

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/C.1/SR.36

36th meeting of the First Committee

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

the acquisition of the necessary technology, his delegation had not elaborated that proposal in detail, first because it considered that such financing should be the responsibility of all States parties to the convention and that consultations between many countries with regard to it must still take place, especially between those which would have to contribute the most, and secondly because it had the impression that the climate prevailing in the Committee at the current session was not the most appropriate for considering the matter. He pointed out that the Secretary of State had emphasized the need for recognition of the principle of guaranteed non-discriminatory access as well as an acceptable result on articles 9, 25, 26, 27 and 28. He was troubled by the Statement of the Peruvian representative at the current meeting that financing of the Enterprise could be taken for granted.

28. His delegation was not as discouraged as others at the developments in the current session, because it considered the session simply a necessary phase of the Committee's work. The

Group of 77 should know for itself what were the limits of the flexibility of the other side, which had been clearly demonstrated, at least as far as the delegation of the United States was concerned. If the Group of 77 would demonstrate greater flexibility than it had so far, it was very possible that a broadly acceptable treaty could be concluded at the next session. It was also possible that the result would be just the contrary, given the difficulties of the negotiations and of the management of the Group of 77.

29. In conclusion, he expressed the belief that if there were still deep ideological differences in the First Committee, they existed solely because there was time to talk about them and they would be rapidly overcome as soon as it was realized that the time to take decisions had come, for there was no irreconcilable ideological division between 120 countries on the one hand and a few highly industrialized countries on the other.

The meeting rose at 1.10 p.m.

36th meeting

Tuesday, 14 September 1976, at 10.50 a.m.

Chairman: Mr. P. B. ENGO (United Republic of Cameroon).

Final report by the Co-Chairmen on the activities of the workshop (continued) (A/CONF.62/C.1/WR.5 and Add.1)

1. Mrs. HO Li-liang (China) said that, as a result of the tremendous effort exerted by most of the participating delegations, a great deal of progress had been made. The Group of 77 in particular, and the developing countries in general, had adhered to principle and had provided the momentum for the advance of the First Committee's work.

2. There had, however, been obstacles created by one or two super-Powers, whose positions were unjustified and unacceptable. Consequently, in order to obtain positive results on the question of the régime of the international sea-bed area, it was essential to observe the fundamental principle that the interests of the developing countries, including the land-locked and geographically disadvantaged countries, must be taken into account. The principle that the international sea-bed area and its resources were the common heritage of mankind must be adhered to and put into practice. In other words, the area should not be divided, and no country or individual could claim sovereignty over the area and the resources therein. Activities in the area should be conducted under the leadership and control of the International Sea-bed Authority, which would exercise all rights on behalf of the whole of mankind.

3. In that connexion, her delegation deemed it necessary to stipulate that, while all activities within the area might be conducted through modalities deemed appropriate by the Authority, the latter's decision-making power and its right to effective and over-all control over all activities should be maintained. The super-Powers' proposition for a parallel system of exploitation and their unjustified demand for automaticity of entry into contracts with States parties or private companies must be rejected.

4. The experience gained at the current session testified to the fact that the premature consideration of specific or technical questions was not conducive to progress. For that reason, at the next session important questions of principle should be allotted

more time and considered on a priority basis. In addition, all representatives should have equal rights to participate in negotiations and discussions.

5. Mr. SEVILLA-BORJA (Ecuador) said that the lack of sufficient time at the current session, which had been prematurely and hastily convened, had been the main factor preventing the achievement of more tangible results. Nevertheless, the Group of 77 had assumed the historical responsibility imposed on it by circumstances, submitting working papers on substantive aspects and advancing suggestions for correcting the unsatisfactory method of work adopted at the preceding session. Unfortunately, it had not been possible to deal immediately with the important subject considered by the Group of 77 because one delegation—the very one which had been most anxious to have the present session convened as a matter of urgency—had stated that its members had not yet been able to agree on article 27 of part I of the revised single negotiating text (see A/CONF.62/WP.8/Rev.1).¹

