

# **Third United Nations Conference on the Law of the Sea**

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF.62/SR.100**

## **100<sup>th</sup> Plenary meeting**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume IX (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Seventh and Resumed Seventh Session)*

# 100th meeting

Wednesday, 17 May 1978, at 3.30 p.m.

*President:* Mr. H. S. AMERASINGHE.

**Adoption of a convention dealing with all matters relating to the law of the sea, pursuant to paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973, and of the Final Act of the Conference (continued)**

## REPORT OF THE THIRD COMMITTEE (continued)

1. The PRESIDENT reminded the Conference that, at the last meeting, he had inquired whether delegations agreed that formulations in the second category had advanced sufficiently towards consensus to warrant their substitution for the present text of the informal composite negotiating text<sup>1</sup> as a basis for future negotiations, in the light of the definition given in subparagraph 9 ii of his memorandum (A/CONF.62/L.28). He wished to make it clear that any acceptance at the present stage of a formulation that came within the first or the second category should not be regarded as irrevocable, and that every delegation's position was reserved until the following stage.

2. Mr. WARJOBA (United Republic of Tanzania), referring to the President's observations on formulations in the second category and to the statement by the Chairman of the Third Committee at the last meeting that most of the formulations contained in the second category could be considered ready for inclusion in a revised negotiating text, said that it was important to ascertain what the Chairman had meant, since the implication was that some formulations in the second category were not ready for inclusion in a revised negotiating text. In his opinion, it was necessary to have a substantive discussion in order to decide which formulations in the second category were ready for inclusion in a revised negotiating text and which were not.

3. The PRESIDENT said that he appreciated the point raised by the representative of the United Republic of Tanzania, and it would be taken up again later.

4. He invited the Chairman of the Second Committee to present his report.

## REPORT OF THE SECOND COMMITTEE

5. Mr. AGUILAR (Venezuela), Chairman of the Second Committee, introduced the report on the Committee's work. In accordance with recommendation 10 in document A/CONF.62/62, detailed discussion of the reports of negotiating groups 4 and 7 had not taken place in the Committee itself but would take place in the plenary. He would refrain from commenting on the results of the negotiations in those groups, as the respective chairmen of the groups would be introducing their reports themselves.

6. Negotiating group 6, which he had presided over, and which had had a particularly difficult issue to deal with, had held seven informal meetings during the present session. It had not gone very fully into the question of payments and contributions, but had focused its discussion on amendments to article 76 proposed by the delegations of Ireland and the Soviet Union. One of the features of the so-called "Irish formula" was that in cases in which the continental margin extended beyond 200 nautical miles, two criteria should be

adopted for establishing the outer edge of the continental margin. The first criterion would be based on the thickness of sedimentary rocks and would determine the outer edge of the margin by reference to the outermost fixed points, at each of which the thickness of sedimentary rocks was at least 1 per cent of the shortest distance from such point to the foot of the continental slope. Under the second criterion, the outer edge of the continental margin would be determined by reference to fixed points not more than 60 miles from the foot of the continental slope.

7. The Soviet Union proposed that the natural prolongation of the territory should be limited to 100 nautical miles from the outer limit of the 200-mile economic zone. Where the edge of the continental margin extended less than 100 miles beyond the outer limit of the 200-mile economic zone, the outer edge of the shelf would be determined on the basis of scientifically sound geological and geomorphological data. Finally, in cases where the continental margin extended beyond the 100-mile strip adjacent to the 200-mile economic zone, the outer edge of the shelf would be fixed at a distance of 100 miles from the outer limit of the economic zone.

8. In spite of the efforts made, it had proved impossible to reach general agreement on that important question, but the group had done constructive work, to which documents A/CONF.62/C.2/L.98 and Add. 1 and 2 had contributed, in clarifying the definition given in article 76.

9. As he had said before, he believed that recognition of the rights claimed by States whose continental shelf extended for more than 200 miles, together with the system of payments and contributions provided for in article 82 of the negotiating text and a solution to the aspirations of the land-locked and geographically disadvantaged countries, were essential elements in any general agreement that might be reached on the issues dealt with by the Second Committee.

