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60th meeting of the General Committee

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24. His delegation could endorse the programme of work proposed by the Collegium. The Drafting Committee clearly needed to meet daily and its recommendations should be considered in plenary meeting, with the Chairmen of the Committees and of the Drafting Committee assisting in that task.

25. While his delegation did not oppose the holding of a general discussion on the Preparatory Commission in the First Committee, he believed that that Committee should attempt to conclude its work on the draft provisions governing the establishment of the Preparatory Commission and should refer them then to the plenary Conference.

26. Mr. ARIAS SCHREIBER (Peru) observed that the United States representative had not denied that a decision had been taken by the United States Government. Depending on the outcome of the internal review of the draft convention referred to by the representative, there was a serious risk that the Conference would be unable to complete its work at the current session.

27. With regard to the proposed programme of work, he wished to insist that even questions of style should be considered in the Committees. He was especially concerned that the programme of work proposed by the Collegium did not envisage the holding of separate meetings of the Committees when needed in order to determine whether all the Drafting Committee's recommendations dealt with questions of style rather than substance.

28. The CHAIRMAN reported that the Collegium had discussed whether the Committees should meet to consider outstanding matters. It had agreed that the Drafting Committee's recommendations concerning matters falling within the mandate of the First and Second Committees should be considered first, and the Chairmen of the Committees appeared to have an open mind as to when their Committees should meet and what they should consider. He would pursue his consultations on that point and report to the General Committee.

29. Mr. SHEN Weiliang (China) expressed the hope that the Conference would be able to overcome its difficulties and adopt an equitable convention as soon as possible.

30. With regard to the proposed programme of work, he recalled that a decision had been adopted on that subject at the ninth session. That decision could, of course, be amended, but only after extensive consultations. It could not be altered at the whim of one country, after all the work that had gone into the Conference over the years. His delegation therefore supported the views expressed by the Group of 77, and could endorse the proposed programme of work. It believed that certain parts of the existing text of the draft convention, such as the provisions dealing with the passage of warships through the territorial sea, must be given full consideration at the current session if they were to be resolved.

31. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, explained that the Committees planned to meet at the current session and that the next time-table drawn up by the President would reflect that fact. At the end of the ninth session, he had indicated which matters remained outstanding, and he wished to assure the General Committee that, after the plenary Conference had met, the First Committee would resume work on the matters falling within its mandate.

32. The CHAIRMAN expressed the hope that, with the co-operation and understanding of the representatives of Iraq and Peru, the General Committee would now approve the recommendations on the programme of work. Two weeks hence, the General Committee would review the situation and consider the Collegium's recommendations for the future work of the session. If he heard no objections, he would take it that the Committee decided to submit the recommendations on the proposed programme of work to the plenary meeting of the Conference on 17 March.

It was so decided.

The meeting rose at 4.40 p.m.

60th meeting

Monday, 30 March 1981, at 10.05 a.m.

Chairman: Mr. T. T. B. KOH (Singapore)

Tribute to the memory of Mr. Eric Williams, Prime Minister of Trinidad and Tobago

1. The CHAIRMAN announced with regret the death of Mr. Eric Williams, Prime Minister of Trinidad and Tobago, and expressed his condolences to the Government and people of Trinidad and Tobago.

2. The representatives of Algeria, Australia, Brazil, the German Democratic Republic (on behalf of the group of Eastern European States), Peru, Zaire and Zambia expressed their regret at the death of Mr. Eric Williams.

3. Mr. SEALY (Trinidad and Tobago) said that, on behalf of the Government and people of Trinidad and Tobago, he wished to express appreciation to the Chairman and members of the General Committee for their condolences and assured them that he would transmit them to the family of Mr. Williams and to the Government of his country.

On the proposal of the Chairman, the representatives observed a minute of silence.

