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54th meeting of the Second Committee

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shared the desire expressed by many delegations to avoid a multiplicity of negotiating groups and to pass on as quickly as possible to the substance of the issues listed in recommendation 5 of the General Committee, which had been endorsed by the Conference.

30. Mr. KIBRIA (Bangladesh) said that consideration should be given to the important issue of the baseline, either in the plenary or in the Second Committee. He therefore requested that the issue should be included as item (iv) in recommendation 6 and proposed that it should be considered at an appropriate time.

31. Mr. ZEHENTNER (Federal Republic of Germany) said that he thought the Committee should adhere to the order of priority indicated in the programme of work established by the plenary. For that reason, he supported any proposal to concentrate the work on the key issues outstanding.

32. Mr. SHEN WEI-LIANG (China) said that work should be concentrated on issues of common interest, without however neglecting issues of special interest to the developing countries. For example, the questions of international navigation, the exclusive economic zone, the régime of islands and enclosed or semi-enclosed seas might be re-examined. In particular, further consultations should be held on article 58 (Rights and duties of other States in the exclusive economic zone) and article 17 (Right of innocent passage). The procedures for such consultations either in the Committee or in a negotiating group, should not be such as to impose any undue burdens on small delegations.

33. Mr. ZELAYA UBEDA (Nicaragua) expressed the hope that one negotiating group would be appointed for the régime of islands and another for enclosed or semi-enclosed seas. The provisions relating to those issues, and particularly articles 6, 7, 13, 47, 60, 80 and 121, might be contrary to the principle of equity enunciated in article 74 (Delimitation of

the exclusive economic zone between adjacent or opposite States) and article 83 (Delimitation of the continental shelf between adjacent or opposite States). Though he agreed that it was desirable to move ahead with the work during the present session, he warned the Committee that excessive haste in dealing exclusively with the major outstanding issues might be detrimental to the interests of countries which had more limited problems. In that connexion, he was in favour of the procedure proposed by Peru, on the understanding that no attempt would be made to reopen questions that had already been settled or to prematurely submit official amendments to the negotiating text.

34. Mr. ZHIGALOV (Union of Soviet Socialist Republics) said that it would be quite pointless to go through the negotiating text from beginning to end, as some delegations had proposed. On the contrary, it was essential to abide by the recommendations of the plenary, in other words, to consider outstanding hard-core issues and to appoint negotiating groups to examine issues which had not been considered in depth by the committees. The question of straits used for international navigation was admittedly a sensitive problem, but it had been discussed at length and the compromise solution reached on that issue should not now be reconsidered. Similarly, the question of the exclusive economic zone had been dealt with in depth at the previous session, and there was no reason to appoint a negotiating group to consider it. No one wished to reject certain issues outright on the grounds that they were of interest only to a small number of countries; on the contrary, such issues must be considered, but in small committees which could make proposals to the Chairman of the Second Committee.

35. His delegation would support any working method that would enable the Committee to get to the heart of the issues before it.

The meeting rose at 1.10 p.m.

54th meeting

Monday, 17 April 1978, at 3.35 p.m.

Chairman: Mr. A. AGUILAR (Venezuela).

Organization of work

1. Mr. PARAISO (France) said that, in order to obtain positive results on the few issues that had not yet received a satisfactory solution, the Committee must above all observe the priorities and the basic timetable that had been drawn up by the Conference in plenary (see A/CONF.62/62). The French delegation could not therefore accept the principle of a complete revision of the informal composite negotiating text.¹ Secondly, the Committee should refrain from reopening discussions on questions which had already been examined at length and for which the negotiating text proposed solutions that were widely acceptable, such as the question of straits used for international navigation. France was opposed to the establishment of a negotiating group on that issue—a step which might jeopardize the very large measure of agreement and the delicate balance that had been achieved.

2. However, the French delegation, which was particularly sensitive to pollution problems after the ecological disaster

caused by the wrecking of the *Amoco Cadiz*, considered that certain amendments to the negotiating text were necessary to provide coastal States and the international community with an effective legal framework for eliminating the possibility of such accidents and taking preventive and corrective action as suggested at the previous meeting by the representative of Canada. However, the French delegation believed that those issues should be discussed first in the third Committee.