10. With regard to the work of the Second Committee itself, which had held nine informal meetings, he had decided to follow the order of the articles in the negotiating text in order to facilitate the work, and every delegation had been given an opportunity to explain the significance of its proposals; it had nevertheless proved impossible to discuss all the suggestions made in the time available to the Committee. In presenting to the Committee the report on its work on parts II to X of the negotiating text, he had made certain suggestions which had received general support and had not been objected to by any delegation. After the discussion on his report, he considered that the following suggestions should be taken into account in a revision of the composite text: first, the suggestion made by the Indonesian delegation with respect to the English version of article 18, paragraph 1 *b*, to insert the word "or" between the word "roadstead" and the words "port facility"; secondly, the suggestion by the same delegation to delete the word "safe" in article 53, paragraph 1; and, thirdly, the new text proposed by the Soviet Union and other States for article 66, paragraphs 2 and 3 *a*, which read as follows:

"2. The State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters landwards of the outer limits of its exclusive economic zone and for fishing provided for in subparagraph *b* of paragraph 3. The State of origin may, after consultations with other States referred to in paragraphs 3 and 4 fishing these

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

stocks, establish total allowable catches for stocks originating in its rivers.”

“3. *a* Fisheries for anadromous stocks shall be conducted only in waters landwards of the outer limits of exclusive economic zones, except in cases where this provision would result in economic dislocation for a State other than the State of origin. With respect to such fishing beyond the outer limits of the exclusive economic zone, States concerned shall maintain consultations with a view to achieving agreement on terms and conditions of such fishing giving due regard to the conservation requirements and needs of the State of origin in respect of these stocks.”

11. The PRESIDENT invited the Chairman of negotiating group 4 to present its report.

12. Mr. NANDAN (Fiji), speaking as Chairman of negotiating group 4, introduced the report of the group. He first wished to thank all delegations without exception for their willingness to enter into serious negotiations on what had been recognized at the beginning of the session as a hard-core unresolved issue to which priority should be given. The group had been meeting since 18 April, and he had also held consultations both in small groups and with individual delegations.

13. The first phase of the group's work had involved a detailed examination of specific aspects of the question, mainly on the basis of the informal composite negotiating text, although various other texts and proposals had also been before the group. At the end of that phase, he had consulted as many of the delegations as had been possible and, in the light of their views, he had presented to the group a compromise proposal (NG4/9) consisting of an amendment to article 62, paragraph 2 and new texts for articles 69 and 70. The considerations underlying the proposal had subsequently been set out in document NG4/10.<sup>2</sup>

14. The second phase of the group's work had been devoted to consideration of the compromise proposal. While both sides had felt that the proposal was a step forward in bridging the gap between them, they had nevertheless had certain difficulties in accepting it. After discussion and consultations, he had proposed changes in some of the provisions and the revised proposals had been circulated in document NG4/9/Rev.1.

15. He had subsequently been able to improve further on the compromise proposal in one particular aspect of the original formulation; and the proposal as improved had been discussed exhaustively by the group at the end of the previous week. Constructive suggestions had been made, some of which had been incorporated into the final text in document NG4/9/Rev.2.<sup>3</sup>

16. It was clear that, despite the reservations still felt by a few delegations from both sides on certain aspects of the text—particularly the use of the term “right” in paragraph 1 of articles 69 and 70 and the reference to “surplus” in the new text of those articles, especially where developing landlocked States were concerned—there was widespread and substantial support in the group for the revised text, which was regarded as offering a substantially improved prospect of achieving a consensus as compared with the formulation in the negotiating text; it was his considered belief that the text represented the best that could be achieved in the circumstances to accommodate the essential concerns of both sides. He appealed to the few delegations that might still be dissatisfied with certain aspects of the text to review their position and accept the proposal as a workable compromise.

