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## **Report of the Chairman of the First Committee**

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## DOCUMENT A/CONF.62/L.62\*

## Report of the Chairman of the First Committee

[Original: English]  
[26 August 1980]

1. The nature and complexity of the issues outstanding in the First Committee dictated systems of negotiations and consultations which made frequent formal meetings undesirable at this stage of our endeavours. This alone may explain why the Committee held only one meeting during this resumed ninth session. As the introduction to the report of the co-ordinators of the working group of 21 (A/CONF.62/C.1/L.28 and Add.1) indicated, the group recommenced its work immediately with a broad overview of the current situation. It became clear that any form of exchange of views in the negotiating process must be further removed from the horizons of formality if we were to meet the target of terminating negotiations on hard-core issues this session. I prescribed systems of consultations with and among interested delegations or interest or geographical groups. These included co-ordinators of regional groups and interested delegations who, in turn, had the responsibility and my active encouragement to brief and consult with their respective communities of interest. Thus, the consultations and the identity of those who participated, in manifold variety, were not *de facto* secret. I personally made myself available to any delegation that wished to consult with me on any issue or procedure of interest. This too was exploited to the full.

2. The negotiators in the First Committee could never justifiably be accused of lack of perseverance or political will. I am glad to be able to report today that the Committee held its only meeting in perhaps the happiest atmosphere ever. Since its first meeting at Caracas, when illusion and great hopes still dominated every thought and action, the Committee has come a long way, traversing difficult, sometimes strange and unexplored terrain; bullied by unrelated international incidents; teased by paradoxical realities; tamed by the realization that none could impose its will on another; saved by the knowledge that, in the nature of things, there is an uncomfortable limit in the scope of that which could be changed and finally, united in adopting a model of reaching-out to the opposing sides in a joint quest for understanding, accommodation and compromise in a clear and unequivocal response to the pressing needs of this generation.

3. Our continuing endeavours have addressed the critical enterprise of consciously building bridges between conflicting interests in our world. The central objective has been to create durable conditions of international peace and security, in which all of mankind, without exception, can, in a political environment devoid of fantasy and illusion, truly expect to benefit from participation in the fullness of international life. If we succeed, as we may now hope we will, we would also have provided this and future generations the brushes and brooms with which to tidy the misgivings of past international relations among States.

4. To attain universal endorsement of the results of this Conference, we chose the path of consensus—that in the process, no interests imperative for the survival of any nation or group of nations shall be silenced either by sheer weakness in their numbers or by existing brutal force of fleeting global power. In talking to rather than at one another in this ninth session we have been obedient to the truth that the individual needs and interests of each nation, weak or powerful, must take their place in the queue behind the collective priorities of the international community to which it belongs, if what we currently design is not to find refuge only among the transient. The quest for consensus in our historic labours is born of the general belief that a viable universal

treaty must be the result of consensus and compromise on all the needs and interests within the contemporary international community—perhaps more important, is the process of creating a new and unprecedented international régime and machinery for the common heritage of mankind, that of the sea-bed.

5. Consensus does not mean dictation in the reverse or a rule by a small minority. It has come to symbolize the creation of a conglomeration of mini-packages in one large package of ideas with which every member can live in spite of some discomfort. The attainment of a package inevitably involves a give and take process, a reaching-out to others and sometimes a modification of some cherished aspirations in order to gain others in a larger legality. We spent seven years telling one another what our individual national and sometimes collective group positions were. We accepted the proposals of others only when it was convenient. Now, a political will and sense of the urgency of the times has forced the pace of things. We have now assembled the crucial package on the Council without which this Conference could lose its credibility and give reassurance to those who believed that our mandate was too ambitious having regard to what they see as the inability of a technology-imprisoned generation to develop a plan for its own survival.

