

Third United Nations Conference on the Law of the Sea

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156th Plenary meeting

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PLENARY MEETINGS

156th meeting

Monday, 8 March 1982, at 3.25 p.m.

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

Opening of the eleventh session

1. The PRESIDENT declared open the eleventh and final decision-making session of the Third United Nations Conference on the Law of the Sea.

2. The important decisions taken by the Conference at the end of the resumed tenth session were reproduced in documents A/CONF.62/114 and A/CONF.62/116.¹ The draft convention had been revised at the end of that session, and the revised version incorporated the recommendations of the Drafting Committee, as approved by the informal plenary; the decisions taken by the informal plenary on the sites of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea; and the proposal of the President on delimitation, contained in document A/CONF.62/WP.11. In accordance with the decision of the Conference, the draft convention had been issued as document A/CONF.62/L.78¹ and was no longer an informal text, but the official draft convention of the Conference, subject to the three conditions stated in document A/CONF.62/114 and repeated in the introductory note to the draft convention.

3. The programme of work for the final decision-making session was contained in document A/CONF.62/116, and, on behalf of the Collegium, he wished to reaffirm its commitment to that programme, which had been worked out after thorough consideration of all the elements needed to achieve the main objective of the current session, which was the expeditious and successful completion of its work. In accordance with that programme, the work of the session had been divided into five stages. The first would last three weeks, from 8 to 26 March, and during that stage the Conference would undertake three specific tasks. First, it would continue consultations and negotiations on pending issues. Three issues had been identified as being outstanding: treatment to be accorded to preparatory investments; the resolution establishing the Preparatory Commission; and the question of participation in the convention. Apart from those outstanding issues, delegations might suggest improvements to the text of the draft convention with a view to promoting general agreement. Secondly, the informal plenary would meet to process the recommendations of the Drafting Committee resulting from its intersessional meetings, held from 18 January to 26 February 1982. Thirdly, time would have to be allocated during the first stage to the Drafting Committee and its subordinate bodies in order to enable it to complete its work.

4. The Collegium welcomed the decision of the President of the United States of America to return to the Conference. It hoped that the specific proposals which the United States

delegation would be making to the Conference would be within the existing framework of Part XI of the draft convention and would take into account the legitimate interests of other countries. The Collegium would do its utmost to promote a good negotiating atmosphere and it urged all delegations to make one final effort, in good faith, to find generally acceptable solutions to the pending issues.

5. He felt bound to refer to one other matter which had the potential to jeopardize the good negotiating atmosphere which the leadership of the Conference was seeking to create. That was the proposal of four industrialized countries, France, the Federal Republic of Germany, the United Kingdom and the United States, to sign an agreement establishing a reciprocating States' régime or "mini-treaty" among themselves. On behalf of the Collegium, he wished to reiterate the appeal he had made to those four countries during the informal intersessional consultations not to proceed with their plan to conclude such an agreement.

6. The Collegium was convinced that the goal of adopting the convention on the law of the sea by 30 April 1982 was achievable. It was also the aspiration of the Collegium that the convention to be adopted would be one enjoying universal support. The Collegium believed that if the Conference worked hard, adhered to its work programme and negotiated the pending issues with a constructive attitude of seeking to accommodate one another's interests, it could achieve its twin goals.

7. Finally, it drew attention to paragraph 6 of General Assembly resolution 36/79 concerning contribution to the Hamilton Shirley Amerasinghe Fellowship. In view of the late President's contribution to the work of the Conference, he urged members to ensure that the necessary contributions were forthcoming to have the Fellowship implemented as early as possible. He was sure that many shared his view that the adoption of a United Nations convention on the law of the sea would be the greatest tribute to the late President.

