

# **Third United Nations Conference on the Law of the Sea**

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## **24<sup>th</sup> meeting of the General Committee**

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## 24th meeting

Monday, 23 August 1976, at 10.25 a.m.

*Chairman:* Mr. H. S. AMERASINGHE (Sri Lanka).

*In the absence of the Chairman, Mr. Evensen (Norway), Vice-Chairman, took the Chair.*

### Organization of work

1. The CHAIRMAN suggested that the Committee should hear the reports of the Chairmen of the three Committees, after which he would himself report on progress made at the informal plenary meetings; the Committee might then discuss what it hoped would be achieved by the close of the session.
2. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, drew attention to the second weekly report by the Co-Chairmen on the activities of the workshop (A/CONF.62/C.1/WR.2) and said that, although there were advantages to the workshop procedure, the disadvantages of negotiating in the open were obvious and he believed that negotiations would inevitably have to be carried out in smaller groups to minimize that effect.
3. The Committee had asked the Secretary-General to prepare two important studies: a preliminary note on alternative means of financing the Enterprise, which would also mention the requisite technology and which was to be submitted as soon as possible, and a preliminary assessment of the cost of the proposed new Authority. The latter would where feasible indicate alternative methods of reducing costs without jeopardizing the Authority's efficiency. That study would not prejudice the future discussions on the Authority and its institutions.
4. He pointed out that there were only three weeks left for negotiations; if a subsequent session was needed, it should be devoted simply to decision-making. He appealed to those persons mandated by their Governments to commit them to the convention to focus on the proceedings in the First Committee and to attend all its remaining negotiating sessions.
5. Mr. NJENGA (Kenya), speaking on behalf of the Chairman of the Second Committee, said that negotiating group No. 1 had decided the previous week that the stage reached in the debate on the legal status of the exclusive economic zone warranted authorizing the Chairman to invite a small group of delegations to participate in informal consultations on that subject. The negotiating group was continuing its consideration of the rights and duties of other States with respect to the living resources of the exclusive economic zone. Negotiating group No. 2 had been studying the articles in chapter VI of part II of the revised single negotiating text dealing with access of land-locked States to and from the sea and freedom of transit, and there again informal consultations among a small group of delegations were proceeding. Negotiating group No. 3, which was dealing with the definition of the outer edge of the continental margin and with revenue-sharing with respect to the exploitation of the continental shelf beyond 200 miles, had also passed to the informal consultation stage.
6. The Committee's programme of work provided for continuation of the work of the three negotiating groups and the informal consultation groups for the next two weeks and for the consideration in the third week, either in the Committee or in new negotiating groups, of other subjects, including the question of the delimitation of the territorial sea, the exclusive economic zone and the continental shelf between adjacent or opposite States and straits used for international navigation. The Chairman of the Committee had stated that the present work was showing promising signs, particularly in the informal consultations.
7. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, said that although difficulties remained to be overcome, the deliberations had been encouraging. He hoped that by the end of the session the Committee would be able to submit proposals which would be of significant help in the effort to achieve a consolidated text. The Committee had completed its first round of discussions on the key issue of vessel source pollution and a number of proposals had been made. The proposals would be considered in the course of the week and, with the Committee's consent, he would establish a smaller negotiating group to try to reduce the areas of disagreement. The general view which had emerged from the first round of discussions was that the revised single negotiating text on marine pollution, and more specifically on vessel source pollution, was as a whole a fairly valid basis for negotiations. An attempt would be made to conclude the consideration of the proposals on that subject so that the Committee could turn to the question of transfer of technology. The following week, it would consider any other items.
8. Where marine scientific research was concerned, the Committee had focused on the régime of conduct of research in the economic zone and on the continental shelf. Six basic proposals had emerged from the consultations in small groups in connexion with the conduct of research and the principle of consent. On the basis of his consultations with the authors of the proposals, he had been encouraged to try to present a "test" proposal to see to what extent delegations were ready to negotiate. With some exceptions, most of the delegations which had spoken on his informal proposal—which was merely an attempt to reconcile the differing views and was not a revision of the revised text—had been encouraging. Many delegations had considered it a valid basis for negotiations, although some believed that it was not acceptable. He would consult with the latter delegations to try to reach a compromise.
9. He urged that no one should be misled into believing that there was still a broad margin for manoeuvre; so far as marine scientific research was concerned, delegations must either negotiate seriously or declare that they had failed. In his view, success was more likely than failure. While Committee Chairmen were not expected to produce a revision of the revised text, it should be possible, on the basis of a consensus, to reach a stage at the present session where a new text could be produced under the responsibility of the President, the Chairmen of the Committees, and other officers of the Conference. He believed that his remarks might merit discussion in plenary.
10. The CHAIRMAN, reporting on the informal plenary meetings, said that part IV of the revised single negotiating text had been given preliminary consideration on an article-by-article basis and there had been an exchange of views not only on the legal niceties but also on the underlying political issues. It was essential to conclude consideration of part IV by the end of the week so that the plenary could turn to the final clauses and the preamble. In the light of the discussions that had taken place, it appeared that a thorough revision of part IV was needed.
11. Turning to the point raised by the Chairman of the Third Committee, he said that the time had come to exchange views on what concrete results delegations expected from the session. The objective of the session was to produce a negotiated result which would bring a consensus closer, and delegations were still committed to that objective. Naturally, it could not be expected that all the work would be concluded at the session; some of the more difficult problems being dealt with in the Committees might require more time to negotiate.

