

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.108

108th 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)*

31. Mr. GHARBI (Morocco) said that some leaders were marked for immortality because they represented the sufferings and aspirations of their generation. Such leaders lived on as guiding lights to future generations which shared similar ideals. In modern times, especially in Africa, fate had raised up a number of men who had become a source of inspiration to their peoples and the entire world. President Kenyatta was the incarnation of all his people's virtues and aspirations for a better future based on equality, and he had been deeply loved by the Kenyan people for his qualities as a political leader and for his great wisdom.

32. Mr. ROSENNE (Israel) expressed his delegation's sympathy on the death of Jomo Kenyatta, a great son of Africa and a champion of African nationalism, tolerance and reconciliation. President Kenyatta's leadership had been inspiring and exemplary in times of adversity as well as in triumph. As one of the architects of contemporary Africa, he had left his imprint on the second half of the twentieth century.

33. Mr. GELAGA-KING (Sierra Leone) said that the people of Kenya had lost a revered and illustrious leader. He had personally had the privilege to hear Jomo Kenyatta address the nineteenth session of the UNESCO General Conference at Nairobi in 1976 on the theme of self-help and unity, and Kenya was living proof of the success of that philosophy. Jomo Kenyatta's ingenuity, determination and sacrifices had left an indelible mark in the annals of history. His tolerance, wisdom and foresight were attested to by his long and successful leadership of his country.

34. Mr. YUSUF (Somalia) expressed his delegation's deep sorrow at the death of a heroic fighter for the freedom of his own people and of all peoples of Africa. Jomo Kenyatta's death was an irreparable loss not only to Kenya but to the

entire world, and the people and Government of Somalia joined in mourning his death.

35. Mr. OSMAN (Sudan) said that the entire African continent was in mourning for one of its most faithful sons and one of the foremost leaders of mankind. The memory of Jomo Kenyatta would live on forever.

36. Mr. ATEIGA (Libyan Arab Jamahiriya) said his delegation was deeply grieved at the loss of a great African leader, a militant freedom fighter and one of the most outstanding men of the century. While the world was saddened by President Kenyatta's death, it could take some comfort in the fact that his noble philosophy would continue to serve as a guide to his people and all mankind.

37. Mr. BEESLEY (Canada) expressed his delegation's condolences upon the death of a great African leader and Commonwealth statesman. Jomo Kenyatta had been among the very few whose influence extended beyond their own country to the people of the entire world, and he had left a rich legacy to all.

38. Mr. KASINA (Kenya) expressed his delegation's gratitude to the President of the Conference for the kind tribute he had paid to the late Kenyan President and to all delegations which had expressed their condolences on the death of the beloved father of the Kenyan nation. Jomo Kenyatta would be forever remembered both in Kenya and the world over for his courageous and selfless struggle for the freedom and dignity of mankind. President Kenyatta had restored dignity to the Kenyan people after the humiliation of colonialism and had become the symbol of the country's stability, prosperity and unity. He assured delegations to the Conference that he would convey their expressions of condolence to the Acting President of Kenya, to the Kenyan people and to the bereaved family.

The meeting rose at 2.05 p.m.

108th meeting

Friday, 15 September 1978, at 11.20 a.m.

President: Mr. H. S. AMERASINGHE.

Organization of the future work of the Conference

1. The PRESIDENT introduced the report of the General Committee to the plenary Conference (A/CONF.62/69).

2. Mr. GAYAN (Mauritius) said he objected to the choice of Geneva as the venue of the next session of the Conference. The calendar of conferences, which had not yet been adopted by the General Assembly, provided only for the convening in New York during the period in question of meetings requiring smaller conference rooms and interpretation into fewer languages. Furthermore, simultaneous work in a smaller number of rooms was more favourable to countries which could send only small delegations.

3. The PRESIDENT observed that the recommendation of the General Committee that the next session of the Conference should be held in Geneva had been adopted after favourable views had been expressed by all the regional groups except the group of African States, in which opinions had been divided. In March and April 1979, the only accommodation available in New York would be three large conference rooms with complete interpretation services and, owing to other meetings, it would be impossible to make available a sufficient number of smaller conference rooms.

4. Mr. ZULETA (Special Representative of the Secretary-General) observed that, in addition to the conferences scheduled in the calendar, the Economic and Social Council and other bodies established by it or by the General Assembly were due to meet during the period in question. The Secretariat could not even guarantee that the three main conference rooms would be available to the Conference.