6. It cannot be very helpful at this time to permit subjectivity to prevail in our review of a package. To employ rhetoric and argumentative weapons of destruction on a delicate package is all too simple, especially where the listening public is ignorant of the balance that the package represents. I do not think that we would do justice to the sacrifices of delegates and the groups of interests by picking up and isolating individual aspects of the package. It must be made clear to everyone that the destruction of one aspect can do more harm than merely jeopardize its survival. It would be unproductive. Reiterating an old national position, at this stage, must be seen as a weak and dangerous anachronism which gives public testimony to ignorance, or a refusal to accept a constructive spirit and demonstrate political will conducive to the termination of the protracted debate we have in this Conference. We must bear these things in mind as we express either reservations or criticism. It is not the intention here to discourage either; for this is part of the exercise of sovereign rights. But this central trust must prevail.

7. For my part, I venture the humble opinion, perhaps my first one in this Conference, that thanks to the high level of dedication of all those involved in these difficult negotiations, the First Committee has made the indispensable progress towards the achievement of our common goal, namely, an acceptable universal convention on the Law of the Sea. We have been able to draft a number of texts to replace the less acceptable ones in the negotiating text and it would appear from the reactions of the regional groups at this Conference that the package reflected in the new texts, in spite of its shortcomings and the work that still has to be done, form the best available basis for an acceptable compromise at this stage. I am, however, convinced that the prevailing political will could advance still further the scope of this compromise by further improvements. Every effort to reach the very best solution possible should be encouraged and I wish to appeal to all delegations to stay united that we may jointly keep our attainments with even greater success.

8. Various changes and modifications resulting from the intensive consultations of the last few weeks have already been explained in the report of the co-ordinators of the working group of 21 (A/CONF.62/C.1/L.28 and Add.1). I do not think it is necessary to dwell on the details of the changes and the reasons

\* Incorporating document A/CONF.62/L.62/Corr.1, dated 23 September, 1980.

thereof. Nevertheless, I feel it necessary to recapitulate some of the main features in what we have termed a package deal on First Committee matters. I sincerely hope that on the basis of the components to this package we may come to the conclusion that we have succeeded in the inclusion of all the interests and concerns of the different groups, and that this package would constitute an integral part to the comprehensive revision of the negotiating text and also the law of the sea. I wish now to recapitulate some of the significant aspects in this package:

#### A. SHARING OF BENEFITS

9. Article 140 has been a thorny problem for many years. On the one hand some States feel very strongly that the sharing of benefits derived from the Area should be limited to States Parties to the convention and that such benefits should be limited to those of economic or financial nature. On the other hand, the constituent groups in the Group of 77 feel very strongly that the sharing of benefits should include entities other than States, that is peoples, which have not yet attained full independence and are still in self-governing status. These, it is forcefully argued, are an integral part of mankind which must benefit from the common heritage. I am pleased to report to you that we have now reached some agreement on this issue. This agreement consists of retaining basically the existing text of article 140 except with some modifications. The exact scope of that article is now carefully delineated. It makes clear that the equitable sharing shall be of financial and other economic benefits derived from activities in the Area and that the distribution of such benefits shall be through an appropriate mechanism on a non-discriminatory basis in accordance with article 160, paragraph 2 (f). The Council is empowered to make recommendations in this regard to the Assembly, but if the Assembly rejects the recommendations, the Council needs to reconsider it in the light of the views expressed by the Assembly. In this manner a system of checks and balances is maintained between the Assembly and the Council.

#### B. PRODUCTION POLICIES

10. The production policy group which met under Mr. Nandan was primarily concerned with article 151, but as there is quite an obvious link between articles 151 and 150, the latter article inevitably came up for discussion. There were also some consequential changes to be considered in other articles.

11. One of the problems associated with article 151 which has dodged us for a long time has been the question of allowing the tonnage allocation for sea-bed mining to be calculated with a guaranteed minimum growth rate when real growth in the world nickel consumption is very low. Briefly put, the expectant seabed miners feel that they need such a clause to ensure continuity of industry but the land-based producers fear that it might jeopardize their industry at a time of serious recession. Mr. Nandan produced a text which he felt was a fair compromise at the last meeting in New York but there was insufficient time for discussion and therefore it required further consideration here. There has been an in depth discussion of the whole scheme during this session and Mr. Nandan feels that a better understanding of the proposal made it an acceptable compromise.

