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119th Plenary meeting

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the General Assembly, since a change would have to be made in the calendar of conferences. That applied equally, whether the resumed session was to be held at Geneva or in New York.

36. Mr. EVENSEN (Norway) said there was wisdom in holding the first part of the session in New York and the second at Geneva.

37. Mr. STAVROPOULOS (Greece) pointed out that facilities at Geneva were inadequate, especially since there were no voting machines.

38. The PRESIDENT said it was his understanding that some arrangements could be made at Geneva if it became necessary to resort to a vote, although that might involve some travelling.

39. Mr. KOROMA (Sierra Leone) suggested that the dates of the sessions of the Economic and Social Council might be changed, in view of the fact that the General Assembly had decided to give priority to the Third United Nations Conference on the Law of the Sea.

40. The PRESIDENT said that that was out of the question; the Conference could never take precedence over a body such as the Economic and Social Council, established under the Charter. He believed that for logistical reasons it might be better to hold the resumed session in New York rather than at Geneva.

41. Mr. KOH (Singapore) proposed that, for the convenience of delegations, for reasons of economy and ease of communications with Governments, and also because of availability of voting machines, both parts of the ninth session should be held in New York. He had examined the list of representatives attending the current session and had found that 242 of them were based in New York and only 14 at Geneva. While that situation might be altered somewhat when the session was held at Geneva, there would nevertheless be a preponderance of representatives from New York. Moreover, far more Member States had missions in New York than at Geneva and that could be an important factor at the resumed session, when it might be necessary for delegations to communicate rapidly with their Governments. Since the secretariat of the Conference was also based in New York, that city clearly offered economies in terms of travel and expenses. Although he very much hoped that voting would not be necessary, the possibility of the need for a vote could not be excluded. It was true that facilities for voting did exist at Geneva, but they were at some distance from the Palais des Nations.

42. He hoped the President and other representatives would find his arguments for holding both parts of the session in New York persuasive.

The meeting rose at 6 p.m.

119th meeting

Friday, 24 August 1979, at 10.45 a.m.

President: Mr. H. S. AMERASINGHE

Place and date of the ninth session (*concluded*)

1. The PRESIDENT recalled that it had been agreed that the ninth session would be divided into two parts, each to last five weeks. The first part would be held from 3 March to 4 April 1980, and would be preceded by informal meetings of working groups on 27, 28 and 29 February. The second part would be held from 28 July to 29 August, at which time, as agreed, the work of the Conference was to be completed and the text of the convention approved. If there was no objection, he would take it that there was agreement on that timetable.

It was so decided.

2. The PRESIDENT noted that there was, however, some disagreement as to whether the first part of the session should be held at Geneva and the second in New York or vice versa, or whether both parts should be held in New York. Among the reasons put forward for holding both parts in New York was the lack of voting machines at Geneva; however, there were voting machines at Geneva, but they were at the International Conference Centre and not at the Palais des Nations, which meant that the delegates would have to move to the Centre in order to use them. If it was agreed that the second part of the session should be held in New York, account must also be taken of the problems of accommodation which would arise from the fact that the Democratic Party would be holding its convention there.

3. Mr. GAYAN (Mauritius) said there were very compelling reasons for holding both parts of the session in New York. Delegations must be able to work on equal terms, with facilities for communicating with their respective capitals, and that caused problems for countries which did not have missions at Geneva. Consideration should also be given to the problem of voting and the fact that the need to move to the International Conference Centre would cause delays in taking decisions.

4. Mr. ARIAS SCHREIBER (Peru) said that, although the most productive sessions so far had been those held at Geneva, his delegation was inclined to favour holding part of the session in New York and part at Geneva. In any event, the matter could be put to a vote.

5. Mr. ADIO (Nigeria) said that, while his delegation had favoured the holding of a single eight-week session, it had agreed to the proposal to divide the session into two parts as a compromise solution. With regard to venue, it would prefer the entire session to be held in New York.

6. Mr. PINTO (Portugal) said it was clear that better results had always been obtained at Geneva and, while New York had its attractions, the important thing was to reach agreement on a convention. In his view, there was no need for a vote, since the Conference had always taken its decisions by consensus.

7. Mr. EVRIVIADES (Cyprus) said that he preferred the holding of both parts of the session in New York.

8. Mr. GOERNER (German Democratic Republic), speaking on behalf of the group of Eastern European States, said that the group favoured Geneva as the place where most progress could be made. However, as a compromise, it would agree to the holding of one part of the session in New York.