Statement by the Secretary-General of the United Nations

8. The SECRETARY-GENERAL said that the Third United Nations Conference on the Law of the Sea was meeting for its eleventh session with the intention of embarking on its final decision-making process. The Conference was approaching its culmination after 14 years of sustained work, six of them devoted to the preparatory work and eight to the preparation of a draft document capable of securing general acceptance. The programme of work for the current session was so designed as to lead to the adoption at the end of April of the convention on the law of the sea, to be opened for signature at Caracas in September 1982.

9. Consensus appeared to prevail in world opinion on the indelible influence the Conference had had on the progressive

¹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV (United Nations publication, Sales No. E.83.V.4).

development of international law, on the actual practice of States with regard to the use of the seas, on methods of multilateral negotiations and even on the use of legal vocabulary in six official languages.

10. Thanks to the collective effort over the years, the concept of the common heritage of mankind, as applied to the sea-bed and ocean floor beyond the limits of national jurisdiction, which had been solemnly proclaimed by the General Assembly, had been shaped into a new entity of international law which guaranteed that in the exploitation of the resources of that area, account should be taken of the interests of all mankind. Those interests included not only those of developing and industrialized countries but also those of future generations who were entitled to inherit a marine environment which was a source of life and not a seed of destruction or a cause of conflict among nations. That new concept, moreover, made possible a stable legal régime for those seeking to exploit those resources.

11. In order to establish the limits of that international Area, the Conference had had to make a major effort to settle all the problems concerning national jurisdiction that had given rise to disagreement and conflict for some four centuries.

12. States had grasped the need to resolve the problems of the sea globally, and to that end had devised a decision-making system consistent with that need. The Conference had been faithful to the spirit and letter of the Gentleman's Agreement appended to its rules of procedure, under which the Conference, bearing in mind that the problems of ocean space were closely interrelated and needed to be considered as a whole and the desirability of adopting a convention that would secure the widest possible acceptance, was to refrain from voting on substantive matters until all efforts at consensus had been exhausted.

13. It was difficult to imagine how, after so many years, anyone should want to leave the few remaining problems to be resolved by time. It had to be accepted that the establishment of a legal régime for the seas that was conducive to bringing about a just and equitable international order demanded sacrifices and concessions from everyone, but especially from those who were best placed to derive immediate benefits from new uses of the sea.

14. In all probability, no State would leave the Conference having got everything it wanted. Most States would view the convention as an inextricable blend of successes and concessions. That was the predictable result of those negotiations, so broad and diverse with regard to the subjects covered and the participants, which had required of many States a process of introspection—sometimes painful—but which were the very essence of interdependence and international co-operation.

15. It was his firm hope that under the leadership of the President and the General Committee, the Conference would provide an effective example that would demonstrate that problems affecting the entire international community could be resolved by multilateral negotiations within the framework of the United Nations. The convention which it would adopt would be a cornerstone of the efforts of States to build a better world.

Changes of membership in the organs of the Conference

16. The PRESIDENT announced that Ireland would replace Belgium as a Vice-President during the eleventh session of the Conference and that Mr. Keith Brennan of Australia had been nominated by his Government to replace Mr. John Bailey (Australia) as Rapporteur of the First Committee. If he heard no objection, he would take it that the Conference agreed to those changes.

It was so decided.

Report of the Chairman of the Drafting Committee

17. Mr. BEESLEY (Canada), speaking as Chairman of the Drafting Committee, introduced his report

(A/CONF.62/L.85). It should be noted that at a meeting of the Collegium it had been agreed that the language groups of the Drafting Committee should meet throughout the first week of the session and that an informal plenary meeting would be held on Friday, 12 March, in order to consider the recommendations of the Drafting Committee on Part XI of the draft convention.

Other matters

18. Mr. UL-HAQUE (Pakistan), speaking as Chairman of the Group of 77, said that although the Group had clearly enunciated its position at the previous session, the signals that it had sent either had been ignored or had not been understood and the import of its message appeared to have been lost, so that tactics were being used which were not consonant with the seriousness of purpose that the developing countries brought to the Conference. The Group of 77 was therefore determined to remove all grounds for misinterpretation or misrepresentation of its position on the issues that were before the Conference at its final, decision-making, session.