12. Another matter which was discussed was the concern of the land-based miners that they may have to face unfair competition in the market from sea-bed miners who might be subsidized. Of even more concern was the fact that the industrialized importing countries who became sea-bed miners would also become producers of metals and close or restrict their markets to the land-based producers. The issue of access to markets, especially for young developing countries, is a critical one. For others, it is said to be a difficult matter which is closely connected with domestic trade policies. However, during the discussions, several of the industrialized countries pointed out that their geographical position and their traditional trade policies made such a closed shop situation most unlikely. I am glad to see, however, that from the discussions, one addition to the text of article 150, (sub-

paragraph (i), does give effect to the desire to solve the market access problem. It provides a good basis, in my opinion, for a further review of the broad question still raised by the developing land-based producers.

13. A further considerable concern to us has been the question of how effective will the production control scheme be in protecting the land-based producers? In most of the discussions on this matter, it has been about the control of production of nickel from the sea-bed. The reasons for this are often misunderstood. The reason for using nickel as the control metal is technical, according to my information, and efforts have been made to explain exactly how this system operates.

14. To some extent this problem of the other metals has been overshadowed by the preoccupation about nickel. This problem of the other metals, namely and especially cobalt and manganese, is indeed a difficult one. During this session, the delegates from the countries which produce these metals have put their concerns forward in an eloquent manner and we all have had some fairly frank exchanges of view. From the discussions, a new text has emerged which is believed will go a long way towards helping in this matter. We have widened the possibilities for compensation and assistance to countries concerned in direct response to their requests. It opens the way to identifying the problem by putting a responsibility on the Authority to study the situation—and we cannot solve a problem unless we know just what it is all about. We have provided for the initiative to be taken by those countries which may be adversely affected. They can request action whenever it appears likely that they may be affected to ensure that preventive actions could be taken before remedial action becomes necessary. However, I believe that further useful work could be done on this question to ensure that a system of compensation especially for developing land-based producers, does not in fact lead to a *de facto* demise of their industrial growth and development plans upon which each of them bases a national aspiration for the future. Article 150 is a statement of general policy which we have tried to keep well balanced in the interest of all groups. Some changes have been made which have broadened its coverage but the balance has, I think, been retained.

#### C. THE REVIEW CONFERENCE

15. In the past sessions, we have resolved most of the issues relating to the Review Conference as set out in article 155. The remaining outstanding issue appears to relate to paragraph 5: how to deal with the consequences if the review conference fails to reach agreement. Two thorny problems are involved. On the one hand, some developing countries continue to hold the view that in such a case there should be a moratorium. The industrialized countries found this completely unacceptable. The second problem is that some industrialized countries found it difficult to accept the provision that once the amendments have entered into force, they shall be automatically binding upon all States Parties. After intensive consultations, it appeared that no change should be made or was advisable in the present text regarding the consequence of failure to reach an agreement at the review conference. As for the second issue, a 12-month period has been introduced to replace the previous 30-day period, so as to allow States Parties more time needed to enact national laws.

#### D. DECISION-MAKING MECHANISM

16. The most important breakthrough in my view is the agreement on a three-tier decision-making mechanism. I have reported in great detail on how this approach was evolved and how it operates. I do not think it is necessary to repeat what I have already said in my report of the working group of the First Committee. But I do wish to emphasize several points in this connection. First, under this three-tier approach, all substantive questions before the Council would be divided into three categories. Each category of substantive questions would require a different majority or method of decision-making, namely two-thirds

majority, three-fourths majority and by consensus respectively. I have also suggested that for decisions which are not listed in the three categories which the Council is authorized to take by the rules, regulations and procedures of the Authority or otherwise, they shall be taken pursuant to the sub-paragraphs specified in the rules, regulations and procedures, or if not specified therein, then pursuant to sub-paragraphs determined by the Council, if possible in advance, by consensus. When an issue arises as to whether a question is in one of the three categories, the question shall be decided by the higher or highest majority as the case may be, unless otherwise decided by the Council by the same majority.

