

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

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A/CONF.62/SR.101

101st 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)*

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 LIEVANO (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-

mentation 3 of the Conference concerning the organization of work (see A/CONF.62/62), the Chairman of negotiating group 1, Mr. Njenga, had made some compromise suggestions, which had been based on the negotiations and were contained in document NG1/10/Rev.1.¹ Since Mr. Engo had been of the opinion that the results of the work of negotiating group 1 should be considered in the appropriate context, he had decided that they would be studied by the First Committee before they were submitted to the Conference in plenary, for they were part of a package and could not be considered in isolation from the work of negotiating groups 2 and 3. The Chairman of negotiating group 1 had, moreover, made some introductory remarks during an informal meeting of the First Committee, when he had submitted an explanatory memorandum concerning his suggestions (NG1/12).

2. Negotiating group 2, chaired by Mr. Koh (Singapore), had been established by the First Committee to deal with financial problems. It had had before it the results of an informal preliminary study prepared solely for the information of delegations. The group had considered the questions of the financial arrangements for the Authority and the Enterprise and the financial terms of contracts for exploration and exploitation. Tremendous strides had been made in all those areas thanks to the sacrifices and co-operation of everyone concerned. The Chairman of negotiating group 2 had informed the First Committee that the pressure of time and "other reasons" had prevented his group from completing the negotiations on certain matters referred to in document NG2/9.² The outstanding issues relating to financial terms would have to be taken up at the next session of the Conference. As the Chairman of negotiating group 2 had indicated, he had submitted compromise proposals relating to the financial terms of contracts (NG2/7)³ and, in view of the complexity of that topic, had prepared an explanatory memorandum (NG2/8).⁴

3. Negotiating group 3, which the Chairman of the First Committee had chaired himself, had dealt with problems relating to the composition, powers and functions of the organs of the Authority and had submitted a report on those problems (NG3/2)⁵ to the Committee. The report contained suggestions for possible improvements to article 159 of the informal composite negotiating text⁶ relating to the composition, procedure and voting of the Council and to the relationship between the respective powers and functions of the Assembly and the Council. The report was to have been considered by the First Committee before being submitted to the plenary Conference, but the inability of the translation services to reproduce the text in the various official languages in time had not made it possible to carry out the very fruitful study that would have resulted from informal contacts among delegations.

4. The general feeling in the First Committee was that the negotiating efforts made at the current session had not been in vain and that, while it had not been possible to adopt a consensus text in every sphere or in most of them, some progress had nevertheless been achieved. It was his impression that all delegations wished to continue the negotiations on the provisions appearing in the informal composite negotiating text, having regard to the progress made so far.

5. Even though not able, in the short time available, to carry out an in-depth review of the proposals package, the Group of 77 had nevertheless endeavoured to undertake a preliminary study and, in a spirit of co-operation, had decided to raise no objection to the reports of negotiating groups 1, 2 and 3, which could provide a basis for negotiations at the next session of the Conference, without prejudice to the informal composite negotiating text, the proposals of the Group of 77 or other individual proposals of various delegations. Similar understanding had been forthcoming from other groups.

6. Furthermore, he felt it his duty to refer to one matter which had not been dealt with in the texts of the negotiating groups. It concerned article 148, relating to the participation of developing countries in the activities of the area, in which it had been suggested that the words "remoteness from" should be inserted between the words "including" and "access" at the end of the article. That amendment had given rise to no objection.

7. The First Committee considered that the negotiations had not been concluded but merely suspended until a future session. One of the problems which would have to be examined then was that of refining and clarifying annex II to the convention. It was a very important annex which would be a constant point of reference. It would be the subject of frequent and careful interpretation by those who would be entrusted with the task of implementing the provisions of the convention. It was therefore necessary to examine very critically the way in which the provisions of the annex had been formulated, with a view to improving them. It would be useful if all participants could already begin to consider the problem and he, for his part, was prepared to receive all informal suggestions from all those who might wish to study the question.

8. In conclusion, he stressed that the future convention would not be viable if many delegations participating at the Conference found that they gained nothing from it. Its purpose was to define a new relationship among States, and between States and the Authority, in order to ensure that the common heritage of mankind truly benefited everyone. In the ocean space, and especially in the sea-bed, there was room enough and wealth enough to ensure prosperity for all.

9. Mr. NJENGA (Kenya) said that he wished to endorse the statement of the Chairman of the First Committee and to thank all those who had helped him in his task as Chairman of negotiating group 1.