19. The Group of 77 had made every effort in past years to achieve a universally accepted convention on the law of the sea. In statements on 10 August 1981 and at the 152nd plenary meeting of the Conference on 17 August, he had provided an exhaustive analysis of the nature of the compromises worked out for the text as a whole, and in particular for Part XI, and of the major concessions made by the Group of 77 during the negotiations.

20. One development since the resumed tenth session had been the announcement by the President of the United States on 29 January 1982 of his country's willingness to return to the negotiations with a view to adopting an acceptable convention. However, the President's statement had also set forth certain objectives of the United States Government which did not appear to be conducive to the early conclusion of the negotiations. Thereafter a paper had been presented by the United States delegation at the informal intersessional meetings on 24 February 1982 suggesting a range of options on almost all the basic issues of the package—negotiated earlier with the full participation of the United States delegation—which would have the effect of scuttling the whole international régime for the exploitation of sea-bed resources. All participants in the Conference, including the United States delegation, were undoubtedly aware that the exercise of drafting the convention had long since passed the conceptual stage and had gone on to the practical stage of specific texts which had been agreed to by all parties. To submit at so late a date, therefore, a paper which went back to concepts and ideological preferences that had been discussed comprehensively and had either been discarded or provided for, by consensus, in the text would set the negotiations back to the early 1970s and mean embarking on the preparation of a new text—an exercise which, if undertaken, might take another five years, with no guarantee that an acceptable convention would emerge at the end. The United States proposals also seemed to imply that the existing text reflected the views of the Group of 77 as opposed to those of the United States; that was flying in the face of facts. The draft convention was not reflective of the position of the Group of 77. It was the product of compromises accepted, unhappily and after great soul-searching, by the Group merely for the sake of arriving at a body of law that would be universally adhered to.

21. The Group of 77 had clearly stated at the resumed tenth session that issues which had been settled and included in the text on the basis of document A/CONF.62/62² were not open to renegotiation, and that the Conference should concentrate on the outstanding issues with a view to concluding its work speedily. The Group had also rejected any piecemeal

² *Ibid.*, vol. X (United Nations publication, Sales No. E.79.V.4).

approach for renegotiation on issues which had already been agreed to and included in the text as a package. As he had stated on 10 August 1981, the United States had declined to be specific, but had conveyed the clear message that it intended to reopen at a later stage issues of principle as well as substance, certainly on Part XI and perhaps on others. The Group of 77 had therefore called for comprehensive and concrete proposals which would reflect clearly the position of the United States on all issues that it wished to be discussed, and the Group's position remained unchanged. However, the United States had returned to the Conference with a range of vague options and elaborations of the concerns that it had outlined at the previous session. The Group of 77 could not visualize any advantage in that approach to any participant in the Conference and was not prepared to discuss problems of concept and ideology which had already been disposed of at earlier sessions of the Conference.

22. However, the Group of 77 was still prepared to give a serious hearing in the forthcoming three weeks to any concrete proposals that might be made, in an overall framework, aimed at improving the existing text without calling into question the fundamentals of the package, but to expect the Group of 77 to discuss the range of options contained in the United States paper of 24 February 1982 would be unrealistic. The Group of 77 had waited patiently and long for the United States Government to consider its position in depth, but that Government's blithe disregard not only of the position of the Group of 77 and other participants in the Conference but also of the position that it had itself taken during past negotiations was disappointing.

23. Unfortunately, the situation facing the Conference at the beginning of its eleventh session was one of confrontation. The apparent effort to delay the adoption of the convention was hardly a constructive development. The situation was none of the Group of 77's making. The Group had called upon the United States time and again to be specific, but in vain. The member States of the Group of 77 had likewise watched with disbelief and growing concern the efforts of some industrialized countries to enter into what was euphemistically referred to as a reciprocating States' arrangement, but which was tantamount to the conclusion of a mini-convention among those States for unilateral exploitation of the resources of the sea-bed Area which, by agreement, had been declared to be the common heritage of mankind. Such arrangements were viewed by the Group of 77 as repugnant to the Convention and as an act of bad faith on the part of those that had been actively participating in the negotiations for the conclusion of a universally applicable convention on the law of the sea.