3. Mr. VALENCIA-RODRÍGUEZ (Ecuador) wished to stress the importance which his delegation attached to recommendations 1, 2 and 6 in document A/CONF.62/62. With regard to recommendation 6 his delegation thought that the following issues should be included in addition to those already mentioned: peaceful uses of ocean space, the question of archipelagos which were not States, the safeguard clause for the protection of the rights of States in territorial seas extending beyond 12 miles and the question of straits used for international navigation. The Second Committee was competent to deal with the last three of those issues. In examining questions which affected the vital interests of a number of countries, it was essential to take into account their political aspects. Countries could not support a consensus if their interests were ignored, if their positions were not respected, or if the consideration of certain issues which had not re-

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

ceived sufficient study were not concluded. The Committee would certainly not have time to study all the issues within its competence as indicated in recommendation 1; and it was therefore necessary to decide on the best working method for considering the outstanding issues. The procedure proposed at the previous meeting by the representative of Peru was certainly the best. However, the Committee could not itself consider, section by section, every part of the negotiating text. He would therefore suggest that a small open-ended working group be set up to undertake that task, with a view to facilitating the elaboration of a text on issues that were vital for certain delegations. That group would report to the Chairman, who would transmit the report to the Committee. The Chairman would be responsible for deciding on the composition of the group and its chairman.

4. Mr. PRIETO (Chile) said that it was essential for the Committee to consider all the issues within its competence. However, instead of undertaking a new reading of the negotiating text, which had already been the subject of lengthy discussion, the Committee should conduct a more general review of the text, chapter by chapter, and part by part, in accordance with a timetable to be decided on by the Chairman and perhaps following the procedure suggested at the previous meeting by the representative of Peru. Otherwise, because of lack of time, it would be impossible to give even partial satisfaction to delegations which thought that certain issues, in particular those referred to in recommendation 6, should be reconsidered. His delegation thought in fact that the Committee should give priority to the consideration of those issues. On the other hand, it was for the Committee to organize its work in conformity with recommendation 2 of the plenary. He could accept the proposal by the representative of Peru that the negotiating text should be considered chapter by chapter rather than article by article.

5. Mr. GOERNER (German Democratic Republic) said that the Committee should concentrate on the seven hard-core issues which were listed in recommendation 5 and which required further negotiation. He could not accept the Peruvian representative's proposals regarding the organization of work. His delegation considered it neither useful nor necessary to establish negotiating groups on parts of the negotiating text that had already been thoroughly discussed, such as the parts relating to straits used for international navigation and to the régime of islands. With regard to the first of those two issues, the German Democratic Republic was not completely satisfied with some of the provisions of part III of the negotiating text but, in the interests of compromise, it did not insist on amending them. His delegation therefore opposed the establishment of a negotiating group on that issue. Similarly, it was superfluous to reopen negotiations on the compromise formula reached on the régime of islands. In his delegation's view, apart from the seven so-called hard-core issues listed, only the preamble and the final clauses should be the object of substantive negotiations. The issues which were of particular interest to certain delegations and which, in the view of those delegations, had not been formulated in appropriate terms in the negotiating text, should be negotiated between the States interested in them without establishing formal working groups. Those States would subsequently inform the Chairman of the Committee of the results obtained and whether they had reached consensus on an amendment to the negotiating text.

6. Mr. ANDERSEN (Iceland) expressed the view that the work of the Committee should be speeded up and that the hard-core issues be discussed. Other issues would of course have to be studied too; but they would be taken up in their turn. With regard to recommendation 8, he agreed with the proposal made by the representative of Canada at the previous meeting, and hoped that it would be possible to tackle the problem of pollution thoroughly.

7. Mr. MANANSALA (Philippines) said that his delegation wished to suggest that besides the outstanding hard-core issues identified by the plenary, and the various outstanding issues mentioned in recommendation 6, there were a number of other issues that had not received sufficient consideration. The negotiating text was an ambitious overall project aimed at introducing legal order in the oceans. For that legal order to be realized, it was imperative that the text should be acceptable to all nations, big and small, developed or developing. That necessitated a full discussion not only of hard-core issues but of all issues no matter how small or limited in application. A text could not be universally acceptable unless the positions of all delegations had been given thorough consideration.

