

Third United Nations Conference on the Law of the Sea

1973-1982

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94th Plenary meeting

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tariat. They had always been kept informed by the secretariat of developments in informal negotiations that might be relevant to their work.

20. Some of the agencies had suggested that they would like to make formal submissions in writing with regard to possible amendments to the informal composite negotiating text. The Conference had hitherto adhered strictly to the rule that no formal proposals for amending the informal texts could be circulated as formal Conference documents. Delegations had imposed upon themselves that limitation, taking into account the fact that the negotiating texts were informal in character, only provided a basis for negotiation and must not be regarded as prejudicing the position of any delegation. In his opinion, therefore, it would be unacceptable to grant specialized agencies and other intergovernmental organizations a right that delegations themselves did not enjoy. If he heard

no objection, he would take it that the Conference shared that view.

It was so decided.

21. The PRESIDENT said that the specialized agencies would be informed of that decision.

22. Mr. BEESLEY (Canada) said that he assumed that the specialized agencies and intergovernmental organizations would be free to place their contributions informally in delegations' boxes.

23. The PRESIDENT said that there would be no objection to that procedure.

The meeting rose at 12.55 p.m.

94th meeting

Wednesday, 3 May 1978, at 10.45 a.m.

President: Mr. H. S. AMERASINGHE.

Organization of work

1. The PRESIDENT recalled that at its 93rd plenary meeting the Conference had considered proposals for the revision of the tentative time-table set forth in recommendation 12 of document A/CONF.62/62, proposals which had been approved by the General Committee at its 40th meeting. The plenary had decided that the second stage, consideration of reports of all negotiating groups in the plenary, should cover the period 3 to 10 May. He had discussed that decision with the chairmen of the committees and the chairmen of the negotiating groups; it had been concluded that the attainment of agreement would be seriously hampered and progress would be retarded, if not gravely impaired, should the reports of all negotiating groups be considered in plenary at the present stage, unless the chairmen of the committees concerned and the chairmen of negotiating groups involved were in a position to state that the granting of further time would not facilitate the attainment of agreement.

2. On the other hand, it had also been agreed that the revised programme should be adhered to as much as possible with only such modifications as were warranted by circumstances. At its present meeting, therefore, the plenary would limit itself to the reports of the chairmen of all negotiating groups on the present state of their negotiations, the progress that had been made and the differences and difficulties that still beset them. He would therefore propose that there should be no discussion or debate on those reports and that the current meeting should be regarded as purely informative.

3. Negotiating groups 2, 3 and 6 had been established by committees; and he would therefore like the Chairman of the First Committee, who was also Chairman of negotiating group 3, and the Chairman of the Second Committee, who was also Chairman of negotiating group 6, to make their observations on the work of those groups. He would then give the floor to the Chairman of negotiating group 2 if the Chairman of the First Committee agreed. The other negotiating groups—i.e. negotiating groups 1, 4, 5 and 7—had been established by the plenary, but they were required to report the results of their negotiations to the President of the Conference and to the chairman of the committee concerned. In the case of those groups, perhaps the best procedure would

be for the chairman of each negotiating group to make his report and for the chairman of the committee concerned to make his assessment thereafter. He repeated his proposal that there should be no debate on procedure or substance.

4. It was also of the utmost importance to ensure that arrangements should be made to secure the best possible use of the remaining time available for negotiations. That would require close co-ordination and a clear understanding between the chairmen of the committees and the chairmen of the negotiating groups. He realized that it would be extremely difficult to work out questions of priority in the allocation of time between, on the one hand, chairmen of committees who might themselves be chairmen of negotiating groups, and, on the other hand, chairmen of negotiating groups, especially those groups that had been established by the plenary. He was convinced, however, that arrangements could be devised to the satisfaction of all.

5. He confirmed that there would be two formal meetings of the plenary on Friday, 5 May, for discussion of the preamble and final clauses. As he had already suggested, the final clauses should be discussed before the preamble. Document A/CONF.62/L.13,¹ on draft alternative texts of the preamble and final clauses prepared by the Secretary-General, would be formally introduced at the commencement of the first meeting on 5 May.