9. Mr. ORREGO VICUÑA (Chile) said that the Conference should take into account the availability of services and facilities which would advance its work. His delegation would prefer the first part of the session to be held at Geneva and the second in New York.

10. Mr. KOROMA (Sierra Leone) agreed that the sessions held at Geneva had so far produced the best results. The

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atmosphere in New York was not conducive to serious negotiations. He would prefer the first part of the session to be held at Geneva and the second in New York.

11. Mr. LUPINACCI (Uruguay) said that a part of the session should be held in each city, and working conditions at Geneva were better in the summer; accordingly, the second part of the session should be held there and the first in New York. As to the problem of voting machines, perhaps the inconvenience of having to move in order to use the machines would result in the Conference's resisting the temptation to take votes and making greater use of consensus.

12. Mr. de la GUARDIA (Argentina) emphasized that he was speaking only for his own delegation and said that, if the session was to be divided into two parts, one part should be held at Geneva and the other in New York.

13. Mr. ENGO (United Republic of Cameroon) noted that the Conference had so far alternated its sessions between New York and Geneva. With regard to the argument that the Geneva sessions had been more productive, he pointed out that the results obtained at Geneva had been based on prior negotiations in New York, so that it was difficult to draw any conclusions on that point. Members must leave aside considerations of personal convenience and consider the problem objectively. Whenever the Conference had before it an official document, members would have to consult closely with their Governments, and many countries which did not have delegations at Geneva would be deprived of the services they received in New York from their missions, with all the resulting expense and confusion.

14. In addition, it should not be forgotten that the conference facilities available in New York were lacking at Geneva, particularly with regard to voting.

15. Mr. LUKABU-K'HABOUJI (Zaire) said that one part of the next session should be held at Geneva. A country's attendance at a meeting did not depend on whether or not it had representatives in a particular city.

16. Mr. KOH (Singapore), speaking on a point of order, proposed that the debate should be closed and that the question should be decided by vote.

17. The PRESIDENT explained that the vote proposed by the representative of Singapore would only be indicative and would in no way constitute a precedent for the Conference's work.

18. If there was no objection, he would take it that the proposal of the representative of Singapore was adopted.

It was so decided.

A vote having been taken, it was decided that one part of the ninth session of the Conference should be held in New York and the other at Geneva.

19. Mr. EVENSEN (Norway) proposed that, since the Democratic Party convention was to be held in New York in July and August 1980, the first part of the ninth session should be in New York and the second at Geneva, so as to avoid the accommodation problems that would inevitably arise in New York in the second half of the year.

20. The PRESIDENT said that, if there was no objection, he would take it that members agreed to the proposal of the representative of Norway.

It was so decided.

21. Mr. ABOUL KHEIR (Egypt) said that, since it had been decided that the second part of the next session would be held at Geneva, the secretariat should be requested to take appropriate measures, in collaboration with the Swiss Government, to ensure that all the necessary services would be available in that city.

22. Mr. ZULETA (Special Representative of the Secretary-General) gave an assurance that the secretariat would take the necessary measures to facilitate the work of the Conference as much as possible. In addition to requesting the collaboration of the Swiss Government, the secretariat would carefully consider the possibility of obtaining the collaboration of specialized agencies and non-governmental and other organizations having their headquarters at Geneva. The secretariat would make every effort to see that the agreed time-table was adhered to so that the goal of adopting a convention as envisaged by the Conference might be achieved.

23. After a procedural discussion in which Mr. KRISHNADASAN (Swaziland), Mr. UL-HAQUE (Pakistan), Mr. GAUCI (Malta), Mr. EVENSEN (Norway), Mr. DIOP (Senegal) and Mr. ADIO (Nigeria) took part, the PRESIDENT suggested that the Conference should hear the report of the Third Committee.

Report of the Third Committee

24. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, read out his report on the results of negotiations on part XIII of the revised negotiating text (A/CONF.62/WP.10/Rev.1) during the resumed eighth session (A/CONF.62/L.41).