24. The Group of 77 demanded that there should be no effort to establish an apparently interim system which could set the stage for a permanent arrangement parallel to but entirely incompatible with the draft convention. It wished to state unequivocally that such arrangements would not be acceptable and would be challenged at every stage by the developing world.

25. It would not be entirely unreasonable to conclude that the combination of delaying tactics at the Conference and the conclusion of arrangements outside the ambit of the convention among a few industrialized States was intended to postpone indefinitely the adoption of a universal convention and to commence the exploitation of the resources of the sea-bed Area under unilateral legislation. It was most regrettable that certain States whose active collaboration with the Group of 77 had produced a draft convention largely acceptable to them were apparently keeping silent and listening to what they perceived to be the sound of a more alluring drum. The statement of the Group of 77 was addressed to them, as much as it was to any single State, as an appeal not to be blind to the common good enshrined in the draft convention—which was

not a convention of the Group of 77, but the draft which had been determined by the Conference as a whole to command the best possible chance of consensus adoption.

26. At the end of the tenth session, the Conference had by consensus adopted a programme of work (A/CONF.62/116) for the current session which would culminate in the adoption of the convention by the end of the session. The Group of 77 firmly held that that programme of work must be adhered to in its entirety, and would not accept any deviation from it. The forthcoming three weeks had been allocated to the continuation of informal negotiations. Those three weeks gave delegations their last opportunity to place before the Conference immediately any specific proposals which they might have in order to enable the Conference to consider such proposals within the allotted time. Proposals must be exhaustive and should be made in full awareness of the determination of the Group of 77 to conclude negotiations by the end of the third week and to proceed to the adoption of the convention by the end of the session. The Conference would have to work quickly in order to resolve the outstanding issues within that period. In that context, the study on the effects of production ceilings on land-based producers (A/CONF.62/L.84 and Add.1), requested by the First Committee at the previous session, might be made available to delegations for their consideration. For some weeks the Drafting Committee had been working diligently to conclude its work on the convention. The Group of 77 urged it to finish its work on all parts of the draft convention by the third week of the current session in order to enable the Conference to proceed to its adoption within the agreed time-frame.

27. The Group of 77 had reached its position after deep thought and exhaustive consideration of all facets of the issues involved. It believed that the draft convention as it stood barely protected the interests of the developing States, and could not accept any changes which would result in a system whereby only a handful of States would benefit from the exploitation of the Area outside national jurisdiction. It adhered to its desire to adopt a universally accepted convention based on justice and equity. It could not be expected to sign away the interests of developing countries in the benefits to be derived from the exploitation of the resources of the sea-bed. Furthermore, the Group of 77 could not be accused of having adopted an inflexible or unreasonable position. It had gone out of its way to accommodate the interests of other States—even, at times, at the expense of the interests of its own members. It could not countenance the destruction of a package so laboriously constructed in long and intensive negotiations. There must be a convention universally applicable and preferably universally adhered to. No unilateral exploitation of the common heritage of mankind by States which had the capacity to do so at the expense of those that did not must be permitted. The Group of 77, which spoke for three quarters of the membership of the Conference, hoped that the current session would be approached in a constructive spirit by all delegations participating in the negotiations with a view to finalizing and adopting a convention on the law of the sea which would serve the international community equally and equitably in the years to come.

