

Third United Nations Conference on the Law of the Sea

1973-1982

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A/CONF.62/SR.150

150th Plenary meeting

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XV (Summary Records, Plenary, General Committee and First Committee, as well as Documents of the Conference, Tenth and Resumed Tenth Sessions)*

24. Mr. HALL (Executive Secretary) said that since the submission of the report of the Credentials Committee, credentials called for by rule 3 of the rules of procedure of the Conference had been received from El Salvador, which would be added to the list contained in paragraph 3 of the report.

25. The PRESIDENT said that if there was no objection, he would take it that the Conference wished to adopt the report of the Credentials Committee.

It was so decided.

The meeting rose at 12.15 p.m.

150th meeting

Thursday, 16 April 1981, at 4.20 p.m.

President: Mr. T. T. B. KOH (Singapore)

Report of the Chairman of the First Committee

1. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, recalled that at the end of the resumed ninth session he had been able to report a breakthrough on the outstanding hard-core issues before the First Committee. It had been clear that the proposals which had later been incorporated in the draft convention enjoyed a consensus. The report he had submitted¹ had therefore outlined only a few issues which required attention before the First Committee could terminate its mandate.

2. It was common knowledge that, at the commencement of the current session, the United States delegation had announced its decision to review the draft convention and had insisted that the Conference should await the end of such a review before any fruitful negotiations could take place with a view to formalizing the draft. The Group of 77 had expressed the opinion that no useful negotiations could therefore be undertaken to resolve the issue of preliminary investment protection. Nevertheless, following consultations, it had appeared that it was the will of delegations to proceed with the negotiating effort on all outstanding issues, bearing in mind the effect of the reservations expressed.

3. During the current session, the First Committee had held four meetings, all formal, which had provided an opportunity for delegations to hold a general debate on the Preparatory Commission and to formulate general comments on the reports of the Secretary-General, one on potential financial implications for States parties to the future convention on the law of the sea (A/CONF.62/L.65) and the other on the effects of the production limitation formula under certain specified assumptions (A/CONF.62/L.66).

4. In addition, the First Committee had taken up for the first time the issue of the site of the Authority. He recalled that, in the course of the consultations held by President Amerasinghe, it had become clear that the issues involved were so closely related to the issues concerning Part XI that the First Committee was the most appropriate forum for negotiations. It had been agreed that the negotiations would be co-chaired by the President of the Conference and the Chairman of the First Committee, using the established system of a working group of 21, and taking as a basis for negotiation the report of President Amerasinghe on the work of the informal meetings of the plenary Conference on the question of the Preparatory Commission (A/CONF.62/L.55),² in particular the draft resolution providing interim arrangements for the international sea-bed Authority and the law of the sea Tribunal. The discussions and consultations in the working group and in the various negotiating groups of the First

Committee had resulted in the identification of major issues and of the interrelationships among them.

5. General agreement had been reached that the Preparatory Commission should be established by a resolution of the Conference included in the final act. In addition, the objective in establishing the Preparatory Commission had been broadly recognized as being to make provisional arrangements for the first session of the Assembly of the international sea-bed Authority and of its Council, including arrangements for the establishment of the secretariat and the Enterprise, as well as the convening of the international law of the sea Tribunal. He believed that "Preparatory Commission for the International Sea-Bed Authority and the International Law of the Sea Tribunal" might prove to be the most appropriate title.

6. On the issue of the membership of the Commission, the text of the former President's draft appeared to present difficulties for some of the industrialized countries, which would have preferred that it be opened to all signatories of the final act. The other delegations had insisted that only States which clearly demonstrated the intention to be bound by the convention should be members. Consequently, signature of the convention would have to be a minimum criterion, as that would also induce early commitment by States and prevent participation in the work of the Commission by those States which might have decided not to be parties to the convention. The Group of 77 appeared to be ready to accept a compromise granting observer status to States which signed only the final act, giving them power to participate fully in the deliberations of the Commission but not to participate in decision-making.