25. Mr. de la GUARDIA (Argentina) said that his delegation had constantly supported a régime under which the consent of the coastal State would be a prerequisite for the conduct of any research project in any of the maritime areas that were subject to the sovereignty or jurisdiction of the coastal State. On that basis it had accepted part XIII of the negotiating text, which, although not fully meeting its expectations, provided a compromise formula safeguarding that basic principle. The report by the Chairman of the Third Committee contained a number of proposals which he believed could be of assistance in reaching final agreement at the next session on the pending issues, particularly the proposals for a new article 246 *bis* and for the addition of a paragraph 2 in article 264. His delegation reserved its position regarding those texts, which would be given careful consideration by his Government with a view to the resumption of negotiations at the next session.

26. His Government felt strongly that it was desirable that the future convention on the law of the sea should have the acceptance and support of the greatest possible number of States. It had therefore maintained a constructive attitude throughout the Conference and had co-operated in reaching consensus, that being the only practical approach if the convention was to command the support of all parties with legitimate interests and if order and peace in international relations were to be effectively achieved.

27. Mr. CALERO RODRIGUES (Brazil) said that, as the Chairman of the Third Committee had pointed out in his report on the work undertaken at the seventh session of the Conference,[1] part XIII of the negotiating text represented a good prospect for a compromise on the over-all package of marine scientific research, and any attempt to amend the existing texts in substance could be justified only with substantive support by delegations most interested in the consideration of the outstanding issues. In spite of the overwhelming support for the maintenance of the compromise embodied in the informal composite negotiating text, the majority of the members of the Committee had given one delegation an opportunity to present proposals to amend part XIII. Discussions on those proposals had been exhaustive during the first part of the current session, when substantial support for the negotiating text and for the maintenance of the delicate balance achieved with regard to part XIII had once more been made evident.

[1] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XI (United Nations publication, Sales No. E.85.V.6.), document A/CONF.62/L.34.

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28. At the beginning of the resumed session, his delegation and the Group of 77 had been confronted with a situation in which a few delegations were again calling in question the régime for marine scientific research on the continental shelf and the régime for the settlement of disputes relating to the interpretation and implementation of the convention with regard to marine scientific research. Further discussions had been held, and for a third time the commitment of the overwhelming majority to the informal composite negotiating text had been asserted; thus, it could have been expected that the conclusion of the Committee's work would be considered, without mutilating the results of a five-year effort. None the less, the Conference was now challenged with a number of proposed amendments which were not the result of negotiations among all interested delegations and had been all but unknown until the last minute in the Third Committee. Moreover, the records of the last two meetings of the Committee clearly showed that most of those proposals had lacked the support that was indispensable to provide a reasonable prospect for a consensus.

29. The proposed establishment of a dual régime for marine scientific research on the continental shelf, as implied in the compromise formula suggested for article 246 *bis*, went beyond the scope of the Committee's competence; it not only lacked a juridical basis but undermined rights acquired by States under the 1958 Geneva Convention on the Continental Shelf.[2] The adoption of such a régime would necessarily require a political decision at the highest level of the Conference.

30. His delegation furthermore failed to understand the scope of the proposed new paragraph in article 253, which was both technically incorrect and contradictory, to say the least, with its reference to section 2 of part XV. The wording suggested for article 255 lacked important qualifications which would bring its content in line with the consent régime itself. Although his delegation would study carefully the proposed new paragraph of article 264, it would support a formulation which made it explicit that the exercise of the rights conferred upon the coastal States in article 246, as well as the discretion to terminate a research project, would not be subject to any compulsory dispute settlement procedure.

31. His delegation could not contemplate substantial modifications of the compromise contained in the negotiating text, which was the result of an enormous effort by the majority who had, from the beginning, supported the consent régime for marine scientific research in areas of national jurisdiction. At the stage which had now been reached, it made no sense to renegotiate upon negotiated texts, or to consider specific parts of the negotiating text without considering the over-all package.

32. His delegation could not support but did not challenge the Chairman's inclusion in his report of formulae which were personal proposals and, as such, required further negotiations before they could, if ever, satisfy the criteria specified in paragraph 10 of document A/CONF.62/62.[3] It would be best to keep them in abeyance, along with other informal proposals which had been submitted on those matters, for further study as delegations might deem appropriate in the future. They touched upon such fundamental issues that any other course of action would be detrimental to the progress of the Conference and to the integrity of the future convention itself.

33. Mr. ATAIDE (Portugal) said he agreed with the Brazilian delegation that it would have been preferable not to introduce any amendments into part XIII, although he felt that, where the question of marine research was concerned, some points would still have to be modified in order to reach an agreement acceptable to all. His delegation had no major problems with the new versions of articles 242, 247 and 255, but it had some objections to articles 246 *bis*, 249 and 264.