8. Mr. MOMTAZ (Iran) said that he shared the concern expressed by several delegations concerning items (i) and (ii) of recommendation 6, which should be given full attention by the Conference. Regarding the juridical status of the territorial sea, and in particular the question of navigation in straits, Iran considered that part III of the negotiating text provided a satisfactory compromise. However, if certain delegations insisted that a negotiating group should be established to give fresh consideration to that issue, Iran would have no objection if the work of such a group resulted in improvements to the existing text.

9. Mr. STRÖMHOLM (Sweden) said that he believed that the Committee's main task, which had been clearly defined by the Conference in plenary, was to seek a solution to the hard-core issues that had not yet been settled. If, after the delays that had taken place, the Committee began to consider the negotiating text article by article, there would be interminable discussions on points of detail and it would not be possible to elaborate a text either at the present session or at a possible subsequent session. He fully agreed with those speakers who had proposed that the Committee should concentrate on the hard-core questions, which were the only ones that it had time to consider. Further, contrary to what the representative of Brazil had said at the previous meeting, he did not think that the Committee was competent to deal with the military problems that might arise under article 58. Those problems were a matter for the Conference of the Committee on Disarmament. He also considered that the text on navigation in straits represented a reasonable compromise, and that it would be inadvisable to reopen the discussion on that subject.

10. Mr. AL-MOR (United Arab Emirates) said he thought it would be inadvisable to reconsider the negotiating text article by article or chapter by chapter, as certain delegations had suggested, since that would be a retrograde step. In organizing its work, the Committee should follow the procedure which had been clearly defined by the Conference in plenary. It should consider those issues which had not yet been studied in depth, and the Chairman of the Committee could decide what those issues were. In any case, it was impossible to continue such discussions without fixing a time limit, and an order of priority must therefore be established. Also, it was useless to revert to certain issues, such as the question of straits, which had already received sufficient consideration. The existing text was based on essential principles which had made it possible to establish a balance between various interests; and his delegation could not agree that those principles should be changed. On the other hand, it was in favour of considering item (ii) in recommendation 6, which deserved further attention.

11. Mr. TRESSELT (Norway) said that the Committee must abide by the decisions of the Conference as set forth in document A/CONF.62/62 which listed the hard-core questions to be considered, and established an order of priority. He was in favour of the principle of setting up negotiating groups, and supported in particular the establishment of a

group on item (6) of recommendation 5. The Committee now found itself faced with a long list of additional issues. In his delegation's opinion, a number of them had already been considered thoroughly and, in the case of certain of them, it was difficult to see how the prospects of consensus could be improved. In dealing with the problem of the issues to be considered, it was essential to remember the need for efficiency, which would certainly be diminished by a proliferation of negotiating groups. The Committee found itself in a dilemma. He saw much merit in the proposal of the representative of Peru, since it was reasonable to have a broader discussion on certain parts or certain chapters of the negotiating text rather than to consider it article by article, but he was worried about the suggested timetable. It would perhaps be better to consider the hard-core issues in negotiating groups which should be set up without delay, and then to consider other issues at informal meetings of the Committee.

12. Mr. MORENO (Italy) said that he had some misgivings. He was convinced that at the current stage the Committee should concentrate on the hard-core issues and most sensitive points of dispute that had not received sufficient consideration at previous sessions. Those issues were specifically mentioned in document A/CONF.62/62, which established an order of priority. He regretted the existing tendency to reopen every question. Objections could, of course, be raised against many points in the negotiating text. Italy had problems with, and even reservations on, some of the provisions—for example, those relating to pollution. At the current stage, however, it would be dangerous to resume discussions on questions that had already been widely examined at previous sessions and for which acceptable solutions, that had often been difficult to elaborate, had now been devised. He considered, moreover, that the establishment of additional groups would create practical problems for many delegations. If the Conference wanted to be able to draw up a positive balance sheet at the end of the current session, it must speed up its work and get to the heart of the matter. It was from that standpoint that Italy would examine any proposal concerning the organization of the work.