17. Mr. YTURRIAGA BARBERÁN (Spain) said his delegation associated itself with other delegations in commending the excellent work done by the Chairman of the Third Committee and the Chairman of the informal meetings on protection and preservation of the marine environment. With regard to the provisions in the second category of document MP/24,<sup>4</sup> he drew attention to a small omission in the new text of article 227, paragraph 1. At the last informal meeting of the Third Committee, his delegation had proposed that the words “and other documents” should be inserted in the second sentence of that paragraph after the words “certificates and records”, in order to cover the dumping permits required by a number of agreements in force such as the 1972 London Convention<sup>5</sup> the 1972 Oslo Convention<sup>6</sup> and the 1976 Barcelona Convention.<sup>7</sup> As no objection had been raised to his suggestion at the informal meeting, he asked for those words to be included in the text.

18. The PRESIDENT said that various mistakes had been made in the documents owing to pressure of time, and delegations were invited to draw the attention of the secretariat to errors of that kind.

19. Mr. RABETAFIKA (Madagascar) said that his delegation considered that a clear distinction should be made between parts I and II of document MP/24, and that the reason for such differentiation was clear from the wording of the titles of the two parts. Furthermore, part II could not be handled in the same way as part I; each proposal in part II required different treatment.

20. His delegation had taken note of the reservations made by the delegation of Cuba at the 99th meeting in regard to article 212, paragraph 2 *bis*; it believed that further consultations were necessary in order to make that provision more acceptable. It had no special difficulty in accepting the amendments proposed for paragraph 6 of article 221 and for article 222. The question of sovereignty arose in connexion with the proposed new text of article 227 and his delegation must therefore study that provision further as additional negotiations would clearly be necessary. He wished to repeat his delegation's formal objections to the new paragraph 1 proposed for article 231 and particularly to the nature of the penalties to be imposed and to the distinction made between the “territorial sea” and “internal waters”.

21. His delegation did not consider that the wording of the title of part II of document MP/24 implied that further negotiations on those provisions should be excluded. However, notwithstanding the favourable attitude which his delegation had adopted regarding articles 221 and 222, he did not believe that the proposals in that part should be included in a revised negotiating text.

22. Mr. BEESLEY (Canada) said that his delegation considered that the amendments to part XII of the negotiating text proposed by the Third Committee would do much to improve the provisions on marine pollution; it would accordingly support the incorporation in the negotiating text of the amendments contained in parts I and II of document MP/24.

23. In the period before the resumption of negotiations, his delegation would undertake a review of part XII of the negotiating text in order to determine those limited areas in which further work and negotiations were required. Certain delegations had suggested that the text as it stood contained a sufficient degree of “constructive ambiguity” which could

<sup>4</sup>*Ibid.*, p. 97.

<sup>5</sup>Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, signed in London on 29 December 1972.

<sup>6</sup>Convention on the Prevention of Marine Pollution by Dumping from Ships and Aircraft, signed at Oslo on 15 February 1972.

<sup>7</sup>Convention for the Protection of the Mediterranean Sea against Pollution, signed at Barcelona on 16 February 1976.

<sup>2</sup>*Ibid.*, vol. X (United Nations publication, Sales No. E.79.V.4), p. 88.

<sup>3</sup>*Ibid.*, p. 93.

provide the basis for the desired type of national and international measures to control and prevent vessel-source pollution of the marine environment. While his delegation would prefer clarity to ambiguity, the recent action by various influential States regarding tanker traffic in the vicinity of their shores was persuasive evidence that those necessary measures by the coastal State to protect its coastal waters and shorelines from the ravages of pollution were permitted by the text as it now stood.