However, tangible results must be produced at the present session; otherwise, some of the positive achievements which had been obtained might be jeopardized. One way of summing up the work of the Conference to date would be to produce a consolidated text which would provide the basis for co-ordinated work of the Committees. Such a text might be produced by the end of the session by the President working together with the Chairmen of the Committees. The status of the consolidated text could be left to subsequent discussion.

12. Mr. LEARSON (United States of America) said that, while the overwhelming majority of delegations had come to the session determined to overcome the remaining major substantive obstacles to a widely acceptable treaty, if they were to submit their final reports to their Governments today some might call the session a failure. There were no procedures that would ensure progress unless the participants faced up to the hard choices that must be made in order to resolve the major outstanding issues. A change in approach was needed, for new texts alone would not represent progress unless they reflected widely acceptable solutions which had emerged from negotiations.

13. The Conference had reached an advanced stage, and there were clear limits beyond which many delegations, including his own, could not go. While there was no point in permitting negotiations to drift in the direction of a treaty which could not be widely accepted, his delegation believed that the basis for a widely acceptable treaty did exist and could be found if the Conference focused on the real national interests of all concerned. Those interests were being distorted by group dynamics. The treaty must reflect the needs and interests of all nations at the present time and in the foreseeable future.

14. His delegation could not envisage any change in status in the existing texts in the light of the present negotiations. It was opposed to any decision on the matter at the present time and urged that no action should be taken until the results of the next few weeks had been evaluated. Finally, his delegation agreed that some progress must be evident by the end of the session; otherwise, many Governments would cease to support the Conference. Such progress could be achieved only on the basis of the revised single negotiating text.

15. Mr. ZEGERS (Chile) agreed that the fifth session of the Conference must produce tangible results. Significant progress had been made at each of the previous sessions, and it was now time to consolidate that progress. It was essential to draft a consolidated text by the end of the session, for three main reasons: from the legal standpoint, the Conference had a mandate to draft a convention covering all aspects of the law of the sea; from a political standpoint, Governments could only take a final decision on the basis of a "package" agreement; from an organizational standpoint, it was necessary to establish a single text in order to co-ordinate the work of the three Committees and the plenary. For such a consolidated text to be possible, it was clearly necessary for the Committees to produce results, and although the United States delegation had expressed scepticism about the progress being made, the reports of the Committee Chairmen showed that negotiations were being pursued.

16. A decision on a consolidated text, to be drafted by the President and the Chairmen of the Committees, should be taken by the following week at the latest. The resulting text should be open to formal amendments by all delegations so that such amendments could be formally considered at the next session. Any other course of action would result in the loss of the fruits of many years' effort.

17. Mr. ANDERSEN (Iceland) said that the slow progress of the Conference was a matter for grave concern. He therefore

supported the Chairman's proposal to draft a consolidated text with the appropriate status, so that the decision-making process could be initiated as quickly as possible.