6. Accordingly, the Group of 77 had applied itself to a study of systems of exploitation, which eventually had led to a discussion of substantive aspects. That discussion had clearly shown that part I of the revised single negotiating text was not a suitable basis for a compromise solution. Evidence of that was the fact that three texts, contained in workshop papers Nos. 1, 2 and 3, which departed considerably from the revised single text had been submitted. Subsequently, when an attempt had been made to negotiate on the basis of those texts, the same delegation which had stated that its members had been unable to agree on article 27 had demanded that the grounds on which the Authority might deny an applicant access to the area should be spelt out in detail. The Co-Chairmen had accordingly submitted proposals designed to do that, but they had not been accepted by the delegation in question. The delegation of Ecuador wished to emphasize, with regard to the unjustified claim that the Authority

¹See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8).

should have no discretionary power to decide whether an applicant could operate on the sea-bed, that even such supposedly objective criteria as technological and financial capacity could not be determined mathematically but required evaluation by the Authority.

7. That summary of the situation showed how absurd were the insinuations that had been made about intransigence on the part of three delegations in the Group of 77, when in fact those delegations had not been able to participate actively in the negotiations; moreover, the Group of 77 had always adhered to the guiding principle of the common heritage of mankind and to the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil thereof, beyond the Limits of National Jurisdiction, adopted by the General Assembly in its resolution 2749 (XXV).

8. His delegation regarded as vital the decision that responsibility for any new text lay with the sovereign States which were members of the Committee. The result of that decision had been a shift from formal meetings of the Committee to informal meetings, then to the workshop, and finally to the negotiating group of 26. Those working procedures, by discarding the exclusive and exclusivist method followed at the preceding session, had ensured the participation of all States in the negotiations. It was therefore to be hoped that the sixth session would not revert to procedural questions and that the Committee would proceed immediately to a consideration of substantive matters.

9. On the question whether the First Committee should meet between the fifth and sixth sessions, his delegation wished to recall that the Conference, according to its rules of procedure, consisted of the plenary, three Committees and a Drafting Committee, which could meet only if the conference itself was formally convened and decided to continue its work through a single committee, or if a session was not closed and could be resumed. Neither alternative was acceptable to his delegation. The problem with the First Committee was basically political, which meant that what was required was not more time but the adoption of political decisions at the highest level on problems of fundamental importance. Convening the First Committee between the fifth and sixth sessions would not only deprive States of time to ponder the subject involved but would mean holding meetings on dates when some key countries were absorbed by special circumstances of domestic politics.

10. With regard to the assessment of the discussions made by the Co-Chairmen in their final report on the activities of the workshop (A/CONF.62/C.1/WR.5/Add.1), his delegation wished to stress in particular the statement in paragraph 2 that: "it is doubtful that any delegation supports an automatic assurance of access, since there seems to be general agreement that the Authority will presumably have some degree of discretion in applying the relevant provision of annex I", and the paragraphs which showed the necessity of including an anti-monopoly clause.

11. Lastly, it was naive to suppose, at the present stage in international relations, that the developing countries could accept a situation in which exploitation of the sea-bed would benefit primarily a few transnational enterprises. The principle of the common heritage of mankind must be given practical meaning and a legal framework which would truly and equitably operate to the benefit of all peoples, and in particular of the developing countries. The exploitation of resources required joint action, and it was to be hoped that at the next session those countries which had not co-sponsored the text contained in working papers Nos. 1, 2 and 3 would be able to participate more actively and constructively, since their contribution could be of fundamental importance.

12. Mr. YARMOLOUK (Union of Soviet Socialist Republics) thanked the Co-Chairmen of the Committee for their final report on the activities of the workshop. He was obliged to note, however, that the addendum to the report contained

statements of a subjective nature which his delegation would have difficulty in accepting.