34. In the case of article 253, his delegation had serious objections, since what was submitted was an addition, and not merely an amendment. His delegation could not accept the article with the wording proposed, because it considered it essential that the full sovereignty of the coastal State should not be affected in any way. Portugal was prepared to facilitate scientific research in the waters unders its jurisdiction to the maximum extent possible, but a basic prerequisite for that was that the rules established should be universally respected. From that standpoint, and in the interests of conciliation, it could accept paragraph 1 of article 253 in its present version. However, the new paragraph 2 should, in its view, be worded in such a way as to establish clearly that, where the country or organization wishing to conduct research did not comply with the conditions agreed upon with the coastal State, the latter would have the right, after giving due notice, to require the suspension or cessation of activities without having to allow the offender enough time perhaps to achieve its objectives without the consent of the coastal State.

35. Mr. KOZYREV (Union of Soviet Socialist Republics) said that, although not all the problems of marine scientific research had been resolved, the Conference had made progress towards a consensus on some issues, such as measures to facilitate marine scientific research and assist research vessels (art. 255).

36. With regard to the régime for research on the continental shelf beyond 200 miles from the economic zone, he was in favour of a more flexible approach. The Chairman of the Third Committee had offered a basis for a compromise solution. Under normal conditions, coastal States would authorize marine research activities beyond 200 miles if it was not exploiting natural resources in those areas and did not intend to do so in the near future. Although that compromise formula submitted by the Chairman was not identical with the proposal made by the Soviet delegation at Geneva, the Soviet Union could join in the consensus if a majority considered it acceptable.

37. It was encouraging that agreement had been reached on the question of suspension or temporary interruption of research. A final appraisal of the compromise texts could, of course, be made only in the light of the results of the work of all the committees and negotiating groups.

38. Mr. ARIAS SCHREIBER (Peru) said that he had serious objections to the compromise formulae proposed by the Chairman for articles 246 *bis*, 249, 253 and 264. In his view, doubt should not be cast on the right of the coastal State to require the immediate cessation of scientific research activities that were being conducted in violation of the provisions of the convention. That point must be expressly incorporated in the text if any real compromise formula was to be arrived at.

39. With regard to the text of the report, it seemed to him that there was an omission in paragraph 4; the words "and to introduce minor amendments in other articles" should be added at the end of the paragraph. That would reflect the fact that the proposal contained in document MSR/5 was not concerned solely with amending article 254 but also referred to a number of other articles.

40. In the first sentence of paragraph 8, it would be better to use the wording "a good number of the representatives", instead of referring to "most" of them. Similarly, in the second sentence, the wording "a like number of delegations" or "a number of delegations" should be used instead

[2] United Nations, *Treaty Series*, vol. 499, No. 7302, p.312.

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

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of "certain delegations", so as to reflect the fact that there had been a good deal of disagreement during the debate.

41. Subject to its reservations regarding the articles he had mentioned and the amendments he had proposed to the text, his delegation could accept the report.

Site of the International Sea-Bed Authority

42. Mr. UL-HAQUE (Pakistan), speaking as Chairman of the group of Asian States, recalled his letter of 19 April 1979 (A/CONF.62/73),[4] which had stated that the three candidates for the site of the future International Sea-Bed Authority, namely Fiji, Jamaica and Malta, should be considered on an equal footing. The letter had also pointed out that the Conference had never adopted a decision on where the Authority should have its headquarters. He therefore wished to emphasize that any revision of the negotiating text must reflect the principle of equal treatment for all the candidates.

43. Mr. GAUCI (Malta) said that the present article 156, paragraph 3, did not present an accurate picture of the actual state of affairs and should not even have been inserted in the text.

44. From the procedural point of view, neither in General Assembly resolution 2750 C (XXV) nor in the list of subjects and issues relating to the law of the sea approved on 18 August 1972 by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction[5] did the question of the location of the site of the Authority appear as a separate issue. Indeed, up to the present, the Conference had not decided to take up the matter or to allocate it to any of its committees; consequently, it had been beyond the competence of the First Committee to propose a text on the location of the site of the Authority. Malta had been surprised by the insertion of that text in the single negotiating text when it had first appeared in 1975,[6] before anyone had had the chance to study it and despite the results of the consultations that had preceded its presentation. Its surprise had originated not only from the fact that article 20, paragraph 3, should not have been inserted, but more particularly because its phrasing had discriminated in favour of one candidacy to the detriment of others.