7. With respect to the broad question of decision-making and adoption of the Commission's rules of procedure, three aspects had to be considered: the rules of procedure to be applied in the Commission pending the adoption of its own rules of procedure; the majority required for the adoption of the rules of procedure; and provisions for voting on substantive issues. The exchange of views had been somewhat inconclusive, especially on the latter two aspects. It would appear that the Western industrialized countries and the socialist countries would insist on the consensus rule. The Group of 77 would favour a two-stage approach by which there would be a vote should the quest for consensus fail. It was clear that more consultations on the negotiating process would be inevitable.

8. As far as the function of the Commission was concerned, there appeared to be general agreement on the proposition that the Commission should have a broad mandate of preparing for the establishment of the International Sea-Bed Authority and the Tribunal, but the industrialized countries had considered that discussion of the issue of the establishment of the Enterprise was premature, since it had to be taken up in discussions on the preliminary investment protection proposals. The Group of 77 and other members of the working group of 21 were of the opinion that, on the contrary, it was imperative to consider the issue, given the important effect of the Enterprise on the agreed working of the parallel system.

¹ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XIV (United Nations publication, Sales No. E.82.V.2), document A/CONF.62/C.1/L.28 and Add.1.

² *Ibid.*, vol. XIII (United Nations publication, Sales No. E.81.V.5).

9. The exchange of views appeared to have been more productive on the question of the function of the Commission, especially as it related to its role in the preparation of rules, regulations and procedures. It was his impression that further reflection would be desirable to determine the scope of that function.

10. There appeared to be general agreement on the proposition that the Secretary-General of the United Nations should be empowered to convene the Commission; the criteria set out in document A/CONF.62/L.55 by which 50 signatures would be required had received widespread support. It had been suggested, however, that the wording in paragraph 10 should be harmonized with that specified in article 307.

11. There was likewise agreement that the life of the Commission should not be unduly prolonged, having regard to the nature of its mandate and the need for the Authority to be established expeditiously to perform functions assigned to it by the convention. The view had been expressed by some, however, that if its life had to be extended beyond the convening of the Assembly, then that was a matter which the Assembly alone could decide.

12. Concerning the Commission's financing, all sides would support the idea that the United Nations should provide the funds for the initial costs. Yet the terms had found a divergence of views: the concept of a loan proposed by the former President had been rejected by those who had seen it creating fundamental legal as well as practical difficulties. The Group of 77 and the socialist countries had argued further that until the Authority was established the United Nations regular budget should finance the Commission in the same way as with the present Conference. Others had pointed to the fact that observers or States Members of the United Nations who were not signatories of the convention would be compelled to contribute to the financing. It was his view that the second reading on that issue might be more fruitful.

13. The First Committee had decided to postpone detailed discussion of document A/CONF.62/L.66 until the resumed session. There had been no consensus on the proposal that a group of experts be established which could utilize the report of the Secretary-General as the basis for an evaluation of the production limitation formula.

14. The report on the financial implications of the future convention (A/CONF.62/L.65) contained a preliminary estimate of the cost involved in the functioning of the Authority, the Enterprise, the International Tribunal, the Commission on the Limits of the Continental Shelf and the Preparatory Commission. The Special Representative of the Secretary-General had observed that the functioning costs of the Authority and the Enterprise could be reduced considerably if both organizations were located at the same site and shared the staff and institutional facilities on a reimbursement basis. It had been assumed that the Commission would be located at United Nations Headquarters; if it were located somewhere else, extra cost would be involved depending on the facilities offered by the host country. The Special Representative had also noted (A/CONF.62/C.1/SR.53) that the manning table of the secretariat of the Authority was smaller than those of the World Intellectual Property Organization and the United Nations Environment Programme, for example. The majority of States had stressed the necessity for cost-efficiency of the new organization and had expressed the view that the report was a sound basis for a careful study by the Conference.