5. Mr. GAYAN (Mauritius) said he wished to record his delegation's reservations concerning the recommendation.

6. The PRESIDENT said that, if there were no further comments, he would take it that the Conference adopted the report of the General Committee.

The report of the General Committee was adopted.

7. The PRESIDENT, after recalling that some of the reports of the Negotiating Groups on the work done during the first part of the current session had been issued as informal papers, suggested that the reports relating to the first part of the seventh session and the resumed seventh session should be included among the documents printed in the official records of the Conference.

It was so decided.

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)

REPORTS OF THE COMMITTEES

8. Mr. ENGO (United Republic of Cameroon), speaking as the Chairman of the First Committee and of negotiating group 3, said the Committee had met on 14 September to receive the reports of negotiating groups 1, 2 and 3.
9. Lack of time had prevented delegations from having an opportunity to comment on the reports as a whole.
10. As a result of subsequent consultations an understanding had been reached according to which the delegations concerned would be assured of an opportunity to express their views on the hard-core issues contained in the reports at the commencement of the next session. It had also been understood that, accordingly, all delegations would refrain from making comments at the current session.
11. The report of each negotiating group contained an annex and suggestions which the respective chairmen considered provided a basis for further negotiations.
12. The final Convention which might result from the Conference would have to use formulas that all delegations could accept. No State could expect to have all its views accepted. Each State should seriously oppose only those ideas and provisions which were detrimental to one of its fundamental or vital interests. He drew attention to the praiseworthy example of the courageous proposals made by the chairman of negotiating group 2 (see NG2/10/Rev.1)¹ with a view to resolving difficult issues, which the author himself believed would be criticized by both developed and developing countries. That was the best course, for in that way both sides could negotiate in the quest for a genuine compromise. Therein lay much of the value of those texts.
13. It should not be thought that the negotiations were taking place between the chairmen of the negotiating groups on the one side and delegations with their divergent opinions on the other. Those who directed the negotiations sought to favour all interests.
14. The effort to defend one's interests might create a trend that could destroy the protection of those interests. All sides sought protection against what they viewed as a source of potential abuse. The developing countries feared the veto; the less technologically developed countries feared a monopoly of the industrialized countries; the latter, which were inferior only in terms of numbers, feared the effects of voting and, having failed to obtain absolute veto power, were taking refuge in detailed provisions for their own protection. The result was not only an excessively detailed code for sea-bed mineral exploitation, but also the adoption of models and systems of calculation based on fictitious data from which no one could draw rational conclusions.
15. The Conference was increasingly becoming a spectator of an inconclusive tournament among experts. The Convention should be detailed, but only in order to clarify the rights and duties of the parties. On the whole, the draft was satisfactory both to the highly industrialized States and for the purpose of ensuring that the Authority and the Enterprise would not only survive as institutions but would be adequately equipped to perform their functions.
16. In conclusion, he expressed the hope that, at the next session, delegations would devote special attention to the crucial question of the decision-making process in the Council, which could well create more confidence on all sides.
17. Mr. NJENGA (Kenya), speaking as the Chairman of negotiating group 1, read out his memorandum on the work of the group during the resumed seventh session of the Conference (NG1/14).² At the first meeting of the group, it had been proposed that it would be better not to reopen the discussion of the issues already dealt with in Geneva, but to move forward and take up other issues entrusted to the group. Nevertheless, several delegations had expressed their views on the compromise formula submitted in the first part of the seventh session (NG1/10/Rev.1)³ and the representative of the Federal Republic of Germany, speaking on behalf of the European Economic Community, had requested that the discussion of issues already considered should be reopened. A number of delegations had opposed that course, and consequently the meetings of the group had been devoted to a detailed discussion of some of the paragraphs of annex II to the informal composite negotiating text,⁴ namely paragraphs 1 to 5 and 8 to 10. The group had decided not to touch on paragraph 6 for the time being.
18. In the first draft of a compromise formula (NG1/13 and Corr.1)⁵ which he had submitted to the group, he had introduced only those amendments which he believed would not raise serious problems. One of the proposals made during the debate which had commanded broad support had been that of the representative of India on the duty of the Authority to ensure that the Enterprise engage immediately in sea-bed mining. Other interesting proposals had been that of the Soviet Union on the anti-monopoly provision and that of the United Kingdom on the anti-freeze clause relating to the banking system. If and when negotiating group 1 was reconvened, those suggestions could be considered with a view to including in the first revision of the compromise formula those which commanded broad support.
19. The paper submitted to the group was only a first draft which might encourage further fruitful negotiations. A more complete and detailed version could be submitted subsequently.
20. Negotiating group 1 was still faced with the task of completing the examination of the overall system of exploration and exploitation of the resources of the area and in order to complete that task it would need the same priority treatment which it had received thus far.
21. Mr. KOH (Singapore), speaking as Chairman of negotiating group 2, recalled that he had already introduced the group's report in the First Committee and that, so far as he understood, the report would be published as an official document of the Conference.
22. The PRESIDENT said that it was unnecessary to introduce the report a second time.
23. Mr. AGUILAR (Venezuela), speaking as the Chairman of the Second Committee and of negotiating group 6, said he would confine himself to informing the plenary conference of the work done by those two bodies at the resumed seventh session.
24. The work of the Second Committee had been organized in accordance with the recommendations contained in document A/CONF.62/62 adopted by the Conference. The Committee had received the reports of the chairmen of negotiating groups 4 and 7. Those reports had not been discussed in detail, in order to avoid repeating a debate on the same subject in both the Committee and the plenary Conference. Negotiating group 6 had continued its work on the definition of the outer limits of the continental shelf and the question of

