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160th Plenary meeting

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that the draft resolution establishing the Preparatory Commission included provisions relating to its role with regard to preliminary investment. The appropriateness of those additions could not be judged until a number of questions relating to preliminary investment had been answered, but in the meantime his delegation had serious doubts as to whether a resolution was an appropriate method to confer legal capacity, as proposed in paragraph 6 (*ibid.*, annex I). Paragraph 13 did not meet his delegation's contention that the Preparatory Commission should be financed by a loan from the United Nations and not from the regular United Nations budget. With those reservations, his delegation recognized that the draft resolution on the Preparatory Commission had improved as a result of recent discussions.

109. The discussions at the intersessional meeting and in the working group of 21 on preparatory investment had been useful in clarifying the issues and in providing a suitable interim framework for pioneer investors to continue their work. His delegation was pleased to note that there had been general agreement that such an arrangement must be provided and recognized that the draft resolution governing preparatory investment in annex II of document A/CONF.62/L.30 represented a synthesis of many of the points raised in the discussions.

110. His delegation could agree that pioneer investors should proceed in a manner compatible with the provisions of the convention, but it had some difficulty with the proposal in annex II to the report of the co-ordinators of the working group of 21. The definition of pioneer investors itself created doubt about which entities might enjoy pioneer status. A future cut-off date for qualifying investment, and the possibility of qualifying with smaller initial investments, introduced uncertainty. Further uncertainty was introduced by the final paragraph of the draft resolution, which provided for automatic termination after five years; that undermined the degree of assurance that the resolution could provide for investors. The two essential elements of a preparatory investment protection provision were that it should provide both for access to a specific mining site and for the continuance of all stages of operations. Both were essential if the mining companies were to be able to obtain the necessary finance. The current proposal did not provide that assurance, but it could be improved in order to do so. The diligence requirement included failed, unfortunately, to take into account the operating programmes of operators.

111. Turning to the question of compensation raised in document WG.21/Informal Paper 23, he said that his delegation felt that any such provision, whether applying during the life of the Preparatory Commission or after its entry into force, had to be viewed in conjunction with the other major provision of article 151, namely, limitation of production. As a means of providing for land-based producers whose economies might be adversely affected by sea-bed mining, his delegation was prepared to consider sympathetically schemes of economic adjustment assistance. That could be considered only if production limitation were changed significantly.

112. Turning to Part XI of the draft convention, he said that his delegation had consistently argued that the matters listed by the President of the United States in his statement of 29 January 1982 should be considered by the Conference. He hoped that with flexibility on both sides it would still be possible to agree on changes which would enable the Conference to adopt by consensus a convention in which all countries, including the United States, could participate.

113. The group of 11 "friends of the conference" had put forward in document WG.21/Informal Paper 21 and Add.1 proposals which, if adopted, would considerably improve Part XI, particularly with regard to the transfer of technology and the approval of contracts and plans of work. The proposals did not entirely coincide with the views of his delegation on those matters, but the document offered a good basis for negotiation. Moreover, those proposals failed to cover other matters in Part XI that were still of concern to his delegation, which continued to believe that matters concerning specific policies of the Council, the subject of article 162, paragraph 1, should be included in the consensus procedure.

The meeting rose at 6 p.m.

160th meeting

Tuesday, 30 March 1982, at 8.05 p.m.

President: Mr. A. ARIAS SCHREIBER (Peru)

Consideration of the subject-matter referred to in paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973 (*continued*)

1. Mr. ELLIOTT (Belgium), speaking on behalf of the European Economic Community and its 10 member States and referring to the report on the question of participation in the convention (A/CONF.62/L.86), thanked the President for his efforts to find ways of enabling international organizations to participate. The debate on that question centred on the participation of the European Economic Community and contacts between the various delegations had helped everyone to understand the problems better. The current text still presented difficulties for the Community, which would, however, in a spirit of compromise, raise only one.

