

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

A/CONF.62/SR.174

174th Plenary meeting

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XVI (Summary Records, Plenary, First and Second Committees, as well as Documents of the Conference, Eleventh Session)*

be protected, the basis of the country's economy would be destroyed.

70. It was still not too late to adopt a convention if the industrial nations stopped insisting on their amendments, but no more concessions could be made. If the industrial nations reduced their demands, there was no reason why a convention should not be adopted which would allow them to exploit the resources of the Area freely, without fear of litigation and other obstacles to their companies' operations.

71. The PRESIDENT said that, as there were no more speakers, the debate on formal amendments to the draft convention in accordance with the decision of the Conference contained in document A/CONF.62/L.116¹ had been concluded.

72. Mr. MAZILU (Romania), speaking on a point of order, said that while there had been consultations and negotiations on some amendments, on others there had been none. He asked how the President of the Conference intended to arrange for consultations and negotiations on all amendments alike, as his delegation had requested, under rule 37 of the rules of procedure. His delegation took the view that goodwill and responsibility must be shown in settling all outstanding issues affecting the vital interests of participating States. It did not understand the opposition to a compromise on the right of innocent passage through the territorial sea. A compromise formula would not endanger the convention; on the contrary, to guarantee the sovereignty, territorial integrity and security of States in their territorial sea, including their right to adopt

national laws and regulations on the passage of foreign warships, was a prerequisite for concluding a viable and enduring convention on the law of the sea.

73. The sovereignty, territorial integrity and security of States could not be sacrificed as part of a "package deal". He therefore appealed strongly to the President of the Conference to take all necessary steps, even at so late a stage, to secure an improvement to the text of the convention which fully respected the fundamental principles of international law, equity and justice. That was only possible if the legitimate interests of all States, large or small, were taken fully into account and a genuine effort was made to reach real consensus.

74. The PRESIDENT said that he would bring the representative of Romania's concern to the attention of President Koh, who had already indicated that delegations themselves might have to take the necessary initiatives. The fact that the formal debate on amendments had been closed did not preclude the possibility of further consultations and negotiations.

75. Mr. MAZILU (Romania) said that it was important for President Koh himself to take a hand in settling the vital question, of great concern to many delegations, which he had raised.

The meeting rose at 1.05 p.m.

174th meeting

Friday, 23 April 1982, at 11 a.m.

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

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

Report of the President in accordance with rule 37 of the rules of procedure

1. The PRESIDENT read out his report in A/CONF.62/L.132 on his efforts to achieve general agreement in the period of deferment of voting on the amendments submitted in documents A/CONF.62/L.96 to A/CONF.62/L.126, as required of him under rule 37, paragraph 2 (c) of the rules of procedure, and the Conference's programme of work, and drew attention to the proposals in the annexes to his report. Since the documents had just been circulated, he asked delegations not to comment on the proposals at the current meeting. There would be full opportunity for them to study the report and discuss the proposals in their regional and interest groups and then, if it was considered desirable, for all to express their views in a plenary meeting the following week. In the meantime, it should be understood that the proposals in A/CONF.62/L.132 did not have the same status as documents A/CONF.62/L.78,¹ L.93 and L.94.

2. The proposals would not be put to the vote with the other formal amendments on 26 April, but dealt with in conjunction with documents A/CONF.62/L.78, L.93 and L.94 at a subse-

quent date, in any case no later than the deadline of 30 April 1982.

3. Mr. KOZYREV (Union of Soviet Socialist Republics), speaking on a point of order, said that it was known to all delegations and, indeed, clearly apparent from the President's report that there was no general agreement on certain major issues. He therefore objected to the inaccurate assertion in paragraph 19 of the report that as a result of consultations an *ad referendum* agreement had been reached on the text of the draft resolution (A/CONF.62/L.132, annex IV) which would replace draft resolution II in A/CONF.62/L.94. During the consultations, his delegation and those of the other East European socialist countries had repeatedly declared that any agreement, even *ad referendum*, on the new draft resolution was unacceptable. That position had been reaffirmed by the letter of 22 April 1982 (TPIC/8) addressed by his delegation to the President, on behalf of the group of Eastern European (socialist) States, which underlined the evident fact that his country, mentioned in paragraph 1, subparagraph (a) (i) of that draft resolution, was discriminated against as a pioneer investor as compared with the States mentioned in subparagraph (a) (ii).

4. The PRESIDENT repeated that he was not inviting comments on the proposals at the present time; it was important to wait until delegations had had the opportunity to study the report properly.