6. In conclusion, he said that negotiating groups that needed more time would be able to meet on 8, 9 and 10 May. Groups that wished to hold meetings on 5 May, concurrently with the plenary, would be free to do so. It was important that, when negotiations had been completed in the groups, the results should be considered by the committee concerned before being brought to the plenary.

7. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, said that negotiating group 3 had dealt with the organs of the Authority. It had been agreed in the group that the three main areas in which difficulties appeared to exist related to the composition of the Council, the voting system in the Council and the interrelationship between the powers and functions of the Assembly and those

¹Official Records of the Third United Nations Conference on the Law of the Sea, vol. VI (United Nations publication, Sales No. E.77.V.2).

of the Council. All delegations had demonstrated a willingness to negotiate.

8. The group had considered the question of the general grouping of interests. It has been generally recognized that article 159, paragraph 1, of the informal composite negotiating text² correctly reflected the interests in existence at the present time. It had also been recognized, however, that in establishing the voting pattern, a balance must be struck between the interests referred to in article 159, paragraph 1, subparagraphs (a) to (d) and the interests of mankind as a whole, as reflected in article 159, paragraph 1, subparagraph (e). The negotiating group had also dealt realistically with the problem of certain groupings within geographical regions which did not appear to have special interests that would enable them to be classified under subparagraphs (a) to (d) of paragraph 1 of article 159, and ran the risk therefore of being excluded from the Council for many years. He hoped that a satisfactory solution to that problem would be reached shortly.

9. Turning to the question of the voting system, he said that in accordance with article 159, paragraph 7, of the informal composite negotiating text, all decisions on questions of substance were to be taken by a three-fourths majority. Obviously, not all delegations were happy with that provision. There again, however, he hoped that understanding would be reached on the basis of suggestions made in the negotiating group.

10. A very fruitful debate had been held on the question of the relationship between the Assembly and the Council. All delegations seemed to be agreed that it would be undesirable to open a Pandora's box on that question.

11. The Chairman of negotiating group 2 would be in a better position than he (Mr. Engo) was to give a detailed explanation of the work done in that group.

12. Turning to the work of the First Committee, he said that, as the advocates of extreme positions came to realize that consensus would never be reached on their positions, the informal composite negotiating text was more palatable now than it had been in the past. Another favourable development was the realization that groups could not insist on their positions being guaranteed by detailed provisions in the text. That was especially true in the area of financial provisions. The Committee had in the past tended to set itself the task which it desired the Sea-Bed Authority to perform. In his view, the Committee should concentrate only on such details as would provide guidelines for a workable programme to be executed by the International Sea-Bed Authority. It must be noted that the greater the detail of that programme, the more difficult it would be for the Authority to respond to ever-changing conditions. The Committee must not permit itself to tie its hands and thus prevent itself from establishing a viable institution. It was for that reason that he would request that the final results of the first three negotiating groups should reach the plenary as a collective whole. It was clear that the Conference must direct its thinking towards the package constituted by the hard-core issues referred to the First Committee for consideration. The first three topics set out in the plenary's list of such issues in recommendation 5 of document A/CONF.62/62 were components of a package and must not be treated in isolation from one another.

13. Mr. AGUILAR (Venezuela), Chairman of the Second Committee, said that the Second Committee had based its work on the guidelines laid down in document A/CONF.62/62. Every effort had been made to ensure that the meetings of the Committee did not overlap with those of negotiating groups established to deal with topics coming within the

competence of the Committee. In that connexion, he paid a tribute to the spirit of co-operation displayed by the chairmen of negotiating groups 4, 5 and 7.

14. The Committee had established a negotiating group—negotiating group 6—to deal with the definition of the outer limits of the continental shelf and the question of payments and contributions with respect to the exploitation of the continental shelf beyond 200 miles; but it had decided that there was no need, at the current stage, to establish negotiating groups to deal with the other issues within the competence of the Committee. Instead, delegations had, in informal committee meetings, expressed their views on those issues and explained the difficulties encountered with respect to the provisions of the informal composite negotiating text. He would comment first on the work of negotiating group 6 and then on the informal meetings of the Committee.