28. Mr. KOZYREV (Union of Soviet Socialist Republics) said that the task of the Third United Nations Conference on the Law of the Sea was to establish an international legal régime for harnessing the use of the world's oceans and their resources for the benefit of all mankind. To that end, the overwhelming majority of States, through good will and a constructive negotiating position, had overcome many difficulties and had made progress towards achieving the compromise agreements reflected in the draft convention. It was unfortunate that at the tenth session consensus had been blocked by the obstructionism of a single country, the United States. As a result of intensive negotiations, however, the draft

convention was an almost complete legal instrument, and only provisions on a small number of outstanding issues remained to be worked out. His delegation fully shared the views of the Group of 77 and the hope that the Conference would at the current session successfully conclude the task assigned to it, as envisaged in paragraph 1 of General Assembly resolution 36/79.

29. The group of Eastern European States, like most of the participants in the Conference, believed that the draft convention was a balanced package of compromise agreements on all interrelated law-of-the-sea issues and that, consequently, the revision of fundamental provisions in even a single section of the document would destroy the whole draft convention, lead to a deadlock within the Conference and make the adoption of the convention virtually impossible. The group of Eastern European States was convinced that the early adoption of a convention on the basis of the existing draft would promote peace and international co-operation and serve the interests of all countries and peoples. It believed that any attempt to reopen debate on matters already agreed upon through compromise would be to the advantage of only the country or countries that wanted to prevent the adoption of the convention so that they could unilaterally start exploiting the resources of the international sea-bed Area. His delegation therefore favoured strict observance of the approved programme of work for the eleventh session.

30. The delegations on whose behalf he was speaking were, however, prepared to discuss certain outstanding questions, but only on the basis of specific proposals likely to produce results. They agreed with the Group of 77 that if the United States did ask the Conference to consider proposals for the amendment of Part XI, it would have to submit them in a concrete form and all together, so as to give the Conference a clear picture of their nature and purpose and of their possible impact on the remainder of the draft convention. Only on those conditions was the group of Eastern European States prepared to consider any United States proposals with a view to determining whether negotiations could be reopened on the relevant topics: in other words, only proposals that did not jeopardize the existing structure of the convention, adversely affect other States' interests or confer unilateral advantages on a single State would be considered. Ideally, the convention should be adopted by consensus and all States should be parties to it. If, however, one or more countries persisted in trying to change the fundamentals of the existing draft convention, the group of Eastern European States would be prepared, with other countries, to adopt the draft convention as a whole by vote, even if the country or countries concerned refused to become a party to it; in that case full responsibility for the resort to vote would be borne by those who had insisted upon revision.

31. Ms. DEVER (Belgium), speaking on behalf of the 10 member States of the European Economic Community, said that the Council of the Community had, on 22 February, unanimously adopted a decision relating to the problems of exploitation of the sea-bed in which they had affirmed the need to adopt by consensus an international convention acceptable to all parties represented in the Conference. The Council had consequently expressed the hope that the Conference would take into consideration the changes suggested by delegations concerning Part XI of the draft convention and the related annexes, including the points raised by the President of the United States in his statement of 29 January 1982. The Council had also stressed what the Community had at stake in the negotiations, with particular reference to the supply of raw materials required by the industries of its member States, which must participate in future exploitation under the international convention. It had pointed out that the development of marine mineral resources must serve the interests of both industrialized and developing countries by

permitting the gradual but real effective exploitation of the sea-bed and by making an effective contribution to the development of the developing countries.

32. Mr. SHERMAN (Liberia), speaking on behalf of the group of African States, fully endorsed the statement made by the Chairman of the Group of 77. The group of African States preferred a universal convention on the law of the sea and therefore welcomed the decision of the United States to rejoin the negotiations.

33. The Declaration adopted by the General Assembly in 1970³ stated that the sea-bed and the ocean floor and the subsoil thereof were beyond the limits of national jurisdiction, and their resources were the common heritage of mankind, to be exploited for the benefit of mankind as a whole, with particular consideration for the interests and needs of the developing countries, and that all activities relating to the Area should be governed by an international régime, including the appropriate international machinery. The effect of those provisions was to make each State individually and collectively responsible for ensuring that activities in the Area were conducted in conformity with the proposed international régime. The African countries remained deeply committed to that principle, as evidenced by their preference for a universal treaty rather than the mini-treaties contemplated by some States. Such unilateral arrangements could only destroy what had taken years to build.