5. Mr. KOZYREV (Union of Soviet Socialist Republics), speaking on a point of order, said that the amendments as submitted in the President's report appeared to undermine the agreement already reached; he therefore requested a further

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).

explanation of their status and of the procedure to be followed.

6. Mr. DE SOTO (Peru), speaking on a point of order and in his capacity as Chairman of the Group of 77, emphasized that the main reason for holding the present plenary meeting was to reach a determination, under rule 37, paragraph 1, of the rules of procedure, as to whether efforts at reaching general agreement had been exhausted, so as to enable the Conference's work to proceed in accordance with the timetable in the programme of work (A/CONF.62/L.116).²

7. He understood that the various regional and interest groups would have the opportunity to meet in order to discuss the proposals in the President's report and he hoped that, as the Group of 77 was extremely interested in such consultations, arrangements would be made for them as soon as possible, in the course of the day if at all feasible. He hoped that all delegations would comply with the President's request not to comment on the proposals at the present meeting, so that the priority issue constituting rule 37, paragraph 1, could be given immediate attention.

8. The PRESIDENT said that facilities would be available to the Group of 77 immediately after the adjournment of the current meeting. It would also be open to delegations to meet on the following day (Saturday).

9. Mr. MAZILU (Romania) said that a first glance at the documents before them indicated that the new provisions in annex I and annex II of document A/CONF.62/L.132 would be acceptable to his delegation.

10. The PRESIDENT said that two delegations, the Soviet Union and Romania, had disregarded his injunction to refrain from commenting on the substance of the proposals. Any further attempts to do so would be ruled out of order.

11. Mr. KOZYREV (Union of Soviet Socialist Republics), speaking on a point of order, objected that he had not been commenting on the merits or otherwise of the proposals but merely drawing the attention of the President to a factual inaccuracy in his report. He would reserve his position on the proposals in document A/CONF.62/L.132, but stressed that paragraph 19 did not reflect the true state of affairs.

12. Mr. MUDHO (Kenya) said that he understood the President to have said that the recommendations in A/CONF.62/L.132 did not have the same status as documents A/CONF.62/L.78, L.93 and L.94, while, on the other hand, they would not be voted on in the same way as other amendments but considered together with the last-mentioned documents. Was there any particular reason for the new proposals to be considered together with the other three documents?

13. The PRESIDENT said that if, after due consideration, the proposals in document A/CONF.62/L.132 were judged not to offer any improved prospects for general agreement, they would then be disregarded, and the Conference would proceed on the basis of documents A/CONF.62/L.78, L.93 and L.94. However, if it was decided that the new amendments were conducive to consensus, then all four documents would be regarded as a package.

14. Mr. YANKOV (Bulgaria) said that his delegation reserved the right to consider at a later stage the substance of the proposals and the accuracy of the President's report. The conference should follow its rules of procedure and programme of work and proceed immediately to consider the urgent decision that it was called upon to take under rule 37, paragraph 1, of its rules of procedure, namely, as to whether all efforts at reaching general agreement had been exhausted. That was an important decision of policy which brooked no delay.

15. Mr. ENGO (United Republic of Cameroon) supported the Bulgarian representative's request.

16. The PRESIDENT suggested that the Conference should defer any further discussion of document A/CONF.62/L.132.

It was so decided.

17. The PRESIDENT said that the current meeting marked the beginning of the fifth and final stage of the Conference's programme of work. Under rule 37, paragraph 1, of the rules of procedure, no matter of substance could be put to a vote until the Conference had made a determination that all efforts at reaching general agreement had been exhausted. If the Conference was to vote on the amendments as scheduled, on 26 April, it had to make a determination in pursuance of rule 37 before that date. He believed that the Conference could decide by consensus that in pursuance of rule 37, all efforts at reaching general agreement had been exhausted with respect to documents A/CONF.62/L.78, L.93, L.94 and the amendments thereto.

18. Mr. GOERNER (German Democratic Republic), speaking on behalf of the group of (socialist) States of Eastern Europe, said that in the light of the intensive negotiations that had been held with all interested parties, the group had come to the conclusion that all efforts at reaching general agreement had been exhausted, and supported a determination to that effect. The group reserved the right to speak later on document A/CONF.62/L.132. It regarded a determination by the Collegium as an important prerequisite to enabling the Conference to continue its work in accordance with the established programme and complete its work by 30 April.