² *Ibid.*, p. 130.

³ *Ibid.*, p. 21.

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

⁵ *Ibid.*, vol. X, p. 137.

¹ *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. 144.

payments and contributions with respect to the exploitation of the continental shelf beyond 200 miles. It had held seven informal meetings and the discussion had been positive, but it had been unable to reach a general agreement. The statements made had focused on the question of the outer limits and in that connexion a number of delegations which had not previously done so had defined their positions. The group had had before it, in addition to the so-called Irish formula (see A/CONF.62/C.2/L.98), the proposal of the Soviet Union (C.2/Informal Meeting/14) and that of the group of Arab States (NG6/2), a new informal suggestion by one delegation which comprised acceptance of the Irish formula and an amendment to article 82 of the negotiating text concerning payments and contributions with respect to the exploitation of the continental shelf beyond 200 miles. In that connexion, he wished to reiterate what he had stated in his earlier reports concerning the elements for the solution of that question and its importance for the attainment of a general agreement.

25. The Second Committee had held five informal meetings at the resumed seventh session at which it had considered the articles of parts II to X of the composite text and the informal suggestions made with a view to overcoming current difficulties.

26. Among the matters considered were suggestions relating to two issues expressly referred to in recommendation 6 in document A/CONF.62/62 on the organization of the work of the Conference, namely, the régime of islands and the question of enclosed and semi-enclosed seas. Some delegations had emphasized the importance of the legal régime of islands in connexion with the delimitation of ocean space, while others had maintained that that issue should be dealt with under articles 15, 74 and 83 of the negotiating text, the consideration of which had been assigned to negotiating group 7. With regard to enclosed and semi-enclosed seas, several delegations had put forward suggestions for amending the existing text, but others had indicated their support for the provisions of the negotiating text; yet other delegations had maintained that part IX could be entirely deleted if the text went beyond the principle of co-operation embodied in article 123.

27. Finally, in connexion with the provisions on marine mammals (articles 65 and 120 of the negotiating text), consultations had been conducted for the purpose of examining the possibilities of ensuring better protection of such species.

28. Mr. NANDAN (Fiji), speaking as Chairman of negotiating group 4, introduced the group's report (NG4/11).⁶ The group had begun its work at Geneva on 18 April 1978 and had worked intensely. In addition to the meetings, consultations and negotiations had been held in small groups and at the delegation level. On the basis of that work he had made various compromise suggestions. The first of them, after being considered by the group, had been distributed as document NG4/9/Rev.1 dated 9 May 1978. That document had later been revised in the light of new comments and suggestions and the final version had been incorporated in the unofficial document dated 19 May 1978 which contained the reports of the committees and negotiating groups on negotiations at the seventh session held at Geneva.⁷

29. Although reservations had been expressed, a number of speakers had indicated that the revised text constituted an excellent basis for improving prospects of a final agreement on the question considered by negotiating group 4, namely, the participation of the land-locked and geographically disadvantaged States or States with special geographical characteristics in the administration of the living resources of the exclusive economic zone of coastal States within a subregion or region.