15. Negotiating group 6 was an open-ended group. He had acted as its chairman. The group had held five informal meetings and had heard some 70 statements. It should be noted that, at the 55th meeting of the Second Committee, the Special Representative of the Secretary-General had introduced document A/CONF.62/C.2/L.98 and Add.1 containing the preliminary study illustrating various formulae for the definition of the continental shelf. That document had proved very useful in the negotiations. In the discussions, attention had been concentrated on formulae aimed at defining, with greater precision, the outer limit of the continental shelf rather than on the question of payments and contributions with respect to the exploitation of the continental shelf beyond 200 miles. With regard to the definition of the outer limits of the continental shelf, attention had been concentrated on the so-called "Irish formula", and on a new text put forward by the delegation of the Soviet Union. Some delegations, particularly those in favour of the 200-mile limit, had drawn attention to the close connexion between the work of negotiating group 6 and the work of other negotiating groups, particularly negotiating group 4.

16. In his opinion, the work of negotiating group 6 had, on the whole, been positive and the debates had been of a specific and technical nature. He felt that the group should be allowed to continue its negotiations so as to be able to analyse in greater depth the subjects that were still outstanding. He felt that a possible compromise might be reached, whereby recognition of the rights invoked by countries with a continental shelf extending beyond 200 miles would be linked to a satisfactory solution of the question of payments and contributions and to a solution of the problems facing land-locked countries and geographically disadvantaged countries.

17. Turning to the informal meetings of the Second Committee, he said that delegations had been given an opportunity to explain the difficulties they encountered with respect to the provisions of the informal composite negotiating text and to suggest how those difficulties might be overcome. No attempt had been made to assess the degree of support prevailing in the Committee for the suggestions made, still less to reach agreement on them. Comments had been made on articles 1, 2, 3, 7, 16, 17, 19, 21, 25, and 29 to 33. It had also been suggested that there should be an article 3 *bis* on historic waters. Several delegations had stated that the time allocated to the Committee was not sufficient to enable them to express their views and had asked him to request the plenary to allow the Committee to hold further meetings. He hoped that that request would be given favourable consideration because it was important that the Committee should complete consideration of the questions entrusted to it at the present session.

18. The PRESIDENT said that the additional negotiating time requested by the Chairman of the Second Committee would be granted.