13. Mr. BAMBA (Upper Volta) said that, in view of the priority generally attributed to the hard-core issues mentioned in recommendation 5, Upper Volta hoped that consideration of those issues would be started without delay in negotiating groups. That did not mean, however, that it regarded recommendations 2 and 6 as irrelevant.

14. Mr. MAHMOOD (Pakistan) said that it was logical that the negotiating text should be examined before being revised; furthermore, it should not be revised until all delegations had had an opportunity to express their views. A satisfactory procedure had been envisaged for consideration of the so-called hard-core issues, but not of the other issues. Some of the latter were mentioned in recommendation 6, but the question of the access of land-locked States to and from the sea, on which it had not been possible to reach a consensus, should be added to that recommendation; the régime of the exclusive economic zone should also be examined further. The ideal solution would have been to establish separate negotiating groups for each question; but, in view of the lack of time, he considered that it would be necessary merely to establish negotiating groups for the hard-core issues and for issues on which agreement had not yet been reached. He supported the suggestions made by the representative of Peru at the previous meeting.

15. Mr. SEALY (Trinidad and Tobago) pointed out that the Committee was not entirely free to organize its work as it wished, since it was dependent on the time available, the decisions taken by the plenary and the recommendations of the General Committee. It must, therefore, permit the negotiating groups established by the plenary to begin their work as soon as possible. As to the Committee itself, it could meet

after delegations had had time to examine the secretariat's report on the definition of the outer limits of the continental shelf. Then, depending on progress made in the negotiations on hard-core issues, it could take up other important questions; and after all those questions had been considered—and only then—it could follow the Peruvian delegation's proposal and consider either those parts of the informal composite negotiating text that came within its competence or the parts that had been amended.

16. Although the plenary had left the committees some degree of latitude in organizing their work, the Committees must nevertheless respect the plenary's intention that priority should be given to specific hard-core issues at the current session. In conclusion, he supported the Canadian delegation's proposal that the Chairmen of the Second and Third Committees should hold consultations in order to agree which body should examine the major issues relating to the preservation of the marine environment, a topic which came within the competence of both Committees.

17. Mr. DABB (Papua New Guinea) said that, in organizing its work, the Committee must conform to the outline laid down by the plenary in document A/CONF.62/62. He supported the idea that priority should be given to the hard-core issues listed in recommendation 5, and agreed with those participants who had warned the Committee against the danger of a proliferation of negotiating groups. He also thought that an attempt should be made to identify other issues on which negotiations might be held; and the Committee should preferably deal with those issues at informal meetings. On the other hand he could not support the proposal to establish a negotiating group on the question of the régime of islands, or the proposal to recommence consideration of the informal composite negotiating text which, as a result of the Chairman's endeavours, was quite advanced.

18. Mr. PRANDLER (Hungary) expressed surprise at the fact that some delegations had started a general discussion, as if the plenary had not taken decisions on most of the problems before it. At its 90th meeting, the plenary had identified the hard-core issues on which attention should be concentrated. In his delegation's opinion, therefore, time should not be wasted on prolonged procedural debates or on the consideration of questions such as navigation in straits or the régime of the territorial sea. The Committee should deal with questions that had not been satisfactorily settled in the informal composite negotiating text.

19. His delegation also attached importance to certain questions, such as the right of access to and from the sea; but it did not insist that the Committee should consider them. It expected other delegations to provide proof of their goodwill so as to enable the Committee to start its substantive work.

20. Hungary, which was a small land-locked country, did not claim to play a major role in the Conference; it hoped, however, that its contribution would at least be matched by other delegations, particularly those which unceasingly put forward new demands of a procedural nature which tended, to a certain extent, to paralyse discussions on the substance of the question. His delegation was, therefore, prepared to support any suggestion by the Chairman to start substantive work forthwith in accordance with the decisions of the plenary.

