

Third United Nations Conference on the Law of the Sea

1973-1982

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70th Plenary meeting

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42. His delegation agreed that it was particularly important to negotiate on the key problems, namely, those that had remained outstanding—which were limited in number but of crucial importance—and to reach general agreement on the substance of the matter, namely, the elaboration of a unified text. If negotiations were not concluded, the results of the Conference would merely be counterproductive.

43. With regard to the consolidation of the texts, the President's task would be facilitated if those who had been working for several years on those texts took part in the process. His delegation therefore supported the proposal that a team should be formed for that purpose consisting of the President of the Conference, the Chairmen of the Main Committees, the Chairman of the Drafting Committee and the Rapporteur-General. Furthermore, at the level of the Main Committees, it would be appropriate, as in the case of the Chairman of the Third Committee, for the Chairmen of the other two Committees to be more closely associated with the work than the other members of their bureaux.

44. The following stage would apparently be devoted to negotiation. He emphasized the importance at that stage of seeking a consensus at the level of the Main Committees, which would make it a great deal easier to reach general agreement subsequently in plenary meeting. It was clear, however, that much more time would still be needed for that purpose.

45. He was aware that the rules of procedure provided for voting, but in his view the consensus relating to the "package deal" formula was of primary importance; voting would merely have an indicative value and a convention adopted in that way would be of little use. Consequently, recourse to such a procedure should be envisaged only as a last resort.

46. The PRESIDENT pointed out that, as far as the negotiations were concerned, he had no intention of restricting them to plenary meetings and that he was fully aware of the importance of negotiations in the Committees.

47. Mr. KNOKE (Federal Republic of Germany) said that, after reading document A/CONF.62/BUR.4, he felt that it was premature at the current stage to adopt decisions that were too rigid. In his view, it was necessary to concentrate on the negotiations and to proceed with consideration of part IV of the single negotiating text article by article with the participation of the Chairman of the Drafting Committee. The preamble and the final clauses of the draft convention should be considered first of all by the competent organs

of the Conference; the results of that consideration would then be taken into account when the various texts were being consolidated. The decisions in that respect would not be easy and, like the representative of Bulgaria, he felt that it was necessary first of all to seek a consensus within the Main Committees, which would facilitate the adoption in plenary meeting of generally agreed decisions.

48. Mr. WOLF (Austria) said that the Group of Land-Locked and Geographically Disadvantaged States had requested him, as Chairman of that Group, to outline the views of its members regarding the revised single negotiating text. Since a decision had been taken not to debate the substance of that text at the current meeting, he had arranged for the text of the statement that he had intended to make to be circulated to the members of the Conference.

49. Mr. LOGAN (United Kingdom) said that he was aware of the urgency of the work of the Conference but took the view that it was none the less necessary to retain some flexibility in the organization of work, since that had proved to be extremely useful up to the current stage. It was therefore necessary to avoid taking too many decisions. Certain delegations had expressed the hope that, at the next session, the three Main Committees would not again follow the same procedure, namely, the consideration article by article of the single negotiating text, and that they would proceed with the study of the main questions outstanding. In his view, that was the only decision required at the current stage. The Committees should be free, however, to decide when they would proceed to the following stage, and it was necessary in any event to avoid setting a time-limit.

50. As to the possibility of recourse to voting, he pointed out that the President had said in his statement (A/CONF.62/BUR.4) that, at the appropriate moment the Conference would, in accordance with the rules of procedure, have to take a decision on proceeding to a vote if a vote was unavoidable. He interpreted that to mean that, in the President's view, every effort must be made to reach a consensus. Like the representatives of Bulgaria and the Federal Republic of Germany, he thought that that was an excellent principle which should be applied in the Main Committees as well as in plenary meetings.

51. The PRESIDENT said that the interpretation given by the United Kingdom representative was perfectly correct, as was borne out by the text of his own statement.

The meeting rose at 1.10 p.m.

70th meeting

Friday, 7 May 1976, at 3.30 p.m.

President: Mr. H. S. AMERASINGHE (Sri Lanka).