18. Mr. KOZYREV (Union of Soviet Socialist Republics) said that it would be appropriate at the present stage of the Conference to assess what had been achieved and to outline plans for the remaining period. It had been unanimously agreed at the beginning of the fifth session that the main goal of the session was to draft a mutually acceptable convention. However, little progress had been made towards achieving that goal, and the weekly reports of the Chairmen of the Committees had shown that too much time had been devoted to organizational questions, general debates and group meetings. While some progress was now being made in the discussion of unresolved problems, especially with respect to part IV of the draft convention, which might soon be given the same status as parts I, II and III, the pace of work of the Conference had generally been very slow. That was because some countries, particularly those which, in the past, had taken unilateral action concerning the law of the sea, were trying to impose their views on other participants instead of seeking compromise solutions. Such an approach would not contribute to a mutually acceptable convention and would result in the failure of the Conference. It could not be ruled out, of course, that such a failure might well suit some of the participants in the Conference. But the Soviet delegation was firmly convinced that it was not in the interest of all the participants. The overwhelming majority wished to work out a mutually acceptable, viable and comprehensive convention on the law of the sea which would ensure that the oceans and their resources were used in the interests of all countries and peoples and would eliminate the danger of turning the ocean into an area of tension and conflict.

19. Since the Conference was being attended by representatives of countries with different social and economic systems, levels of economic development and geographic locations, the only way to attain such a convention was to conduct constructive negotiations between all countries and groups of countries. The convention should serve the interests of all nations, paying special attention to the interests of the developing countries. With that end in view, and in order to make progress and accelerate the preparation of a convention that would take into account the interests of all countries, active negotiations should be held among groups of countries holding different positions on given subjects so that mutually acceptable solutions could be found. No single group at the Conference, however large, could work out solutions acceptable to all participants without close co-operation with other groups, nor could a solution be found by means of confrontation or the imposition of the views of one group on others. The basis for constructive negotiations between groups could be the revised draft of those parts of the convention which had been established at previous sessions and which were the results of three years of strenuous work. Otherwise, the Conference would be back where it had started.

20. The entire history of the United Nations and post-war international relations had shown that mutually acceptable decisions could be reached only through negotiations which took into account the interests of all countries, and his delegation therefore urged all others to follow such a course at the Conference. Such negotiations would enable the Committees to overcome existing difficulties and find compromise formulations for parts I, II and III of the draft convention. They would also allow the plenary to complete its discussion of issues concerning the settlement of disputes in the interpretation and application of the convention, and to proceed to the discussion of the final clauses and preamble of the convention. That would be the correct order in which to discuss those issues, since the final clauses and preamble could be productively discussed only when delegations had a clear idea of the content of parts I to IV of the draft convention. All such

work should be carried out in strict compliance with the principle of consensus and the idea of a "package" agreement which had guided the work of the Conference at its previous sessions. The Conference would then be in a position, by the end of the fifth session, first at the Committee level and then at the plenary level, to prepare a consolidated draft convention. The consolidated text should be established by collective methods, under the leadership of the President of the Conference and with the participation of the Chairmen and other officers of the Committees and the Rapporteur-General. It should also take account of negotiations conducted in the Committees.

21. Working out a "package" solution meant establishing a draft of the whole convention, and not only part of it. The consolidation involved could, if necessary, be completed at the next session. The group of socialist countries of Eastern Europe, of which he was the current chairman, was prepared to facilitate in the most active way the conduct of such constructive negotiations with other groups and to begin the negotiations without delay. At previous sessions, the group of socialist countries and other countries, primarily the developing ones, had displayed a readiness to move towards each other and had succeeded in finding a common approach to a number of the most important issues of the law of the sea, undoubtedly contributing to the advancement of the Conference. In order to work out a "package" of mutually acceptable solutions, the group of socialist countries would be prepared to give sympathetic consideration to the position of the majority of participants at the Conference, and especially that of the developing countries, on such important questions as the régime of scientific research in the economic zone and the outer limit of the continental shelf. They hoped that other groups would display a similar understanding of the socialist States' position on other key issues.