34. The group of African States commended the Secretary-General for preparing the preliminary study requested by it at the tenth session on the impact of the future convention on the economies of developing countries which were producers and exporters of minerals to be extracted from the international sea-bed Area (A/CONF.62/L.84 and Add.1). The group appealed to all delegations to examine that study and to work for a solution to the problem of production limitation, which was crucial in order to conclude a more viable and a generally acceptable convention on the law of the sea.

35. Mr. MARINESCU (Romania) said that the fact that the Conference was starting its final session made it more important than ever to make every effort to achieve a universal convention on the law of the sea reflecting the positions and interests of all States. His delegation's position of principle had been reflected in the statement just made by the Chairman of the Group of 77. He would therefore confine himself to stressing the exceptional importance which his delegation, like many others, attached to the fundamental concept of the common heritage of mankind, which must be preserved and consolidated in the final text, whose provisions must provide for the exploitation of the international Area of the sea-bed in the interest of all countries.

36. His delegation held that all problems which were still awaiting a generally acceptable solution should be examined with the greatest care in consultations and negotiations conducted in a constructive spirit, patiently and in good faith, within the bodies and under the procedures established by the Conference itself. His delegation therefore urged the President to take the necessary measures to that end.

37. The questions on which consensus was yet to be achieved included access of geographically disadvantaged countries to the biological resources of the exclusive economic zone, the passage of foreign military vessels through the territorial sea and certain points in the final clauses, particularly the reservations, all of which were within the competence of the Second Committee. It would be recalled that at Geneva the President had stated that those problems would be brought to the attention of the Chairman of the Second Committee, but since in fact no such action had been taken, his

³ Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof beyond the Limits of National Jurisdiction (General Assembly resolution 2749 (XXV)).

delegation requested the President to take all the necessary steps to organize consultations and negotiations on all pending questions so as to make the improvements needed if the draft convention was to reflect the positions and interests of all States.

38. The PRESIDENT said that the Chairman of the Second Committee was undertaking consultations with a view to possible meetings of that Committee during the second week of the session.

39. Mr. LIANG Yufan (China) said that the task at the current session was to complete the work on the draft convention which had been started in informal negotiations. More time was required to produce consensus on certain points still outstanding or not mentioned in the existing text.

40. His delegation welcomed the decision by the United States to return to the negotiations after causing them to be delayed for one year by requesting a review of the draft convention. It was regrettable, however, that the United States' approach, as indicated in informal negotiations and in its position paper of February 1982, had remained unchanged since the tenth session and that it continued to call into question all of Part XI of the text, thereby creating great difficulties for the Conference. His delegation stressed that the articles in Part XI were a package which reflected a great deal of compromise, particularly on the part of the developing countries. The principle of the common heritage of mankind and the need for provisions which would benefit everyone could not be changed without undermining the principles and purposes of the convention, thereby destroying the package. His delegation strongly endorsed the position of the Group of 77 and hoped that the United States would adopt a realistic position and co-operate with a view to enabling the Conference to fulfil its task and complete its programme of work.

41. Mr. JEANNEL (France), referring to the President's appeal to four industrialized States not to conclude reciprocal agreements in the present circumstances, wished to confirm the statement by the representative of France on 24 February last, during informal consultations, and said that his delegation had taken note of that appeal and hoped it would be heeded.

42. Mr. RATTRAY (Jamaica) said that his delegation would co-operate in all efforts to produce a generally acceptable convention promptly and in accordance with decisions already taken. It whole-heartedly endorsed the position of the Group of 77, and had taken very seriously the Conference's decisions relating to the completion of its work and to the convening of the Preparatory Commission for the establishment of the International Sea-Bed Authority at the earliest possible date.