15. During its session, the First Committee had had the opportunity to discuss all outstanding matters, including those never before dealt with. With regard to the site of the Authority, three countries had offered their hospitality: Jamaica, Malta and Fiji. The Jamaican delegation had given ample details on progress in construction work and preparations. The delegation of Malta, supported by the Fiji delegation, had

stated that the First Committee was not the proper forum for discussing the issue. The Chairman of the group of Latin American States as well as other Latin American delegations which had spoken on that issue, many African countries and Yugoslavia had spoken in favour of Jamaica. A number of speakers had not found it expedient to declare a choice at that stage. It was important to note from the debate that all three candidates had declared that preparations were afoot to receive the Authority, although only Jamaica had undertaken to give details of such preparations.

16. During an informal meeting, an exchange of views had taken place concerning a suggestion by the Australian delegation about provisions dealing with unfair economic practices which might cause injury to the trading interests of another State Party. Consultations on that issue were continuing. The same was true with respect to the problem of an increase in minimum representation for geographical groups in the Council, which had been raised by some less developed western States.

17. At the 50th meeting of the First Committee, held on 17 March 1981, the Zambian delegation, supported by the delegations of Zimbabwe and Zaire, had appealed that the issue of production policies be examined. Intensive consultations at various levels, within and across interest groups, had since been launched and could be expected to continue at the resumed session. The delegations had drawn the Committee's attention to the impact of the production limitation formula set out in article 151 of the draft convention on the existing and future land-based nickel, copper, cobalt and manganese industries and the measures for the protection of developing countries from adverse effects on their economies or on their export earnings. Negotiations on those issues were continuing.

18. In conclusion, he stressed that for nearly a decade the First Committee had grappled with perhaps the most complex problems ever faced by any Conference of the United Nations. So far not a single nation, large or small, and definitely not the rich, had been left out of the negotiating effort. The negotiating texts produced through the years had shown a clear attempt to meet the needs and interests of all States, and more realistically those of the industrialized States. The Conference could not at the current late stage, when at least it had provoked passions of hope in the international community, afford to indulge in any exercise in futility or any backward or destructive step. That which had been accepted by consensus must be preserved at all costs. The packages worked out might have been delicately put together; but it was clear that they were made strong by the consensus they had enjoyed. At the resumed session, the spirit of accommodation must be maintained. What must not be done was to destroy directly or indirectly the results of fruitful labours so far.

19. Mr. MAZILU (Romania) said that his delegation was entirely satisfied with the clear and accurate report presented by the Chairman of the First Committee. With regard to the Preparatory Commission for the creation of the International Sea-Bed Authority, his delegation believed that it should be composed of representatives from all signatory States of the convention, since their signature represented a commitment to implement the provisions of the convention. The signatory States of the final act could have only the status of observer in the Preparatory Commission, because the final act was merely a document referring to the convention and did not imply directly a commitment by the States concerned vis-à-vis the convention itself.

20. The functions of the Commission should be limited to preparatory measures aimed at creating appropriate conditions for setting up the organs of the Authority, including the convening of the first session of the Assembly, and certain preliminary technical measures in order to start the exploration and exploitation of the sea-bed. His delegation accordingly supported the many other delegations which had expressed the

opinion that the Commission should have the right only to make recommendations, and not to take decisions. It did not share the view that the Commission should adopt regulations concerning the process of exploration and exploitation of the sea-bed area. The commission should rather be entitled to prepare draft recommendations on the subject, only the Assembly having the right to decide on those matters. As to the system for adoption of recommendations by the Commission, Romania, as a member of the Group of 77, believed that the Commission should have the right to elaborate its own rules of procedure. On the other hand, the Commission should not be entitled to establish subsidiary bodies, for by so doing it would be going beyond the role conceived for it by the Conference and going against the points of view expressed at the ninth session.

21. The Romanian delegation wished to stress, as other delegations had done, that the Preparatory Commission was only a transitional body which would be required to submit its final report to the first meeting of the Assembly. It would be unacceptable, therefore, to turn it into a permanent organ. Like the majority of delegations, the Romanian delegation believed that the Commission should be financed from the United Nations budget on the same basis and according to the same criteria as the Conference on the Law of the Sea, since it would have to function within the United Nations system. Moreover, its operating expenses should be kept as low as possible, and subsidiary structures should be established because that would be contrary to the role of the Commission and would lead to unjustified expense.