22. Accordingly, the group of socialist States believed that, in spite of existing difficulties, it would be possible to find acceptable solutions to issues arising in connexion with part I. In particular, agreement could be reached on the basis of the recognition of at least the following main provisions: the right of the International Sea-bed Authority to exploit sea-bed resources, the right of States to conduct the same kind of activities, and the right of the Authority to implement necessary measures aimed at preventing the adverse economic effects of sea-bed mineral production on the exporting countries, primarily the developing countries. The same applied to the establishment of a compensatory system of economic assistance. Only such an approach to the issues facing the First Committee would ensure the inalienable right of every people to utilize resources of the international sea-bed area in the interests of present and future generations, and only such an approach would exclude the possibility of the monopolization of sea-bed mineral resources by imperialist transnational corporations which, on land, had in the past seized oil, copper, gold and other natural resources in almost all parts of the world.

23. His delegation was convinced that it was still possible to reach mutually acceptable solutions with respect to part IV, although such solutions would depend on the work done with respect to parts I, II and III. The group of socialist States would continue to seek solutions which would meet the interests of all countries and hoped that other groups would do likewise.

24. Mr. ARIAS SCHREIBER (Peru) expressed appreciation for the efforts of the Chairman of the Third Committee and for the new revised text which he had submitted. Many delegations had supported the text, but a few had refused to use it as a basis for negotiation, thereby displaying an attitude incompatible with the goal of establishing a democratically approved convention. In their efforts to make progress, many delegations had made considerable concessions, but there was a point beyond which they could not go. Some States regarded the convention as an instrument which should serve their interests alone, but those States should remember that the minority could no longer impose

its will on the majority and that the interest of all nations must be taken into account. If a consensus proved impossible, other decision-taking methods were allowed under the rules of procedure. His delegation could not accept an unnecessary prolongation of the Conference or a treaty which served the interests of only a few countries, and it therefore supported the Chairman's proposal that an improved text should be drafted, taking into account the views of all countries. If it became necessary at a later stage, formal voting procedures and polls could be used to establish such a text.

25. Mr. RIPHAGEN (Netherlands), speaking on behalf of the States members of the European communities, noted with satisfaction that the workshop had begun an open and frank discussion of one of the most essential issues before the First Committee, namely, the question who would be entitled to exploit the resources of the international area and how those resources were to be exploited. However, the States members of the European communities were concerned about the slow pace of the negotiations on that issue.

26. In the workshop, his delegation had stated that the States members of the European communities accepted the principle of direct operations by the Authority, provided that the convention guaranteed access for other operators on equal and acceptable economic conditions. The States concerned believed that such a system would promote the exploitation of the resources of the area and accordingly would provide benefits for all mankind.

27. In the view of the States members of the European communities, those objectives would not be met by all the proposals made in the Workshop. Therefore, if it was agreed that the system of exploitation was to provide guaranteed access on equal and acceptable economic conditions, the States on whose behalf he was speaking remained ready to engage in constructive negotiations with a view to finding generally acceptable compromises on that and other issues.

28. Mr. BELAID (Tunisia) said that, if the Conference was to be successful, all delegations would have to make an effort to find mutually acceptable solutions. Progress would depend on the willingness of the minority in each Committee to make sacrifices and move closer to the majority. If such sacrifices were not made, it might not be possible to draft a consolidated text. Since the problem was fundamental and had political connotations, delegations should be given enough time to study it in depth. Furthermore, the Conference had decided that no consolidated text would be drafted until existing problems had been solved, which was not yet the case. His delegation therefore proposed that any discussion of the question of a consolidated text should be postponed.

29. Mr. TÜNCEL (Turkey) said that it was time to decide whether the Conference could finish its work or, if it could not, what it should try to accomplish. In proposing that a consolidated text should be drafted, the Chairman had assumed that the work of the Conference was sufficiently advanced to make such a consolidated text possible. However, the position of his delegation was closer to that of the United States, the USSR and Tunisia; the work of the Conference was not sufficiently advanced to make a consolidated text possible, the reason being that not all States had been able to participate fully in the work. In the Second Committee, his delegation had proposed that the text should be examined chapter by chapter, since that would have encouraged the participation of all delegations. However, the proposal had not been accepted; instead, all three Committees had concentrated on the so-called key issues and had left other questions aside, with the result that delegations were now being asked to agree to a text which had not been fully discussed. His delegation could not, therefore, accept the proposal to draft a consolidated text on the basis of general agreement.