17. From the consultations it is clear to me that this approach would meet the approval of governments. I share the concern that this approach would require goodwill and co-operation of all members of the Council; we cannot be too sure about what is going to happen. We all realize that unless members of the Council will co-operate, the Council could be paralyzed since a weakness of the present approach is its inability to prevent any abuse of the consensus procedure. Since this three-tier approach is the only one that is acceptable under the present circumstances, the future régime is preconditioned on goodwill and co-operation. Second, during my consultations, it became quite clear that the question of approval of contracts by the Council must form an integral part to the package deal on decision-making. After intensive consultations a compromise formula was finally accepted by participating States. This formula contains the following important features: the Council shall approve plans of work in accordance with article 6 of annex III. The Council shall act within 60 days of the submission of a plan of work by the Legal and Technical Commission. If the Commission recommends the approval of a plan of work it shall be deemed to have been approved by the Council unless any member submits a written objection alleging that the plan of work does not comply with the requirements set out in article 6 of annex III. Upon receipt of such an objection, the conciliation procedure described in article 161, paragraph 7 (e) shall apply. If the conciliation process fails to remove the objection, the plan of work shall be deemed to have been approved by the Council unless the Council disapproves it by consensus. A member of the Council who is an applicant and who sponsors an applicant for a plan of work shall not participate in the decision-making of the Council on the question. It is my assumption, on the other hand, that if the Commission recommends the disapproval of a plan of work or if it makes no recommendation, the Council may decide to approve the plan of work by a three-fourths majority.

18. I wish to emphasize that, since article 151 and article 7 of annex III had been drastically amended to create a new two-stage contract, there appeared to have presented some basis for the Group of 77, in their usual spirit of compromise, to look more favourably at the new text of article 162, paragraph 2 (j). In the first stage, applications for plans of work are approved so long as they comply with the grounds contained in annex III. At this stage the Authority can afford to be liberal because it is not allocating a scarce resource between competitors. A contractor, at this point, does not have the right to produce from his mine-site. He can only do so after he has obtained production authorization from the Authority. The application for production authorization is the second stage of the contract and is governed by article 151, paragraph 2 and article 7 of annex III. The parties to the negotiations were unable to agree on whether all decisions of the Economic Planning Commission and the Legal and Technical Commission should be taken by the same majority or by different majorities. The Group of 77 contended that all decisions of the two Commissions should be taken by the same majority. The Soviet Union insisted that the two Commissions should decide all questions by a two-thirds majority. Because of this impasse, we have agreed to amend article 163, paragraph 11 by deleting the first sentence therefrom and substituting in its place the following new sentence: "The decision-making procedures of the Com-

missions shall be established by the rules, regulations and procedures of the Authority."

19. In previous reports, I have drawn attention to the issue raised by certain western delegations describing themselves as developed but medium-sized industrialized countries. They have expressed the fear that given the present constitution of the Council, they could not expect to get seats in it for decades. They propose that a minimum of two should be reserved for geographical groups under category (e) of article 161, paragraph 1. It is clear from the informal consultations so far carried out that this would inevitably involve enlarging the size of the Council, if none of the existing geographical regions would consent to giving up a seat. I have arranged for preliminary sounding on this matter and consider that the important issues it raises must be examined across a round table at the next meeting to see if any further accommodation can be added to the compromise package attained this session on article 161.

#### E. TRANSFER OF TECHNOLOGY

20. Transfer of technology was another outstanding issue which we had to tackle at this resumed session. I am very pleased to report that I am now in a position to recommend a new formulation for article 5 of annex III. I believe this new formulation would satisfy all parties concerned on this particular issue. The amendments introduced improve partial aspects of this question without altering the delicate balance of interests that this provision attempts to reflect. The amendments in paragraph 3 (a), (b) and (c) are needed to make it clear that the undertakings of the contractor refer to the technology that he actually uses in carrying out activities under the contract. In deleting the last sentence of subparagraph (b) and rephrasing the first sentence of subparagraph (c), the differences between the obligations embodied in each subparagraph are now more apparent: subparagraph (b) contains the general assurance to make available to the Enterprise the technology which the contractor uses and is not legally entitled to transfer; subparagraph (c) refers to the more specific obligation of acquiring the legal right to transfer to the Enterprise such technology. Another improvement in this article is the change introduced in paragraph 7, which establishes a time-limit to include the undertakings concerning transfer of technology in the contracts and to invoke them. Delegations had opposite views on this matter. Some of them advocated the deletion of any reference to a time period while others proposed that the time period be reduced. The formula that now appears in document A/CONF.62/C.1/L.28/Add.1 may very well be a compromise acceptable to all. It consists in establishing the same period of ten years for both the inclusion of the undertaking in the contract and the right to invoke it and in calculating this period from the moment when the Enterprise begins commercial production. Although some developing countries expressed their wish to have a broader definition of technology which would cover the technology for processing minerals extracted from the Area, paragraph 8 of article 5 was left unchanged since amendments to that effect would have encountered serious objections from some developed countries.