43. He observed that an understanding had been reached at Geneva that the candidate host-countries for the Authority and the Tribunal would have to be parties to the convention if they wished to retain support for their candidatures.

44. The Conference must make progress at the current session if it was to retain its credibility. For its part, his delegation intended to respect the time-table for completion of work and could assure delegations that work on the facilities for the International Sea-Bed Authority was proceeding on schedule and that the facilities would be available on time.

45. Mr. NUSEIBEH (Jordan), speaking on behalf of the Arab States, said that he trusted that the eleventh session of the Conference would be crowned with success. His delegation agreed with the Secretary-General with regard to the relevance to the draft convention of the concepts embodied in the Charter of the United Nations.

46. No State had the right to control the seas and oceans, which covered some three quarters of the surface of the globe. The issues before the Conference were not transient: what was at stake was a convention on the exploitation of the

resources of the seas in the interests of all mankind. The heritage of generations unborn was at stake. No particular group of States should be placed in a more advantageous position than others, if injustice and oppression were to be avoided.

47. It was not possible to return to the lawless past on the high seas. It was essential to adopt international legislation governing the seas in the interest of all States and peoples. His delegation agreed with the Group of 77 that the convention should be finalized at the current session.

48. Interdependence was the key to the prosperity of all States. Should a majority of mankind be excluded from the economic benefits of exploiting the sea's resources, both developing and developed countries would be adversely affected. His delegation fervently hoped, therefore, that the Conference would successfully conclude its work, rather than sowing dissension for future generations.

49. Mr. PINTO (Portugal) said that his delegation wished to see the convention completed. There were, however, certain outstanding questions which had to be resolved. One such question concerned the conditions on which the medium-size industrialized countries would have access to the Authority. There was also the question of legal protection for workers in the Area and, more specifically, those employed by the Enterprise, a subject of concern to the International Labour Organisation.

50. The PRESIDENT said that he would be pleased to receive details of any Portuguese proposals for appropriate labour legislation.

51. Mr. LUCIO PAREDES (Ecuador) said that his delegation agreed with the Secretary-General on the need to preserve the universal nature of the convention. Many sacrifices and concessions by States had been necessary to achieve consensus on adopting legislation which would govern all maritime relations between States. The legal framework adopted must protect development and relations between States.

52. It was important for the Conference to conclude its work at the current session, so that the convention could be signed in Caracas later in the year. His delegation was pleased that the United States had decided to return to the negotiations. It was to be hoped that specific and comprehensive formulae would be forthcoming for consideration by all States so that the work of the Conference could be brought to an end. The resources of the seas were the common heritage of mankind and should be exploited for the benefit of all States.

53. Mr. KOROMA (Sierra Leone) said that he hoped that the Conference would conclude its work at the eleventh session and that no time would be wasted.

54. The PRESIDENT said that, as a result of informal inter-session consultations, a number of industrialized countries wished to submit a joint paper concerning the treatment of preparatory investments. Another outstanding matter was that of the resolution on establishing the Preparatory Commission.

55. Mr. MARSHALL (United States of America) said that the paper referred to would shortly be ready for consideration by the Conference.

56. The PRESIDENT said that he was sure that the United States delegation had noted the Conference's commitment to its time-table.

57. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that delegations were attending the session in order to negotiate the outstanding matters before the Conference, which intended to adopt the convention at the end of the session. They should therefore be ready to negotiate all aspects of outstanding questions without further delay.

58. Mr. THOMPSON-FLORES (Brazil) said that he wished to know, in view of the United States statement, what work

the working group of 21 on First Committee matters would be doing in the immediate future.

59. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that the Conference had to proceed with its work. The delegations preparing the paper on the treatment of preparatory investments had undertaken not to interrupt the work of the session, but their proposals had not yet been submitted to the Conference.

60. Mr. MARSHALL (United States of America) said that his delegation was aware of the need to proceed quickly. The industrialized States concerned would complete their paper and submit it to the Conference as soon as possible.