REPORT OF THE THIRD COMMITTEE (concluded)

10. Mr. WITEK (Poland), after thanking the Chairman of the Third Committee for the very clear statement he made at the 99th meeting, said, with regard to the report of the Committee on part XII of the informal composite negotiating text (MP/24),⁷ that his delegation was prepared to accept the provisions which had been the subject of consensus, namely those in the first category, and thought that a consensus might perhaps emerge on the provisions in the second category as well. Both those groups of provisions might, in his opinion, be incorporated in the revised negotiating text. His delegation was not entirely satisfied with the texts submitted, which in fact imposed fresh limits on the freedom of navigation, but would be prepared to accept the final formulation of the articles in question in a spirit of compromise, as an expression of a consensus or of an effort made to attain a consensus. If, however, those texts were to be further revised, his delegation would have to reconsider its position.

11. With regard to the provisions in the third category, he thought, as the Chairman of the Third Committee had

¹See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. X (United Nations publication, Sales No. E.79.V.4), p.21.

²*Ibid.*, p. 52.

³*Ibid.*, p. 58.

⁴*Ibid.*, p. 63.

⁵*Ibid.*, p. 74.

⁶*Ibid.*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

⁷*Ibid.*, vol. X, p. 96.

pointed out, that they had not yet reached the stage at which it would be possible to achieve a consensus. The fact that the Third Committee had settled certain questions relating to part XII, in particular those concerning pollution, should not be stressed unduly. His delegation had given the greatest attention to the proposals made by the representative of France which had been prompted by the *Amoco Cadiz* case; the amended text had taken them into account, and he hoped that the French delegation would be satisfied with the improvements made. Furthermore, the Polish delegation had no doubt that the representative of Canada, as Chairman of the Drafting Committee, would be able to dispose of the problem of the many ambiguities which he had noted and which still appeared in some provisions in the first and second categories as well as in the informal composite negotiating text, without, however, affecting the consensus which had been reached or which was on the point of emerging.

12. With regard to the provisions in the third category, which should receive priority in the future negotiations, particularly the provisions relating to general safeguards which were very important for the freedom of navigation, he fully supported the Soviet proposal for the inclusion in the convention of a new part (XIV *bis*) entitled "General safeguards"⁸ which would deal with all the remaining aspects of powers of enforcement and would, in fact, regroup all the provisions in question. On the other hand, his delegation considered that parts XIII and XIV of the negotiating text were very well balanced and did not favour their revision.

13. His delegation expressed serious reservations with regard to the amendment to article 227 proposed at the previous meeting by the representative of Spain, which was much too general in nature. It hoped that that representative would be able to find a more precise formula to express the idea underlying the proposal.

14. Mr. DJALAL (Indonesia) thanked the Chairman of the Third Committee and Mr. Vallarta for their efficient and valuable work. The Indonesian delegation considered that document MP/24 represented a step forward which might lead to a consensus. Nevertheless, with regard to the amendment proposed to paragraph 1 of article 231, it shared the view expressed by other countries in the Third Committee, namely that the paragraphs relating to monetary penalties should apply only to the zone situated beyond the territorial sea. Although an improvement over the corresponding provision of the informal composite negotiating text, the existing text did not remove certain ambiguities. It did not, for example, take account of the special situation of countries which not only had inland waters and territorial seas but also, as in the case of archipelagos, "archipelagic" waters. That was one of the reasons why the Indonesian delegation thought that the article should apply only to waters beyond the territorial sea. It did not, of course, wish to obstruct progress towards a consensus, if the President thought that the time had come to revise the informal composite negotiating text, but it felt bound to state its reservations. With regard to the provisions in the third category, his delegation would study the text with the greatest care in order to contribute to the attainment of a consensus at the next session.

15. Mr. JAGOTA (India) associated himself with those who had commended the Chairman of the Third Committee and Mr. Vallarta on their very full reports.