21. I should also like to mention that we have also reached a common understanding on the previously controversial term "fair and reasonable commercial terms". A working definition to this term is now contained in A/CONF.62/C.1/L.28. The question of sponsorship as provided for in article 4, paragraph 2 of annex III caused some concern to the industrialized countries. It is now added that implementation of the question of sponsorship shall be determined by rules, regulations and procedures to be established.

#### F. ANTI-MONOPOLY CLAUSE

22. Concerning this clause, the French delegation submitted an informal paper proposing some amendments to article 6, paragraphs 3 and 4, as well as article 7, paragraph 4, of annex III. These amendments were intended firstly, to extend the application of the anti-monopoly provisions to the reserved sites; sec-

only, to make clear that when an applicant is sponsored by more than one State Party the plan of work is counted to all sponsoring States Parties and, thirdly, to give priority to States Parties that have submitted or sponsored two or more approved plans of work. The proposal was strongly supported by the USSR delegation but the positions of delegations on this matter were clearly divergent. Amendments introduced in article 6, paragraph 5, and article 7, paragraph 5, by Mr. Nandan, may constitute a partial solution to this problem.

23. Changes have also been made in various articles in order to improve the drafting or to clarify the meaning of the provisions. I shall not refer to them now.

#### G. FINANCIAL TERMS OF CONTRACT

24. At the end of the eighth session, Mr. Koh had put forward a compromise proposal on the financial terms of contracts. Although no delegation or group of delegations views this compromise proposal with pleasure, various delegations and groups of delegations have indicated their willingness to accept it as a compromise. The Group of 77, the Eastern European Group of States, the United States, the United Kingdom and several other industrialized countries have expressed their ability to live with this proposal difficult as it is. Hence, only minor modifications were made.

#### H. STATUTE OF THE ENTERPRISE

25. The Statute of the Enterprise as contained in annex IV is now more refined. Several modifications have been introduced in order to clarify difficulties which were faced by some States. An important addition has been made to article 6 dealing with the powers and functions of the Governing Board. The Governing Board is now empowered to prepare and submit applications for production authorization to the Council. This new element is required in the light of the changes which have been proposed to article 151, paragraph 2 and article 7 of annex III.

26. Two new elements have been introduced in article 11, paragraph 3 (a). The new redraft suggests that the preparatory commission shall not only fix the amount of the funds to be provided to the Enterprise, but also the criteria and factors by which the said amount may be adjusted. It may be necessary to adjust the amount because of inflation and because of cost over-runs. Furthermore, the recommendation of the preparatory commission shall be embodied in the form of the draft rules, regulations and procedures of the Authority. In this way we avoided prejudging the answer to the question of the status of the rules, regulations and procedures to be drawn up by the preparatory commission. In this manner we have amended the missing elements in the negotiating text.

27. An improvement is also made with respect to provisions dealing with the financing of the Enterprise in article 11; the scale of assessment for the purpose of providing funds for the Enterprise is now replaced by the scale of assessment for the United Nations regular budget, adjusted to take account of States who are not members of the United Nations. After necessary adjustment, the percentage by which each State Party shall contribute towards the financing of the Enterprise would be very slightly less than its percentage on the scale of assessment for the United Nations regular budget.