30. Since threats had been made to the effect that countries would not go beyond certain limits and that Governments might be forced to take unilateral action, there must be perseverance in the efforts to arrive at a convention to be adopted by general

agreement. The only possible course of action was to suspend the work of the Conference so that Governments would have an opportunity to study the situation and take appropriate decisions. Only then would the future course of action become clear.

31. Mr. UPADHYAY (Nepal) said that the progress of work at the present session had been extremely slow in all the Committees. The best that could be said was that the atmosphere, but not the substantive work in the Second Committee, was developing in a positive direction. Unfortunately, several delegations were trying to consolidate what they thought was to be gained from their own point of view and were now less prepared to make concessions than they had been in the past. If that became the pattern in the future, Governments might lose interest in the Conference and withdraw their support from its next session.

32. Progress must therefore be made at the present session, but it could not be sought by imposing majority solutions. No group, however large, could alone work out solutions which were acceptable to all participants. Countries with conflicting interests must recognize each other's problems and be prepared to compromise. No one stood to gain if the Conference failed, and the remaining three weeks of the session must be used for honest, genuine negotiations if the next session of the Conference was to prove fruitful.

33. Mr. SHEHAB (Egypt) said that it was useful to take stock of the progress of work at the current session. However, he wondered whether, in the light of the results of the work in the Committees, it was realistic at the present stage to adopt any concrete decision on what future measures should be taken. Because views differed widely not only on points of detail but also on substantive questions, and because the outcome of the work in the three Committees was not yet known, the current rate of progress was extremely slow. Early in the session, the Conference had instructed the Committees to try to reach agreement on various key issues, but the possibility of drafting a single consolidated text had never been discussed. His delegation was prepared to consider such a measure but, like other delegations, it could not adopt a decision on that matter at so early a stage. Negotiations should continue in the Committees for the time being, and the Committees should then decide what measures could and should be taken. In the last week negotiations had begun to bear fruit, and it was therefore preferable to continue them until positions became more closely harmonized and it became possible to adopt concrete measures. Such a course of action was preferable to a hasty decision to consolidate the four negotiating texts at the current session. Moreover, the results of the work in the Committees over the next three weeks might solve some of the issues raised by the Chairman.

34. Mr. NANDAN (Fiji) supported the Chairman's suggestion that the four single negotiating texts should be consolidated. That could be done without altering the informal status of the negotiating texts, since consolidation and formalization were two separate procedures. The final consolidated text would remain informal until the Conference decided to formalize it, and in its informal stage it would not hinder the ongoing negotiations in the Committees and the plenary Conference.

35. His delegation regretted the slow rate of progress in the work of the session, at least with regard to the negotiations on key issues. However, that should not prevent the Conference from adopting procedural measures to expedite its work, since there had been sufficient progress on substantive issues to make it possible to work towards consolidation while negotiations continued. If a consolidated text was to be adopted at the current session, a decision must be taken on the matter as soon as possible, since the consolidation process would take some time.

36. Mr. BEESLEY (Canada), speaking as Chairman of the Drafting Committee, expressed concern that the work of the session was progressing so slowly, as that created a risk not only that Governments might begin to lose interest in the Conference and withdraw their support from it, but also that the work of the Conference might be overtaken by unilateral action which went against its aims.

37. However, it was encouraging to note that the main negotiating groups had finally been set up, and that even countries not represented in those groups had co-operated with them. Some of the groups were already at work; thus the past three weeks had not been totally wasted. Such interest groups were needed to negotiate and resolve outstanding issues, since the views of individual countries, or even groups, could not be imposed on the Conference. There must be honest negotiations so that an attempt could be made to reach acceptable solutions.