24. In its statement at the 35th meeting of the Third Committee, his delegation had expressed the view that whereas, before the Conference began, there had been very little concrete international law regarding the preservation of the marine environment, that gap in international law had now been filled. His delegation had then noted that the three issues of particular concern to Canada had been the standard-setting powers of coastal States in the territorial sea, coastal States' enforcement powers in the economic zone and the right of intervention by coastal States to prevent and control pollution which might occur as a result of a maritime casualty. The proposals regarding paragraph 2 *bis* of article 212, paragraph 6 of article 221, article 222 and paragraph 1 of article 231 had addressed and met those concerns to a considerable extent. There was nevertheless still room for improving the negotiating text with respect to the clarification of the powers of coastal States to protect and preserve the marine environment in the territorial sea; there was also a related need to ensure that the text provided for an effective system of coastal State enforcement powers with respect to violations of international law and regulations in the economic zone.

25. His delegation fully shared the views of the Chairman of the Third Committee that, while certain progress had been achieved during the current session, the work of the Committee regarding the protection and preservation of the marine environment had not yet been completed and that further progress could and must be achieved.

26. Mr. TUBMAN (Liberia) said that his delegation could accept the proposals contained in part I of document MP/24 for inclusion in a revised negotiating text as the basis for future negotiations. However it had reservations about certain proposals contained in part II and would prefer that the existing text of the negotiating text be maintained while further discussion of the issues involved was pursued. In particular, he had reservations on the proposed article 212, paragraph 2 *bis*, which contained two new elements. First, it provided for procedures for publicizing the port entry requirements of States and linked that new concept with the need to communicate those requirements to the competent international authority. Second, the paragraph would give coastal States the right to ask vessels for information concerning their destination. His delegation supported the first new element as an important contribution towards the harmonization of measures for the protection and preservation of the marine environment. It could not however support the second new element, as it considered that there was no need for a third State to seek information from a vessel passing through its waters if the first concept had been complied with. His delegation also had reservations regarding the reformulation of article 221, paragraph 6. The phrase "including arrest of the vessel" was redundant, since the coastal State had the right to "cause proceedings to be taken" in the territorial sea and, under international conventions such as those on intervention and dumping, in the economic zone. His delegation would not therefore wish to see those proposals incorporated into the negotiating text. It could however support the other proposals in part II for inclusion in the text.

27. Regarding the proposals contained in part III, his dele-

gation looked forward to continuing negotiations in the hope that a consensus would shortly be secured.

28. The Chairman of the Third Committee had touched briefly upon the proposal contained in document MP/16 concerning a new part XIV *bis* relating to safeguards.<sup>8</sup> His delegation believed that that was a very useful proposal which might profitably be taken up by the Drafting Committee.

29. Mr. MACKAY (New Zealand) reminded the meeting that, when the Chairman of the informal meetings on protection and preservation of the marine environment had reported to the Third Committee (38th meeting), he had stated that there had been agreement that the addition of paragraph 6 to article 212 did not in any way limit the meaning of the term "international rules and standards" in that or other articles in part XII of the negotiating text. It had been his delegation's understanding that a similar statement would be included, for the record, in the report of the Chairman of the Third Committee. It seemed, however, that that statement had inadvertently been omitted from that report. His delegation would therefore appreciate confirmation of its understanding by the Chairman of the Third Committee.

30. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, stated that there had indeed been agreement that the addition of paragraph 6 to article 212 did not limit in any way the meaning of the term "international rules and standards" in that or other articles in part XII. He therefore apologized to the representative of New Zealand for the inadvertent omission of that statement from his report. He requested that the statement be included in the summary record of the meeting.

31. Mr. KOZYREV (Union of Soviet Socialist Republics), referring to the question of pollution control measures, said that the provisions elaborated in the Third Committee at the present session tended considerably to limit the freedom of international navigation. That comment applied to some extent to the proposals in part I of document MP/24, and more so to the proposals in part II. His delegation was prepared to support the proposals in both categories in order to meet the wishes of a number of delegations, and in the belief that acceptance of the proposals by the Soviet Union would help to achieve a definitive compromise solution to the problems of pollution control and international navigation. However, it was prepared to accept the proposals on the understanding that delegations on whose initiative the Third Committee had been obliged at the current session to reconsider the provisions of the negotiating text agreed that the section dealing with pollution from vessels would not be subjected to any further revision.