16. Referring to the provisions in the second category appearing in document MP/24, he said that a very important question was involved: the amendment of a part of the informal composite negotiating text in order to give greater rights and powers to coastal States with regard to pollution control (articles 212, 221 and 222). In general, his Government's position on the subject was that a balance should be

achieved between the legitimate rights of coastal States and the interests of international shipping and trade. He thought, for example, that article 222 was acceptable, but he expressed reservations in respect of article 212, especially the third sentence of paragraph 2 *bis* of the article. Articles 221, 227 and 231 would have to be the subject of further study by delegations and governments. He recognized that some progress had been made at the current session with regard to that part of the report, but in view of the reservations voiced by his delegation and because it would wish to consult its Government on other issues, he thought that the Conference should confine itself to taking note of the progress achieved without incorporating, at that stage, the provisions in question in the revised negotiating text, if that text was prepared at the current session.

17. Mr. WARIOBA (United Republic of Tanzania) said that the report by the Chairman of the Third Committee faithfully reflected the position of delegations in that Committee. So far as the disposition of clauses in the first category were concerned—those on which consensus had been reached—his delegation would not object to their being held in abeyance pending a review of the informal composite negotiating text.

18. Regarding the provisions in the second category, which represented compromise formulae but on which no consensus had been reached, the Chairman of the Third Committee had likewise recommended that those provisions should be left as drafted. The delegation of Tanzania appreciated that in certain respects there had been improvements, but did not consider that the Conference had reached the stage where those provisions could be treated in the same way as those in the first category. His delegation would, for example, find it hard to agree to the incorporation of article 212 in the informal composite negotiating text for, while it agreed to the provision in the first sentence of paragraph 2 *bis* of that article, it objected to the terms of the third sentence under which a State could require the master of a foreign ship to furnish information as to whether the ship complied with the port entry requirements of the State of the next port of call. Nor could his delegation agree to the provision proposed in article 231 under which only monetary penalties could be imposed in respect of violations committed beyond internal waters. In addition, his delegation considered that in article 231 the words "internal waters" should be replaced by "territorial sea". Commenting on paragraph 6 of article 221, he thought that the word "objective" was unnecessary in the expression "clear objective evidence"; the word was vague and should be omitted.

19. His delegation would not object to the provisions in the second category being incorporated in the informal composite negotiating text together with all amendments, though it would prefer that that should not happen at the present stage of proceedings so as not to jeopardize such progress as had been made.

20. Miss CAWLEY (Ireland) said that her delegation endorsed the recommendations of the Chairman of the Third Committee for incorporating the provisions in the first and second categories in a future revised version of the informal composite negotiating text.

21. Mr. HUSSAIN (Pakistan) said that the provisions in the second category were subject to reservations as to substance by a number of delegations, including his own. His delegation's reservations concerned paragraph 2 *bis* of article 212, and articles 227 and 231. Article 231, as reproduced in the informal composite negotiating text and in document MP/24, encroached on the sovereign rights of coastal States and on their competence to enforce the provisions of municipal law regarding the pollution of the territorial sea. In addition, his delegation would prefer that in that article the expression "internal waters" be replaced by "territorial sea". Article

⁸*Ibid.*, p. 112.

227 should be renegotiated, for a number of proposals had been made regarding that provision. Accordingly, his delegation considered that negotiations should continue on the provisions in the second category before they could be incorporated in a revised version of the informal composite negotiating text.

22. Referring to the articles concerning marine scientific research (part XIII) his delegation agreed with the Chairman of the Third Committee, but considered that the text of that part did not reflect the opinion, sustained by Pakistan and a large majority of developing countries, that the informal composite negotiating text should be improved in the light of earlier proposals by the Group of 77. In addition, his delegation shared the opinion of the delegation of China (100th meeting), which had proposed the deletion of certain provisions in articles 248 and 253, and would also favour the omission of articles 252 and 255. As a general comment, he would say that the articles in part XIII should be improved.

23. With regard to part XIV, concerning development and transfer of marine technology, he referred to his delegation's proposal (TT/1),⁹ which had received widespread support, for the establishment of national marine scientific and technological centres; he considered that his delegation's proposal should be treated in the same way as proposals in the third category and embodied in a separate document with a view to consideration at the next session.

24. Mr. OXMAN (United States of America) said that, while not supporting either paragraph 3 of article 296, or article 265, his delegation noted nevertheless that both provisions dealt with the same subject, i.e., the settlement of disputes regarding scientific research. In its opinion, article 265 should be deleted and the proposal for dealing with the question in the context of part XV (Settlement of disputes) should be considered at the appropriate time.

25. On the other hand, so far as part XIII (Marine scientific research) was concerned, his delegation did not agree with the conclusions of the Chairman of the Third Committee and regretted that the very modest suggestions made by his delegation at the current session for amending certain provisions had not been adopted. Accordingly, his delegation would review the question of what elements should constitute a consensus on scientific research.