13. He explained that in submitting workshop paper No. 2, his delegation had had in mind the need to find a compromise formula acceptable to all. In that spirit it had supported the concept of the common heritage of mankind and the establishment of the Authority, had recognized the need to protect exporting developing countries from the adverse economic effects of activities in the area and had also accepted other political positions taken by the developing countries. At the same time, in that paper, it had accommodated the interests of the capitalist countries in accepting the possibility that natural or juridical persons might participate as contractors, as well as the idea of the creation of a tribunal and a technical commission and other positions adopted by that group of countries.

14. The Soviet delegation had therefore naturally hoped for an equally understanding attitude on the part of other countries, and groups of countries especially, towards the concern of the socialist countries to ensure that the right of States to explore and exploit the resources of the sea-bed under the supervision of the Authority was guaranteed.

15. He pointed out that such assured access would enable the social and economic structure of the socialist States to be used for the exploitation of the resources which constituted the common heritage of mankind. At the same time, in his opinion, the arrangement would safeguard the interests of the developing countries and the industrialized countries, first through the direct participation of the Authority, and, secondly, through the conclusion of contracts with natural or juridical persons.

16. On account of its social and economic structure the USSR could not agree that the Authority should be granted the exclusive right to exploit the resources of the sea-bed. Indeed, to give the Authority the power to select the contractor from among different entities was tantamount to giving it the power to choose between different economic and social systems and, worse still, completely disregard any of those systems.

17. He observed that, for the first time in history, the international community was required to take a decision on the exploration and exploitation of the resources of the sea-bed as the common heritage of mankind. That meant that any decision must have a sound political basis. In that connexion he pointed out that, at the present time, socialism was an important factor in the balance of power in the world. Furthermore, the organizational structure of many States not belonging to the socialist group of States included some of the main elements of the socio-economic structure of the socialist States, such as centralized ownership of the means of production and centralized economic planning. For example, in various developing countries there were primary producers' associations which functioned as State co-operatives. That was no mere coincidence but, in his opinion, represented a prevailing international trend.

18. In those circumstances his delegation reaffirmed its basic position that the convention should guarantee equal rights regarding the exploration and exploitation of the common heritage of mankind for all social and economic systems. Apart from the political considerations he had mentioned, assured access was essential from the economic point of view, since it should be borne in mind that capital investment for the exploitation of marine resources entailed a risk and that when that risk was assumed by an enterprise, the enterprise alone was responsible to its shareholders. On the other hand a socialist country, under its constitutional provisions, could not assume a risk in making an investment since it constituted a State asset, nor could it enter into competition with other entities. Besides, it was inconceivable that access to the common heritage of mankind should be granted to the highest bidder.

19. In his delegation's view, assured access to the resources

of the sea-bed constituted a political and international law principle that was basic to the world-wide system to be established. Besides, only if all States supported the Authority in its activities could the purposes of article 9 of part I of the text of the convention be achieved and, in particular, could exporting developing States be protected from possible adverse effects on their economies. In any event, the USSR was aware of the need to regulate the right of assured access since it shared the concern of the developing countries that exploitation might be monopolized by a few countries or enterprises, given existing differences in the technical and economic levels of States.

20. Although his delegation appreciated the fact that the Group of 77 had tried to arrive at a compromise formula acceptable to all, it had to point out that the proposal by that Group in workshop paper No. 1 was unacceptable, since it did not allow States to participate in exploration and exploitation activities. In his opinion the compromise formula should be sought on the basis of a parallel system, which was the only way of taking account of the interests and viewpoints of all States.

21. Furthermore, his delegation could not accept the proposal that, in future, the Committee should resort to voting in order to resolve its differences, since it was inadmissible that the interests of a group of countries, however small, should be overridden by means of the expedient of a majority vote. No lasting or realistic system could be established unless the interests of all States, and particularly those of the socialist States, were taken into account. Since the common heritage of mankind did not belong to a majority or a minority but to all States, he reiterated his view that consensus was the only means that could yield positive results.

