249, he endorsed the Peruvian proposal to replace the word "or" with the word "and" in paragraph 2. He also agreed that the words "conducted in accordance with the Convention" should be added in article 255.

73. As to article 264, the word "right" should be replaced by the word "rights", since not one but several distinct rights were involved.

74. Mr. ABD-RABOUH (Egypt) said that the Chairman's report was based on a spirit of optimism, but his delegation opposed certain aspects of it. It disagreed particularly with

the statement that negotiations would soon be concluded and that all the new texts in the report represented a broad basis for agreement. His delegation agreed with the proposed revisions of articles 242, 247 and 255, although it felt that the new texts involved fresh concessions from the coastal States. The remaining articles, as revised in the Chairman's report, had not been sufficiently negotiated in other committees, and his delegation reserved the right to comment on them later.

75. Mr. WULF (United States of America) said it was well known that his delegation would have preferred a régime for marine scientific research in the exclusive economic zone and on the continental shelf different from that currently reflected in document A/CONF.62/WP.10/Rev.1. The amendments in the Chairman's report were extremely modest in scope and did not entirely satisfy the aspirations of his delegation. However, they were the product of intensive negotiations and reflected the needs of other delegations. His delegation would therefore accept the proposals if others did.

76. With regard to article 246 *bis*, his delegation believed that it should appear as a separate article. Subparagraph (a) of that article did not raise the problem expressed by the representative of the United Republic of Tanzania. He shared the view of the representative of Uruguay that the phrase "does not necessarily mean" did allow for a circumstance wherein the absence of diplomatic relations could mean that normal circumstances did not exist. The point was in determining whether circumstances were normal. The over-all relationship between the researching State and the coastal State should be considered, not just the absence of diplomatic relations. The concerns expressed on that point might be met by clarification from the Chairman. His delegation could not agree with the interpretation given by the representative of Uruguay to article 246 *bis*, subparagraph (b).

77. Mr. VALLARTA (Mexico) said his delegation interpreted the Chairman's report to mean that if, after mature reflection, Governments wished in the future to renegotiate the text, the Third Committee would then be able to study the work done at the current session. His delegation therefore accepted the text as being the culmination of the work that had been done so far but as being held over for future study as well.

78. Referring to article 246 *bis*, he said that the system it embodied affected the principle of the unity of the continen-

tal shelf as it currently existed in international law. With regard to article 264, his delegation would have preferred that the system of peaceful settlement of disputes be applied to every case except those involving the discretion of the coastal State to withhold its consent and the termination of a project when the researching State failed to comply with its obligations. In his delegation's view, the text was unclear on that point.

79. Mr. GLOVER (United Kingdom) said that the provisions relating to marine scientific research contained in document A/CONF.62/WP.10/Rev.1 were the result of intensive negotiation and, although the text was balanced, it was imperfect. His delegation had repeatedly asserted that efforts should be made to reduce the imperfections but retain the fundamental balance, and it believed that part XIII of the document should contain an explicit consent régime to deal with resource-related research on the continental shelf. That important element must be retained in any changes made in the current text. The Chairman's proposals did not contradict that principle; the interests of the coastal States were protected, and at the same time marine scientific research beyond the exclusive economic zone could be conducted with a measure of freedom until the coastal State should wish actively to exploit its sovereign rights. With regard to article 255, his delegation had said often that it regarded that provision as unnecessary but was glad that the question of facilitating access to ports had been settled satisfactorily. The proposal on that had been amended to make clear, as all would be aware, that it might not always be appropriate to give access—for example, having regard to the nature, characteristics and uses of the harbour or port concerned. In conclusion, the report contained useful changes clarifying the text and did not upset the balance of the informal composite negotiating text.

80. Mr. HAFNER (Austria) said that the current text did not coincide with the original ideas of his delegation on how marine scientific research should be regulated. The revisions, however, represented a useful contribution and could serve as a basis for an over-all consensus on the regulation of marine scientific research.

81. The CHAIRMAN, replying to a question by the representative of Uruguay, said that the substantive comments made by delegations required further study and that for the time being he wished merely to take note of them.

The meeting rose at 6.30 p.m.

42nd meeting

Wednesday, 22 August 1979, at 8.20 p.m.

Chairman: Mr. A. YANKOV (Bulgaria)

Report by the Chairman (continued)

1. The CHAIRMAN invited the Committee to continue consideration of the proposals contained in his report (A/CONF.62/C.3/L.33) on the results of negotiations on part XIII of the revised informal composite negotiating text (A/CONF.62/WP.10/Rev.1). It was encouraging to note that during the discussions the proposals concerning the main substantive issues had, in principle, received general support, despite strong objections from certain delegations with regard to some issues. Some drafting changes had also been suggested.

2. Mr. TIWARI (Singapore), commending the Chairman on his efforts, said that his delegation wished to offer its preliminary comments on the Chairman's proposals.

3. In article 242, the addition of a new sentence appeared to benefit all concerned, and should find general acceptance.

4. He agreed with the Chairman's suggestion that article 246 *bis* could form part of article 246. With regard to subparagraph (a), some delegations had suggested certain drafting changes, which could be incorporated. As to subparagraph (b), however, he felt that further consultations were necessary.

5. He had no difficulty with the drafting change proposed for article 247, but reserved his comments on article 249, on which there had been insufficient discussion.

6. While the new title proposed for article 253 caused no serious problems, the proposed new paragraph 2 might require further consideration.