32. The proposals in part III included the proposal by the Soviet Union that a number of articles in the present part XII of the negotiating text should be taken out to form a separate part of the future convention, to be entitled "General safeguards". The articles in question contained specific safeguards of the rights of foreign vessels in cases where powers of enforcement were exercised against them. At present, the negotiating text provided that foreign vessels should enjoy safeguards only in cases relating to measures for controlling pollution of the marine environment. The purpose of his delegation's proposal was to ensure that foreign vessels would enjoy safeguards in the same degree, irrespective of the part of the convention which was invoked as grounds for taking enforcement measures against them. His delegation agreed that its proposal did not come within the competence of the Third Committee only, and it thought that the plenary conference might be the best forum for considering it. In his delegation's opinion, the presidential team should consider the possibility of taking into account that proposal by the

<sup>8</sup>Official Records of the Third United Nations Conference on the Law of the Sea, vol. X, p. 112.

Soviet Union if no objections were raised to it at the current plenary meeting.

33. Mr. HAHM (Republic of Korea) stated that his delegation had taken note of the spirit of co-operation in which negotiations had been conducted in the Third Committee. Nevertheless, he found it difficult to support paragraph 2 *bis* of article 212, and particularly the second half of that paragraph. His delegation believed that that provision would have the practical effect of hampering international shipping and commerce by permitting the operation of varying and possibly conflicting bodies of pollution control regulations. The Conference had striven to reach a single universal convention. If States were to be left to legislate what they considered necessary in their own national interest, the Conference would have been a waste of time. The only acceptable modality would be global and uniform regulations regarding pollution. For the same reason, regional conventions were not acceptable. His delegation could not therefore accept paragraph 2 *bis* of article 212 for inclusion in a revised version of the negotiating text. In the meantime it would reserve comment on the rest of document MP/24.

34. Mr. OGWAL (Uganda) said that his delegation would have preferred to adhere to the "package deal" formula in connexion with the incorporation in the negotiating text of the provisions of parts I and II of document MP/24. It would thus have preferred the Third Committee to complete its consideration of the remaining provisions before proceeding to the question of incorporating any article, since the Committee was dealing with articles which were all interrelated in one way or another. If, however, there was a consensus to incorporate the proposals listed in part I in a revised negotiating text, his delegation would have no objection in so far as a consensus had already been reached on those proposals. It was, however, premature to consider the possibility of incorporating any of the proposals in part II in a revised negotiating text, in view of the lack of a consensus in the Committee when those proposals had been considered. If there were to be a consensus that those provisions should be included in the negotiating text, his delegation would have no strong objection; he wished, however, to suggest that further negotiations should be undertaken before a final decision was taken on the matter.

35. Mr. DE LA GUARDIA (Argentina), referring to part XII, said that his delegation took note of the progress achieved and would study the proposals submitted. With regard to the first suggestion, that the provisions on which consensus had been reached should be included in part XII of the negotiating text, he agreed with the view expressed by the Peruvian delegation that those provisions should be the subject of a decision when the Conference came to consider whether the negotiating text was to be revised at the present session. His delegation therefore reserved its position in that regard.

36. Referring to the second suggestion, concerning the possibility of including in a revised negotiating text the provisions emerging from intensive negotiations resulting in compromise formulae but not attaining consensus, his delegation thought that such a step would be premature in view of the reservations expressed in connexion with the various amendments.

37. With regard to the third suggestion, concerning informal proposals on which, owing to lack of time or divided views, no compromise formulae had emerged, his delegation agreed that the negotiations should be continued at a subsequent stage. As to part XIII, his delegation believed that the various articles in the negotiating text itself could in general be accepted as a basis for negotiation. Any amendments to be made should be minimal and strictly technical in nature. At the same time, his delegation had difficulties with certain articles, for example, articles 248 and 253. Similarly,

it had serious objections with regard to the existing paragraph 2 of article 255, on the participation of land-locked and geographically disadvantaged States in research projects in the exclusive economic zone.