Organization of work for the next session of the Conference (concluded)

1. The PRESIDENT said that, in his view, the single negotiating text contained in document A/CONF.62/WP.9 should be negotiated in the same way as Parts I, II and III of document A/CONF.62/WP.8. The preamble and final clauses of the draft convention should, he believed, be drafted by the Chairman of the Drafting Committee in consultation with the Chairmen of the three Main Committees

and the Rapporteur-General, under the general direction of the President and with the assistance of the Secretariat. Thereafter those sections could be discussed in the same way as other parts of the draft convention. The work of consolidating the final texts should be done jointly by the President and the Chairmen of the three Main Committees, and the Drafting Committee and the Rapporteur-General. If all delegations agreed to his proposals on those three points, then problems connected with negotiations on the main issues could be dealt with. Three weeks would seem to be

needed for those negotiations but he did not wish to impose a rigid time-table on them.

2. Mr. LUPINACCI (Uruguay) endorsed the procedure proposed by the President, including the idea that the same method of work should be applied to document A/CONF.62/WP.9/Rev.1 as to the three parts of document A/CONF.62/WP.8. Once the preamble and final clauses were drafted, they should be studied by an *ad hoc* committee created for the purpose, in view of their importance.

3. In order to facilitate the work of the *ad hoc* committee and the Drafting Committee, revised partial texts—for instance, on the settlement of disputes—might be prepared so that all sections of the draft convention could be dealt with at the same time. Three weeks seemed to be a realistic period of time in which to do that, but flexibility was vital so that everything could be done within the necessary time-limits. The main issues should be identified before the final stage, and the President and the Chairmen of the Main Committees might make a tentative list of them for the following session.

4. Mr. RUIVO (Portugal) endorsed the President's proposals. In connexion with the preparation of a consolidated text, however, there was one matter on which the Secretariat could perform some useful work in the intersessional period. The revised single negotiating text abounded in references to global, regional and subregional bodies, in connexion with which a great many questions could be expected to arise at the following session. For that reason, he suggested that the Secretariat should be instructed to prepare for that session, in co-operation with the specialized agencies and other United Nations bodies, an annotated directory of global, regional and subregional organizations dealing with ocean affairs. The directory should indicate the constitution, powers, membership and area of work of the organizations so that Governments might draw conclusions and decide on general policy.

5. Mr. TREDINNICK (Bolivia) pointed out that the revised versions of the single negotiating texts were still to be treated as informal. The time had not yet come to formalize those texts or to discuss procedures for adopting them since their substance had not been fully examined. He was deeply concerned that those new texts did not reflect the joint position of the 52 land-locked and disadvantaged countries, but those countries were prepared to do all they could to help reach minimum acceptable formulae for a new convention.

6. Mr. TÜNCEL (Turkey) said that the Conference should not decide at the current session on the procedure for the following session. That had been confirmed by the President at the previous meeting, in answering a point of order raised by his and other delegations. Other representatives had pointed out that it was the tradition in international organizations that each conference or session establish its procedure at the opening of its work. He agreed that the method of dealing with legal texts article by article should be changed, but a collective method of work should be adopted, rather than one which assigned greater personal power to certain members of the Conference.

7. The idea of drafting a list of subjects to be dealt with had been discussed, and it was proposed that the President, in co-operation with the Chairmen of the Main Committees, should draw up a list of outstanding issues. However, he felt that each Committee should, at the beginning of the following session, draw up its own list of subjects requiring negotiation.

8. He could not support the President's proposal that the Chairman of the Drafting Committee should prepare a draft text for the preamble and the final clauses; that method again made one person responsible for a great deal of work. The method he supported was that proposed at the previous

meeting by the representatives of Ecuador and the Federal Republic of Germany, whereby a general plenary debate would be held at the following session to discuss the preamble and the final clauses, after which the Chairman of the Drafting Committee might be instructed to prepare a draft text.

9. Mr. NANDAN (Fiji) said that, in his view, a decision should be taken immediately on the method of work for the following session, so that Governments might know what the objectives of the Conference were for future sessions. Governments had to be sure that the Conference had a sense of direction; otherwise they could not go on attending a perennial conference. The new procedures proposed by the President would ensure that efforts continued to be made to reach consensus on all outstanding issues. Unless at a later stage agreement appeared possible, voting procedures would have to be invoked, at least in the Committees. His delegation's position was flexible as to when and how to formalize the single negotiating text and consolidate the four existing texts, but it believed the consolidation process itself should be carried out by the President, in co-operation with the Chairmen of the Main Committees and of the Drafting Committee. The Chairman of the Drafting Committee should draft an informal text of the preamble and the final clauses. The single negotiating text on the settlement of disputes was not as far advanced as the other three texts and should therefore be worked on to bring it up to the same level.