19. Mr. CHAYET (France) said that the programme of work had so far been interpreted strictly, and the determination in pursuance of rule 37 must be made at the current meeting. Since that determination related only to procedure, however, his delegation took the view that negotiations on substantive matters, including those of the Preparatory Commission and Part XI of the draft convention were still possible. His delegation had approached the current session firmly resolved to achieve the adoption of the convention, which would prevent anarchy in the use of ocean resources and would represent a concrete achievement in the global negotiations to achieve a North-South rapprochement. He called on all delegations to continue their efforts to adopt the convention.

20. Mr. RATINER (United States of America) said that his delegation believed that all efforts at reaching general agreement had not been exhausted. Until quite recently, delegations including those of the Group of 77 and of the industrialized countries had still been conferring on various proposals which could enhance the prospects for reaching general agreement. A determination in pursuance of rule 37 would reflect a collective opinion, but the fact remained that all efforts had not been exhausted. His delegation therefore thought that such determination was unwarranted.

21. Referring to the President's comment on the voting on 26 April, he pointed out that rule 37, paragraph 3, provided that no vote would be taken on any matter of substance less than two working days after an announcement that the Conference was to vote on it had been made. The words "working days" used in that rule meant Monday to Friday. His delegation therefore did not understand how the voting could take place before 28 April.

22. The PRESIDENT replied that the Collegium had decided that the voting on all amendments would be held on 26 April. Consequently, Saturday and Sunday would have to be counted as working days.

² *Ibid.*

23. Mr. NAKAGAWA (Japan) said that many efforts had recently been made and meaningful results achieved concerning the treatment of preparatory investment. Because of the lack of time, however, there had been no significant discussion of Part XI, and more negotiations had to be held on that subject. With that in mind, his delegation did not object to a determination in pursuance of rule 37 being made by consensus.

24. Mr. JUNG (Federal Republic of Germany) said that the Conference had so far followed the programme of work to the letter. However, the programme of work could be maintained even if a determination in pursuance of rule 37 was made at a later date. His delegation did not believe that all efforts at reaching general agreement had been exhausted. At the ninth session, his delegation had repeatedly criticized the text of Part XI as not being conducive to a consensus and had submitted a written statement on the subject on 10 March 1981 (A/CONF.62/WS/16).³ Some groups of States had refused until 13 April to discuss proposals submitted by the Western industrialized countries, and negotiations were still being held on those proposals. In fact, the President himself had recognized the need for further negotiations. His delegation could therefore not endorse the President's statement that all efforts at reaching general agreement had been exhausted and could not participate in any consensus on the matter. It was prepared to continue to negotiate and hoped that the gap obstructing the achievement of a consensus would be bridged. Its position on the determination in pursuance of rule 37 should not be taken as an indication of the position it would take when the Conference came to the adoption of the convention.

25. Mr. KOZYREV (Union of Soviet Socialist Republics) said that, as the spokesman for the group of Eastern European socialist States had pointed out, that group shared the President's opinion that all efforts at reaching a general agreement had been exhausted and supported his proposal that the Conference make a determination in pursuance of rule 37. Delegations had carefully studied over 200 amendments, and had had the opportunity to express their views on them in the plenary conference and in informal consultations. Most of the amendments had not won broad support because they were one-sided and reflected the desire of individual States to gain advantages over others. Examples of such amendments were those contained in documents A/CONF.62/L.100, L.104 and L.121, which were designed to introduce substantial changes in Part XI and to unravel the compromise package assembled over 10 years. In addition to the numerous amendments to Part XI that had been submitted, others, particularly those relating to articles 21, 63 and 309, affected parts of the convention which had been agreed upon and included on the basis of a carefully balanced consensus. Any amendments which would destroy the convention as a compromise package had to be rejected. That was why his delegation opposed the renewal of negotiations on such amendments. Referring to draft resolution II, he said that substantive changes had improved it, but that it still contained provisions that were unacceptable to his delegation, including those whereby juridical and natural persons of the Soviet Union could become pioneer investors provided that the Soviet Union signed the convention, whereas any of the eight countries mentioned in paragraph 1 (a) (ii) could become pioneer investors if only one of them signed the convention. He understood that signing the convention carried no legal obligation to ratify it, but the fact remained that differing approaches to what the signing of the convention entailed created a situation of inequality among States which amounted to political discrimination. Referring to the proposal of the Collegium concerning changes in the provisions relating to participation in the con-

vention, he reaffirmed his delegation's full support for the national liberation movements recognized by the United Nations, such as the Palestine Liberation Organization, and for Namibia's full participation in the convention.