38. More generally, the Conference must consider not only how much work it still had to do but also how much it had already achieved. The views of States might differ on concepts such as the economic zone, but at least the Conference could take credit for having formulated that concept, which reflected a radical transformation in international law. The concept of the common heritage of mankind had likewise first been formulated by the Conference, even though it was so broad that there was a wide divergence of views as to how it was to be translated into treaty rules. Both concepts represented new departures from pre-existing concepts, such as State sovereignty and freedom of the high seas, which in the past had constituted the sum total of the law of the sea. New approaches had also been adopted with regard to the breadth of the territorial sea, passage through international straits and the definition of archipelagos. The Conference was on the way to crystallizing such concepts in the form of principles of a new law of the sea; it must translate those concepts into principles or, where that had already been done, into actual rules of law which allowed for the interests of all the countries involved. While much remained to be done, it would be a tragedy if the gains achieved to date were lost because the Conference or individual Governments failed to resolve outstanding issues. The Conference could not return to the *status quo* prevailing before its inception, no matter what national interests were involved. The previous law of the sea was no longer applicable and States were committed to drafting new laws, however long and complex that task might prove. In trying to crystallize the results of its work, the Conference must bear in mind that any future law of the sea could not be left to State practice, however legitimate the latter might be. Unilateralism, if applied to certain issues, could stike at the heart of the Conference and jeopardize the adoption of an agreed rule of law.

39. It was premature to take a decision on the procedure and timing for consolidation of the negotiating texts, although it was generally agreed that the current session would be failing in its task if it produced merely another single negotiating text at the end of its work. It must therefore draw up a document which clearly differed in status from the four negotiating texts on which it was now working.

40. While the rule of consensus must be maintained, it must not be so misused as to become either the tyranny of the majority or a veto by the minority. Furthermore, if a consensus could not be reached in the time available, that should not mean that the Conference was prevented from applying its ordinary rules of procedure and proceeding to a vote in the Committees in order to arrive at a solution. Consensus should remain the aim, but if voting was needed to make the final document reflect concrete progress, he would not oppose informal or formal voting in the Committees and the drafting of a consolidated text. The Conference should at least be agreed that such a text must be more than simply another informal single negotiating text, and it should press vigorously with the negotiations in small groups so that at the next session it could take decisions.

41. Mr. RASOLONDRAIBE (Madagascar) said he agreed with the Chairman of the Drafting Committee that the Conference had not yet reached the point where either success or failure was certain but that the risk of failure did exist. After all the efforts that had been made, the Conference must not return to the *status quo* prevailing prior to its inception. It was true that many issues were still being negotiated, and like other speakers he regretted the slow rate at which the current

session was proceeding with its work. However, that was due in part to the procedure adopted for the session, which was designed to protect minority interests and indeed the interests of all participants. His delegation did not wish to abandon the rule of consensus, but it felt that, before any progress could be made, certain pre-conditions would have to be fulfilled. First, all delegations must be able to participate in all stages of the work of the Conference, and he was therefore concerned at the proliferation of informal groups, which was likely to make that physically impossible. Secondly, it must not be argued that groups such as the Group of 77 threatened the outcome of the Conference. Thirdly, there must be respect for the will of the majority; for instance, if the common heritage of mankind was to be of benefit to the greatest possible number, the will of the majority must prevail so that that common heritage did not become the private property of a few countries.

42. Before any thought was given to the drafting of a consolidated text, all the Committees should first have completed their consideration of all items on their agenda and adopted decisions on them. Some extremely important issues had been side-stepped at the present session; for instance, the peaceful use of the oceans had been discussed in full at the last session and proposals had been adopted on the subject, but no account had been taken of those proposals when the revised single negotiating text had been drafted. Until work on such issues was concluded, it would be premature to take any decision on consolidation.

43. Mr. BAILEY (Australia) said that the progress of work at the current session had been slow because the new procedures adopted to enable the session to proceed to the final negotiating stage could not be worked out overnight. In any case, progress was now being made on various vital issues in all the Committees. He hoped that the present negotiating procedures would not be abandoned at so early a stage in the session and replaced by a procedure aimed at the drafting of a consolidated text, as that might remove the incentive to negotiate. A consolidated text should be the ultimate aim of the session and would, of course, help to achieve a "package deal", but not all the Committees' texts were at the same stage of negotiation and it would be premature to force those texts into a formal mould before they had been fully negotiated according to the procedure currently prevailing. He supported the analysis made by the Chairman of the Drafting Committee regarding the present state of work in the Committee. Some time should be allowed to elapse before the results of the critical work in the Committees were assessed and before a decision was taken to draft a consolidated text by the end of the session.