21. Mr. CARIAS (Honduras) said that the idea of going over the informal composite negotiating text and continuing the discussions on the question of islands and enclosed and semi-enclosed seas was an interesting one. However, since the Conference was pressed for time and delegations were not sufficiently large, the Committee must concentrate its attention on hard-core issues. It might perhaps agree that the negotiating groups established by the Conference meet for two weeks, and then from 1 May onwards the Committee

itself would meet to consider the various parts of the informal composite negotiating text. The Committee could then discuss measures to be taken before submitting its report to the conference. That procedure would be in line with the timetable proposed in recommendation 12, and would enable delegations to hold more detailed consultations. The negotiating group on the definition of the outer limits of the continental shelf should not meet until the secretariat had issued its report. In short, his delegation, like many others, considered that it was essential to hold negotiations on the hard-core issues, but that provision should also be made for some machinery for solving the problems posed by certain sections of the informal composite negotiating text.

22. Mr. SHARMA (India) pointed out that the question of the status of archipelagos which formed an integral part of a coastal State, which was of special interest to his Government, had been covered in some respects in the revised single negotiating text prepared by the Chairman of the Second Committee in 1975.² His delegation considered, therefore, that it was neither justified nor logical that there should be no provision on the subject in the informal composite negotiating text; and it supported the proposal by the representative of Ecuador that the question should be discussed.

23. Mr. LUPINACCI (Uruguay) associated himself with representatives who had expressed regret at the slowness of the Committee's work, and surprise at the fact that none of the negotiating groups had yet met. The Committee must follow the directives of the Conference and not discuss the establishment of negotiating groups but the questions of substance within its competence. His delegation considered that the negotiating group referred to in recommendation 5, item (6) should be established, but it also considered that there were other important questions. In that connexion, he felt that it was optimistic to state that 90 per cent of the problems of the law of the sea had already been discussed and that consensus on them had virtually been reached. He drew the Committee's attention to recommendations 2 and 9, which justified the Peruvian proposal for an analysis of the informal composite negotiating text. Such an analysis, which should be undertaken in a number of stages, would enable the Committee to see which questions deserved further discussion, and would help to avoid the proliferation of working groups.

24. Also, any modifications to be made in the informal composite negotiating text had to emerge from the negotiations themselves: and the presidential team would be able to revise the informal composite negotiating text only after a comprehensive discussion, in plenary or in the committees, of the issues dealt with in the text. During that discussion, the debate on questions on which a consensus had already been reached would not be reopened, even if important details had not in every case been worked out; and the informal composite negotiating text would not be examined article by article. Accordingly, the Committee could give priority to the establishment of the principal negotiating groups; and then, in the following week, it could itself start to discuss the informal composite negotiating text.

25. Mr. PAPADOPOULOS (Cyprus) stressed the distinction made in document A/CONF.62/62 between hard-core issues and other issues, and pointed out that the use of terms such as "may be considered" in recommendation 6 placed the questions referred to therein in their proper perspective. His delegation considered that the question of the régime of islands had already received sufficient consideration; and he recalled that the great majority of participants in the Conference had endorsed the balanced compromise reflected in the informal composite negotiating text. It would be unnecessary

and inopportune to establish a negotiating group on that question, since priority should be given to the hard-core issues referred to in recommendation 5, on which negotiations should start immediately. At the same time, his delegation recognized the right of any delegation to speak on issues of concern to it.

26. Mr. FOSSUNG (United Republic of Cameroon) said he regretted the amount of time wasted on procedural matters. The Committee should deal first with the hard-core issues and then consider the issues referred to in recommendation 6. It should take up other questions only if the progress of its work so warranted.

27. Mr. MBOUYA (Gabon) said that time was not on the side of the Committee, which must deal with the substantive issues without further delay. He would like to be sure that issues of primary concern, such as the régime of islands, the exclusive economic zone and the pollution of the marine environment, would be the subject of a detailed discussion; but he understood that it was necessary to be realistic. The Peruvian proposal was interesting, and the Committee should be able to take account of it in establishing its timetable of work. In his delegation's opinion, the Committee must first consider priority issues, since it was preferable to consider certain issues in depth rather than try to consider them all and fail to reach a consensus or a compromise.