2. The wording of article 4, paragraph 6, of the informal proposals (A/CONF.62/L.86, annex I) created great difficulties. Delegations would remember that it was the Community which had originally proposed a provision on national treatment. That provision was no longer necessary and could in fact lead to misinterpretations. The interests of parties to the convention were suitably safeguarded by the provisions of article 4, paragraphs 5 and 7. He therefore proposed, on behalf of the Community and its 10 member States, that article 4, paragraph 6, should be deleted.

3. Mr. HAYES (Ireland) said that one subject of most direct interest to his country, as a member of the European Communities, was that of the participation of international organizations in the future convention. His delegation fully endorsed what the previous speaker had said and, subject to adoption of the change suggested by him, the informal proposals should be included in the revised text of the draft convention. His delegation also favoured incorporating the draft decision and the draft resolution in annexes II and III, respectively, of document A/CONF.62/L.86, the resolutions on the Preparatory Commission and preparatory investment in annexes I

and II of document A/CONF.62/C.1/L.30, and the United Kingdom proposal mentioned in document A/CONF.62/L.87, paragraphs 6 and 8, for amendment of article 60, paragraph 3, of the draft convention. Revision on those lines would enhance the prospects of consensus.

4. His delegation could accept, as the future convention, the draft incorporating the suggested revision and could also accept further adjustments in some areas, especially in Part XI of the convention, if they would meet the concerns of other delegations and facilitate their support for adoption. But the reopening of fundamental issues would not be productive and it was to be hoped that the rest of the session would be used realistically to reconcile differences and promote adoption of the convention by consensus.

5. Mr. ROBLEH (Somalia) said that, throughout the Conference's lengthy negotiations, developing States had made significant concessions in such areas of vital importance to them as the régime of passage through straits used for international navigation, the concept of the exclusive economic zone, marine scientific research and the sensitive question of the settlement of disputes. The most recent concessions by the Group of 77 were on the issues of the Preparatory Commission and preparatory investment, but all had been made in the sincere desire for a treaty which would establish a universal legal order in place of the current chaos.

6. His delegation continued to support efforts for the adoption of a universally acceptable convention by the end of April 1982, but felt obliged to raise a sensitive issue which had not been tackled seriously by the Conference, namely, the régime for the passage of warships through the territorial seas of coastal States. International customary law, as evidenced by the practice of States, granted implicit powers to coastal States to distinguish between merchant ships and warships in regard to the regulations applicable to each. Since the two categories were used for entirely different purposes, it stood to reason that their passage through the territorial seas of coastal States should be subject to differing regulations. That contention was reinforced by the fact that in their national legislation many coastal States stipulated prior authorization by them or prior notification to them for the passage of warships through their territorial seas. It was to obtain a clear-cut provision on the issue and avoid future controversies that a large number of developing coastal States had submitted the proposal contained in document C.2/Informal Meeting/58/Rev.1. The issue was of vital importance to the security of small developing coastal States and he hoped that a compromise could be reached through a resumption of the relevant consultations initiated by the Chairman of the Second Committee and reflected in the final version of the draft convention to meet the anxieties voiced by many of them during the Conference.

7. His delegation had been among those urging the imperative need to refine still further article 63, paragraph 2, of the draft convention relating to the conservation of stocks occurring both within the exclusive economic zone and in an area beyond and adjacent to it. It gave unqualified support to efforts to improve the text so as to incorporate in the convention the most effective mechanism for conserving such species.

8. Finally, guided by the principles in the Declaration of the Organization of African Unity on the law of the sea, adopted by the Council of Ministers of the Organization of African Unity at its thirty-fifth ordinary session held at Freetown, Sierra Leone, in 1980 (A/CONF.62/104),[1] on participation of national liberation movements in the convention and by its own moral commitment to the cause of liberation, Somalia urged that such movements should be granted the status of full parties to the convention.