30. At the resumed seventh session, he had held consultations with the leaders of two main groups of interested States and with a number of delegations. It had emerged from the consultations that, while it would be necessary to continue the search for means of improving the compromise text, it was not the most appropriate time to intensify the work of the group on substantive issues.

31. At the meeting held on 13 September 1978, a number of delegations had referred to questions which they wished the group to study. Both parties to the negotiations had indicated their readiness to continue studying those issues at the following session.

32. Mr. STAVROPOULOS (Greece), speaking as Chairman of negotiating group 5, introduced its report (NG5/18),⁸ in which it was stated that, at the meeting held at Geneva on 19 May 1978, the Chairman had submitted to the plenary a compromise formula prepared by the Group (NG5/16).⁹ On that same day, the President had indicated that negotiating group 5 had successfully concluded its mandate, although issues relating to articles 296 and 297 remained outstanding.

33. At the request of one delegation, the group had met on 8 September and several delegations which had reservations concerning the compromise formula had proposed that the discussions should be resumed. Other delegations had felt that the issue should be held in abeyance pending negotiations on other hard-core issues. In view of the limited time available, and since other groups required the conference services more urgently in order to continue their negotiations, negotiating group 5 had decided not to have further meetings at the current session. A meeting had been scheduled for an early date at the following session to enable it to deal with all the matters before it.

34. The group had accepted the compromise formula which he had submitted in document NG5/15 as being a proposal which could be used to replace the corresponding provision of the negotiating text and on which the degree of support was so widespread and substantial as to offer a reasonable prospect of a consensus being reached. It would therefore appear that the group had concluded the work assigned to it.

35. However, as the President had noted, there were still two outstanding issues which the Conference should specifically define. It was also for the plenary to decide whether the group should review the issues which it had already negotiated.

36. The PRESIDENT said that the necessary steps would be taken to ensure that, at the following session, negotiating group 5 would be able to consider the issues to which its chairman had referred.

37. Mr. MANNER (Finland), speaking as Chairman of negotiating group 7, introduced the group's report (NG7/24)¹⁰ in which it was stated that the group held 11 meetings for the purpose of considering sea boundary delimitations between adjacent or opposite States and the settlement of related disputes. The group had decided to examine three outstanding issues relating to articles 74, 83 and subparagraph 1(a) of article 297 of the informal composite negotiating text, namely, the question of the criteria governing the delimitation of economic zones or the continental shelf between adjacent or opposite States, the question of the interim measures to be applied pending a definitive delimitation and the question of the settlement of disputes over delimitation. A number of delegations had indicated that final decisions should not be taken until those issues had been examined as parts of a whole. The first item had been dealt with in three, the second in four, and the third in three meetings. No further

⁶*Ibid.*, p. 166.

⁷*Ibid.*, p. 93.

⁸*Ibid.*, p. 168.

⁹*Ibid.*, p. 120.

¹⁰*Ibid.*, p. 170.

working organs of the group had been established, but the questions of the settlement of disputes had also been discussed in a meeting of legal experts chaired by Mr. L. B. Sahn of the United States of America.

38. With regard to delimitation criteria, the main positions had been reiterated and certain new criteria had been considered, including the alternatives which he had put forth in document NG7/22. Although the delegations which supported the principle of equidistance and those which emphasized delimitation in accordance with equitable principles could not arrive at a compromise formula, a number of delegations on both sides had stressed their wish to find means of reaching a consensus. An understanding had appeared to emerge from the discussions to the effect that the final solution might contain the following elements: a reference that any measure of delimitation should be affected by agreement; a reference that account should be taken during the delimitation process of all the relevant or special circumstances; a reference to equity or to equitable principles; and a reference to the median or equidistance line. Some delegations had indicated that, if the median or equidistance line was mentioned, a reference to islands as a feature of the relevant or special circumstances should also be included. There seemed to be agreement with regard to the first two elements, but the last two remained a subject of controversy.

39. With regard to interim measures, although a final text had not been agreed, a number of aspects had been considered and had been incorporated in document NG7/23, which he had submitted. There appeared to be no consensus to the effect that States should be required to make interim arrangements, but, on the other hand, there was no opposition to the view that States should be encouraged to make those arrangements. A number of delegations had considered that the arrangements should be based on criteria that did not differ significantly from those that should apply in the case of definitive delimitation. There seemed to be general agreement to the effect that no interim arrangement would prejudice definitive delimitation.