44. Mr. ENGO (United Republic of Cameroon) expressed his delegation's concern at the problem posed by the Chairman of the Third Committee, which had procedural and substantive aspects. His country was participating in the Conference because of its conviction that the Conference afforded a rare opportunity to bring about a new order of co-operation among States which would redress the various imbalances in the international community. His delegation had hoped that the problems raised at the Conference would be solved at the plenipotentiary level and in the shortest possible time. Time was, of course, immaterial if real progress was being made, but his delegation felt that although the Conference seemed to be active there was a prevailing atmosphere of distrust and unproductive nationalism. New groups were set up daily in an effort to consolidate the ambitions of nationalistic interest groups. In the First Committee, the main concern should be to correct the imbalances in the world. The concept of the common heritage of mankind with regard to the natural resources of the sea area had been born out of a desire for justice and common endeavour in exploiting that area. Yet some nations, instead of working together, had sought to consolidate their own positions and power. If those countries

insisted on exclusive national rights, they would undermine the strength of the Authority, which was the only proposed valid representative of mankind as a whole. That Authority must have absolute power if it was to meet the diverse needs of all nations, including access to natural resources and the redressing of economic and social imbalances. All such needs could not be met by a single convention, but if the Conference set up an international system which provided the machinery for meeting those needs, then the international Authority should be the sole source of such machinery and must therefore have adequate powers and resources. All nations must work together to meet the expectations which the outside world had of the Conference. The Second Committee, in dealing with the plight of geographically disadvantaged countries, was dealing with a matter vital to the entire Conference. No group of countries must be alienated and all countries' legitimate interests must be given consideration. The Third Committee was progressing because an international spirit was beginning to prevail in its work.

45. In principle, his delegation favoured the early drafting of a consolidated text, for the reasons already expressed by the representative of Chile. However, the matter of timing was a separate issue and depended on the progress of work in the Committees. At all events, the current session must end with concrete results which demonstrated that progress had been made.

46. Mr. BOUBA (Central African Republic), speaking at the invitation of the Chairman, said his delegation very much hoped that, through negotiations, a more flexible and improved formulation of the provisions concerning access to the sea and the sharing of resources would be arrived at. It was convinced that, if solutions acceptable both to transit States and to land-locked countries could be found, they would receive the support of the Group of 77. He for one remained optimistic that the Conference would achieve concrete results while maintaining the principle of consensus for its negotiations.

47. Mr. GUINNESS (United Kingdom) expressed concern at the very slow progress made in the first few weeks of the Conference and said he hoped that negotiations would move forward more rapidly in the remaining three weeks.

48. There were two conditions without which there would be no progress, namely, a clear awareness of the limits to each group's position and a willingness to be flexible. While the first condition had now been met, the second gave rise to concern. Much of the flexibility shown at previous sessions had been lost and delegations were reverting to earlier positions.

49. To be worth while, a consolidated text must do more than simply paper over the cracks of disagreement. It must represent an improvement on the revised single negotiating text and embody a greater degree of consensus than in that which had just been done. In other words, it must show that there had been a genuine forward thrust in the negotiations.

50. Mr. FUJISAKI (Japan) said that unless work was expedited in the areas in which least progress had been made it would be unrealistic to expect to achieve a consolidated text by the end of the current session. His delegation therefore shared the hope that the work of the First Committee would move forward. In addition, it supported the suggestion that the Conference should begin to consider the question of the final clauses and the preamble as soon as consideration of part IV of the revised single negotiating text had been completed.

51. Mr. CHAO Hick Tin (Singapore) said that his delegation did not wish to ascribe blame to any group or delegation for the slowness of the progress so far; however, it hoped that all parties would make a greater effort to seek compromises and to show awareness of the difficulties of other negotiators.