38. His delegation considered that paragraph (f) of article 249 could be improved by minor drafting changes. With regard to article 265, his delegation maintained its position and supported the current wording of the article.

39. Lastly, he said that his delegation was strongly opposed to the USSR proposal to create a new part XIV *bis*. That would be tantamount to cancelling the articles already approved in the Second Committee.

40. Mr. ATEIGA (Libyan Arab Jamahiriya) said that his delegation considered that the proposals in document MP/24 complemented one another and deserved study within the concept of the "package deal" which the Conference was working out. His delegation could accept the contents of part I and also of parts II and III if appropriate compromise formulae were found. He attached great importance to the objective amendments submitted by a number of countries in regard to articles 221, 227 and 236. He hoped that the Third Committee would be able to approve those formulae.

41. Mr. ZEGERS (Chile) requested that the reports of the Chairmen of negotiating groups 5 and 7 should become documents of the Conference in the same way as the report of the Chairman of negotiating group 4.

42. The PRESIDENT said that the report of the Chairman of negotiating group 5 would be issued as a document of the Conference and that the same treatment would be given to the report of the Chairman of negotiating group 7.

43. Mr. ZEGERS (Chile) said that much of the concern shown by delegations regarding part XII of the negotiating text stemmed from the *Amoco Cadiz* disaster which had affected the coastline of France. His delegation fully shared that concern, since Chile had suffered two similar disasters in 1972 and 1974.

44. His delegation concurred with the provisions contained in part I of document MP/24. With regard to part II, his delegation had no problem with the proposals relating to articles 221, 222, 227 and 231. It did, however, have reservations regarding paragraph 2 *bis* of article 212, which seemed to imply that coastal States, acting individually or on behalf of regional groups, might impose standards for the design, construction and equipment of vessels. His concern was similar to that of other developing countries whose shipbuilding and other industries might be affected thereby. The problem was that there should be agreed international standards on the matter, and that those did not currently exist. His delegation particularly appreciated the statement by the Canadian delegation on the question. He believed, however, that the problem came within the competence of the Inter-Governmental Maritime Consultative Organization rather than that of the Conference on the Law of the Sea. Furthermore, clearer norms should be worked out for the prevention of accidents at sea and for a solution of the problems caused by such accidents. The informal composite negotiating text currently lacked provisions concerning international assistance to countries affected. While he understood the intent and motives behind article 212, he had reservations regarding its present wording. He could not agree that the proposals contained in part II of document MP/24 should be considered on the same basis as those in part I. His reservations in regard to article 212 concerned the proposal contained in part II.

45. Mr. EVENSEN (Norway) said that his delegation shared the view that parts I and II had been the subject of genuine negotiations and should be considered for possible incorporation in a revised version of the negotiating text.

46. With regard to the proposal for a new paragraph 2 *bis* in article 212, his delegation considered that the provision was wholly within the scope of current international law. In particular, it did not believe that the duty for flag States to lay down certain general rules for the conduct of the masters of their vessels entailed any infringement of the rights or position of coastal States.

47. Mr. ARCULUS (United Kingdom) said his delegation was one of those which had believed that part XII of the negotiating text was a good compromise and, in the interest of maintaining a balanced text, it had not wished to propose any amendments to that part. However, it recognized the problems caused for certain countries by recent incidents. Therefore, while acknowledging the importance of maintaining the rights of international navigation, it had participated fully in the informal discussions on part XII. With a view to achieving a consensus, his delegation was in favour of including all the proposals in parts I and II of document MP/24 in any revised version of the negotiating text. However, it reserved the right to revert to the proposals in question and to put forward amendments if the balance of part XII of the negotiating text was disturbed in the future by other texts.

48. Mr. GAVIRIA LIÉVANO (Colombia) said that the proposed paragraph 2 *bis* of article 212 caused some difficulty for his delegation, which believed that the article could harm his country's shipping trade and hamper the growth of the shipbuilding industry in developing countries. Consequently, his delegation could not agree to the proposal that the paragraph in question should be included in a revised version of the negotiating text.