26. In the light of comments on pollution, his delegation felt bound to reiterate that the provisions of international law and those in the informal composite negotiating text in no way prohibited coastal States individually or jointly from establishing port entry requirements. In addition, unless at the current session the Conference decided that the provisions in the first and second categories and the remainder of part XII constituted the revised text to form the basis of negotiation, the United States would have to reserve the right to submit more extensive proposals.

27. Mr. EL-IBRASHI (Egypt) referred to his delegation's earlier statement concerning marine scientific research, to the effect that all research in the exclusive economic zone or on the continental shelf was subject to the consent of the coastal State concerned, which could withhold its consent if the research was carried on for other than peaceful purposes. The coastal State's consent was furthermore required before the results of such research were published. He referred to his delegation's proposals on the subject, submitted at a previous session in a document of the Group of 77,¹⁰ which should form the basis of discussion.

28. Similarly, his delegation considered that the transfer of marine technology was part of the common heritage of mankind and that all States should have access to such technol-

ogy with a view to raising their population's level of living. In that regard, the transfer of marine technology might be a vehicle for the establishment of the new international economic order. In keeping with that approach Egypt had supported Pakistan's proposal (TT/1) for the establishment of national marine scientific research centres and would have liked that proposal reproduced among those in the third category in document MP/24.

29. So far as the conservation and protection of the marine environment was concerned, his delegation had stated in the Third Committee that the *Amoco Cadiz* disaster should be an object lesson and taken into account in the preparation of a convention on the law of the sea. In that respect, Egypt supported the point of view expressed by the delegation of France.

30. Referring to the distinction drawn in document MP/24 between the various categories of proposals, he said that the proposals by the Arab States (MP/18,¹¹ 19¹² and 20¹³), and in particular those relating to articles 227 and 221, should be adopted. If there had been more time for considering all the proposals, some of them would surely have been approved; however, for the purpose of working out a compromise all the proposals should, he thought, be seen in the context of the draft articles as a whole.

31. Mr. NAKAGAWA (Japan) said that it was encouraging that the Third Committee had succeeded in producing for some articles a compromise text which, while not fully satisfactory, nevertheless reflected some balance between the interests of the coastal States and those of the shipping States. The amendments submitted had been approved by consensus and were endorsed by his delegation, which hoped that they would appear as part of a revised version of the informal composite negotiating text.

32. His delegation further hoped that at its next session the Conference would endeavour to reach consensus on other issues on which as yet agreement had not been reached but on which it was not impossible that agreement might be reached.

33. Mr. TIWARI (Singapore) likewise considered that the provisions in the first category should be incorporated in the negotiating text, but considered that the same procedure should not be applied in respect of the provisions in the second category, because they had not been considered in sufficient depth owing to pressure of time. In particular, his delegation was thinking of the third sentence in paragraph 2 *bis* of article 212, under which a State could require the master of a ship of another State to indicate whether the ship was proceeding to a third State and whether the ship complied with the port entry requirements of that third State. That provision destroyed the balance in article 212 and hence was opposed by his delegation.

34. Mr. YANKOV (Bulgaria), Chairman of the Third Committee, speaking in reply to some comments on the report he had submitted at the 99th meeting, said that in the first place the provisions in the second category, that is, those provisions emerging from intensive negotiations resulting in compromise formulae but not in consensus, should form the subject of continuing negotiations, like the rest of the provisions in the informal composite negotiating text and those in document MP/24. The text submitted should not be taken as representing a conclusive and complete consideration of the subject. All he had done as Chairman of the Third Committee, and in conformity with recommendation 10 contained in document A/CONF.62/62 and with document A/CONF.62/L.28, was to submit proposals to the Conference for consideration. The comments, reservations and objections that had

⁹*Ibid.*, p. 115.

¹⁰*Ibid.*, vol. IV (United Nations publication, Sales No. E.75.V.10), document A/CONF.62/C.3/L.13/Rev.2.

¹¹*Ibid.*, p. 111.

¹²*Ibid.*, p. 110.

¹³*Ibid.*, p. 109.

been voiced would obviously have to be taken into account in any further action.