Organization of work

4. The CHAIRMAN said that he had distributed to delegations a provisional programme of work indicating the meetings

of the various organs of the Conference for the next two weeks. The schedule had been drawn up by the Collegium, taking into account the views of the Chairmen of the regional groups.

5. The schedule provided for an informal meeting of the Conference on Wednesday, 1 April, at 10.30 a.m. so that the plenary could complete its consideration of the recommendations of the Drafting Committee. Since the Drafting Committee had not yet completed its examination of Part XI of the draft convention, the Collegium had allocated it as much time as possible in the schedule. He therefore urged the language groups to expedite their work with respect to Part XI, and reminded them that the Drafting Committee must also examine Part XV and other parts of the draft convention.

6. According to the schedule, the working group of 21 would hold two meetings in order to complete its discussion of issues relating to the Preparatory Commission. Time had also been allocated for meetings of the two interest groups on the question of delimitation. In that connexion, it was obvious that the problem of delimitation could not be solved if the two groups continued to hold separate meetings, as had been done during the past two weeks. He had therefore met with the Chairmen of the two interest groups to remind them that that was the only hard-core issue which remained outstanding and to

attempt to persuade them that nothing would be gained by postponing the settlement of the issue.

7. With respect to the commencement of work on the question of participation in the convention, the schedule provided for only one informal plenary meeting on that issue because progress in that regard could be achieved only through consultations and negotiations.

8. The schedule provided for two meetings of the First Committee and one informal meeting of the Second Committee. The Third Committee had completed its work and consequently there was no need for it to meet.

9. According to the schedule, the next meeting of the General Committee would be held on Monday, 13 April. At that meeting, the General Committee would take stock of the progress made in the negotiations on the Preparatory Commission, participation in the convention, the question of delimitation and progress in the work of the Drafting Committee. The General Committee would then decide whether to adjourn the current session on 17 April or to extend it to 24 April. It would recommend a programme of work for the remaining week or weeks of the session to the plenary Conference and would make recommendations on the future programme of work of the Conference.

10. Mr. ARIAS SCHREIBER (Peru) said that in general, his delegation agreed with the programme of work set forth by the Chairman. However, it should be borne in mind that when the extension of the current session of the Conference by one week had been contemplated, it had been thought that the current session would be the last one. Since that apparently would not be the case, the extension would be pointless.

11. The programme of work provided for only one meeting of the Second Committee, on 2 April. Various delegations had requested that negotiations should be held between representatives of the two trends which existed with respect to some articles of the draft convention on which a consensus had not yet been reached. According to those delegations, if no agreement was reached on the holding of negotiations, because the representatives of one side were opposed to initiating a dialogue in that respect, then an official meeting of the Second Committee would have to be convened so that delegations could state their positions and public opinion could be informed of the opinions of the two sides. Consequently, his delegation requested that the programme of work should indicate that the Second Committee would decide, at its meeting on 2 April, on the most appropriate procedure for the consideration of some articles on which there was no consensus, and would request the Secretariat to provide the necessary services.

12. Mr. AGUILAR (Venezuela), speaking in his capacity as Chairman of the Second Committee, said that provision had been made for an informal meeting of the Second Committee because there were still speakers wishing to make statements concerning the competence of that Committee. However, there was no reason why the Second Committee should not hold additional meetings, if it so decided. At the same time, it should be remembered that consultations were being held on matters of concern to delegations and he hoped that those consultations would be completed by 2 April.

13. Mr. GOERNER (German Democratic Republic), referring to the consultations held by the group of Eastern European States regarding the programme of work, said the Group was of the view that during the coming weeks the Conference must work with greater intensity. The Group would therefore support all measures designed to ensure that constructive solutions were negotiated during the current session on the issues that were still outstanding. For instance, the group considered it necessary to expedite the work of the Drafting Committee and therefore suggested that that Committee should meet on Thursday, 2 April. The group was also of the view that the prerequisites were there for completing the draft

resolution on the Preparatory Commission and, in that connexion, believed that draft resolution A/CONF.62/L.55 provided a good basis for concluding negotiations in that respect.