40. Although several delegations had supported the idea of a moratorium on activities in disputed zones, others had considered it unacceptable on the grounds that the concept was ambiguous. There had been general recognition that, in order not to impede agreement on definitive delimitation, there was a need to proceed with moderation until an agreement or final arrangement had been arrived at.

41. For its discussions on the settlement of disputes, the group had used, in addition to the informal composite negotiating text, a revised version (NG7/20/Rev.1) of the document containing other possible criteria relating to the provisions in question.

42. The discussions had been characterized by a divergence of views as to whether it would be appropriate to establish mandatory procedures for the settlement of disputes. However, it was to be hoped that, with a combination of elements taken from that document and perhaps new ideas, it might be possible to find formulas acceptable to all.

43. The secretariat had prepared for the use of delegations a list of treaties, arrangements, judicial decisions, arbitral awards and pending cases relating to the delimitation of sea boundaries which the group, owing to lack of time, had been unable to study.

44. There had been general agreement in the group that the negotiations on the issues in question should be continued at the following session of the Conference.

45. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, read out his report (C.3/Rep.1)¹¹ on the

results of the negotiations conducted in that Committee during the resumed seventh session.

46. The report should be considered an addition to the one he had submitted during the first part of the seventh session, which was included in the document of 19 May 1978 containing the reports of the committees and negotiating groups at the seventh session.¹² During the resumed session the Third Committee had made substantial progress, making it possible to give the informal composite negotiating text a form that unquestionably offered much better chances of achieving consensus on the main issues within the terms of reference of the Committee, namely: protection and preservation of the marine environment, marine scientific research, and development and transfer of marine technology (parts XII, XIII and XIV of the negotiating text respectively).

47. In accordance with the principle of full involvement of interested delegations, the negotiations had been conducted in open-ended meetings but on the condition that their results would be presented in any case to the plenary Committee. It had been found very effective to concentrate the negotiations on key issues, namely, on pollution from vessels and related matters and on the régime for the conduct of marine scientific research in the economic zone and on the continental shelf.

48. As in the first part of the seventh session, the results of the negotiations were divided into four categories: provisions on which consensus had been reached; provisions which had emerged from intensive negotiations, on which the Committee had arrived at compromise formulas which had won considerable support and offered a reasonable prospect of consensus but concerning which there remained certain reservations and objections; informal proposals submitted for consideration by the Committee with respect to which no compromise formulas had been reached and which therefore required further intensive negotiations; and provisions of the negotiating text which had not been challenged and concerning which no substantive changes had been proposed, and which, in his view, should be retained in their original form. Annex I of the report contained the results of the negotiations relating to the first three categories. Annex II contained the report of Mr. Vallarta (Mexico), Chairman of the informal negotiations on part XII of the negotiating text (Protection and preservation of the marine environment).

49. During the resumed session, most of the time had been devoted to informal negotiations on part XII of the negotiating text, with a view to expanding the area of compromise. While in annex I the provisions on which consensus had been reached included only the texts agreed upon during the first part of the session, that did not mean that no progress had been made during the resumed session. There had been some provisions on which no objections had been raised but which, it had been felt, could not be taken in isolation and transferred to the first category without considering all the other compromise formulas. Those provisions, which were contained in official document MP/27 and were listed in the second category of annex I of the Committee's report, had done much to broaden the basis for a compromise and offered substantially improved prospects for consensus.

50. The Committee should try to expand and consolidate the area of compromise through constructive negotiations. A good basis for a consensus already existed, and the Committee had arrived at a balance which should not be upset.

51. Negotiations on parts XIII (Marine scientific research) and XIV (Development and transfer of marine technology) had also proceeded in accordance with a selective and restrictive approach. Above all, an attempt had been made to achieve a balance between the interests of coastal States and States conducting marine scientific research and between

¹¹*Ibid.*, p. 173.

¹²*Ibid.*, p. 96.

the interests of developed and developing States. The current session had brought a reaffirmation of the overwhelming opinion that the negotiating text offered good prospects for a general compromise on those parts. It had been felt, in general, that the delicate balance achieved thus far should be preserved, without reopening negotiations on fundamental questions, in particular on the régime governing marine scientific research in the economic zone and on the continental shelf.