22. Lastly, he noted that although the current session had not produced the anticipated results, it had served to highlight all the differences and similarities in positions and to produce the necessary material so that careful preparations could be made for the next session of the Conference.

23. Mr. ALOUANE (Algeria) said it was a pity that the current session had been devoted to procedural questions and had produced no tangible results simply because, for political reasons, some delegations had been opposed to the principle of consensus. In any case, he hoped that at the next session the Committee would work from the outset on the basis of the same procedure that had been applied at the fifth session.

24. He noted that the problem before the First Committee was both political and revolutionary and should therefore be resolved on that basis. It should also be borne in mind that what the third world in general, and the Algerian delegation in particular, wanted was that the common heritage of mankind should not remain in the hands of the great Powers or of multinational corporations, whatever their origin.

25. He recalled that at the second session held at Caracas, the Algerian delegations had made an important concession in accepting the possibility that multinational corporations or private or public enterprises might participate in the exploitation of the sea-bed resources if the Authority deemed it necessary. However, that seemed not to have been sufficient for some countries, which were now calling for free access to the area, the establishment of reserved areas or of a parallel system—which the Algerian delegation could not accept since the common heritage of mankind was one and indivisible and belonged to all States, great or small.

26. With regard to the Soviet representative's statement that socialism currently represented a major trend, he pointed out that the system of co-operation which the Group of 77 sought to establish was a socialist system of co-operation between all States, which was the only means whereby developing countries could obtain real benefits.

27. His delegation pointed out that, in contrast to what had happened in the case of the 1958 Geneva Convention, which

the African countries had rejected because they had not yet won their independence, the present Conference was being attended by more than 150 States which were confronted with a basic task, one main aspect of which, in his view, was to prevent acceptance of the idea of according rights to multinational corporations whose activities on the sea-bed could be detrimental to all developing countries.

28. Regarding the functions of the Authority, his delegation had had to express serious reservations, as it had stated in the Group of 77 and in the workshop, regarding the text of article 22 proposed in workshop paper No. 1, since the text had been given varying interpretations that could jeopardize its viability. In fact, at the beginning of paragraph 1 it was not clear exactly what was meant by the word "exclusively". Algeria also had reservations about subparagraph (i) because, under that provision, a parallel system of exploitation would be accepted. That paragraph also provided that the Authority should conduct activities in the area directly through the Enterprise and no account was taken of what might happen if the Enterprise did not operate, since the Authority could not create another organ for exploitation.

29. Also, in subparagraph (ii) of paragraph 1, reference was made to the possibility of "a form of association between the Authority and States Parties", and he pointed out that, in French law, the concept of association was excessively vague. The same applied to paragraph 4, according to which States parties would assist the Authority, but no specific indication was given of what forms that assistance might take.

30. For the reasons just given, his delegation had reservations regarding those articles. As to the holding of a special session of the Committee, he agreed with the representative of Ecuador regarding the objections that might arise on the basis of the rules of procedure of the Conference. In the absence of any obstacle of that sort, the Algerian delegation would be able to agree to such a special session.

31. With regard to negotiations, his delegation felt that the draft should be considered article by article, since the present procedure would prove to be fruitless. As to the basic policy question, there existed two contrary positions and two ideologies on which they were based. His delegation did not, and never could, accept the imperialist position which sought to reserve the exploitation of resources for its exclusive benefit and not for the benefit of all mankind.

32. In conclusion, if the Committee wished to negotiate on the text at the next session, it must do so article by article, for in that way it would be able to reach agreement on many of the articles. The articles having an ideological colouring would probably have to be put to the vote in order to determine who was in favour and who was against.