45. Despite Malta's justified representations, that element of discrimination had been maintained. Although the informal composite negotiating text[7] was an informal text, the inclusion of the paragraph had a psychological effect and the foot-note inserted in the revised version (A/CONF.62/WP.10/Rev.1) at the insistence of Malta did not remove the discrimination.

46. The true state of affairs was that the Conference should now be at the stage where it could envisage creating certain mechanisms to determine how the choice of the site would be made, after a general exchange of views. Since the Conference had not gone beyond that stage, it should not give the impression that it had. Up to the present, three developing countries were offering themselves as the site for the Authority. Those countries were equally sovereign and, in the absence of any decision to the contrary by the Conference, they were entitled to be accorded identical treatment in the text before the Conference, independently of whatever support each might claim to have.

47. When the question where the Authority should be located came up for debate, Malta would explain in detail the advantages which it believed the site should offer and would then accept the decision of the Conference, provided that it was democratically adopted. What was required at the current stage was that all the candidates should be given equal treatment, and that could best be done by a decision of the Conference to include the three candidates in the text of article 156, paragraph 3, or else to remove that article, which was the course his delegation would prefer.

48. The method selected gave rise to considerations of a legal nature, since it meant considering whether it was necessary or desirable to include in the constituent instrument of an organization a clause providing specifically for the location of its headquarters. One consideration was whether it was desirable for a State which might or might not be a party to the convention to be chosen for the site; another was whether the possibility should not be foreseen of amending the convention if a change in the location of the headquarters became necessary. Malta had carried out a survey of a number of constituent instruments, from which it appeared that the general practice, when it came to the selection of a location, was to maintain flexibility; in other words, the tendency was not to specify the seat of the organization in the constituent instrument, leaving it to the plenary organ to make the decision.

49. He referred to three documents before the Conference, each supporting a neutral text; they were documents A/CONF.62/73 and 76,[4] in which the Chairmen of the group of Asian States, the group of Arab States and the group of Western European and other States requested equal treatment for the three candidates and consequently that article 156, paragraph 3, should be revised or deleted. In his delegation's opinion, those documents indicated the widespread desire for fairness and objectivity in the Conference.

50. An amendment to article 156 should not in any way be tied to the procedures envisaged in document A/CONF.62/62. The programme of work adopted by the Conference referred to matters which had already been discussed at great length and in respect of which changes could determine the success or failure of the Conference. The issue he was raising was completely separate. The deletion or amendment of article 156, paragraph 3, of the revised negotiating text would have no effect on any substantive problem.

51. Summing up, he said that, from the procedural point of view, the First Committee had never been asked to deal with the location of the seat of the Authority and, therefore, its pronouncement in that regard was *ultra vires*. The Conference meeting in plenary session should decide at the current stage to correct the text, so that it reflected accurately the situation. A number of regional groups and two of the candidates had requested that such a correction be made. The change was not one contemplated under the provisions of document A/CONF.62/62, since it would not affect the meaning, scope or interpretation of the convention. Lastly, it was within the sole competence of the Conference to decide on the rectification of the present text and on the procedures whereby consideration of the substantive issue could be taken further.

52. Mr. RATTRAY (Jamaica) regretted that the question of the site of the Authority was being raised at the current stage and the time was not being used to discuss more important questions. He expressed surprise that procedural matters were at present being aired in view of the fact that the issues relating to the machinery and powers of the Authority had been assigned in 1975 to the First Committee and delegations had not raised objections in that regard. It was indisputable that the provision in article 156 of the informal composite negotiating text indicating that the Authority would have its seat in Jamaica reflected widespread and substantial support.

53. The candidacy of Jamaica as site of the Authority had been supported by the Group of 77, the group of African

[4] *Ibid.*, vol. XI

[5] *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21*, para. 23.

[6] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IV (United Nations publication, Sales No. E.75.V.10), document A/CONF.62/WP.8.

[7] *Ibid.*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

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States, the group of Asian States, and the group of Latin American States. Moreover, various Governments of the group of Western European and other States had given the Government of Jamaica written assurances of their support.