10. The method of work proposed for the following session was, in his view, consistent with the "gentleman's agreement".

11. Mr. AKHUND (Pakistan) said that he agreed that the best way of advancing the work of the Conference was to intensify the negotiating process, particularly between conflicting interest groups. However, such negotiations could not be restricted to two to three weeks at the following session, with a view to making way for the drafting of a consolidated text and for the voting stage. Similarly, a decision on the consolidation or formalization of the negotiating texts would depend on the progress made at the following session. The revised negotiating texts were purely informal and did not commit delegations to a given position or represent a negotiated position or compromise. In his covering note to the revised texts, the President had stated that those texts had been drafted by the Chairmen of the Main Committees on their own responsibility and therefore constituted only a basis for negotiation, without affecting delegations' right to make amendments or new proposals.

12. Miss AGUTA (Nigeria) said that she found the procedure proposed by the President for the fifth session acceptable, although she preferred it in the form suggested by the representative of Bulgaria. The fifth session should be given over to intensive, decisive negotiations after which a short session might be held to test the decisions taken before the text of the convention was opened for signature.

13. Mr. GLIGA (Romania) said that none of the working methods applied to date had succeeded in speeding up the work of the Conference. That was due in part to the many complex problems with which it had to deal, but also to the general framework and spirit in which the negotiations were being conducted. The legal work done by the Conference should be balanced by political agreement, based on objective criteria and secured with the direct participation of all States.

14. All countries of the world were well aware of the national and international interests involved and wanted to participate directly in their regulation. The only way to reach consensus or some form of durable and equitable agreement

was to ensure that all representatives took part at all stages of the negotiations. All too often the emphasis had been on unofficial discussions attended only by some delegations or on action taken by the bodies which managed the work of the Conference.

15. His delegation believed that the negotiating texts should not be consolidated prior to the following session, with a view to having them voted on in the Committees, since delegations did not yet know whether those texts reflected the content of proposals and amendments submitted to date. A decision on procedure should therefore be taken at the beginning of the following session. He agreed that new working methods should be adopted at that session and that the text on the settlement of disputes should be discussed article by article at the beginning of the session; priority should also be given to such important issues as the régime of the international zone.

16. He did not object to the draft preamble and final clauses being drawn up by the Chairman of the Drafting Committee or a small group of representatives, subject to other proposals having the same status. His own view was that that work, and perhaps even the consolidation of texts, should be assigned to the Drafting Committee as a whole.

17. Mr. LEARSON (United States of America) supported the procedural guidelines proposed by the President. It was important that the time available at the following session should be spent in actual negotiations. His delegation had one reservation concerning the proposed procedure, however; it believed that voting would not produce a generally acceptable treaty and that the Conference had not yet exhausted all other possibilities.

18. Mr. JACOVIDES (Cyprus) said that his delegation generally supported the proposals of the President in the expectation that progress would be made at the forthcoming session. The procedures so far followed had probably been needed in order to test the climate concerning each article of the Geneva texts. Having completed that process, however, the Conference should revise its methods of work so that it could make substantial progress towards the adoption of the convention. Indicative voting at the committee stage on certain controversial issues before the Conference, although not necessarily the key ones, might bring about a retreat from extreme positions and lead to compromises. It might well prove unnecessary to resort to real voting, but the possibility of doing so, at least on peripheral issues, should be present. He hoped that real progress would be made in the coming months and that by early 1977 it would prove possible to adopt a comprehensive and widely acceptable convention. No effort should be spared in seeking to attain that objective.

19. Mr. SOBHY (Egypt) said that the current session had clearly shown the importance of clarifying the Conference's working procedures. Since the negotiating texts which had just been distributed would need to be reviewed, it might be advisable to take no further decisions at the current session. The President's suggestions would serve to prepare delegations for the procedural decisions to be taken at the following session.

20. Mr. STAVROPOULOS (Greece) said that it was unrealistic to plan for agreement to be achieved in the space of a few weeks. All negotiations so far had been conducted in like-minded geographic and other groups, and it was high time for negotiations between those who disagreed. The only note of harmony at the current meeting was that the Conference should not continue to follow the procedures it had used in the past.

21. The preamble and final clauses should, in his opinion, be considered in plenary rather than in one of the Main

Committees. He proposed that the Office of Legal Affairs should be requested to submit a basic text for those two sections to the Drafting Committee, which might be instructed to add the necessary political clauses and submit the final text to the plenary.