28. Mr. CHAO (Singapore) said he thought that the Committee must select the most pressing issues and not go into an article-by-article examination of the informal composite negotiating text. The Committee must take account of the decisions of the plenary and organize its own work in such a way that the work of its negotiating groups would not be hampered and less pressing issues would not be overlooked. It must therefore give priority to the consideration of the core issues, on the one hand, and decide how it would consider other issues, on the other. Since a proliferation of negotiating groups was to be avoided, he thought that those other issues might be considered by the Committee in informal meetings. The negotiating groups on items (4), (5) and (7) in recommendation 5 should begin their work immediately.

29. Mr. KOROMA (Sierra Leone) said that it would be pointless to reopen the debate on issues which had already been resolved, particularly since no single party to multilateral negotiations such as those in progress could hope to achieve success on its own, and the principle of give-and-take must therefore be put into practice. Also, it was neither desirable nor possible to establish too many negotiating groups. The negotiating groups on items (4) and (5) should try to find solutions to the issues which had been identified.

30. Mr. MAKONEN (Ethiopia) said that, in his opinion, the plenary's decision that the core issues should be considered first was the best way of proceeding with the negotiations. It was also necessary to abide by the decisions of the Conference on the understanding that they would not prevent the Committee from dealing with other issues, as envisaged in recommendations 2 and 6, in the unlikely event that it had time to do so. The Committee and the plenary could not hope to resolve all the issues satisfactorily without having first solved certain secondary problems. The Committee must, however, give priority to the core issues and his delegation would regard any other approach as an attempt to impede the progress of the Committee's negotiations.

31. Mr. SHELDON (Byelorussian Soviet Socialist Republic) said that the Committee must organize its work on the basis of the principles agreed upon by the General Committee and the plenary. He had some doubts regarding the wisdom of the proposals for re-examining the whole of the informal composite negotiating text, since such proposals could only set the Committee back several years. Moreover, according to recommendations 9, 11 and 12, the Committee was not empowered to carry out such a review. The most

²*Ibid.*, vol. IV (United Nations publication, Sales No. E.75.V.10), document A/CONF.62/WP.8.

realistic solution would therefore be to follow the decisions of the Conference. With regard to the question of navigation in straits, he noted that it had already been carefully studied, and there was thus no need to revert to it.

32. Mr. YOLGA (Turkey) said that certain delegations had argued that a number of issues had already received sufficient consideration and had been the subject of a compromise or even a consensus, and that it was therefore unnecessary to revert to them. In fact, the real situation was quite different; and it would be optimistic to claim that only 10 per cent of the issues remained outstanding. It was obvious that a number of issues, such as the régime of islands or the problem of enclosed and semi-enclosed seas, had not yet received sufficient consideration and had not been the subject of a compromise or a consensus. The issue of baselines, which had been mentioned at the Committee's last meeting by the representative of Bangladesh, also warranted consideration. At the second session of the Conference, his country had taken part in the working group on that issue and had been glad to note that that problem, which had originally been raised by the delegation of Bangladesh, had been regarded in a sympathetic light by certain delegations. The problem, had, however, not been satisfactorily expressed in the informal composite negotiating text. He therefore urged the Committee to devote a little of its time to consideration of that issue.

33. Mr. ATEIGA (Libyan Arab Jamahiriya) agreed with the representative of Singapore that the Committee could not reverse decisions taken by the plenary Conference concerning the core issues. However, that did not prevent the Committee from dealing with other important issues referred to by certain delegations, including the régime of islands and enclosed and semi-enclosed seas; and two negotiating groups should be established on those issues as a matter of priority. The question of base lines, which had not received sufficient consideration in the Conference should also be dealt with at the current session.

34. Mr. TUEK (Austria) said that the plenary had taken an unambiguous decision on a number of issues. His delegation therefore agreed with other delegations that the negotiating groups established by the conference on items (4), (5) and (7) should begin their work as soon as possible.

35. An article-by-article examination of the negotiating text, as suggested by some delegations, might certainly be interesting; but since such an examination had already been undertaken at preceding sessions, it seemed unnecessary and time-consuming to undertake a further examination now. His delegation was also concerned at the proliferation of negotiating groups for the consideration of the items entrusted to the Second Committee; but it thought that, in order to speed up the work, two group meetings might be held simultaneously. Before considering item (6), it would be necessary to wait until the secretariat had circulated its report (A/CONF.62/C.2/L.98 and Add.1), which would have to be considered by the Committee in formal meeting.