²*Ibid.*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

19. Mr. YANKOV (Bulgaria), Chairman of the Third Committee, said that the task of reporting on the progress made in the Third Committee had been greatly eased by the fact that the Committee had met on the previous day to consider reports on the negotiations to date.
20. The Committee, which had followed the pattern established at Caracas, had encountered no procedural difficulties but had carried out its work in an atmosphere of co-operation and understanding. Very realistically, the overwhelming majority of its members were of the opinion that it would be counterproductive to undermine the compromises achieved at the previous session and to upset the delicate balance of the key provisions contained in parts XII, XIII and XIV of the informal composite negotiating text, the parts which came within the Committee's competence.
21. With respect to part XII, on the protection and preservation of the marine environment, the Committee had held 11 informal meetings, during which 354 statements had been made and 18 informal written proposals submitted.
22. At the informal level, agreement had been reached on amendments to paragraphs 1 and 3 of article 212. Those were the only definite results that could as yet be reported, although a number of proposals were still being negotiated. Proposals had been submitted on articles 1, 195, 209, 211 to 213, 219, 221, 222, 225 to 229, 231, 233, 234 and 236. The main difficulty encountered had been lack of time.
23. On marine scientific research and development and transfer of technology, two meetings had been held and about 50 statements made. No written proposals had been submitted which could amount to an objection to the existing text. His own impression after the discussion was that, with a few minor improvements, the relevant provisions of the negotiating text could be accepted not only as a basis for negotiation but as offering a substantially improved prospect of a compromise, which could lead to a consensus.
24. Several delegations had objected to the use of the words "right or" before the word "discretion" in articles 265 and 296. Although, in his own view, there was no substantial difference between the two articles as they now stood, deletion of the words "right or" would inevitably lead to a substantive and not merely a drafting change. It might be advisable, at a later stage, to reconsider the relationship between the two articles. A suggestion had been made to delete article 265, but there had been no consensus in favour of its deletion.
25. Some suggestions amounting to substantive amendments had been made with respect to articles 274 and 275. In his view, several of the comments made on that issue were more appropriate for discussion in the First Committee in connexion with the functions of the International Sea-Bed Authority, since the provisions of the articles in question were fairly general and did not prejudice any decision which might be taken by the First Committee on the same subject.
26. One written proposal had been made, by the representative of Pakistan, concerning part XIV. The idea behind that proposal was to make provision, including financial provision by States, competent international organizations and the Authority, for the establishment of national marine scientific and technological research centres, and also to provide for adequate financial facilities for strengthening them, especially in developing coastal States. Some delegations had supported the proposal, and others had objected to it.
27. There had been overwhelming support for a suggestion made during the debate that efforts should be made to keep the package of parts XIII and XIV, as contained in the negotiating text, without proceeding to make unnecessary changes, though some suggestions of a purely drafting nature should and would be taken into consideration when a revision of the negotiating text became necessary.
28. He was far from suggesting that the text of parts XIII and XIV was perfect and could not be improved; but in view of recommendation 10 in document A/CONF.62/62, he did not feel competent to submit any amendments on parts XIII and XIV.
29. Since the informal negotiations had been hampered by lack of time, it was the predominant view in the Committee that he should ask for more time to be allocated so that the negotiations could continue. He therefore suggested that time should be set aside for a few more informal meetings to enable group negotiations to continue, particularly with respect to the protection and preservation of the marine environment. If additional time were provided, he appealed to all delegations to adopt a selective and restrictive approach so that the time could be devoted to proposals and issues that were close to a possible agreement and appeared to offer an improved prospect for a compromise leading to a consensus.
30. The PRESIDENT said that the Third Committee would be given the extra time it had requested.
31. Mr. NJENGA (Kenya), Chairman of negotiating group 1, said that the group had already held 12 meetings. The negotiations had been businesslike and unnecessary rhetoric had been avoided.
32. On the basis of those negotiations and of informal consultations which he had had with delegations, he was in a position to inform the President of the Conference and the plenary of a suggested compromise formula consisting of a new draft of the articles dealing with most of the aspects of the system of exploration and exploitation of the Area and its resources.
33. The negotiating group had not yet had an opportunity to discuss the draft, which was being presented to the plenary only for information. In any case the draft was not complete, since the negotiating group had still to take up the report of the technical experts on production limitation.
34. The suggested compromise formula was designed to reflect the tendencies that seemed to command wide support among delegations, but it did not reflect the position of any particular country or group of countries and did not prejudice the position of any delegation. The changes effected in the text reflected his personal interpretation of the prevailing tendencies expressed during the negotiations.
35. The formula in question was presented to the plenary for information in document NG1/6 of 2 May 1978. All the draft articles contained in that paper had previously been issued in documents NG1/1 to NG1/5. The presentation of the articles in one document, and in numerical order, was designed to give a clearer picture of the manner in which he had combined the various elements making up the system of exploration and exploitation.
36. With regard to the amendments he was proposing in the compromise formula, he said that he did not intend to comment on articles 150, 150 *bis* and 150 *ter*, since he had already done so during the informal intersessional consultations. Negotiations on the delicate question of the limitation of production had been postponed pending receipt of the report on the subject by the sub-group of technical experts.
37. Article 151 constituted the heart of the system of exploration and exploitation; and, as it stood in the negotiating text, it covered many different but interrelated elements of the system. During the negotiations, it had been clear that many delegations would prefer to see paragraphs 7, 8 and 9 of article 151 removed from that article and placed elsewhere in the negotiating text; it had been generally felt that sections 2 and 3 of part XI were the appropriate places for including the provisions of those three paragraphs. Amendments had thus been made in articles 140, 143 and 144 to introduce the ideas contained in paragraphs 7, 8 and 9 of article 151.