9. Mr. KIRCA (Turkey) said that his delegation's principal preoccupation was to secure the minimum conditions for his Government to be able to accede to the convention. Unfortunately, article 3 (Breadth of the territorial sea), as currently worded, was not acceptable since, in the case of semi-enclosed seas, it permitted a coastal State to acquire almost all the high seas and turn them into its own territorial waters. It was abundantly clear that that would contravene the convention's general rule relating to non-acceptance of the abuse of rights. Article 3 had to be drafted with due regard for the principle of equity or, alternatively, the convention must unambiguously provide channels for reaching agreement on the basis of equity. Failure to deal with the problem might lead to intractable disputes and even worse crises. The convention should be able to provide solutions for current and possible future disputes, instead of sowing the seeds of new conflicts. No country, including his own, should be expected to accept another country's unilateral decision to impose restrictions on international waters by declaring them its own territorial sea, totally disregarding the position of the other State or States concerned. His country therefore requested that its reservation with respect to article 3 be placed on record.

10. For the same reasons, Turkey also reserved its position on article 33 (Contiguous zone), being of the opinion that the breadth of contiguous zones in semi-enclosed seas should be determined only by agreements reached directly between riparian States. Similarly, the drafting of article 15 (Delimitation of the territorial sea between States with opposite or adjacent coasts) did not take into account situations that a country might face in semi-enclosed seas and, for that reason, his country maintained its right to a reservation on the article.

11. With regard to articles 74 and 83 of the draft convention, relating to the delimitation of the exclusive economic zone and of the continental shelf between States with opposite or adjacent coasts, Turkey was not bound by any convention or agreement and no international custom in the matter could be invoked as binding international rules in respect of Turkey. His country's view was that those issues in such seas could only be settled by agreements reached directly between the parties concerned on the basis of equity, and it therefore maintained its right to formulate reservations also on articles 74 and 83. It was evident that islands situated in such semi-enclosed seas presented problems for the same reasons. Article 121 (Régime of islands) was unacceptable in its present form and his country maintained its right to reserve its position on that too. Finally, it also reserved its position on article 21 (Laws and regulations of the coastal State relating to innocent passage), which it wished to study further.

12. Mr. HUMAIDAN (United Arab Emirates) said he trusted that the Conference would arrive at a convention which would be compatible with the objectives of the United Nations and preserve the rights and rival interests of small developing countries. Exploitation of the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction for the benefit of mankind as a whole was one of those objectives and one which had led the developing countries to be flexible and positive in their negotiations with developed industrial countries. He therefore wished to emphasize the following points.

13. First, his country continued to believe that delimitation of the continental shelf, as provided for by article 76, paragraphs 2, 4 and 6, of the draft convention, required to be defined more equitably, since the delimitation envisaged would clearly reduce the total area left to be the common heritage of all mankind. That would be detrimental to the principles of the convention since it would benefit coastal States with large continental shelves to the detriment of the common heritage.

[1] See *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).

14. Secondly, his delegation believed that the draft convention's solution to the delimitation of the continental shelf and the exclusive economic zone between States with opposite or adjacent coasts, in articles 83 and 74 respectively, was not clear enough and that a simple reference to Article 38 of the Statute of the International Court of Justice was insufficient. It therefore continued to believe that the best solution would be to adopt the median principle in such cases, because it was both clear and equitable.

15. Thirdly, with reference to article 21 of the draft convention, his delegation felt it was necessary to adopt the amendment proposed by a large group of countries providing for prior authorization or notification in the case of the passage of warships through territorial seas. That was undoubtedly in line with the United Nations objective to preserve international peace and security. According to the convention, the territorial sea was part of national territory and governed by national jurisdiction. Hence the passage of warships through territorial seas without prior authorization or notification would be a violation of the sovereignty of the coastal State and could in some cases be a threat to its peace and security.