36. The Committee might later consider other issues and, in particular, those listed in recommendation 6. After that, the additional issues which were not mentioned in that recommendation, but which were important for many delegations, such as the problem of international straits, might also be considered, either by a negotiating group or by the Committee itself.

37. The CHAIRMAN observed that all delegations were agreed that, in organizing its work, the Committee must abide by the terms of reference and the timetable fixed by the plenary. The Conference had already identified a number of core issues, which were listed in recommendation 5 and which included several items that came within the terms of reference of the Second Committee, such as items (4) and (6)

and, in part, at least, also items (5) and (7), to the extent that the issues of the settlement of disputes and the delimitation of maritime boundaries had not yet been referred to any specific committee.

38. The negotiating group on item (4) had already been established, but its programme of work was not yet known. Consultations were also being held on the composition, chairmanship and programme of work of the negotiating groups on items (5) and (7); but he had not yet been officially informed of their establishment. In the circumstances, he did not see how the Committee could draw up a programme of work. With regard to item (6), it was for the Committee to decide, in accordance with the arrangements provided for in recommendations 2 and 7, whether it wished to deal with the issues referred to in that item by establishing a working group or a negotiating group. In any case, it would be necessary to wait until the secretariat report had been circulated.

39. Once the Committee had received the necessary information on the work of the negotiating groups, it could decide to deal with other issues, as provided for in recommendation 6. As the representative of Austria had stated, it would be difficult for small delegations to take part in several meetings at the same time. It therefore seemed preferable to stagger the meetings of groups.

40. The discussions had clearly shown that delegations agreed neither on the list of the other issues to be studied nor on the appropriate time and method for studying them. There was no indication that delegations which had not spoken were, *ipso facto*, in favour of reopening the discussion on some of those issues. Other delegations were even opposed to the consideration of certain issues. In that case also, the Committee would have to have some information on the programme of work of the negotiating groups established by the plenary on items (4), (5) and (7) before it could establish an order of priorities for issues other than the hard-core issues.

41. Lastly, several delegations had objected to the Peruvian proposal for re-examining the negotiating text article by article, chapter by chapter or section by section: but delegations would inevitably be obliged to express an opinion on the negotiating text and on the amendments to be made to it, if only in order to enable the Chairman of the Committee to take part in the work of the team of the President of the Conference.

42. Mr. ARIAS SCHREIBER (Peru) said he thought that, before deciding on its programme of work, the Committee should wait until it had more information on the work of the negotiating groups. He hoped that the negotiating group on item (4) would be able to begin its work on the following day. With regard to item (6), it would be necessary to wait until the secretariat report had been circulated. He was not sure whether items (5) and (7) also came within the competence of the Second Committee. It would be necessary to determine the views of delegations on issues which would not be referred to negotiating groups. In that connexion, he wished to correct a misunderstanding. He had never proposed that the negotiating text should be reconsidered article by article. He had merely suggested that the Committee should permit delegations to have a brief exchange of views on the negotiating text as a whole. There was no question of the Committee considering the secondary issues first and the priority issues later; but delegations could not be denied the right to discuss issues which they considered to be important. His delegation formally protested against the statements by some delegations that it was trying to delay the work of the Conference. It was for the Chairman to say whether or not the Committee could consider non-priority issues.

43. The CHAIRMAN explained to the representative of Peru that, since the plenary had established negotiating groups on items (5) and (7), as well as on item (4), the matter

was out of the Committee's hands. It was also for the Conference in plenary to decide on the composition and chairmanship of the groups. However, that did not mean that those items no longer came within the competence of the Second Committee; recommendation 4 clearly showed that they were still before the Second Committee.

44. The Peruvian proposal for examining the negotiating text deserved to be taken into consideration. In that connexion, he urged all members of the Committee to refrain from impugning the intentions of others.

The meeting rose at 6.30 p.m.

55th meeting

Wednesday, 19 April 1978, at 4.20 p.m.

Chairman: Mr. A. AGUILAR (Venezuela).

Organization of work

1. The CHAIRMAN read out the programme of work for the negotiating groups and the Committee up to 25 April. If there was no objection, he would take it that the Committee approved the programme of work.