28. Revision has also been introduced in dealing with the question of shortfall of funds to the Enterprise. It was proposed in the negotiating text that the shortfall should be covered by way of supplementary interest-free loans and supplementary debt-guarantees by the States Parties up to a ceiling of 25 per cent of the amount of the funds to be provided to the Enterprise. In the light of objections by both the Group of 77 and the industrialized countries of the West and of the East, and consultations carried out during the last few weeks by Mr. Koh, a new proposal is now introduced. The proposal is that, if the sum of the financial contributions of States Parties ratifying or acceding to the convention is less than the funds to be provided to the Enterprise,

the Assembly shall at its first meeting examine the extent of the shortfall and take into account the obligation of States Parties under sub-paragraphs 3 (a) and 3 (b) and the recommendations of the preparatory commission, and adopt measures for dealing with the shortfall. The Assembly shall decide this question by consensus.

29. Further refinement was also introduced in dealing with the modality of implementing the obligation of States Parties in providing funds for the Enterprise. These included when should the States Parties be required to make their payments, in what forms shall the payments be made and whether the payments be made in one lump sum or in stages.

30. Provisions have also been added with regard to the question of repayment schedule, a subject which has caused great concern to the industrialized countries.

31. Better provisions have been introduced regarding the term of "debt guarantees".

#### I. INTERIM ARRANGEMENTS AND PREPARATORY COMMISSION

32. The President of the Conference addressed a letter to me on 30 July 1980 in which he drew attention to draft article 302 submitted by the Chairman of the Group of Legal Experts on Final Clauses entitled "Entry into Force" (see A/CONF.62/L.60). He referred to paragraphs 1 and 3 which have a direct bearing on the issue of the composition of the Council, a matter which comes within the competence of the First Committee. The two paragraphs read as follows:

"1. This Convention shall enter into force six months after the date of deposit of the seventieth instrument of ratification or accession.

"...

"3. The Assembly of the Authority shall meet on the date of entry into force of this Convention and shall elect the Council of the Authority. The first Council shall be constituted in a manner consistent with the purposes of article 161 if the provisions of that article cannot be strictly applied".

The President requested that I bring the matter before the working group of 21 with a view to examining the manner in which the first Council would be constituted, ensuring that this would be consistent with the purposes of article 161 if the provisions of that article could not strictly be applied.

33. After preliminary consultations within the working group of 21, I addressed a letter to the President in which I expressed the wishes of the group that the subject ought to remain under review in the First Committee and its organs and be taken up at the earliest opportunity. In the meantime, it was the wish of the Group that there should not be any modification of article 302 of the negotiating text pending further discussions concerning article 161.

34. I expressed my deep appreciation to the President of the Conference for the administrative step he had taken to ensure that there was appropriate co-ordination in the treatment of issues which bestrode two or more working fora in this Conference. I encouraged the President to continue to promote this trend on other matters in the future. Among these other matters is the question of the establishment of a preparatory commission. It is clear that certain aspects of them may have to be dealt with in the First Committee, especially with regard to the mandate of the Commission. I feel sure that I can continue to count on the President's wisdom to ensure that the relevant aspects of that discourse are referred to the First Committee at an appropriate time.

35. In conclusion, I would strongly recommend that the new texts which have emanated from the First Committee should go into the next revision of the negotiating text. I feel equally strongly that every effort must be made to ensure that we do not paper over issues of importance whose resolution would greatly enhance the prospects for ratification of the new convention. I do not recommend the opening of issues upon which there appears to be consensus; I refer mainly to certain issues, for instance in

the area of production of policies, which ought to be given serious consideration. The essential thing will be to get opposing sides in a face to face encounter at the earliest opportunity in order to place in focus the feasibility of the proposals made. These outstanding issues do not appear to me to threaten the package that is being submitted now. I would merely emphasize that their resolution, one way or another, would increase the viability of the treaty provisions with which we engaged.

36. Finally, I should like to seize this opportunity once again to express my profound gratitude to those who have worked with

me in this difficult exercise. Very outstanding among them were Mr. Koh (Singapore), Mr. Wuensche (German Democratic Republic), Mr. Nandan (Fiji) and Mr. Bailey (Australia). I was happy that the misfortunes which hounded the First Committee in the beginning, mainly of ill health, dissipated in the end. I should like also to express deep appreciation to the special representative of the Secretary-General for the characteristic help of the Secretariat team. I have done this in great detail in the First Committee, but I wish to reinforce those sentiments by a repetition here.