22. Mr. DORON (Israel) said that one of the main tasks of the Preparatory Commission would be to convene the first sessions of the Assembly and of the Council. Although the convening of the first session of the Assembly would not seem to pose any problem, the convening of the Council might raise difficulties because it would first be necessary to take a decision on the composition of that organ. Article 161 of the draft convention gave the broad outlines, of course, but it did not specify exactly what criteria should apply. The Israeli delegation shared the view of those delegations which had stressed the need for the small and medium-sized industrialized countries to be represented on the Council. He thought that the draft resolution in document A/CONF.62/L.55 was a valid basis on which to work; nevertheless, given the differences of opinion concerning the composition of the Preparatory Commission and the interests at stake, the Commission should be open to all States participating in the Conference on the Law of the Sea.

23. He recalled that the group of legal experts on the settlement of disputes had examined the question of labour conflicts and conditions of work generally on the vessels and other installations of the Authority. He pointed out that a note on the topic had been published by the International Labour Organisation (A/CONF.62/83).³ The group of legal experts had been unable to complete its consideration of those complicated problems and had recommended that they should be referred to the Preparatory Commission. It was important to establish the principle that conditions of work on those structures and installations should be in conformity with the common minimum international standards established by the International Labour Organisation.

24. Mr. MIZZI (Malta) said that although it was true that Malta had felt that the question of the seat of the Authority, discussed for the first time in the First Committee, came within the purview of the plenary Conference, it was not accurate to say that only the Jamaican delegation had given any details on the progress of the preparations. The delegation of Malta had reported that not only could it make a site available to the

Authority but it also had buildings fully equipped and ready to receive both the Authority and the Preparatory Commission.

25. Mr. NDIAYE (Senegal) said that in order to qualify as members of the Preparatory Commission States should have complied with a number of minimal obligations and have signed the convention. However, to ensure the universality of the convention, all the States signatories of the final act should be authorized to take part in the work of the Commission as observers. Thus, before the entry into force of the convention, the Commission would have three categories of members: signatory States having ratified the convention, States that were signatories only and observers. As a result, States that had only signed the convention would be able to block the adoption of decisions by States that had already ratified it, but he thought that that was a risk which would have to be taken if the convention was to be genuinely universal in character. Moreover, the fact that the Commission only had the power to formulate recommendations should make the proposal acceptable. The draft rules, regulations and procedures that it drew up would be applicable only if they had been adopted by the organs of the Authority.

26. It would also seem more appropriate to use the regular budget of the United Nations to finance the activities of the Commission. Any system of loans would be difficult to enforce because the duration of the Commission's mandate was unknown, and it would be too burdensome. A system under which it would be financed out of the regular budget of the United Nations would offer the best guarantee that the Commission could be maintained in the role it should play.

27. As far as the site of the Authority's headquarters was concerned, although it was true that the Group of 77 had given its support to Jamaica, that country was the only candidate at the time. When the matter was taken up again, all the candidates should be given equal treatment and informed in time so that they could present their candidatures under the same conditions.

28. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, reminded the representative of Malta of the terms in which he had described the question of choosing a site for the Authority, which were, he felt, fully in accordance with the facts.

29. Mr. NANDAN (Fiji) explained that his delegation considered that the question of the site of the Authority came within the purview of the plenary meeting of the Conference and that was why he had not gone into the substance of the question during the debate in the First Committee.

30. Mr. MPEG A (Gabon) said that, even if it had not proved possible to arrive at a consensus on all the difficult questions taken up by the First Committee, constructive proposals had been put forward which had brought about progress in the negotiations and would undoubtedly result in an acceptable compromise. Thanks to the progress achieved, the work of the next session would be considerably lighter. He believed that more time could now be devoted to examining a question of vital importance to these developing countries which were producers of land-based minerals. Article 151 of the draft convention, on production policies, had not been examined in detail. At the ninth session, the negotiations in the group of experts between land-based producing countries and industrialized consumer countries had failed and it had not been possible to draw up a definition of a system of equitable compensation for land producers whose interests were jeopardized by the mining of nodules. Gabon was one of the principal producers of manganese and the mining of that mineral was its most vital economic asset. The mining of marine nodules posed a serious threat to Gabon's economy, the more so since various studies had shown that the production of manganese from nodules would satisfy practically all the needs of the developed countries, so that Gabon would suffer the almost total loss of export revenue. That was tantamount to a com-