49. Mr. BENDIFALLAH (Algeria) said that his delegation would have no difficulty in accepting the incorporation, in a revised version of the negotiating text, of the provisions on which consensus had been reached and which were set forth in part I of document MP/24.

50. With regard to part II of that document, his delegation had doubts concerning the possible incorporation in a revised version of the negotiating text of a new paragraph 2 *bis* for article 212. He also had reservations regarding the proposed new paragraph 1 of article 222 and considered that it required further study.

51. He noted that the proposals in part III had not been given due consideration. His delegation was prepared to support some of the proposals which might improve the negotiating text, in particular certain suggestions made by a group of Arab States.

52. Mr. AN Chih-yuan (China) said that his delegation welcomed the improvement contained in certain texts which had emerged from the informal negotiations, by comparison with the original formulation of the informal composite negotiating text. However, it had not been possible, owing to lack of time, to give full consideration to many amendments. His delegation stressed that the relevant provisions in articles 212, 221 and 231 should not unduly restrict the right of coastal States to exercise their sovereignty and jurisdiction within their territorial sea and exclusive economic zones in order to prevent pollution from vessels. When a coastal State

faced the threat of significant pollution from a maritime casualty, it had the right to take all necessary measures to diminish or alleviate the danger from such pollution. That was not only in the interests of the coastal State itself but also in the interest of the flag State.

53. His delegation believed that the proposal in document MP/16 not only extended the scope of applicability of the relevant safeguard clauses but also introduced substantive changes which restricted the legitimate rights of the coastal State. During the discussion in the Third Committee, his delegation had made it clear that that proposal was unacceptable to it, and its position remained unchanged.

54. As to the question of marine scientific research, his delegation had consistently supported the position of the Group of 77, which was that such research conducted by a foreign country within the exclusive economic zone and along the continental shelf of a coastal State should receive the explicit consent of that State and should comply with the relevant rules and regulations. His delegation therefore proposed the deletion in articles 248 and 253 of any negative elements which restricted the jurisdiction of the coastal State over the conduct of marine scientific research.

55. Mr. McKEOWN (Australia) stressed the importance of preserving a balance in the negotiating text between the interests of the coastal States and those of all States in protecting and preserving the marine environment.

56. Like others, his delegation had reservations concerning various articles in document MP/24. With regard to the proposed paragraph 2 *bis* for article 212, his delegation had submitted an amendment in the informal negotiations but that amendment was unfortunately not reflected in the final text. However, his delegation did not believe that its reservations and those of others should stand in the way of incorporating in a revised document the results achieved at the current session.

57. His delegation hoped that at the next session specific proposals would be forthcoming which would be negotiated and debated in accordance with the same process that had resulted in the text contained in document MP/24. It would be regrettable if the significant progress achieved and the improvements made were lost, and if members reverted at the next session to the positions they held at the beginning of the current session. In his delegation's opinion, the proposals in parts I and II of document MP/24 offered better prospects for consensus than the existing version of the negotiating text, and it was from that standpoint that the proposals should be assessed.

58. Mr. ARIAS SCHREIBER (Peru) said that his delegation agreed with the remarks made by a number of representatives concerning the difficulties encountered in connexion with the report of the Third Committee. It was opposed to the USSR proposal, which would depart from the agreement already reached and impose on the coastal States new limits on the exercise of their powers. It was clear that such a proposal could not be included in a revised text.

*The meeting rose at 5.45 p.m.*

## 101st meeting

Wednesday, 17 May 1978, at 9.10 p.m.

*President: Mr. H. S. AMERASINGHE.*

Adoption of a convention dealing with all matters relating to the law of the sea, pursuant to paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973, and of the Final Act of the Conference (*continued*)

## REPORT OF THE FIRST COMMITTEE

1. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, said that, in accordance with recom-