22. Mr. ZEA (Colombia) said that he agreed with the general guidelines proposed by the President. He felt that it would be unrealistic to expect the forthcoming session to do more than agree on a single consolidated negotiating text.

23. He agreed with the President's proposals concerning the item on settlement of disputes and supported the idea of entrusting the Chairman of the Drafting Committee with the responsibility of preparing a draft text of the preamble and final clauses. He could also support the proposal of the representative of Greece on that subject.

24. Mr. MESLOUB (Algeria) said that on the previous day the Group of African States and the Group of 77 had decided by consensus to request that the fifth session should be deferred until the beginning of 1977, and the reasons for that decision remained valid. His delegation was therefore surprised at the decision to convene that session in New York during the summer of 1976, which seemed to be the result of pressure by certain groups. Similarly, some of the procedures suggested by the President were being so interpreted as to change the Conference's working methods in a way that would not be conducive to its success.

25. His delegation considered that it would be dangerous to lay down a rigid time-table for the fifth session when the texts to be considered at that session had just been received by delegations. Some issues still needed to be the subject of further intensive negotiation. He saw no reason for abandoning the principle of consensus, since the future convention would have to be generally acceptable and would be an essential element of the new international economic order. The Conference should therefore be allowed to decide on its own methods of work at the forthcoming session. Meetings of negotiating and other groups could be held in the interval between the sessions, and would greatly assist the progress of work at the following session. The same need to avoid haste and to promote the broadest possible participation should govern the preparation of other parts of the convention, such as the preamble and the final clauses; in that connexion, his delegation supported the proposal of Ecuador that a general debate should be organized on the subject.

26. Mr. LAI Ya-li (China) said that there was obviously no consensus on convening the fifth session in the summer of 1976. The future convention would have to take account of the needs of all nations of the world, and sufficient time should therefore be allowed for consultations. No convention which reflected the one-sided interests of a few major Powers would be respected or last. He was pleased that the President had suggested that three weeks might be spent on revising the negotiating text and that the time-table was not hard and fast. For the moment, broad guidelines could be set but, in order that all delegations at the fifth session might be given the opportunity to express their views, the detailed programme of work should be flexible and be determined by actual conditions at the session. It was the earnest desire of the peoples of the world to secure a satisfactory law of the sea convention. The small and medium-sized countries, particularly the developing countries, had fought for one for years.

27. Mr. GODOY (Paraguay) said that his delegation had no instructions with regard to the procedure to be adopted at the following session, and could therefore express no views on the proposed methods of work or the revised single negotiating text. The position of his delegation was particularly difficult inasmuch as that none of the substantive proposals of the group of land-locked countries were re-

flected in the revised text. For that group of States the fourth session had been fruitless, particularly in the case of Second Committee subjects. He could not therefore support any proposal to give formal status to or consolidate the separate parts of the revised negotiating text.

28. It was to be hoped that no delegation would seek to exercise a veto or its equivalent with regard to any of the three parts of the existing text, the section devoted to the settlement of disputes, or the preamble and the final clauses. He agreed that the President should request the Chairman of the Drafting Committee to prepare a draft text of the preamble and the final clauses, which should, ideally, be submitted to delegations before the following session began. Since the final clauses might have political implications, the Secretariat should not be given the burden of drafting them.

29. Mr. TARCICI (Yemen) said that the departures from customary procedure which had been proposed by the President needed to be carefully considered. His delegation believed that voting was inadmissible except at the final stage of the Conference, when all other methods had been exhausted. His delegation agreed with the representative of Egypt that the detailed procedures to be followed at the fifth session should be discussed at the beginning of that session after the new texts had been carefully reviewed.

30. Mr. ENGO (United Republic of Cameroon) appealed to members to give the procedural proposals careful consideration in the intersessional period so that agreement could be reached quickly at the beginning of the following session. The idea that the key issues should be identified by a small group should be viewed with extreme caution: key issues could change, and issues which were vital for one committee might not be so important for the Conference as a whole. As matters stood, the Conference should not adopt rigid procedures which might impede rather than advance the work of individual Committees at the forthcoming session. Negotiations between interest groups had been suggested, but means of inducing the different interest groups to meet had not yet been devised. In any event, the Chairmen of the Main Committees would have to remain in close contact concerning the work which remained to be done.