35. With regard to comments made on parts XIII and XIV, he said that the proposals submitted in writing concerned those parts obviously belonging to the third category—informal proposals on which, owing to lack of time or divided views, no compromise formulae had emerged. Those pro-

posals might of course be reconsidered, but the compromise and balance worked out after intensive negotiations ought to be preserved. He warned the Conference against amendments that might disrupt the balance achieved.

The meeting rose at 10.25 p.m.

102nd meeting

Thursday, 18 May 1978, at 11.35 a.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 SECOND COMMITTEE (*continued**)

1. The PRESIDENT invited representatives to continue their discussion of the reports presented at the 100th meeting by the Chairman of the Second Committee and the Chairman of negotiating group 4.

2. Mr. CASTAÑEDA (Mexico), speaking on behalf of the members of the co-ordinating group of the Group of Coastal States—Argentina, Australia, Canada, Chile, Fiji, India, Kenya, Mauritius, Mexico, Nigeria, Norway, Pakistan, Peru, Senegal and Sri Lanka—said that he wished to make three comments on the reports submitted at the previous meeting by the Chairman of the Second Committee and the Chairman of negotiating group 4.

3. First, the co-ordinating group considered that the issues dealt with by negotiating groups 4, 5 and 6—namely relations between coastal States on the one hand and land-locked and geographically disadvantaged States on the other hand, the peaceful settlement of disputes and the outer limits of the continental shelf—constituted a package and should be dealt with together for the purpose of their inclusion in a revised version of the formal composite negotiating text.¹

4. Secondly, the co-ordinating group considered, with respect to the definition of the outer limit of the continental shelf, that the formula most likely to result in a consensus was the Irish formula (see A/CONF.62/C.2/L.98). The co-ordinating group had carefully considered the proposal put forward by the delegation of the USSR (C.2/Informal Meeting/14) but did not feel that it would lead to a consensus.

5. The third point which the co-ordinating group wished to make was that it would be unreasonable for the land-locked and geographically disadvantaged States to expect that, in return for their possible acceptance of the Irish formula, the coastal States would make greater concessions than those set forth in the report submitted by the Chairman of negotiating group 4.

6. Speaking as the representative of Mexico, he said that the provisions of paragraph 3 of article 69 and paragraph 4 of article 70, as contained in the report submitted by the Chairman of negotiating group 4, could be accepted only in a situation in which there were surpluses: if there were no surpluses, those provisions would not apply.

7. Mr. WITEK (Poland), speaking on a point of order, strongly objected to the fact that the representative of Mexico had attempted to determine the order in which the plenary Conference would deal with its work.

8. The PRESIDENT suggested that the representative of Mexico had not attempted to dictate to the Conference. All delegations would have an opportunity to express their opinions.

9. Mr. GHARBI (Morocco) said that the sense of frustration with which many delegations, including his own, had received the report of the Chairman of the Second Committee in no way detracted from the qualities of the Chairman. Unfortunately, the rules under which the discussions had been conducted had been too restrictive to take account of all situations, particularly those in which the interests of only a very small number of countries had been at stake. In the matter of straits used for international navigation, for instance, the great majority of the Conference was justified in thinking that the coastal States were in the best position to give an account of their difficulties. Moreover, if the maritime Powers and their partners remained silent on the matter, was there any reason for not assuming that their silence signified consent? His delegation had proposed amendments to the provisions of the informal composite negotiating text relating to straits used for international navigation, not in order to reopen the debate on fundamental options but to introduce the essential alterations which would make those provisions legally consistent. The new régime of transit passage should not be imposed on States as an unconditional constraint. At a previous meeting, the Chairman of the Third Committee had stressed the fact that, since the tragedy that had occurred shortly before the opening of the current session, the international community was aware of the problems facing coastal States in their efforts to guarantee their security.

10. His delegation hoped that at the end of each session the achievements of the Conference would be assessed in a comprehensive manner. It welcomed the statement made by the President at the previous meeting, for it was preferable to leave options open rather than engage in a pointless revision of the informal composite negotiating text. None of the basic provisions of the informal composite negotiating text should be revised at the current stage; rather, all proposals for compromise texts should be annexed to the negotiating text for priority consideration by the Conference at its next session.

11. His delegation was convinced that eventually its concerns would be taken into account in a new and lasting legal régime.

12. Mr. HAMOUD (Iraq) said that the Second Committee had intended to discuss all proposals put forward by delegations on the articles coming within the competence of the Committee. Owing to lack of time, however, the Committee

*Resumed from the 100th meeting.

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).