16. Fourthly, the question of participation in the convention was one concerning which his delegation had made great efforts to ensure that national liberation movements should be able to defend the rights and interests of the peoples whom they represented. The difficult and lengthy negotiations on that subject had at one point been virtually deadlocked but he believed that the proposals submitted by the President were a valid basis for a compromise solution. His delegation considered that signature of the final instrument by the national liberation movements and their participation in the work of the Preparatory Commission and all meetings held within the framework of the convention provided the minimum of guarantees required to ensure their position. His delegation had requested their full participation in the convention but had had to be flexible for the sake of the success of the Conference. Although it had accepted the proposals as a basis for a compromise solution, it considered there was still need to provide an opportunity for making amendments which would clarify the wording so as to guarantee the interests and rights of the peoples represented by the national liberation movements.

17. Mr. LE KIM CHUNG (Viet Nam) said that, while the report of the co-ordinators of the working group of 21 to the First Committee (A/CONF.62/C.1/L.30) was not entirely satisfactory, its two annexes contained positive elements which could provide a more adequate basis for general agreement. The draft resolution in annex I, which concerned the Preparatory Commission, reflected a satisfactory compromise between the various points of view expressed; his delegation considered it acceptable as a whole and was able to give full support to the position of the Group of 77 on the matter. The formula adopted permitted pioneer investors to register for not more than one pioneer area, and solely for the purpose of exploratory activities. His delegation also welcomed the provisions enabling the Enterprise to carry out activities in the Area at the same time as States and other entities. Paragraph 14 of annex II did, however, give rise to some concern in that, while it could be seen as an appeal to pioneer States or States sponsoring pioneer investors to ratify the convention quickly, it could also be construed as providing a loophole enabling those reluctant to ratify the convention to refrain from doing so in order to have the freedom to engage in unilateral ventures in the international sea-bed area. His delegation therefore preferred the formula put forward by the Group of 77 in document TPIC/3, which affirmed in paragraph 14 that the temporary régime for the protection of preparatory investments remained valid until the entry into force of the convention.

18. Turning to document A/CONF.62/L.86, he said that, although the compromise formula on the question of participation in the convention was valuable in that it considered the question as a whole and could therefore provide an adequate basis for general agreement, his delegation would have preferred, in accordance with its position of legal principle recognizing national liberation movements as full subjects of international law, to see those movements recognized as such in the text of annex II and thus entitled to sign the convention.

19. His delegation supported the conclusion reached by the Chairman of the Second Committee in his report (A/CONF.62/L.87) to the effect that the fundamental elements of the present text of Parts I to X of the convention should be preserved. It also agreed with the drafting changes proposed by the Chairman of the Third Committee in document A/CONF.62/L.88.

20. Like many other countries, the developing countries were anxious to see the current session lead to a universal convention agreed upon by all States and peoples and to a just and equitable legal order for the seas and oceans. It was in the interest of ensuring the universality of the convention that the Group of 77 had adopted a flexible position and had made important concessions throughout the eight years of delicate and difficult negotiations which had culminated in a text to which all States participating in the Conference, including the major industrial countries and the United States itself, had contributed. It was a regrettable fact that, although the Conference had agreed to give the United States a whole year to review the text of the convention, that country still clung to its isolated and unrealistic position and had so far failed to make good use of the opportunities for negotiation at the current session. It was essential that efforts to reach a consensus should not prejudice the programme of work of the Conference in the remaining weeks and that delaying tactics should not be allowed to prevail. The decision that work should be concluded and the convention adopted at the eleventh session was irrevocable, and his delegation believed that a vote should be taken if the desired consensus could not be reached.

21. Mr. YIMER (Ethiopia), observing that documents A/CONF.62/C.1/L.30 and A/CONF.62/L.86 reflected broad agreement on issues which had been the subject of protracted negotiations, fully subscribed to the views expressed by the Chairman of the Group of 77 regarding the proposals they contained on the outstanding issues. Prospects for a consensus on the basis of those proposals were good, subject to the solution of specific problems (A/CONF.62/L.116) to which attention had been drawn by the Chairman of the Group of 77.