52. With respect to the suggestions and informal proposals contained in documents SR/1, TT/1 and MSR/2 and reproduced in annex I of the report, only some preliminary comments had been made, and in general it had been felt that some of them should be re-examined. The matter should be taken up again during the next session in order to decide on the most desirable procedure.

53. His report had been considered at the 39th meeting of the Third Committee, held on 13 September, and had won general approval.

54. The CHAIRMAN, in the absence of Mr. Beesley (Canada), Chairman of the Drafting Committee, read out the report which the latter had submitted to him in writing.

55. During the resumed seventh session, the Drafting Committee had held nine informal meetings, at which it had examined the documents submitted at its request by the secretariat (Informal Paper 1/Rev.1 and Add.1 and Informal Paper 2 and Add.1).

56. The work of the Drafting Committee had been greatly facilitated by the formation of language groups representing the six official languages of the United Nations and open to all delegations whether or not they were members of the Committee. On the basis of the work of those language groups and of Informal Paper 1/Rev.1/Add.1, the Committee had been able to formulate the recommendations appearing in Informal Paper 1/Rev.1/Add.2.

57. The language groups had continued their work on Informal Paper 2 and exchanged preliminary views concerning the nature of the recommendations they would make to the Committee. Copies of their reports would be mailed to members of the Committee and interested observers.

58. The Committee had asked the secretariat to prepare certain studies which would serve as a basis for future work. They related, for example, to the formal organization and structure of the Convention and the graphic presentation of the text in such a way that the versions of each provision in the six languages would appear next to each other. The re-

sults of the first study would be incorporated in that working tool of the Committee.

59. Lastly, with regard to the possibility that the Committee might meet between sessions of the Conference, the general view of the Committee members was that that would be necessary only if other Conference bodies also met.

60. Speaking as President of the Conference, he said that the present meeting was not the time for considering the substantive questions dealt with in the reports, since the latter represented only one stage in the negotiating process. When all the questions had been dealt with in negotiations which had reached approximately the same stage, it would be possible to comment on all the formulations and proposals. He therefore urged delegations to abide by that procedure.

61. Mr. WOLFF (Federal Republic of Germany) said that, although he had been prepared to make a detailed statement, he would accede to the Chairman's request and not take up any substantive matters. That fact should not be interpreted as approval of the contents of the reports.

62. There was reason for serious objection to the suggestions made in the reports of negotiating groups 1, 2 and 3, and in particular the figures contained in the proposals made by the Chairman of negotiating group 2. He therefore reserved his delegation's position and hoped that those matters would be considered in detail at the next session.

63. Mr. NAKAGAWA (Japan) said that the compromise formula proposed by the Chairman of negotiating group 2 to the First Committee contained some positive elements, but his delegation had a number of objections which it would state in detail at the next session.

64. Mr. RICHARDSON (United States of America) said that the resumed seventh session had been expeditious and fruitful. Nevertheless, there had been little progress on substantive questions, and only a considerable acceleration of the work would make it possible to finish it within the time-limits that would be decided upon.

65. Referring to the compromise formula proposed by the Chairman of Negotiating Group 2, he said that he felt it necessary to state in advance, in order to avoid any misunderstanding, that the formula gave rise to serious difficulties, although he would state his definitive position at the next session, after his delegation had been able to study the formula in detail.

The meeting rose at 1 p.m.

109th meeting

Friday, 15 September 1978, at 3.40 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 (*concluded*)

REPORTS OF THE COMMITTEES (*concluded*)

1. Mr. DE LACHARRIÈRE (France), having expressed satisfaction with the progress achieved in the control of pollution from vessels, said that his delegation had reservations on a number of points dealt with in the reports of the chairmen of the First Committee and of its negotiating groups,

particularly with regard to the figures contained in the report of negotiating group 2 (NG2/10/Rev.1).¹

2. Mr. SONDAAL (Netherlands) said that, although some parts of the documents prepared at the current session contained positive elements and represented progress, others were not yet satisfactory to his delegation, in particular those relating to selection of applicants, the transfer of technology and the financial clauses of contracts.

3. Mr. VARVESI (Italy) said that, in general, the reports of the chairmen of the committees, the Drafting Committee and

¹Official 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. 144.