33. Mr. WEHRY (Netherlands), speaking on behalf of the States members of the European Economic Community, said that in his opinion the crucial element for future negotiations was the inclusion of a right of States and State-sponsored entities to have guaranteed access to the resources of the area under equal and acceptable economic conditions. Subject to that reservation, the Authority itself would be able to engage in direct operations, through its own operational arm, the effective functioning of which would need to be studied in precise terms. In that regard, there would still be many major questions to be dealt with, such, for example, as the resources policy of the Authority; the need to find means by which the interests of developing countries could be taken into account; and the development of mechanisms to enable such countries to participate directly in the technological and other non-financial benefits of sea-bed exploitation, as well as receiving a share of the financial revenues.

34. The States members of the European Economic Community hoped that it would be possible at the next session to elaborate on those ideas as well as on those relating to the central issue of the decision-making procedures, the composi-

tion and the respective powers of the organs of the Authority. In that connexion, the States on whose behalf he was speaking stood strongly for a solution which provided an assurance that the views and interests of the industrialized States, which were in a numerical minority, would be adequately protected, and that the same would apply to other minority interest groups. Although the work of the Committee and that done in informal forums established by the Committee had not led to any progress of substance, he trusted that at the next session the questions of substance would be dealt with at the outset.

35. Mr. KAPLLANY (Albania) said it was no secret for anyone that the First Committee had been unable to achieve positive results at the present session. That situation was due to the obstructionist stand taken by the principal imperialist maritime Powers, especially the United States and the USSR. It had been apparent that, on the one hand, the developing countries were justifiably insisting on compliance with the principle of the "common heritage of mankind", whereas, on the other hand, the imperialist Powers, although proclaiming their adherence to that principle, were actually trying to impose on everyone else a system of exploitation that would enable them to gain easier access to the area and to control it in order to satisfy their increasing imperialist appetites, to the detriment of the interests of the peoples.

36. The confusing, and sometimes vague, procedure of setting up various working and negotiating groups had likewise contributed nothing to the progress of the Committee's work. In his delegation's view, no obstacle should be put in the way of the normal functioning of the Committee on the basis of the effective participation of all delegations. His delegation also rejected the threats and blackmail implicit in the expressed intention—without precedent in the Committee—of leaving the meeting room or taking unilateral steps unless negotiations were conducted on some particular aspect of a matter or in some particular way, or unless tangible results were not quickly achieved.

37. Responsibility for the failure of the present session must be laid at the door of the two super-Powers, whose representatives had pointed out that they did not want their statements to be made a matter of record and had done so for the specific purpose of shirking that responsibility. What they did not want was for the public to find out about their dark aims and ambitions. His delegation maintained that only by opposing the imperialist policies and attempts, particularly those of the United States and the USSR, would it be possible for the Committee and the Conference to formulate a new law of the sea that would concord with the interests of the peoples.

38. Mr. MARTIN (Federal Republic of Germany) associated himself with the statement made by the Netherlands on behalf of the State members of the European Economic Community. There could be no doubt that the work of the Committee had not advanced significantly at the present session. On the other hand, it would be wrong to say that no progress at all had been achieved, for every discussion served at least the one purpose of exchanging and clarifying ideas. A far-reaching task of global consequences, such as that of the Committee, could only be accomplished at the cost of enormous efforts in terms of time, initiative and mutual respect and understanding on the part of all the interests involved. It was in that spirit that his delegation had abandoned its original position, the so-called licensing system.

39. Although the revised single text did not represent a compromise, as his delegation understood it, it could have served as a basis for negotiations. However, not all negotiating parties had been prepared to move towards mutual understanding and generally acceptable solutions. His delegation considered that any system of exploration and exploitation of marine resources must accommodate the following concerns, which were consistent with the principle of "common

heritage": first, the legitimate interests of countries depending on the importation of raw materials; secondly, the legitimate interests of land-based producers among developing countries; thirdly, encouragement of investments in the exploitation of new resources necessary for world-wide industrialization; and fourthly, equitable reservation of resources for States not yet in a position to exploit the area. Those objectives could only be achieved by long-term security for applicants and contractors with regard to access to the area, the conditions of the contract, the qualification criteria for applicants, and security of tenure. In addition, a certain percentage of the resources should be reserved for direct exploitation by the Authority. It was in the light of all those considerations that his delegation had agreed, after careful evaluation, to the so-called parallel or dual access system.