22. The proposals on the objectives, structure and functions of the Preparatory Commission were the most likely to lead to a generally acceptable compromise, since they would contribute towards the fulfilment of the overall objectives of the Preparatory Commission, namely, the adoption of all possible measures and initial arrangements for the Authority and the Tribunal to enter into effective operation without undue delay. As to the difficult problem of participation in the work of the Commission, his delegation held the view that, given the need for at least a qualified undertaking to comply with the objectives and purposes of the convention to be a prerequisite for participation, the Commission should consist of the representatives of States which had signed or acceded to the convention. The representatives of signatories to the final act should also be allowed to participate fully in the work of the Commission as observers without, however, being entitled to participate in the taking of decisions.

23. The proposals on preparatory investment in pioneer activities relating to polymetallic nodules to a large extent met the requirements of the convention in terms of the exploration and exploitation of the resources of the Area. To have pro-

ceeded from a premise other than the fundamental consideration of compatibility between the protection of preparatory investments and the provisions of the draft convention on the exploitation of the resources of the international sea-bed area would have defeated the purposes and principles of the convention as a whole. His delegation, while feeling that the proposals on preparatory investments offered the best possible prospects for a consensus, considered that they should be reviewed since they related purely to polymetallic nodules to the exclusion of other resources. Bearing in mind that the resources of the Area were regarded, under the Declaration of Principles adopted in 1970 by the General Assembly in resolution 2749 (XXV), as the common heritage of mankind, the current formulation could be interpreted as excluding minerals other than polymetallic nodules from the purview of the international régime which the Conference was seeking to establish.

24. Likewise, there was room for improvement in the proposals on participation, a question which had always been a crucial issue as far as the Group of 77 was concerned. In particular, the proposals in document A/CONF.62/L.86 on participation by national liberation movements recognized by the United Nations and by the regional organizations concerned, while they represented an acceptable compromise, might be improved to meet the legitimate interests of all groups.

25. Finally, it was encouraging to note that the timetable agreed on at the end of the tenth session (*ibid.*) was being scrupulously observed, contrary to past practice. His delegation felt that the compromise package achieved after years of arduous negotiations should not be undermined in the ultimate stages of the Conference and trusted that the convention would be adopted by consensus. However, it also agreed with the overwhelming majority of participants that there were limits to the concessions which could be made for the sake of achieving such a consensus.

26. Mr. JAYEWARDENE (Sri Lanka) expressed satisfaction with the outcome of the work of the Second and Third Committees, which offered an improved basis for consensus. His delegation was confident that mutually acceptable solutions would be found to any matters pending in the Second Committee. Although the position of Sri Lanka on some of those issues was clearly defined in its legislation, it would refrain from pressing for any limitations on negotiations in the hope that a widely accepted compromise would be found. Matters already settled should not be reopened unless there were good prospects of finding a generally satisfactory solution. Although deliberations on Part XI of the draft convention establishing the international sea-bed area had unfortunately had a checkered history, the Conference, in the final and critical stage of its work, could nevertheless be expected, on the basis of its past record, to show a spirit of compromise and mutual accommodation in achieving a new and lasting order for the oceans.