³ *Ibid.*, vol. XII (United Nations publication, Sales No. E.80.V.12).

plete reversal of the whole philosophy of article 150. Gabon was in no way opposed to the mining of marine nodules, which represented progress for mankind and hope for the developing countries, but it could not agree that the cost should be borne by the land producers among the developing nations. Together with the delegations of Zambia, Zimbabwe and Zaire, the delegation of Gabon had put forward a draft amendment to the formula for the limitation of production, which had already been examined by a small group but which could not, because of the very heavy workload of the current session of the Conference, be submitted to the official regional groups or even to the First Committee. The proposed formula should guarantee the companies exploiting the sea-bed a satisfactory profit while mitigating the negative effects of article 150. He requested that the subject should be included in the programme of work of the next session of the Conference.

31. Mr. ROTH (Sweden) thanked the Chairman of the First Committee for mentioning the problem of the representation of small and medium-sized industrialized States and reserved his delegation's right to speak again on that question when the session resumed at Geneva.

32. Mr. MIZZI (Malta) observed that preparations in his country to serve as the headquarters of the Authority were more than well advanced—the buildings and installations were in fact ready. Although Mr. Engo had admittedly mentioned in his report the three countries which wished to host the Authority, he believed that Mr. Engo had expressed a preference for one of them.

33. Mr. MUDHO (Kenya) defended the Chairman of the First Committee, observing that the progress of building work was not a valid criterion. Jamaica had offered to host the Authority long ago, and had commenced construction on the basis of the assurances given it, although the final decision of course rested with the Conference. The report of the Chairman of the First Committee accurately described the situation.

34. Mr. TSHIKALA KAKWAKA (Zaire) said that the formula for limiting production was not a new issue, but had been raised at the very outset of the Conference. That issue was not only crucial for developing countries but was the linchpin of the new law of the sea and established a new and revolutionary principle whereby the sea-bed and the ocean floor beyond the limits of national jurisdiction, and the resources thereof, were the common heritage of mankind. The rights of developing countries, in particular, should be protected by the rules being drafted. Article 150 gave a clear and broad definition of the principles which should govern activities in the area. Paragraph (d) of article 150, in particular, established the concept of complementarity between land resources and resources from the Area, and the Area should be exploited in accordance with the real needs of world consumption. Any over-production should be prohibited and activities to exploit the sea-bed should not compete with the mining activities of land producers. Developing countries should be protected from the adverse effects of a decline in the prices of raw materials or in the volume of exploitation of their resources. The provisions of article 150 were, however, undermined by those of article 151 which defined the system of exploitation. As currently worded, that article conferred a scandalous advantage on marine producers, namely developed countries, and organized over-production and waste in violation of the preceding article. His delegation, together with the delegations of Zambia, Gabon and Zimbabwe, had therefore presented specific proposals, which had been published and should serve as a basis for consultations between the different groups of countries concerned.

35. Mr. PINTO (Portugal) began by stating that the Preparatory Commission should comprise all members of the Conference; secondly, in its work, the Commission should as far as possible act as an advisory body rather than a decision-

making body; thirdly, with regard to the choice of the seat of the Authority, he wished to propose, as the headquarters of the international Tribunal for the law of the sea, the Cascais fortress, former summer residence of the Portuguese President, which was situated on one of the most pleasant stretches of the Atlantic coast. He hoped that the Conference would take a fair decision on the subject.

36. Mr. KOZYREV (Union of Soviet Socialist Republics) emphasized that, although the work of the First Committee had not been fully satisfactory, the activities which had taken place in that Committee and in the working group of 21 during the current session had been extremely useful and had made it possible to reach an agreement. The provisions of the draft convention on the law of the sea were the result of a balanced compromise and provided a sound basis from which to work towards a consensus.