14. With regard to the provisions on participation in the convention, the group of Eastern European States was in favour of finalizing them in the coming weeks. The Conference should, if necessary, hold further plenary meetings to study that matter, in addition to the meeting scheduled for Tuesday, 31 March.

15. With regard to the delimitation of the territorial sea between States with opposite or adjacent coasts, the group believed that a solution acceptable to all interest groups would contribute substantially to a positive settlement being reached at the current session. The group therefore noted with satisfaction that the programme of work provided for consultations between the groups of States directly concerned.

16. Finally, the group expressed its readiness to make every effort to ensure that the decision of the Conference to complete the convention on the law of the sea in 1981 would become a reality.

17. The CHAIRMAN agreed with the suggestion that the Drafting Committee should meet on Thursday, 2 April, in the afternoon.

18. Mr. BAILEY (Australia) said that, in general, his delegation agreed with the proposed programme of work. However, it considered the date of 13 April planned for the next meeting of the Committee to be unduly late, since it would not give delegations a great deal of time to make the necessary travel and hotel arrangements. He therefore suggested that the Committee's next meeting should be moved up to 6 April and, in any case, that it should be decided at the current meeting that after 17 April no meetings would be devoted to matters that fell within the competence of the Second and Third Committees.

19. The CHAIRMAN said that the Collegium had suggested the date of 13 April for the Committee's next meeting because, in its opinion, it was currently premature to take any decision on the possibility of extending the session. Before taking such a decision, it must be ascertained whether any progress had been made in the consultations currently under way, which would continue for the next two weeks, and whether a one-week extension of the session would make it possible to conclude the negotiations. That information would not be available before 13 April.

20. Mr. MWANANG'ONZE (Zambia) said that, thus far, the First Committee had dealt mainly with matters relating to the Preparatory Commission and had not accomplished a great deal at the official level on some of the very important matters pending, such as production policies and the delimitation issue. It seemed that an effort had not been made to solve what, in his delegation's opinion, was a decisive factor, namely, the formulation of a production policy based on nickel. Therefore, his delegation would like to know whether those extremely important questions would be discussed at the meetings proposed in the programme of work.

21. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, pointed out that in the past seven years many official meetings had been devoted to the questions to which the representative of Zambia had referred. Apparently, official meetings no longer constituted the most appropriate method of work; that was the reason why the consultations currently under way had been initiated and, in his opinion, no delegation wished to suspend them.

22. Mr. MUKUNA KABONGO (Zaire) said that the topics to be considered by the First and Second Committees were so important that, parallel with the work of the plenary Conference on the recommendations of the Drafting Committee, the possibility should be envisaged of having those Committees hold two meetings to discuss questions such as the limitation

of production and improvement of the articles on the participation of land-locked and geographically disadvantaged States.

23. The CHAIRMAN pointed out that the Chairman of the Second Committee had stated that, subject to its so deciding, there was no reason why the Second Committee should not hold additional meetings. The Chairman of the First Committee had indicated that it has felt that, for the time being, the most appropriate method of work seemed to consist in continuing consultations on the question of production policies.

24. Mr. BENCHEIKH (Algeria) said that, although his delegation did not have any major objections to the programme of work proposed by the President of the Conference, it seemed that nothing was planned for the week of 17 to 24 April, except to try to bring the negotiations within the Conference to a conclusion. Since it did not seem that a great deal of progress could be achieved in the next 10 days, there was no justification for extending the Conference until 24 April for that reason alone. The condition whereby a possible extension of the Conference until that date might be envisaged was that the current session was truly the last session to be devoted to the holding of negotiations. Possibly enough progress could be achieved from 10 to 13 April to justify extending the Conference, in which case his delegation would agree that the Committee should consider that question. However, that matter should be taken up only when it was certain that the current session of the Conference would be the last.