61. The PRESIDENT said that a more specific commitment would have been helpful.

62. Mr. THOMPSON-FLORES (Brazil) said that because of the prevailing uncertainties, the working group of 21 could, for the time being, deal only with the question of the Preparatory Commission. The Conference could not remain in suspense: a precise schedule of meetings was essential.

63. The PRESIDENT said that preparation of such a schedule was already under way. If the industrialized States were not ready to submit their paper, the Conference should not waste time but should take up other outstanding matters.

64. Mr. JUNG (Federal Republic of Germany) said that the question of the participation clause also had to be considered.

The meeting rose at 5.40 p.m.

157th meeting

Monday, 29 March 1982, at 11.50 a.m.

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

Organization of work

1. The PRESIDENT said that the purpose of the meeting was to hear reports submitted by the President of the Conference and the Chairmen of the main Committees and of the Drafting Committee; there would be no discussion of those reports at the meeting as envisaged in the programme of work (A/CONF.62/116),¹ delegations would be able at meetings to be held later in the week to make statements on the first stage of the session; such statements would be limited to 15 minutes. Some delegations might wish to comment on other matters and would not be ruled out of order if they did so. It had been agreed by the President and Vice-Presidents, however, that delegations would be ruled out of order if they exceeded the 15-minute time-limit. In that connection, it would not be helpful if delegations tried to read lengthy statements hurriedly, as that would provide problems with regard to interpretation. They should instead draft their statements so that they could be read at a reasonable pace within the prescribed time.

Report by the President on the question of participation in the convention

2. The PRESIDENT introduced his report (A/CONF.62/L.86 and Corr.1) and drew attention to a typographical error in paragraph 13 bis: the word "not" in the second sentence should be deleted.

Report by the Chairman of the First Committee

3. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, said that the programme of work adopted by the Conference (A/CONF.62/116) prescribed that the first three weeks of the current session should be dedicated to continuing consultations and negotiations on pending issues. No time and effort had been spared in a collective search for compromises, especially on outstanding issues, to widen still further the existing consensus embodied in the draft convention. The main driving motivation had

been the accommodation of diverse national, regional and global interests in the pursuit of a universally recognized international law of the sea.

4. The First Committee had held two formal meetings, on 9 and 29 March 1982. At the 55th meeting, the Special Representative of the Secretary-General had introduced a preliminary report on the possible impact of the convention, with special reference to article 151, on developing countries which were producers and exporters of minerals to be extracted from the Area (A/CONF.62/L.84). At the request of the delegation of Zambia, the Committee had requested the Secretary-General to prepare an addendum to that preliminary report containing calculations of production ceilings under assumptions provided by the delegation of Zambia. That additional report was reproduced in document A/CONF.62/L.84/Add.1.

5. At the 56th formal meeting the Committee had had before it the report of the Co-ordinators of the working group of 21 (A/CONF.62/C.1/L.30). The working group had held 11 meetings to discuss pending issues, including the Preparatory Commission and the treatment of preparatory investments. He strongly commended the recommendations contained in the report of the Co-ordinators as providing a sufficient basis for widespread support and possible consensus. The proposals sought, first, to meet the concern of the industrialized States for the protection of preparatory investments by existing pioneers in the field. They also provided a favourable response on the issue of direct access to the resources of the Area, which was considered to be of critical importance to the industrialized States and mining companies. The special status accorded to pioneer investors also resolved the nagging problem of an early start to sea-bed mining processes both for mining companies and for the Enterprise. The proposals also cleared the way for orderly access for the Enterprise to finance and technology without the headaches and apprehensions that had arisen in the past.

6. The proposals also provided for dispute settlement by the pioneers themselves with regard to identification of mine sites, thus adopting the central theme of those States which had desired separate agreements in declared apprehension of conflict among them. If the assertions made to the Conference to justify such agreements contained the whole truth, the arrangements proposed under the relevant draft resolution

¹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV (United Nations publication, Sales No. E.83.V.4).