

FIRST COMMITTEE

41st meeting

Friday, 14 April 1978, at 11.15 a.m.

Chairman: Mr. P. B. ENGO (United Republic of Cameroon).

Organization of work

1. The CHAIRMAN said that the Committee had a grave responsibility in the joint endeavour to conclude what would be the most important convention in history. It had to contend with pressure of time, difficult and intangible opponents, conflicting interests and claims of right, and man's inability to learn the lessons of history and appreciate the political, economic and social dangers that threatened his survival. The Committee's task called for new resolve on the part of each delegation and each interest group. The plenary of the Conference had given a clear lead in outlining the outstanding core issues and indicating a time-table. The next step must be real negotiation; that meant trading ideas with a full understanding of the difficulties of defining the limits of rights and interests. From that process of negotiation, legal rights would emerge.

2. The Conference was formulating new law, to be universally accepted. All interests were important, and must not be assessed on the basis of the number of States concerned. The difficulties posed by the various interests should be studied and resolved in a spirit of accommodation, so that the necessary consensus could be reached. But consensus did not mean the majority bowing to an intransigent minority, or the bullying of a minority by an unthinking majority. All States would benefit if, by yielding a little, they could attain stable legal rights and benefits. That was his concept of negotiation.

3. The Committee must spare no effort to fulfil its mandate. The general feeling in the Conference was that the seventh session should be the last negotiating session. He was confident that, given the political will, the Committee could reach a consensus on the outstanding issues before it.

4. He drew the Committee's attention to the decisions taken by the Conference on the organization of work (A/CONF.62/62). The First Committee was concerned with item (1) of recommendation 5, on exploration and exploitation and resource policy. A negotiating group on that question was being established, and he hoped soon to announce its membership and who the chairman would be. Recommendation 7 indicated that items (2) and (3) of recommendation 5 would also go to the First Committee for consideration and appropriate action. With respect to item (2) (Financial arrangements), the secretariat had been asked to make a preliminary study for the information of the Committee. At the last session a group of technical experts had been invited

to work on a basic text; and he thought that, at the seventh session also, such a group could help by defining the technical problems so that political decisions could be reached.

5. His proposal was that the Committee should hold only a brief general discussion, lasting perhaps one day, and then establish an open-ended group of experts.

6. There were a number of gaps in the informal composite negotiating text¹, and political decisions would have to be taken before those gaps could be filled. In the memorandum by the President of the Conference¹ on the informal composite negotiating text attention was drawn to the five outstanding questions to be negotiated on financial arrangements. There were also other problems, such as the question of taxation, in terms of whether national taxes would apply to all forms of exploration in the area, whether by States or by enterprises. Different answers to that question would clearly result in different figures. Such political problems must be settled in order to give guidance to the technical experts. That did not mean taking political decisions; the experts needed political reactions on which they could base various alternative models.

7. The Committee also had to consider item (3) of recommendation 5 (Organs of the Authority). It could have a brief exchange of views on all those questions in the light of the informal composite negotiating text, before considering how to organize the negotiations. He hoped that it would be possible to provide the negotiating group with data on the financial arrangements without undue delay.

8. All delegations were free to join in the work of the negotiating groups, and he hoped they would do so. It was better to participate than to refrain from participating and later raise objections in the Committee to the findings of the groups.

9. Mr. MI-ENDAMNE (Gabon) asked whether the secretariat could inform him how many hours the Conference had spent on its work since the beginning of its first session.

10. The CHAIRMAN said the secretariat would provide the answer to that question after the necessary calculations had been made.

The meeting rose at 11.45 a.m.

¹Official Records of the Third United Nations Conference on the Law of the Sea, vol. VIII (United Nations publications, Sales No. E.78.V.4).