26. The Conference must conform strictly to its programme of work and adopt the convention on time. For that purpose, the goodwill of the sponsors of draft amendments was required. His delegation was prepared to withdraw its amendments to Part XI provided that other delegations followed suit. The Soviet Union took the view that the draft resolution on preparatory investment in pioneer activities should be dealt with only after the adoption of the amendments to the convention and of the convention itself.

27. Mr. POWELL-JONES (United Kingdom) said that he shared the views of those who had stated that, even if rule 37 were invoked, discussions could and should continue over the coming week. The Conference should not allow procedural matters to inhibit the search for the adoption of the draft convention by consensus, when such a possibility was indeed within reach. With that understanding, the United Kingdom would not oppose the decision that the President's proposal should be adopted by consensus.

28. Mr. AKYAMAÇ (Turkey) observed that there was a discrepancy between the foot-note to article 309 of the draft convention, which stated that the article was based on the assumption that the convention would be adopted by consensus, and the President's use of the expression "general agreement" in paragraph 7 of his report (A/CONF.62/L.132). That discrepancy made it legitimate to question the assumption that all efforts to reach consensus had already been exhausted.

29. Because of the foot-note to article 309, Turkey had found it difficult to formulate its amendment (A/CONF.62/L.120), and consultations had indicated that many delegations had experienced the same difficulty. In a letter sent the previous day to the President, Turkey had noted that it would be incumbent upon the Collegium, after the conclusion of consultations on other substantive issues, to provide an opportunity for the Conference to discuss the final formulation of article 309. Not to do so would run counter to the second sentence of the foot-note to article 309, whereby it was recognized that the article could be regarded only as provisional pending the conclusion of discussions on outstanding substantive issues.

30. The statements of some previous speakers had made it quite clear that there was no consensus on a number of substantive provisions. Hence, the assumption on which article 309 was based did not in all fairness apply. Turkey therefore asked the President to clarify the situation regarding article 309 in relation to the President's proposal regarding rule 37.

31. The PRESIDENT said that the delegation of Turkey, although it had not said so, seemed to be referring to its own amendment to article 309 rather than to the article itself, and that could be discussed when the amendments were being considered.

32. Mr. AKYAMAÇ (Turkey) said that the President must have misunderstood his statement. He simply wanted to know what was the present status of article 309 and its foot-note.

33. The PRESIDENT explained that, when the Collegium had met to decide, under rule 37, whether all efforts to achieve a consensus had been exhausted, it had unanimously decided to recommend that such was the case. The decision applied to all articles and he could say nothing more specific with regard to article 309.

34. Mr. de SOTO (Peru) said that the Group of 77 had met the previous day and had agreed that, if the President invoked rule 37 to determine whether all efforts to achieve consensus had been exhausted, the Group would support him.

³ *Ibid.*, vol. XIV (United Nations publication, Sales No. E.82.V.2).

35. Peru could not allow certain assertions by previous speakers to go on record uncontested. He disagreed that all efforts to achieve consensus had not been exhausted and that the decision to invoke rule 37 was unjustified. It was also incorrect to say that the majority of delegations had not been ready to discuss Part XI of the draft convention until the last few days.

36. Such assertions called for a review of the facts. In August 1980 the Conference had been well on its way to conclusion. At the beginning of 1981, the whole negotiated package on Part XI had been called into question by one delegation. The Conference had thereby lost one full year, during which it had hoped that that delegation would revise its policy on the draft convention and Part XI. In the interim, at formal and informal meetings, the Conference had spent long hours listening to that delegation and others which shared its position and reservations and giving exhaustive responses. The statements by the United States delegation and the Chairman of the Group of 77 had been amply covered in the summary records.

37. During 1981, two questions had remained pending: the establishment of the Preparatory Commission and the treatment of preparatory investments. The industrialized countries had advocated, as they had done since 1980, that preparatory investments that had been made or were being made for the future exploitation of polymetallic nodules should be considered in the draft convention and be the subject of a draft resolution. The Group of 77 had been receptive to those proposals, even though they benefited the industrialized countries alone. Throughout 1981, however, not one proposal on preparatory investments had been forthcoming from any of the industrialized countries. Finally, at the current session—which had been categorically identified as the last stage of the Conference—those industrialized countries had blithely allowed 10 working days, i.e. 15 calendar days, to elapse after 10 March 1982 before submitting their proposals on preparatory investments.