31. Mr. DABB (Papua New Guinea) said that his delegation was in general agreement with the President's proposals on future procedure. The President had not, however, indicated what would happen if the proposed procedure failed to produce the desired results. On previous occasions the President had taken steps to prevent progress from being impeded for too long, and his delegation hoped that he would watch the progress of the work at the following session and take whatever steps were necessary to ensure that results were achieved before the end of the session.

32. Mr. DE SOTO (Peru) said that he felt it was desirable to provide for flexibility of procedure in the Committees, bearing in mind the specific nature of the negotiations in each Committee, their terms of reference and the stage of negotiations reached in each of them. With regard to the proposed request to the Chairman of the Drafting Committee to draft a preamble and final clauses, he understood that the Secretariat would be requested to provide assistance in respect of historical references, with the Chairman of the Drafting Committee being responsible for the political aspects of the text.

33. Although the Conference had already agreed to hold a session of seven weeks in the summer of 1976, his delegation regretted that the delegations had not had time to consider the possible advantages of a shorter session.

34. Mr. PERIŠIĆ (Yugoslavia) said that he felt that the Conference should take a very flexible approach to procedure and not waste time on long procedural discussions at the following session. A degree of flexibility in applying the

rules of procedure would make it easier to achieve results. It was particularly important that the Conference should concentrate on the main outstanding issues and try to achieve agreement on them during the first half of the session so that in the second half of the session it could arrive at consensus and a successful outcome.

35. He agreed with other speakers that the single negotiating text on the settlement of disputes should pass through the normal process with a view to being given the same status as the other texts. With regard to the proposal that the Chairman of the Drafting Committee should be asked to prepare a draft preamble and draft final clauses, his delegation considered that the competence of the Drafting Committee did not go beyond the final drafting of the convention. The Chairman should be given every assistance in preparing the drafts, and his delegation would prefer the two sections in question to be discussed in plenary. The preamble was very important, since it should reflect new trends in international relations. The final clauses were bound to be complex and at least one or two plenary meetings would be needed to determine the views of delegations on them.

36. Mr. HARRY (Australia) said that his delegation believed that the flexible but firm guidelines proposed by the President should enable the Conference to begin negotiations as soon as it met in August and avoid a prolonged discussion on procedure. He assumed that the President and the Chairmen of the Committees would hold consultations before the fifth session on the list of unresolved key issues which should be considered at the outset. Any reduction in the number of outstanding points which were to be the subject of intersessional negotiation in interest groups would be welcome.

37. His delegation understood that the preamble and final clauses would first be drafted on standard lines by the Chairman of the Drafting Committee, with the assistance of the Secretariat, and would thereafter be discussed in plenary at the coming session. The same procedure would have to be followed in the case of the informal single negotiating text on the settlement of disputes. His delegation was confident that the outcome of the fifth session would be a single draft for the convention which everyone hoped would be concluded by the end of the year.

38. Mr. MALIKYAR (Afghanistan) said that the Conference had reached a crucial stage in its negotiations. Basic problems of procedure and substance remained, however, which endangered the whole negotiating process. The procedural guidelines presented by the President needed careful consideration and, precisely because they were intended to speed up the negotiations, the decision on them should be deferred until the following session. His delegation shared the view that it would be unnecessary to apply the procedures used during the current session to the discussion of the revised texts. Although key articles of the new text on which considerable disagreement existed might be the subject of special attention and serious negotiations, a more flexible approach in other matters might help the Conference to produce agreed solutions.

39. He endorsed the statement made by the Chairman of the Group of Land-Locked and Geographically Disadvantaged States at the 15th meeting of the General Committee. His delegation was deeply concerned to note that the position of those States had not been reflected in the revised single negotiating text. It was unacceptable that the basic rights and interests of a group of States should be unilaterally compromised for the sake of negotiated agreements on crucial issues through the application of certain procedures.

40. Mr. BEESLEY (Canada) said that it was clear that the rights and duties of land-locked and geographically disadvantaged States formed one of the most important issues which still needed to be resolved. He was afraid that the Conference

would make no further progress on that issue before the following session opened, since many delegations would be actively involved in group meetings and in preparations for the session. He hoped, however, that the Conference would discuss the possibility of arranging for intersessional consultations on the subject and that the necessary secretariat facilities would be available.