40. In spite of the difficulties encountered at the present session, he was convinced that a mutually acceptable system of exploitation could be achieved if the following criteria were met: direct participation in deep-sea mining of private and State-owned companies and security of access; direct participation of the Authority in deep-sea mining through its own Enterprise in the interest of mankind as a whole; clearly defined limits of the Authority's discretion; participation of developing countries through associations with developed countries.

41. The gist of statements made in the Committee indicated that agreement on the basic concept could probably be reached. The difficulty, however, was to shape that concept in the wording of draft articles. That crucial part of the task required a strictly pragmatic approach.

42. Mr. MHLANGA (Zambia) said that his delegation associated itself with the comments made at the previous meeting by the representative of Peru on behalf of the group of Latin American States and by the representative of the United Republic of Tanzania on behalf of the group of African States. He agreed with the representative of Ecuador that the lack of progress in the Committee's negotiations was due not only to the shortage of time but also to the untimely nature of the present session. Some countries had not had time to study the implementation of the concept of the common heritage of mankind, which was the main issue before the Committee. The representative of the United Kingdom had asserted that the concept was imprecise but actually it was very clearly defined in the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil Thereof, beyond the Limits of National Jurisdiction, adopted in General Assembly resolution 2749 (XXV) of 17 December 1970, particularly paragraphs 1, 2, 3, 4 and 7. He wished to recall those principles merely to encourage delegations to renew their efforts to understand them and also as a form of recognition, because the principles had not originated in the Declaration which had merely formulated them and endorsed them.

43. The Committee should continue to move resolutely towards the implementation of the principle of the "common heritage of mankind". The States opposed to the position of the Group of 77 should continue to study that position because an agreement could be reached if the industrialized countries slightly changed their attitude.

44. His delegation wished to introduce certain amendments to article 9 of the revised single negotiating text. First, he would prefer that the interim period specified in subparagraph (ii) of paragraph 4 should be renewed from time to time, as necessary. Secondly, provision should be made for more effective measures of protection against adverse economic effects on developing countries which produced or exported minerals, since the existing arrangements were not really adequate. Finally, due account should be taken of the interests of land-locked and geographically disadvantaged countries.

45. Mr. LAUTERPACHT (Australia) said that his delegation accepted the summary of the discussion in the Committee made by the Co-Chairman of the workshop, Mr. Sondaal,

which would facilitate future negotiations. He also agreed with the opinion of a number of delegations concerning the importance of the establishment of the Enterprise, although it should not be the only instrument for the exploitation of seabed resources to the exclusion of all other interested parties.

46. With reference to procedural questions, he wondered whether it was useful to keep on insisting that the issues dividing the Committee were political. The importance of those issues should not divert attention from the technical problems whose detailed study might well contribute to the solution of the political problems. The longer such a detailed study was postponed the longer it would take to find a solution. Bearing in mind that the final text should necessarily constitute a compromise solution which would not reflect exclusively one position of principle or another, the Committee should proceed from the general to the particular and consider the over-all solution in order to see in what way the constituent parts were related to each other.

47. The informal discussions had been concentrated on questions of principle such as the implementation of the concept of the common heritage of mankind. However, those discussions had been limited to the question of access and had not dealt with such related problems as the structure and functions of the Enterprise, the transmission of technology, the access to raw materials by the Enterprise or developing countries through the Enterprise, the financing of the Authority or of the Enterprise, and the financial relationships between those responsible for exploitation and the Authority. In the face of those important questions which had not been studied in detail, it might be asked how it was possible to take a decision on the question of access, if it were still not known to what extent those responsible for exploitation and the Authority would share the profits. How could a political decision be adopted to prevent access by private individuals without taking into account the cost that such a measure would represent for the international community? Nor had the Committee considered the structure of the Council, which was of basic importance to determine in what way the activities of those exploiting sea-bed resources would be regulated. Nor had it considered the functions of the Economic Planning Commission which should reflect the possibility that the Authority should exercise control, particularly over production.