38. Efforts to reach consensus had indeed been exhausted. The Group of 77, despite the fact that it believed that the proposals put forward by the United States and a number of industrialized countries (A/CONF.62/L.121) called into question the fundamental elements of the package negotiated in 1980, had reviewed them thoroughly and had concluded that no consensus was possible based on the amendments put forward in that document. The claims of the industrialized countries had been given that one last hearing at the recommendation of the President. All possibilities for consensus had thus been explored.

39. As for the hopes expressed that the door to achieving consensus was not closed, he pointed out that the industrialized countries had until 30 April an opportunity to withdraw their demands and join the consensus.

40. Mr. KOROMA (Sierra Leone) endorsed the statement of the representative of Peru.

41. At the beginning of the session, the President had indicated that any issue would be considered provided it did not affect the fundamentals of the draft convention, especially Part XI; provided it did not affect the interests of other participants; and provided it fell within the time-table established in the programme of work. The group of African States considered that the President had kept within the parameters he had established. He had made an exception only when he had agreed to consider issues raised on Part XI. The group of African States had agreed at Geneva in 1980 to the text in document A/CONF.62/L.78¹ by setting aside its strong reservations, and therefore the exception allowed by the President had not been without risk. None the less, the President had spared no efforts to promote general agreement. The group of African States, as part of the Group of 77, was of the firm opinion that rule 37 could appropriately be invoked now.

42. Mr. VARVESI (Italy) said that, having listened to the previous speakers, he had concluded that not all doors to consensus had been closed. All delegations were aware of the pernicious consequences of not reaching a consensus. He urged all to ponder that fact, and hoped that reflection would encourage a more flexible attitude in the groups represented by the immediately preceding speakers. Negotiations should be pursued throughout the following week, regardless of procedural considerations.

43. Mr. ENGO (United Republic of Cameroon), speaking on a point of order, said that at the present late stage it would be helpful to take a quick decision, especially in view of the understanding of which all were aware. The Conference should take a decision, and those who disagreed with it could either submit their views in writing to the President or put their views on record at another time. He appealed to the remaining speakers to withdraw their names from the list.

44. Mrs. DEVER (Belgium) said that the two remaining speakers should have the same right as the previous speakers to make their views known. Belgium felt that, if rule 37 was invoked to determine that all efforts towards consensus had been exhausted, the decision should not be construed as excluding further efforts towards consensus, which should, on the contrary, be intensified. That was surely the intention of the President. There was still hope that the draft convention could be adopted by consensus.

45. Mr. RATINER (United States of America) said, referring to the remarks of the Chairman of the Group of 77, that it was his understanding that the Group had decided that there should be no discussion of issues other than preparatory investments until after the negotiations on preparatory investments had been concluded. Accordingly, since the preparatory investment question involved the agreement of all sides to the negotiations, it had been within the power of all to bring the issue to a close sooner than had been done.

46. All the concerns raised by the President of the United States on 29 January 1982 had been dealt with at a single meeting on 21 April 1982, in a format which made a useful exchange of views possible. That type of exchange of views, commonly referred to as negotiation, rather than the broad and general exchange of views that had taken place over the past 14 months, was the kind the United States had been seeking at the current session. It had begun on 21 April and had been concluded at midnight of the same day.

47. The PRESIDENT said that all who had proposed amendments to the draft resolution on preparatory investments and Part XI of the draft convention had had a fair and adequate hearing and that no one had any cause for complaint.

48. He would take it, if he heard no objection, that the Conference was ready to decide that, in pursuance of rule 37, paragraph 1, all efforts at reaching general agreement had been exhausted.

It was so decided.

49. The PRESIDENT said that in order to comply with the requirements of rule 37, paragraph 3, 24 and 25 April 1982 would be working days for the purpose of that rule.

50. The Conference would proceed to vote on Monday, 26 April. In the spirit of the gentlemen's agreement which had guided the work of the Conference, and recognizing the need to maintain the whole package of the draft convention, he appealed once more, on behalf of the Collegium, to all delegations which had submitted amendments to consider very carefully whether it was necessary to put them to the vote. If an amendment did not enjoy widespread and substantial support and did not lend itself to adoption by consensus, a vote on it might well unravel the package so laboriously put

together over so many years. He therefore appealed to delegations not to press for a vote. He was gratified that some had already responded to that appeal, as in the case of the amendments submitted in document A/CONF.62/L.112 by Romania and Yugoslavia, in document A/CONF.62/L.126 by the United Kingdom, and in document A/CONF.62/L.123 by Greece, and hoped that their example would be emulated.