37. Several representatives had requested that the debate be reopened and that certain problems which had long been settled should be reconsidered. Their action only served to strengthen the position of those countries which were seeking to prolong the work of the Conference.

38. The negotiations on the Preparatory Commission responsible for establishing the Authority had narrowed the gap between the positions of various countries with regard to the functions and powers of that Commission. In view of the agreement reached previously on over-all issues, his delegation was prepared to support the proposal of the Group of 77 on the establishment of the Enterprise.

39. It had emerged from the negotiations that a compromise solution on the composition of the Commission might consist of making States which had signed the convention eligible to participate. The Commission also had to take decisions on substantive issues by consensus. That was essential if the Authority was to be established and living resources were to be exploited on the basis of a parallel system.

40. With regard to the financing of the Commission, his delegation believed that any needless expense should be avoided. In that connexion, he shared the view of many other participants that the Commission could be financed from the regular budget of the United Nations and make maximum use of the facilities offered by the United Nations Secretariat.

41. All in all, the negotiations had made it possible to envisage a compromise solution on the question of the Commission. It should be possible to reach a final agreement on the issue when the session resumed.

42. A review of the financial implications of establishing the Authority showed that the study made by the Secretariat was provisional. A more detailed study should take into account the concerns of various States regarding expenditures which could prove substantial.

43. Although the question of the protection of investments had not been considered, his delegation deemed it essential to recall that the draft convention guaranteed to all States that their investments would be protected when exploitation began and the technical equipment essential to developing the resources of the Area was available. As a result, there was no need to adopt additional measures for the protection of investments. Generally speaking, those provisions would appear to help the large corporations which hoped to reap financial benefits, but his delegation was not opposed to the issue being considered separately if new proposals were put forward at the resumed session, provided that such proposals came within the framework of the convention and reaffirmed that the anti-monopoly clauses contained in the Convention applied. That was essential to prevent certain States from monopolizing activities in the Area and to enable all States Parties to the convention without discrimination to have access to the resources of the Area.

Report of the Chairman of the Drafting Committee and report on the work of the informal meetings of the plenary Conference on the recommendations of the Drafting Committee

44. Mr. BEESLEY (Canada), speaking as Chairman of the Drafting Committee, said that its report consisted of two parts. The informal part of the report showed that there had been 5 meetings of the Drafting Committee, 8 meetings of the co-ordinators chaired by the Chairman of the Drafting Committee, and 98 meetings of the language groups.

45. The proposals accepted by the Drafting Committee and by the informal plenary meetings of the Conference relating to Part XI of the draft convention on the law of the sea represented important milestones.

46. The political difficulties which had arisen in the Conference itself had in no way obstructed the work of the Drafting Committee.

47. The proposed calendar for the intersessional meeting would be included in a written report which would be distributed shortly.

48. The official part of the report was submitted in the names of the President of the Conference, the Chairman of the First, Second and Third Committees and on his own behalf as Chairman of the Drafting Committee. The recommendations of the Drafting Committee on Parts II to X and XII to XIV of the draft convention, together with a number of addenda contained in the report of 2 March 1981 of the Chairman of the Drafting Committee to the plenary Conference (A/CONF.62/L.67/Rev.1) and in Add.1 and Rev.1 and Add.3 to 12, had been considered at informal plenary meetings held from 23 to 25 March and from 26 March to 1 April.

49. During the informal plenary meeting of the Conference on 15 April 1981, consideration had been given to a further report of the Drafting Committee on recommendations which the Conference had decided to postpone pending consideration by the Drafting Committee. At the same meeting, consideration had been given to the Committee's first group of recommendations on Part XI of the draft convention (CG/WP.25). The Drafting Committee was continuing its consideration of a number of other proposals relating to Parts II to XII and Part XI.

50. The recommendations of the Drafting Committee which had been approved during the informal plenary meetings of the Conference at the tenth session would be included in a document which would be distributed.

Other matters

51. The PRESIDENT said that two groups of interests under the chairmanship of the representatives of Ireland and Spain had met during the session concerning the question of delimitation. They had announced their intention to submit a separate report on their consultations during the session.