48. His delegation considered that at the next session account should be taken of all those detailed questions. Otherwise, it would be impossible to reach a solution which satisfied all interested parties. The improvement of the Committee's procedures, if such an improvement was possible, would depend on the relative importance assigned to questions of detail.

49. Mr. DALI (Libyan Arab Republic) thought that the States which had participated in the present session of the First Committee could be grouped in three categories: those who had tried to hold negotiations in order to break the deadlock, made up of the Group of 77 which, in spite of the different interests of its members, had been able to put forward an agreed formula in workshop paper No. 1; another group made up of the industrialized countries, which had come to the Conference exclusively to obtain unilateral concessions from the Group of 77 while they maintained their basic positions; and a third group made up of the European countries which, although apparently seeking a compromise formula, had confined themselves to criticizing the Group of 77.

50. While he recognized that the concept of the common heritage of mankind, which was basic for the exploration and

exploitation of the resources of the area, could be interpreted in different ways, he felt that the really important question was that, as a consequence of the application of that principle, all mankind should benefit to the maximum extent possible. Hence, his delegation repeated its opposition to the concepts of the parallel system of exploitation and automatic access to the area which would only take into account the interests of a few countries. In that connexion, the text of article 22 as proposed by the Group of 77 did not admit the possibility of a parallel system and should be considered in close relationship with article 21 and with articles 7 and 9 of annex I; according to that proposal, the Authority would represent all mankind and States and private undertakings would have access to the resources of the area only with the permission of the Authority and by virtue of contracts drawn up with the Authority.

51. With regard to the possibility of devoting a special session exclusively to the questions before the First Committee, he felt that such a step would not be necessary because, if all States showed the necessary goodwill, it would be possible to finish the work in a maximum period of four weeks. The important task was to reach agreement on questions of principle and subsequently an equitable solution would be found to ensure participation in the common heritage of mankind. In any case, he felt that the industrialized countries should make use of the interval between the present and the next session of the Conference to make an effort to understand the viewpoint of the majority of the countries of the world which felt that they had already been sufficiently exploited in the history of mankind.

52. Mr. DE BEAUREGARD (France) said that his delegation would confine itself to making a few comments on document A/CONF.62/C.1/WR.5/Add.1. The concept of the common heritage of mankind imposed not only the obligation to avoid a monopoly situation in the exploitation of the resources of the international area but also to exploit those resources efficiently so that they benefited all mankind. Those activities were not easy, because they were not aimed at producing articles for the direct satisfaction of human needs but mineral raw materials which only a powerful industry could use. A link would have to be established between existing industries and the exploitation of the resources of the sea-bed, a complicated and difficult task which would require a vast field of application and a long period of time. So, when large-scale profits had been made, distribution of a part of those profits among the developing countries could be effectively considered. The exploitation of sea-bed resources would not be viable unless the essential guarantees were given to the States undertaking such exploitation, including the guarantee of permanent access to the resources of the area.

53. His delegation had some reservations on the statement of the Co-Chairmen in documents A/CONF.62/C.1/WR.5 and Add.1. Apart from the comment made by the United Kingdom at the previous meeting on the first sentence of paragraph 12 of document A/CONF.62/C.1/WR.5/Add.1, there were other paragraphs which were unclear regarding the position of some delegations, especially paragraph 3.

54. Many important questions had not been dealt with at the present session, particularly the provisions of article 9, financial agreements, the non-monopoly clause regarding the régime and structure of the Authority, and the assignment of priorities among the different organs. His delegation would state its position on those questions during the next session in association with the other States of the European Economic Community.

The meeting rose at 1 p.m.