38. Without its last three paragraphs, article 151 now concentrated on the basic aspects of the system of exploration and exploitation and, consequently, the majority of the negotiating group had agreed that its heading should be changed from "Functions of the Authority" to "System of exploration and exploitation". After long discussions, he had reached the conclusion that the wording of article 151 as proposed in the compromise formula might bring divergent views in the negotiating group a step closer to a general agreement than did the previous text.
39. While he did not intend to comment on every amendment to the text of article 151, he wished to draw attention to the deletion of the final part of paragraph 2 ii. The undertaking of the contractor to contribute to the technology and financial resources to enable the Authority to fulfil its functions had been replaced by a general reference to the requirements that any entity intending to carry out activities must meet. The importance of that reference became manifest when it was read in conjunction with the suggested new draft of paragraph 4c of annex II, which expanded considerably the obligations to be assumed by the applicant. In addition, a procedure of conciliation followed, if necessary, by a binding arbitration had been provided for in the event the pertinent negotiations were not concluded within a reasonable time.
40. The question of the review of the system had proved to be one of the most complex problems within the mini-package. He had introduced a number of amendments to article 153 in an attempt to maintain an adequate balance between apparently irreconcilable points of view. For example, the new formula in paragraph 6 was inspired by the conviction that a fair solution would be found by putting strong pressure both on those who favoured the continuation of the provisional system and on those who wanted automatic establishment of a unitary system. In his view, giving the Assembly the power to halt the application of the provisional system by stopping the approval of new contracts and plans of work was the best way of inducing all States to seek an agreement for the review of the system.
41. The negotiations in the negotiating group had proved extremely helpful, both in clarifying many complex aspects of the issue and in suggesting ways in which agreement on many of the outstanding problems could be reached. If more time were assigned to the group, there was a real chance that it would accomplish a positive task before the end of the session.
42. Mr. KOH (Singapore), Chairman of negotiating group 2, said that the group had been assigned three items to negotiate: namely, the financial arrangements of the International Sea-Bed Authority, the financial arrangements of the Enterprise and the financial terms of contracts of exploration and exploitation. It had completed its discussions on the provisions of the negotiating text relating to the first and second items and was at present working on the third item. It hoped to conclude its work by the end of the current week.
43. He suggested that, once the results of the work of negotiating groups 1, 2 and 3 were available, they should be discussed together as a package.
44. The PRESIDENT said that the results of the work of the three negotiating groups in question would be discussed in the First Committee before they were taken any further.
45. Mr. NANDAN (Fiji), Chairman of negotiating group 4, said that his group had been meeting since 18 April 1978. While various well-known positions had been reiterated, the discussions had been held in a good atmosphere and there had been a genuine desire by all participants to find a solution to the problem of access for land-locked and geographically disadvantaged States to the living resources of the exclusive economic zones of neighbouring coastal States.
46. The main issues underlying the problem were: the question whether the term "right" should be used to describe access for land-locked and geographically disadvantaged States to the living resources of the neighbouring exclusive economic zone, bearing in mind the fact that any such participation would be subject to agreement between all the States concerned; the question whether participation was to be limited to the surplus of the allowable catch and, if so, what would happen if the allowable catch was exhausted to the extent of excluding the land-locked and geographically disadvantaged States; the question whether the relevant provisions should apply to developed land-locked and geographically disadvantaged States; and the question of the definition of the States which should be covered in the provisions relating to disadvantaged States.
47. After the negotiating group had concluded its discussions of the various aspects on 24 April, he had engaged in extensive consultations with as broad as possible a spectrum of the membership of the group. As a result of those consultations, he had submitted to the group a draft formulation which might form the basis for a compromise. His compromise proposal consisted of an amendment to paragraph 2 of article 62 of the negotiating text, a redrafting of article 69 on land-locked States and a redrafting of article 70 on States with special geographical characteristics. Further consultations based on the draft formulation were in progress. In that connexion, he hoped that the negotiating group would be allowed to defer its final report until Friday, 5 May, by which time it hoped to have completed its work.
48. Mr. STAVROPOULOS (Greece), Chairman of negotiating group 5, said that his group's discussion had been primarily centred on the provisions of paragraph 4 of article 296 of the negotiating text. After a very full general discussion in the large group, the magnitude of the schism between the positions of the various interest groups had become apparent and it had been decided to establish a small and representative working group.
49. Within the working group, several avenues of possible compromise had been explored and many informal papers considered. The discussions had focused upon the question of which categories of disputes should be subject to compulsory adjudication and, conversely, which should be exempted. As no agreement could be reached on categories of disputes, the idea of providing a compulsory system of conciliation, as a compromise between the two extremes, had been presented. Negotiations had been very productive and, in his view, the negotiating group was very close to reaching a compromise formula which would command widespread support, but it required more time to conclude its negotiations successfully.
50. Mr. MANNER (Finland), Chairman of negotiating group 7, said that his group had been given the task of discussing the delimitation of maritime boundaries between adjacent and opposite States and the settlement of disputes thereon. The group was to consist of all delegations which informed the Chairman of their wish to participate in its work, and its total membership had risen to 99 delegations. It had held seven meetings between 19 April and 2 May.
51. Upon conclusion of the initial discussions, he had issued a document containing informal suggestions for a "compromise package and a basis for further consultations" on articles 15, 74, 83 and 297, subparagraph 1(a). In the light of the discussions thereon, he had subsequently distributed a further version of his suggestions but, owing to shortage of time, it had not been possible to submit that document to discussion within the group.
52. With respect to article 15 concerning delimitation of the territorial sea between States with opposite or adjacent coasts, there appeared to be widespread support for the retention of the existing formulation of the negotiating text,