## DOCUMENT A/CONF.62/L.63/Rev.1\*

### Report of the Drafting Committee

(Original: English)  
(22 October 1980)

1. During the resumed ninth session the Drafting Committee continued its work of harmonization of words and expressions recurring in document A/CONF.62/WP.10/Rev.2 and the preliminary and informal textual review which began during the intersessional meeting held in New York in June 1980. There were 81 meetings of the language groups, 6 meetings of the co-ordinators of the language groups under the direction of the Chairman of the Drafting Committee and one meeting of the Drafting Committee as a whole. Representatives of more than 50 delegations participated in the meetings of the language groups.

2. The principal work of the co-ordinators of the language groups during this session involved continuing the process of harmonization of recurring words, expressions and terminology. The purpose of harmonization is to avoid, as far as possible, the use of different words where the intended meaning appears to be the same. The process of harmonization should be distinguished from the necessity of ensuring concordance of the six language versions of the text.

3. As well as continuing the harmonization process, the language groups continued their own textual review with a view to preparing for participation in the forthcoming article-by-article review to be undertaken by the Drafting Committee. Considerable progress has been made by the language groups on this lengthy task. The reports of the language groups produced during this session will demonstrate this.

4. Annex I of the present report is devoted to specific items considered by the Drafting Committee upon which recommendations are made by the Drafting Committee as well as those which are still under consideration. In accordance with the procedure adopted in the previous reports (A/CONF.62/L.40<sup>18</sup> and A/CONF.62/L.57/Rev.1) each section contains the recommendations of the Drafting Committee and a list of the items still under consideration by the Committee as well as an indication of the application of the recommendations. The recommendations have been discussed extensively in the language groups and by the co-ordinators of the language groups under the direction of the Chairman of the Drafting Committee before submission to and approval by the Drafting Committee. The Drafting Committee has already made recommendations to the Conference in its preceding reports. During the resumed ninth session, the Committees of the Conference began consideration of these recommendations. The Second Committee held one meeting at which the recommendations of the Drafting Committee were discussed. The Third Committee studied various recommendations for draft-

ing changes among which were the recommendations of the Drafting Committee as well as suggestions submitted by the Chairman and by individual delegations. The Drafting Committee welcomes the importance attached by the Second and Third Committees to drafting questions and considers that this work by these Committees constitutes an important contribution. The conclusions were sent by the Chairmen of these Committees to the Chairman of the Drafting Committee (see annex II).

5. It should be recognized that serious drafting problems exist in a text comprised of more than 400 articles, in six official languages, drafted by the three Committees and the Conference in informal plenary meeting. The efforts of the language groups to date confirm the need for further serious and effective work by the Drafting Committee and its organs. Of particular importance will be ensuring the concordance of the six language versions.

6. The secretariat has been considering the problems involved in preparing the six language versions of the text and will continue to do so throughout the intersessional period, with a view to ensuring the concordance of the different language versions. The Drafting Committee urges that translation errors be corrected prior to the intersessional meeting of the Drafting Committee and that a paper setting out all corrections be available to delegates before the beginning of the meeting.

7. It is suggested that the language groups continue to meet whenever possible. In addition, however, the Drafting Committee considers that it is essential to hold an informal intersessional meeting before the next session of the Conference, utilizing the language groups in accordance with its usual procedures. The business of the intersessional meeting would be to undertake a complete article-by-article review of the text, and also in so doing, to complete the harmonization and textual concordance process. A time-table is appended (annex III) with a view to ensuring that the time of the informal intersessional meeting be used as efficiently as possible. All delegations are urged to ensure that, in addition to their Drafting Committee experts, other experts be available, on the basis of the time-table, for the discussion of the various parts of the text, particularly for the review of Part XI. Assurances have been given by the special representative of the Secretary-General that fully adequate resources will be made available for the work of the Drafting Committee.

#### Annex I

#### The recommendations and items under consideration by the Drafting Committee

##### SIXTION 3\*

- (i) 'States with special geographical characteristics'

\* Incorporating document A/CONF.62/L.63/Rev.1/Corr.1, dated 17 December 1980.

<sup>18</sup> *Ibid.*

\* These sections were listed in Informal Paper 2.