52. Mr. YANKOV (Bulgaria) said that, in view of the importance of the issue which had been discussed at the previous meeting, he considered it necessary to state his delegation's official position in respect of its understanding of a number of important problems concerning the programme for the resumed session.

53. His delegation supported the recommendations of the President which had been adopted by the Conference. He must insist that the principal purpose of the resumed session should be to complete the programme of work and conclude negotiations on the questions in suspense while avoiding reopening issues which had already been negotiated at length. He was convinced that the suspended negotiations could be completed during the resumed session and that the Conference could adopt the convention on the law of the sea by consensus. His delegation was ready to do everything in its power to achieve that end.

54. He reminded members that, in his previous statement, on 14 April (A/CONF.62/BUR./SR.62), he had asked the representative of the United States a question which he would prefer not to repeat. He considered it important, however, to know the true intention of the United States with respect to the future of the Conference and to a convention on the law of the sea. It was known to all that the United States had been among those delegations which had participated most actively; both in terms of the concept and the elaboration of the current draft; no important provision had been accepted without the approval of that country. In a number of cases, negotiations had been delayed in order to meet the wishes of the United States delegation and certain others. Currently the Conference found itself in an unprecedented situation. The most active participant in the negotiating process had just issued what might be regarded as a challenge. He hoped that the United States would not remain isolated from other participants and that the delay of a few months which the representative of the United States had requested on 17 March, at the 145th plenary meeting, would be sufficient to enable that country to reach a decision.

55. It was in the interest of the international community that a universal convention on the law of the sea should be adopted. No country, whatever the circumstances, should obstruct the common effort to complete the convention because, in the absence of such an instrument, international differences would arise which could threaten peace and international security. He was firmly convinced that the convention would pave the way for the establishment of a just and equitable legal order covering the peaceful use of the oceans.

56. Mr. UL-HAQUE (Pakistan), speaking as chairman of the Group of 77, introduced the draft resolution on development of national marine science, technology and ocean service infrastructures (A/CONF.62/L.68).

57. The preambular paragraphs recognized the need to establish such structures in the developing countries, whether coastal, land-locked or geographically disadvantaged.

58. The operative part of the draft resolution was of a general character; it requested all member States to determine appropriate priorities in their development plans for the strengthening of marine science, technology and ocean services; it called upon the developing countries to establish programmes for the promotion of technical co-operation among themselves and urged the industrialized countries to assist the developing countries in the preparation and implementation of their marine science, technology and ocean service development programmes; it recommended that the World Bank and other multilateral funding agencies should co-ordinate and augment their financial assistance to developing countries and also recommended that all international organizations within the United Nations system should assist the developing countries in the field.

59. In operative paragraph 6, the Secretary-General was requested to transmit the draft resolution to the General Assembly; the number of the session had not been specified as the Group of 77 expected that the draft resolution would be submitted to the General Assembly as a recommendation at its next session. Consultations on the resolution had taken place with other groups and those had shown that, because of the lack of time, it would be preferable not to adopt that draft resolution at the current session but to postpone it until the resumed session. It was considered that the draft resolution could be adopted by consensus and that a debate on the issue could thus be avoided.

60. Mr. MWANANG'ONZE (Zambia) said that he wished to revert to the issues raised by Zaire in relation to articles 150 and 151 concerning the development of the resources of the Area. The developing countries which were land producers of minerals extracted from the Area might find themselves in a difficult situation and were unable to accept the current

formula which they considered discriminatory and incomplete. Although reference was made in article 150, paragraph (e), to promoting long-term equilibrium between supply and demand and in paragraph (g) to protecting developing countries from adverse effects on their export earnings or economies resulting from a reduction in the price of any of the minerals extracted in the Area, the solution proposed in article 151, paragraph 2 (b), was in direct contradiction to those objectives. That was what had led the developing countries to propose another solution in accordance with the spirit of the convention which encouraged activities to develop the resources of the sea-bed. His delegation hoped that by the time of the resumed session in Geneva the document containing that proposal would have been brought to the notice of all delegations. It was a very important matter which no delegation could ignore and which had to be resolved in a spirit of compromise in order to uphold the interests of all parties.