with two drafting amendments which he had suggested in the light of the discussions held.

53. As had been established during earlier sessions of the Conference, the hard core of the delimitation problem lay in articles 74 and 83, dealing with delimitation of the exclusive economic zone and the continental shelf between opposite or adjacent States. As previously, the positions of delegations had differed markedly between those who supported the method of equidistance and those who favoured delimitation in accordance with equitable principles. Nevertheless, it appeared that the differences were less great than would appear at first sight. First, there seemed to be a consensus that any measure of delimitation should be effected by agreement; secondly, all the proposals presented referred to relevant or special circumstances as factors to be taken into account in the process of delimitation; thirdly, it was undisputed that the equidistance line was frequently employed in State practice; and fourthly, hardly any delegations would like to deny that agreements on delimitation should be made with a view to reaching an equitable solution.

54. Accordingly, it seemed that the problem the group was faced with was not so much the absence of the necessary elements of a solid compromise as the question of the order and prominence to be given to the various criteria for delimitation measures. No text hitherto presented appeared to have gained sufficient support to offer substantially improved prospects for a consensus solution. As a result, further consultations were required in order to find adequate compromise formulations.

55. Apart from the basic questions regarding the actual execution of delimitation, there were differences of opinion with regard to the settlement of disputes thereon. While a number of delegations advocated compulsory third-party settlement, others thought it essential that delimitation disputes should be excluded from such procedures. In fact, it seemed that not all the sources of feasible compromise solutions had yet been exhausted; and, in that connexion, account might also be taken of the possible developments in pending discussions on other aspects of dispute settlement. Consequently, he had not included any provision for subparagraph 1(a) of article 297, in the revised version of his compromise suggestions.

56. While solutions had yet to be reached on a number of the central issues coming within the competence of the negotiating group, the deliberations had brought it at least one step nearer to a final compromise. He thought that the work of the group should be allowed to continue for a few more days; and the suggestions he had made might perhaps serve as useful guidelines together, of course, with all the other proposals put forward.