It was so decided.

2. Mr. ZULETA (Special Representative of the Secretary-General), introducing the secretariat's preliminary study illustrating various formulae for the definition of the continental shelf (A/CONF.62/C.2/L.98 and Add.1), said that the overall figures for the various formulae would be made available shortly to delegations. The secretariat was, of course, at the disposal of delegations to give them all the necessary explanations; but it asked that questions should be presented in writing, in view of the complex nature of the subject.

3. Mr. TUERK (Austria) said he was convinced that the study undertaken by the secretariat would greatly simplify the Committee's work on item (6) of recommendation 5 in document A/CONF.62/62 and would shed light on the implications, hitherto unknown, of some of the formulae which had been proposed for the definition of the continental shelf. He hoped that delegations which, in 1977, had questioned the need for the study would now be convinced of it. His delegation reserved the right to revert in due course to the substance of the question after it had studied the document before the Committee and the attached maps.

4. Mr. MORALES-SUÁREZ (Colombia) associated himself with the Austrian representative's observations concerning the secretariat study. His delegation reserved the right to speak at a later stage after it had examined the documents thoroughly.

5. The CHAIRMAN said that according to recommendations 2 and 7 of the Conference in plenary, it was for the Committee to decide how it wished to consider the question of the definition of the continental shelf, and it was for the Committee to determine whether the issue had received sufficient consideration or whether a negotiating group should be appointed. Since the secretariat study provided new data, he thought it would be appropriate to discuss the substance of the document after delegations had had time to study it.

6. Mr. NAKAGAWA (Japan) said that he would be in favour of the appointment of an *ad hoc* negotiating group on the issue, which had not received sufficient consideration at the previous session. His delegation would participate actively in the discussions.

7. Mr. MWANGAGUHUNGA (Uganda) recalled that his delegation was one of those which had in 1977 requested that the secretariat should carry out the preliminary study. However, it would prefer to have before it all the necessary data, including the figures, before suggesting how the Committee should consider the issue.

8. Mr. SADI (Jordan) thought that it would be pointless to spend time in discussing the composition of a negotiating group, since all delegations would wish to participate in the work. It would therefore be preferable to establish an open-ended group.

9. Mr. CHAO (Singapore) recalled that his delegation was among those which had at the previous session requested that the secretariat should prepare the preliminary study. He would like to know when the figures supplementing the study would be available.

10. With regard to the organization of the Committee's work on that issue, it might perhaps be preferable to defer any decision until a later stage, since all delegations needed first to study the document and the maps very carefully. The possibility of appointing a negotiating group or a working party might well be considered, provided that the group was open-ended, as requested by the representative of Jordan. Experience showed that negotiating groups such as the groups on items (1) and (4) of recommendation 5, which were of limited membership, operated in practice as if they were open-ended.

11. Mr. KRAVETS (Ukrainian Soviet Socialist Republic) said that the secretariat's preliminary study would help the Committee in its consideration of the question of the definition of the continental shelf, and in its search for a solution acceptable to all.

12. His delegation had no firm views on the working method to be adopted to examine the issue, which could well be studied either by the Committee, if the majority of delegations so wished, or by an open-ended negotiating group. In the latter case, it would be advisable for the Chairman of the Committee to preside over the work of the group.

13. Mr. ROSENNE (Israel) endorsed the Jordanian representative's observations on the organization of the Committee's work on item (6). The Israeli delegation hoped that additional copies of the maps accompanying the study would be circulated shortly.

14. Mr. MORALES-SUÁREZ (Colombia) agreed with the representative of Singapore that it would be preferable for the Committee to defer any decision concerning the appointment of a negotiating group. If a group was set up, it should be constituted in the simplest manner possible, as the Jordanian representative had said, and it should be presided over by the Chairman of the Committee, as the representative of the Ukraine had requested.

15. Mr. HAYES (Ireland) said that, to judge from the information given in the preliminary study by the secretariat, the definition of the continental shelf required careful consideration. The question should therefore be studied by a negotiating group, which should be set up as soon as possible, without waiting for the publication of the figures accompanying the study.