25. With regard to the delimitation issue, his delegation felt that there was nothing to be gained by postponing the discussion of that issue; quite the contrary, the Conference would benefit a great deal if the problem was solved as soon as possible. Clearly, the Conference needed to achieve success, especially in such a delicate matter where failure or a partial solution could not be accepted.

26. Moreover, many other problems, in addition to those being discussed at the current session, were awaiting a solution, because large regional or interest groups had opposed the solutions contained in the third revision of the draft convention on the law of the sea. Moreover, since meetings were sometimes planned but subsequently not held, the competent organs of the Conference, for example the Second Committee, should try to find a solution to that problem or, failing that, at

least try to ask those in charge to explain the reasons for the delay in the negotiations. In that connexion, the views expressed by the representative of the German Democratic Republic were very much to the point.

27. Mr. CALERO RODRIGUES (Brazil) said that his delegation accepted the reasons the President of the Conference had given for holding a meeting of the Committee on 13 April, and he understood the practical reasons to which the representative of Australia had referred. However, the possibility of moving up the Committee's meeting to 9 or 10 April should be considered, since that would allow time for other arrangements.

28. As to the possibility of enabling the Second Committee to hold additional meetings, after listening to the Chairman of that Committee, his delegation felt that the proposed schedule of meetings would not prevent the Second Committee from meeting more frequently, if necessary.

29. The CHAIRMAN said that he would consult members of the General Committee about the possibility of holding its next meeting somewhat sooner.

30. Mr. MWANANG'ONZE (Zambia) pointed out, in connexion with the programme of work for the next two weeks, that the Second Committee still had questions pending. However, the schedule of meetings provided that the Second Committee should hold only one meeting in the next two weeks. That seemed insufficient in view of the fact that the Second Committee was very far from having completed its negotiations. In his delegation's opinion, it would be necessary to hold additional substantive negotiations on the exclusive economic zone and the continental shelf. Accordingly, it was to be hoped that those very important topics could be considered at some of the proposed meetings.

31. The CHAIRMAN reiterated that, if necessary, the Second Committee could hold additional meetings and said that, if he heard no objections, he would take it that the General Committee endorsed the proposed programme of work and decided to recommend that the plenary Conference should adopt it.

It was so decided.

The meeting rose at 10.50 a.m.

61st meeting

Friday, 10 April 1981, at 3.30 p.m.

Chairman: Mr. T. T. B. KOH (Singapore)

Date of adjournment or suspension of the session

1. The CHAIRMAN said that the Collegium and the Chairmen of the regional groups had agreed that the tenth session should be extended to 24 April 1981, on the understanding that all substantive work would end by 16 April and that the last week would be devoted to meetings of the Drafting Committee and its constituent bodies.

2. Mr. KOZYREV (Union of Soviet Socialist Republics) inquired whether the plenary Conference would meet during the last week of the session to consider the work done by the Drafting Committee, and whether any meetings of the Committees or working groups would be held during that week.

3. The CHAIRMAN said that according to the recommendation of the collegium and the Chairmen of the regional groups, the only meetings to be held during the last week would be those of the Drafting Committee and its constituent

bodies. The work done by the Drafting Committee would be considered by the plenary Conference at a later date.

4. Mr. UL-HAQUE (Pakistan), speaking as Chairman of the Group of 77, inquired whether the date of 24 April referred to the suspension or adjournment of the current session.

5. The CHAIRMAN said that the question of whether the session would be adjourned or suspended depended on the decision to be taken by the General Committee on agenda item 3.

6. Mr. UL-HAQUE (Pakistan), speaking as Chairman of the Group of 77, said the Group had agreed to the proposed arrangement on the understanding that the session would be suspended, not adjourned.

7. The CHAIRMAN said that if he heard no objection he would take it that the General Committee wished to recommend to the plenary Conference the arrangement agreed upon by the collegium and the Chairmen of the regional groups.

It was so decided.