57. Mr. BEESLEY (Canada), Chairman of the Drafting Committee, said that the Committee had held two organizational meetings in accordance with the decision taken at the previous plenary meeting. Those meetings had been informal but extremely useful. The Committee had agreed that it would be helpful if the secretariat could produce a glossary which would be of assistance in dealing with translation problems. Such a glossary had been compiled and was being made available to the Committee and to members of the various linguistic groups. The secretariat had also been requested to undertake a technical study of internal difficulties relating to the text; it would, for example, compile a list of references within an article to the article itself, within a section to that section, within a part to that part and within the convention to the convention. It would also compile a list of expressions which were used throughout the text and should be made consistent.

58. Other suggestions made in the Committee were being actively pursued: consultations were being held with the chairmen of the other committees on articles appropriate for

consideration by the Drafting Committee—the Chairman of the Third Committee had mentioned some of them that morning—and consideration was being given to the possibility of using computer techniques to expedite the Committee's work. It would appear that the financial implications of the latter action were not so great as to warrant formal authorization.

59. At the Committee's two brief meetings, stress had been laid on the importance of beginning work as soon as possible, even informally, and also on the magnitude of the task facing the Committee and on the considerable time that would be required. It had been suggested that the Committee should first concentrate on the more technical aspects of its work and remove internal inconsistencies in the text, before moving on to other matters.

60. The PRESIDENT thanked the chairmen and members of the various groups and committees for their efforts. The reports submitted had been purely factual and informative, and the positions of delegations would continue to be regarded as reserved. If any delegation discussed matters of substance at the present stage, he would be compelled to rule it out of order.

61. Mr. HAYES (Ireland), speaking on behalf of 27 delegations concerning the questions considered in negotiating group 7, said that those delegations all agreed with the chairman of the negotiating group that further negotiations were necessary on a number of points, and they appreciated the chairman's efforts to achieve a compromise. In their view, however, continued consultations within the negotiating group offered no prospects of further progress on those points. It was their understanding that matters within the ambit of the various committees would be discussed by those committees before they were taken up by the plenary Conference. The 27 delegations therefore proposed that the points in question should be brought before the Second Committee or at any rate discussed in a full forum.

62. The PRESIDENT observed that it would be inappropriate to consider such a specific proposal at the current meeting. He would himself discuss the transfer of questions from negotiating groups to committees with the chairmen concerned.

63. Mr. ATEIGA (Libyan Arab Jamahiriya) said his delegation understood that, in accordance with the decisions taken earlier in the session concerning the establishment of the negotiating groups, the sovereign States represented at the Conference were fully entitled to express reservations in any forum concerning the work done by those groups, including the reports on that work submitted by the chairmen.

64. The PRESIDENT said that, in the interests of propriety, it might be advisable to refrain from commenting on the work of the chairmen. He would certainly lend his good offices in order to seek agreement on any changes that might prove desirable.

65. Mr. WARIOBA (United Republic of Tanzania) asked for a clarification on two points. Firstly, the President had requested that the reports by the chairmen of the negotiating groups should be factual and informative, and indeed most of the reports had conformed to that criterion. However, a few reports, including those of the Third Committee and negotiating group 1, had gone beyond facts and information, and had given a qualitative assessment of the progress made. His delegation therefore wished to know what was the status of those assessments by the chairmen concerned. If those assessments were to be reflected in the records, delegations should have the opportunity to comment on the reports in question. His delegation wished, in particular, to reserve its position on certain aspects of those reports, especially in so far as they related to the transfer of technology and the review clause.

66. Secondly, his delegation was convinced that constructive work was being done and that more time might enable the Conference to achieve significant results. However, it was now becoming impossible to conform to the time-table which had been fixed at the outset of the session: the mandates of the negotiating groups were being extended, their reports would have to be considered in the Committees and, in addition, the plenary Conference would have to consider those reports, revise the informal composite negotiating text and then produce a formalized text. Only two weeks remained and it was obvious that the deadline would not be met. Delegations would like to know what was to happen next, so that they might inform their Governments of the situation and receive appropriate instructions.

67. The PRESIDENT, responding to the first point raised by the representative of Tanzania, said that the reports by the various chairmen would not be treated as official documents of the Conference. Any proposals referred to in those reports would not be reflected in the summary records and the proposals which had already appeared as informal documents would remain informal documents of the negotiating groups.