41. The debate had shown the desirability of confining negotiations at the following session to major outstanding issues and avoiding any recapitulation of discussions; however, there was barely time before the session to give detailed consideration to the outstanding issues, and intersessional negotiations would therefore advance the work of the Conference. His suggestion was based on the principle that all the interests reflected in the Conference should be taken into account on the basis of equity. No success would be achieved without the accommodation of divergent interests.

42. Mr. ADDERLEY (Bahamas) said that he did not think that the crucial issues at stake could be resolved through the procedures used at the current session. Such work as had been done at the current session could not be described as negotiations and unless the Conference began serious negotiations it would not make any progress. He therefore appealed to conflicting interest groups to try to resolve their difficulties during the intersessional period. The consolidation of the text, with a view to achieving uniformity, was a drafting exercise which might be carried out in the intersessional period, so that at the following session there could be negotiations on individual articles and issues and on the complete text of the draft convention, including the preamble, the final clauses and the provisions on the settlement of disputes. He hoped that all delegations would be able to muster the necessary political will and decision-making capacity to resolve their differences, so as to make voting at the committee level unnecessary.

43. The PRESIDENT said that the proposals he had made in the General Committee at the 20th meeting of the General Committee had been intended as a guide to the method of work to be followed at the following session; he had not even implied that the Conference should take a decision on them. All delegations seemed to agree that current methods of work could not be continued, but no new method had been devised. He realized, moreover, that many delegations had not had a chance to study the revised single negotiating text. He hoped that at the beginning of the fifth session delegations would at least acknowledge that if the Conference was to make any progress they would have to agree among themselves on which were the most crucial issues on which agreement was essential, and also that in respect of those issues negotiations were needed between interest groups rather than within those groups. The key issues would almost certainly change from time to time as negotiations proceeded, and if the Conference was to work systematically it would need both a programme of negotiations and constant communication and consultations between delegations and the officers of the Conference.

44. Some delegations had expressed the view that the preparation of a draft preamble and final clauses for inclusion in the final consolidated convention could be entrusted to the Chairman of the Drafting Committee, in consultation with the Chairmen of the Main Committees and the Rapporteur-General, under the general direction of the President, and with the assistance of the Secretariat. Other delegations had felt that there should be a preliminary debate before the task was entrusted to anyone. That matter would have to be decided on at the following session and it would therefore be impossible to prepare the draft in the pre-session period. The other parts of the draft convention were still in the form of informal drafts, so that the revised single negotiating text would receive the same procedural treatment as the original informal single negotiating text.

45. The Secretariat would be requested to prepare an annotated directory of all global and regional organizations with competence in ocean affairs, with a clear indication of their respective competences, as suggested by the representative of Portugal. If he heard no objection, he would take it that that suggestion was approved by the Conference.

It was so decided.

46. Mr. ZEGERS (Chile) said that his delegation felt that the Conference should try to reach consensus on at least some aspects of its future procedure. He asked whether the President, perhaps in consultation with the Chairmen of the Main Committees and the Drafting Committee and the Rapporteur-General, could prepare final proposals on procedure for the organization of work, to be discussed during the first two days of the fifth session. He also proposed that the Chairman of the Drafting Committee should prepare a draft of the preamble and final clauses which could be taken up by the Drafting Committee during the first few days of the session so that by the end of the first week that Committee could submit a draft preamble and final clauses to the Conference for discussion at two or three plenary meetings.

47. The PRESIDENT said that he was willing to prepare during the intersessional period proposals with regard to the organization of work, as suggested by the representative of Chile, for submission well in advance of the opening of the fifth session. If he heard no objection, it would be so decided.

It was so decided.

48. The PRESIDENT suggested that, if the draft preamble and final clauses were to be acceptable to the Conference, the best course might be for the Chairman of the Drafting Committee to work in consultation with the Chairmen of the Main Committees and the Rapporteur-General, with the assistance of the Secretariat.

49. Mr. DRISS (Tunisia) said that the Conference had just accepted the proposal that the President should make procedural recommendations which would be discussed in the first days of the following session. The debate had shown, however, that there was no agreement on the question of drafting a preamble and final clauses prior to a general debate. He agreed with the view of the representative of Yugoslavia that a plenary debate was needed to prepare a draft preamble and final clauses.