52. His delegation would like to have more time to reflect on the suggestion that a consolidated text should be prepared,

although it agreed that consolidation was a necessary step if there was ultimately to be a convention. Before deciding whether the timing was opportune, his delegation would like to be informed how the text was to be prepared. In particular, it wondered whether consolidation would involve putting together the four parts of the revised single negotiating text, ironing out any inconsistencies in them and inserting appropriate cross references, or whether it would involve a revision of some of the provisions of the revised single negotiating text. In the former case, his delegation doubted whether the effort would be worth while at the present stage; in the latter case, it would like to know on what basis the changes would be made and whether the President and the Committee Chairmen would have the power to decide which of the major trends were to be incorporated in the new text.

53. The CHAIRMAN said that the purpose of his suggestion had been to stimulate discussion and to elicit proposals from the members of the General Committee at future meetings. The representative of Singapore had raised some extremely valid questions which he hoped delegations would discuss among themselves.

54. Mr. WITEK (Poland) expressed support for the statement made by the Soviet representative, especially his words concerning compromise and respect for the interests of the developing, land-locked and geographically disadvantaged States.

55. Small negotiating groups could be of great value in solving problems and narrowing differences of opinion, provided that their membership was determined by consultation between the interested parties and the Committee Chairmen. He agreed with the comments made by the representative of Turkey on that subject. One extremely promising development was the decision of the coastal, land-locked and geographically disadvantaged States to set up a group for negotiations on Second Committee matters. It was most regrettable that that group did not appear on the list of groups working within the framework of the Second Committee. If the members were able to reach constructive conclusions, the Conference would be able to take a step forward.

56. He regretted the comment made by one speaker to the effect that interest groups were hampering negotiating efforts by making unacceptable proposals. What was, in fact, creating an unfavourable climate was certain unilateral actions.

57. His delegation was optimistic about the results of the Conference and accordingly was working hard in the negotiating groups with a view to reaching compromises. It did not believe that voting would provide a solution to the problems. Recourse to voting would be of advantage only to countries which were not interested in achieving positive results.

58. Mr. BENCHEIKH (Algeria) said that, as he understood the Chairman's suggestion, consolidation of the existing texts would involve certain radical changes that would depend on the outcome of negotiations.

59. The Conference had for some time been elaborating a number of basic principles and seeking to ensure that all interests would be protected. However, little progress had been made in that direction since the second session at Caracas. An approach based purely and simply on a geographical criterion could not take into account the real interests of the majority of the countries represented at the Conference. In view of the changes wrought in the international community over the past few years, co-operation in matters relating to the law of the sea should be conceived in an entirely different light and the future convention should reflect certain elements of the consensus that had been reached on the changes required for the establishment of a new international economic order. For example, until the draft provisions reflected the idea that it was not possible to treat developing and highly industrialized nations on an equal footing, there was little hope of reaching agreement. Similarly, it would not be possible to make any real progress until the concept of the common heritage of mankind had been adequately reflected by making provision for an Authority which would be able to translate that concept into practice—an Authority which would be entitled to operate in the international area and would in addition be granted rights in other areas, especially the economic zone. Until those views were taken into account, the nature of the negotiating text could not be changed.

60. Mr. de LACHARRIÈRE (France) observed that the term "consolidated text" was somewhat ambiguous and should be clarified before any decision was taken. He wondered whether it would be simply a consolidation of the existing texts or an amended version of them, and whether it would have a formal status.

61. The suggestion that a consolidated text should be prepared at the present stage might prove to be detrimental to the principle of consensus and to agreement on a "package deal". Moreover, the phase of consolidation could present certain threats to the final convention itself. He would therefore welcome further time to reflect on the merits of the suggestion.

62. Mr. KNOKE (Federal Republic of Germany) said that one of the Committees was so far behind in its work that the question of preparing a consolidated text was premature.

63. Mr. MHLANGA (Zambia) felt that it would be preferable to prepare a consolidated text after a consensus had been reached on certain central issues. He was thinking in particular of the negotiations that were being held on the nature and characteristics of the régime beyond the territorial seas of coastal States.

64. Generally speaking, his delegation was optimistic that progress would be made. However, negotiations would be facilitated if there was a greater willingness to reflect in the convention equitable rights to resources and the equitable distribution of resources, in keeping with the concept of the common heritage of mankind.

*The meeting rose at 1.35 p.m.*