68. He had said a short time before that the negotiating groups would be given until 10 May to finish their work. The committees would then have an opportunity of considering the positions reached in the various groups before the results were considered in the plenary Conference prior to revision of the negotiating text. At present it was impossible to predict the dates on which all those steps would occur. He could merely stress the importance of producing by the end of the session a text which had been revised to the fullest extent possible.

69. Mr. ARIAS SCHREIBER (Peru) said that his delegation supported the observations made by the delegation of Tanzania. Every delegation had the right to express its views in accordance with established practice, and his delegation was surprised that that practice was not being followed.

70. It was obvious that, if the negotiating groups were to be given more time, it would be impossible to comply with the original time-table. The Conference had 13 working days left. Quite clearly, therefore, there was insufficient time to complete all the steps originally provided for and his delegation would like to know what action the President intended to take on that problem. There would be no time at the present session to review and formalize the text of the convention, and it would seem that the Conference would have to discuss dates for the following session.

71. The PRESIDENT said he had had no intention of departing from established practice or infringing the sovereign rights of delegations. He simply considered that it would be premature to consider at the present meeting the substance of the reports of the negotiating groups. He had allowed some negotiating groups more time because the work of the Conference would not be facilitated if the imposition of a cut-off date left their work incomplete.

72. After 10 May, the next stage would be consideration of the reports in the committees, which might take a day or two. Following that stage, the results of all the negotiations in the three main committees would be considered in plenary. That might require two or three meetings. After that stage, the revision of the text could be undertaken in the manner already approved by the plenary.

73. The dates of the next session would be considered at the end of the present session. He appealed to delegations to consider the final time-table during the next few days. He would first discuss the matter with the chairmen of the various committees. There was no point in discussing the time-table and the review of the text at the present meeting.

74. Mr. ARIAS SCHREIBER (Peru) said that it would be completely unrealistic to envisage only two meetings for the consideration in plenary of the results of the work done in the negotiating groups and committees. Amendments to the text could be made only in the light of trends which became apparent at plenary meetings; and, obviously, delegations would want to express their views on a whole series of questions at those meetings. If there was insufficient time, the Conference must resign itself to the fact that it would be unable to undertake a review of the text at the present session, since delegations must have time to express their views in complete freedom.

75. The PRESIDENT said that the plenary meetings would be preceded by meetings of the various committees, and that would facilitate the work of the plenary Conference. In any event, it was impossible at present to say that any particular stage in the Conference would be completed by a particular date. The future of the Conference was in the hands of participants.

76. Mr. BENDIFALLAH (Algeria) supported the views expressed by the representatives of Ireland and Libya. The work of negotiating group 7 should be suspended pending the results of the President's consultations.

77. The PRESIDENT observed that each negotiating group was free to suspend its work.

78. Mr. YOLGA (Turkey) said that his delegation, which was among those for which the delegation of Ireland had spoken, wished to place on record its agreement with the opinion expressed by the delegations of Libya, Tanzania and Peru that all delegations had the right to express views on the reports submitted to the plenary Conference by the chairmen of the negotiating groups. He therefore wished to express reservations concerning the report by the Chairman of negotiating group 7. His delegation was somewhat reassured by the President's expressed intention to consult the Chairman of that group and the Chairman of the Second Committee, but its reservations were so serious that it felt compelled to express them.

79. Mr. WARIOBA (United Republic of Tanzania) said he wished to have an assurance that the plenary Conference would have enough time to consider the reports of the various groups and committees and to revise and formalize the text.

80. The PRESIDENT said that the revision of the informal composite negotiating text would not begin until or unless the plenary Conference had had sufficient time to consider all the negotiations that had taken place.

81. Mr. MWANGAGUHUNGA (Uganda) welcomed that assurance. He agreed with the observations made by the representative of Tanzania and expressed the hope that all the parties concerned would be able to participate in the various consultations which would be held.

The meeting rose at 1.10 p.m.