51. All amendments in documents A/CONF.62/L.96-L.126 would be put to the vote following the numerical order of the articles of the draft convention, the draft resolutions and the draft decisions to which they related, except for those amendments whose sponsors were not insisting on a vote and the three amendments mentioned in his report (A/CONF.62/L.132). Other delegations prepared to respond to his appeal should inform the Secretariat accordingly before 26 April.

Other matters

52. Mr. de SOTO (Peru) said, on behalf of the Group of 77, that information had been received that the Soviet Union, through the Presidium of the Supreme Soviet, had issued a decree regarding the exploitation of the sea-bed beyond the limits of national jurisdiction.

53. When the United States, or the United Kingdom, or the Federal Republic of Germany, or France, had adopted legislation on exploitation of the Area, the Group of 77 had been unequivocal in its opposition. The Group believed that unilateral adoption of such laws was not in accordance with the agreement of the Conference that consensus must be sought, or with the gentlemen's agreement, and that the effect was to jeopardize a comprehensive settlement. To the extent that such unilateral action violated the principle of the common heritage of mankind and the principle that there should be no expropriation of resources except as provided for in the draft convention, the Group believed that such legislation had no legal effect. The measure adopted by the Soviet Union, like the others, did not constitute a source of law. The Group would therefore not recognize any claim based upon such measures.

54. Mr. KOZYREV (Union of Soviet Socialist Republics) said that the statement by the representative of Peru that, in its recent decree, the Soviet Union had arrogated certain rights to itself was incorrect. The decree had been issued by the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics on 17 April in response to the unilateral activities of the United States and other Western countries, which had actually begun to exploit the mineral resources of the sea-bed beyond the continental shelf in violation of the provisions agreed on by the Conference in Part XI of the convention. The United States and its North Atlantic Treaty Organization allies were also preparing to conclude "mini"-agreements which would supersede the convention. On the basis of the principle of "first come, first served", they sought to seize the most promising mineral resources in the area which had been proclaimed by the United Nations as the common heritage of mankind. The Soviet Union had taken

due note of the aim of those countries to use flags of convenience as an option in case they did not ratify the convention, in order to give their juridical persons *de facto* access to the resources constituting the common heritage. In the light of those circumstances, the Soviet decree had been issued to protect the interests of the Soviet Union and of other States and to promote the settlement of the above problems on an international basis. The decree stressed that the Soviet Union advocated the conclusion of conventions in which all the problems connected with the law of the sea, and particularly the use of the mineral resources of the sea-bed, would be solved on a comprehensive, just and equitable basis. The decree was fully in accord with Part XI of the convention and, *inter alia*, provided for assistance to the Authority and to the developing countries in marine resources research and development. In envisaging research on two sections of the sea-bed which were likely to be rich in mineral resources, the decree emphasized that one section would be reserved for the Authority. It contained an important provision on the establishment of a special fund for the transfer of financial resources created by the Authority and on the provision of assistance primarily for the developing countries in the development of technology, the production of equipment, the training of national cadres and in other fields. Another provision stated that the decree would be superseded by the entry into force in respect of the Soviet Union of the new convention on the law of the sea. In contrast to the other laws mentioned by the representative of Peru, therefore, the Soviet decree was designed to uphold the basic provisions of the convention concerning marine resources research and exploitation. The law was published in a press release of 23 April and he urged delegations to read it in order to prevent them from misunderstanding its purpose.

55. Mr. DORON (Israel) said that, in view of the fact that the Conference would be voting on 26 April, Israel wished to make it clear that it did not agree with paragraph 9 of the President's report (A/CONF.62/L.132) regarding the amendment in document A/CONF.62/L.101, and reserved its rights in the matter.

56. Mr. RATINER (United States of America) observed that the representative of the Soviet Union had alleged that the United States was engaged in exploiting of the sea-bed. That was an erroneous statement: United States legislation prohibited exploitation before 1 January 1988. Secondly, United States legislation was consistent with the draft convention and would be superseded by his country's ratification of the convention. Thirdly, in the opinion of the United States, the mining of sea-bed minerals was a freedom of the seas until the United States agreed otherwise by becoming a party to a comprehensive convention on the law of the sea.

57. Mr. de SOTO (Peru) declared that exploitation of the sea-bed was not a freedom of the seas.

58. Mr. BRENNAN (Australia) asked whether on 26 April a vote would be taken on all or only some of the amendments which had not been withdrawn as of that date.

59. The PRESIDENT replied that all such amendments would be put to the vote.

The meeting rose at 1.25 p.m.