27. His delegation fully endorsed the views expressed by the Chairman of the Group of 77 on the proposals regarding the Preparatory Commission and preparatory investment. With regard to the former, paragraph 8 of annex I to document A/CONF.62/C.1/L.30 should be rephrased to read: "The Preparatory Commission shall take all necessary measures for the early entry into effective operation of the Enterprise and to this end shall establish a special commission for the Enterprise ..." As far as preparatory investment was concerned, the draft resolution in annex II to document A/CONF.62/C.1/L.30 should not be confined exclusively to polymetallic nodules, nor should there be any ambiguity as to which resources were included or excluded. Paragraph 1 (*a*) of the resolution should be amended to give the developing States greater leeway as to the cut-off date. The area specified in paragraph 1 (*e*) as not exceeding 150,000 square kilometres should not be determined in the resolution itself but by the Preparatory Commission. The lower limit for expenditures of $US 1 million, set in paragraph 7 (*b*), was not satisfactory. There could not be any provision for the subsequent adjustment of such payments when they were made in terms of exploration under the resolution. If a preliminary stage was involved, payments should be made to the Preparatory Commission. Under paragraph 8 (*a*), it should be established that the Authority would approve applications for exploitation in accordance with the relevant articles of the convention. The reference, in paragraph 9 of the resolution, to article 151, paragraph 2 (*c*), of the convention should be deleted as it was restrictive to one mine site for the Enterprise. Paragraph 13, stating that the Authority should be governed by the terms of the resolution, in derogation from the régime for preparatory investments as conceived by the Group of 77, should be deleted. Paragraph 14 should be renegotiated as it did not make adequate provision for failure to bring the convention into force.

28. His delegation assured the President and the Collegium of its willingness to make further efforts with regard to those two sets of proposals in order to widen the basis for consensus. Such efforts would have no real chance of success unless all participants reviewed their respective positions and approached the final negotiations in a spirit of mutual accommodation and resolve to achieve a fair and universally accepted convention.

29. He supported the statement made by the Chairman of the Group of 77 on the question of participation and stressed that his observations on Part XI reflected his hope for the successful conclusion of negotiations.

30. Mr. GABOU (Congo) said that his delegation shared the views of the Group of 77 on the régime of protection for preparatory investments, the establishment, organization and operation of the Preparatory Commission, participation in the convention, the concept that the resources of the sea-bed constituted the common heritage of mankind, and other matters on which the Group of 77 had arrived at a consensus. However, his delegation wished that broad agreement to be extended to a crucial matter affecting the security of coastal States, namely, the problem of the innocent passage of foreign warships through the territorial sea.

31. That question, far from being a new problem sprung on the Conference at the last moment, was a long-standing issue, on which the latest proposal was set forth in document A/CONF.62/C.2/Informal Meeting/58/Rev.1, dated 19 March 1982, submitted to the Conference by 26 coastal States. The proposal concerned the addition of a new paragraph (*b*) to article 21 of the draft convention, designed to make more explicit provision for the right of coastal States to demand, for security reasons, prior notification or authorization for the passage of foreign warships through their territorial seas. The fact that such a demonstration of goodwill on the part of the 26 coastal States had not elicited a corresponding willingness to achieve a consensus on the matter betrayed the lack of agreement on article 21 of the draft convention and emphasized the need for such an explicit provision.

32. It must not be inferred that a new right would thereby be created, nor should it be assumed that such a right would have been excluded or voided under the draft convention. Dozens of national legislations already contained provisions for such prior notification or authorization in the case of foreign warships, in keeping with generally recognized rules of international customary law explicitly acknowledged in the draft convention as covering those matters not regulated by the convention itself. Various provisions of the draft convention implicitly conferred rights upon coastal States to which they were already entitled under international customary law, for example, the right to take action to safeguard their security, including rights regarding foreign ships entering or passing through their territorial sea. His delegation thus believed

that international customary law established, and the draft convention implied, a legal régime for the passage of warships through the territorial sea which conferred upon all coastal States the right to require prior notification or authorization. To make a more explicit reference to such a right in article 21 of the draft convention would be in effect to codify accepted and confirmed customary rules and would, moreover, offer the advantage of preventing possible incidents or legal disputes in the application of the convention. It was certainly not too late to improve the text of the draft convention.