61. Lastly, he hoped that the delegations of developing countries which did not have a mission in Geneva would nevertheless have the opportunity to produce and distribute documents at the resumed session.

62. Mr. QUATEEN (Libyan Arab Jamahiriya) said that, unlike other delegations, he was not of the opinion that decisions adopted at the previous meeting concerning the programme of work for the resumed session created any confusion. At the end of its ninth session, the Conference had adopted a specific programme of work (A/CONF.62/BUR.13/Rev.1) outlining the successive stages of the tenth session. It therefore seemed unnecessary to try to determine, as some delegations were doing, whether that session would in effect be the last one or whether the text of the draft convention would have the required status of final document. In order to conclude the work of the Conference, it was above all necessary to show political will and take the necessary decisions. The programme of work for the current session had not been respected because the United States delegation had asked for special reasons to review the text of the draft convention. Although it was normal to have acceded to that request, it was impossible to postpone indefinitely the outcome of the Conference and to remain without a convention on the law of the sea. It was therefore essential that all delegations meeting in Geneva should be ready to take the necessary decisions, bearing in mind the interest of all parties.

63. Mr. SHEN Weiliang (China) said that, in accordance with the programme of work adopted at the ninth session, the Conference should have concluded with issues of fundamental importance at its tenth session and finalized the text of the convention. That had unfortunately not been possible because of the attitude of one delegation. His delegation therefore welcomed the proposal of the Group of 77 and other countries to resume the current session in Geneva in August to complete the work of the Conference.

64. Since 1973, the Conference had been carrying out very important work and had obtained tangible results. It had currently arrived at the final stage and it was normal that delegations should wish to conclude informal negotiations and finalize the text of the draft convention. The delegation which had caused the difficulties in question should therefore take

into account the tolerance shown by other delegations and show similar flexibility. His delegation hoped that at the resumed session in Geneva the Conference would be able to conclude all consultations on outstanding issues and improve the drafting of articles which were not yet satisfactory to all delegations, so that it could reach a consensus.

65. Mr. ARIAS SCHREIBER (Peru) said that he agreed with the idea of resuming the session in August to continue the work of the Conference in order to adopt as soon as possible the draft convention on the law of the sea, which had been in preparation for over 10 years. He was sure that the Conference would thus overcome the present crisis caused by the attitude of one State and that it would no longer have to suffer the frustration or the veiled threats which had marked the current session.

66. His delegation was convinced that all Governments had understood that no country was ready to accept the *diktat* of another, however powerful it might be, that States would firmly resist a policy of force imposed by another State and that, if the aim was to establish a law of the sea which was respected by all parties, that law had to reconcile the interests of all members of the international community and not cater to the special interests of one Government or the private enterprises of that country. Current international tension and the risk of seeing the developing countries or other States taking decisions outside the framework of international law were too serious for any other course of action.

67. His delegation hoped that the new United States Administration would study the draft convention wisely and realistically, honour the commitments made by its representatives and refrain from going back on those commitments at the resumed session, so that once negotiations on outstanding issues were concluded it would be possible to adopt a convention in the interests of mankind as a whole.

68. Mr. VALENCIA-RODRÍGUEZ (Ecuador) said that at the resumed tenth session the Conference would have to settle a number of outstanding issues referred to in the programme of work for the current session which fell within the mandate of the First and Second Committees. In addition to those issues, there were other issues which, in the opinion of many delegations, had not been sufficiently settled to permit a consensus. Therefore, consultations and negotiations both on outstanding issues and on matters which had not yet been settled to the satisfaction of all parties must take place.

69. The PRESIDENT hoped that the United States Government would carefully consider the draft convention for the resumed session in Geneva so that an agreement could be reached.

70. Mr. UL-HAQUE (Pakistan), speaking on behalf of the Group of 77, said that he hoped that the resumed tenth session of the Conference would produce more positive results and that all delegations would be ready to hold serious negotiations.

Suspension of the session

71. After an exchange of courtesies, the PRESIDENT declared that the tenth session was suspended.

The meeting rose at 6.40 p.m.