54. As was indicated in paragraph 10 of document A/CONF.62/62, no changes should be made in the negotiating text unless it was considered that they greatly improved the prospects for consensus owing to widespread and substantial support in the Conference. Mentioning in the text the names of various possible sites or omitting reference to the seat of the Authority would not be conducive to arriving at a consensus; on the contrary, it would be detrimental to a consensus.

55. Jamaica was prepared to have a roll-call vote on the matter, since it was sure that it would receive sufficient support to be designated the site of the Authority. Moreover, the reference in the text to the location of the seat—a provision which had been the object of criticism — had plenty of precedents.

56. Mr. de la GUARDIA (Argentina), speaking on behalf of the group of Latin American States, said that the group not only continued to support the candidacy of Jamaica as the site of the Authority, but it opposed any proposal to amend the informal composite negotiating text designed to remove the reference to Jamaica. Thus it confirmed once more the communication addressed to the President in April 1979 on that subject. The inclusion of Jamaica in the text had been approved by consensus at Caracas and Nairobi and that consensus had been reaffirmed on various occasions. The group of Latin American States had no evidence to support a statement that the consensus no longer existed.

57. Mr. SAQAT (United Arab Emirates), speaking on behalf of the group of Arab States, said that, at the end of the first part of the session, the Chairman of the delegation of the United Arab Emirates had sent to the President of the Conference, on behalf of the group, a communication which, in accordance with the resolution adopted by the League of Arab States, reflected the group's support for the candidacy of Malta as the site of the Authority. Article 156 of the revised negotiating text referred to Jamaica as the country in which the seat of the Authority would be located, even though there were two other candidates and the Conference should treat all candidates equally.

58. Mr. NANDAN (Fiji) confirmed that his Government had offered to accommodate the seat of the International Sea-Bed Authority in Fiji.

59. His delegation considered that the only reasonable and equitable course of action would be to give equal treatment in the negotiating text to all three candidates, as had been requested by the group of Asian States, the group of Arab States and the group of Western European and other States in the communications sent to the President of the Conference.

60. His delegation's request for equal treatment was based on two considerations: the basic consideration of fairness, and the fact that the location of the seat had never been negotiated by the Conference and that consequently the Conference at no stage had selected Jamaica, just as it had not selected Fiji or Malta. Much had been made of the fact that five years earlier the Group of 77 had indicated a consensus on one candidate—Jamaica—before other States had had an opportunity to offer themselves as candidates. Any commitment made at that time was obviously premature. If the Conference had ignored developments during the past five years, it would never have reached its present stage of progress. Such was the case also with the question of the site. There had been a fundamental change in circumstances since 1974. First, two other members of the Group of 77 had declared themselves candidates. Secondly, two important groups — the group of Asian States and the group of Arab States — had expressed their view that all three candidates must be treated equally. Consequently, it was misleading to pay lip-service to a consensus which was now illusory because of the changed circumstances.

61. Reference had been made to the procedure for revising the negotiating text and it had been said that that procedure must be applied uniformly and not in a discriminatory manner. He was surprised that the word "discriminatory" had been used when the very exclusion of Fiji and Malta was in itself discriminatory. The procedure envisaged in document A/CONF.62/62 must be interpreted in its proper context. It was clear that the procedure related to substantive matters and applied in the context of negotiations on the outstanding key issues identified in that document. The Conference had agreed to adopt the procedure described in paragraph 10 of document A/CONF.62/62 because the issues in question were extremely sensitive and were substantive matters of legislation and codification. The matter of the location of the seat of the Authority or of any other organ could not be placed on the same footing as the provisions of the negotiating text dealing with such substantive matters as the system of exploitation, financial arrangements, the economic zone or the continental shelf. It was absurd to insist that the same criterion must be applied to the location of the seat as to the substantive provisions which had been arduously negotiated. His delegation therefore hoped that the Conference would realize that it would be perpetuating a gross injustice if it did not now revise the text of article 156, paragraph 3, of the revised negotiating text.

62. He suggested that the secretariat provide the Conference with information as to the established practice with respect to the selection of the headquarters of various institutions.

63. Mr. WOLF (Austria), speaking on behalf of the group of Western European and other States, recalled that the letter of 25 April 1979 to the President of the Conference stated that the group had discussed paragraph 3 of article 154 of the negotiating text and considered that all the candidates which had offered to accommodate the seat of the future Authority should receive equal treatment, and that it would be preferable not to mention any of the candidates in the negotiating text.

The meeting rose at 1.20 p.m.