33. Mr. VAN TONDER (Lesotho) expressed support for the informal proposals regarding participation in the convention, in the belief that they made a significant contribution towards improving prospects for the convention's being adopted by consensus. However, his delegation associated itself with the position adopted by OAU regarding the participation of national liberation movements. It also supported the proposals on the Preparatory Commission in annex I to document A/CONF.62/C.1/L.30 as a basis for consensus. He considered that the provisions relating to preparatory investments (A/CONF.62/C.1/L.30, annex II) improved the likelihood of a consensus, although he had certain reservations with regard to: the title of the resolution, which was restrictive in that it excluded other resources; the allowance made in paragraph 10, subparagraph (*b*), for the concept of flags of convenience; the failure to make adequate provision for the problem of land-based producers, including the failure to provide specific safeguards against the adverse effects of sea-bed mining on land-based producers of the same minerals; and finally the lack of any clear stipulation in paragraph 14 that the resolution would cease to apply on the date of entry into force of the convention.

34. The report of the Second Committee did not adequately reflect the concerns of participating countries. There was surely room for improvement in the draft articles which came within the terms of reference of that Committee. For example, the articles pertaining to land-locked countries and dealing with transit and sharing of the resources of the exclusive economic zone could be improved in order to make proper provision in the convention for the rights and interests of land-locked countries. Proposals might be submitted on the matter before the end of the session. The concept of the common heritage fund, on the other hand, could be viewed as a compromise solution to the problem of the participation of land-locked countries in the resources of the exclusive economic zone.

35. Mr. Han Si HAE (Democratic People's Republic of Korea) said that, in view of the consensus reached on the provisions of the draft convention, his delegation had opposed the reopening of negotiations on those provisions. It would spare no efforts to ensure rapid adoption of a comprehensive convention which would guarantee the effective exploration and exploitation of the sea and its resources as the common heritage of mankind for the benefit of all States, and particularly the developing countries. It therefore hoped that the convention would be adopted at the current session and signed by all States in Caracas in September 1982.

36. He appreciated the efforts made by the Chairman of the Second Committee to resolve the problems confronting that Committee during the first stage of the current session of the Conference. However, he felt obliged to draw attention to the important principle involved in the passage of foreign warships through territorial seas in the light of the need to find a generally acceptable way of ensuring the security of coastal States. It was evident that article 21 of the draft convention was not one on which a consensus had so far been reached through negotiations. He noted that the proposal (C.2/Informal Meeting/58/Rev.1) referred to in paragraph 6 of the report of the Chairman of the Second Committee (A/CONF.62/L.87) had been submitted by no fewer than 26 countries, and took the view that article 21 should be amended to accommodate the wishes of the majority.

37. He also supported the proposal made by Romania and Yugoslavia concerning article 62, paragraph 3 (C.2/Informal Meeting/72).

38. In conclusion, his delegation felt that national liberation movements recognized by the United Nations and regional international organizations should participate fully in the convention.

The meeting rose at 9.30 p.m.

161st meeting

Wednesday, 31 March 1982, at 10.15 a.m.

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

Discussion of results of consultations and negotiations

1. Mr. CANDIOTI (Argentina) said that the proposals which the President had put forward in document A/CONF.62/L.86 contained many valuable elements but unfortunately the Argentine Government was not able to accept the wording of the draft resolution in annex III. It considered that the present transitional provision contained in document A/CONF.62/L.78[1] should be maintained.

2. Turning to the report of the co-ordinators of the working group of 21 (A/CONF.62/C.1/L.30), he felt that the solutions proposed in annexes I and II constituted an important step forward and a basis for the elaboration of a generally accepted convention. In that connection, his delegation fully endorsed the statement made by the representative of Peru at the 159th meeting on behalf of the Group of 77 and exhorted the President to begin new and intensive consultations in order to reach agreement.

3. With that aim in view, his delegation wished to make the following comments on annex II.

4. In paragraph 1 (*a*) the same date (1 January 1983) was established for both pioneer investors and developing States. He felt that in the case of developing States the date should be different.

5. In paragraph 1 (*b*) the incorporation of the new term "pioneer activities" was acceptable. However, it should be made clear that the term included typical activities of exploration and other necessary activities which, while going beyond the stage of exploration and without entering upon the stage of exploitation, could be described as feasibility studies.

[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).