50. Mr. TÜNCEL (Turkey) said that, as the representative of Greece had pointed out, the United Nations Office of Legal Affairs, on the recommendation of the United Nations Conference on the Law of the Sea of 1958 meeting in plenary, had prepared alternative texts relating to final clauses, which had subsequently been discussed in plenary. That procedure had been very useful, and he supported that kind of action. Between its sessions, the Conference would have the benefit of the work of the Office of Legal Affairs in preparing a text with alternative articles on the basis of which the Conference could hold a debate in plenary during the first few days of the following session. Thereafter the Chairman of the Drafting Committee might be entrusted with the task of rapporteur.

51. The PRESIDENT reminded the representative of Turkey that all such requests would have to be addressed directly to the Secretary-General.

52. Mr. ZEGERS (Chile) said that his proposal was not incompatible with the procedure suggested. The Conference should ask the Chairman of the Drafting Committee to prepare, in consultation with the Chairmen of the three Main Committees and the Rapporteur-General, a preliminary draft to be taken up and discussed by the Drafting Committee and thereafter by the plenary. Account might be taken in that work of the draft mentioned by the representatives of Turkey and Greece. His delegation was astonished that, for

such a relatively simple matter, the Chairman of the Drafting Committee could not be authorized to carry out, in consultation with the President, the Chairmen of the Main Committees and the Rapporteur-General, the necessary preparations. A multifaceted procedure was involved which demanded much more participation than that which had been adopted for the substantive texts.

53. The PRESIDENT noted that the single negotiating text on dispute settlement had been prepared by him, without direction from the Conference. Its status had been regularized by its having been the subject of a general debate, following which a revised text had been prepared. Similar issues arose in connexion with the drafting of a preamble and final clauses; the Chilean proposal combined with the proposal made by Greece would require the Secretary-General to prepare a draft and to provide administrative assistance in collating historical precedents without giving the draft any political substance. Having received that document, the Chairman of the Drafting Committee, in consultation with the Chairmen of the Main Committees and the Rapporteur-General, would prepare a draft for consideration by the Conference. Such a procedure would greatly assist the general debate and he trusted that there would be no objection to it.

54. Mr. DRISS (Tunisia) reminded the President that he had raised an objection and that other objections had been voiced by several delegations to the procedure proposed. The Conference was working on the basis of consensus.

55. Mr. DE SOTO (Peru) said that he understood the concern of the representative of Tunisia. It should be made quite clear therefore, that what the proposal involved was a request to the Chairman of the Drafting Committee, not to the Drafting Committee itself, which, under the rules of procedure, had no power to initiate or responsibility for initiating texts.

56. Mr. PRATT (Sierra Leone) stated that, in his view, the preamble and final clauses could not be finally drafted until the Conference knew what was in the body of the text. He endorsed the proposal that any draft of those sections should be submitted to participants before the forthcoming session.

57. Mr. TÜNCEL (Turkey) said that he agreed with the first part of the proposed decision entrusting the Secretary-General with the preparation of alternative texts with the assistance of the competent services, especially of the Special Representative of the Secretary-General. He disagreed, however, with the second part of the Chilean proposal. He suggested that the representative of Chile should amend his proposal so that the texts in question would be discussed in plenary before being sent to the Chairman of the Drafting Committee. That was normal international practice and should be followed.

58. Mr. ZEGERS (Chile) noted that the procedure objected to by the representative of Turkey was already being followed in the Conference with respect to the text on the settlement of disputes. He would, however, accept the Turkish amendment for the sake of preventing a vote and not prolonging the discussion further, on the understanding that during the first week of the fifth session the Conference should complete the debate on the subject. The Chairman of the Drafting Committee should then be requested to prepare texts for discussion in the Conference by the end of the second week.

59. The PRESIDENT said that, if he heard no objection, he would take it that the Conference wished to accept the Chilean proposal as amended by Turkey.

It was so decided.

60. Mr. MHLANGA (Zambia) requested that the title of document A/CONF.62/WP.8/Rev.1 should be amended to read "revised informal single negotiating text".

61. The PRESIDENT said that the request by the representative of Zambia would be taken into account by the Secretariat.

Report of the Credentials Committee (A/CONF.62/46)

62. The PRESIDENT announced that, since the submission of the report, credentials had been received from Argentina, Egypt and the Ivory Coast, and that the appropriate amendments to the report would be made. He pointed out that the communication from Denmark listed under paragraph 6 should have been listed under paragraph 4. If there were no objections, he would take it that the Conference accepted the Credentials Committee report as revised.

It was so decided.

Closure of the session

63. Mr. ZULETA (Special Representative of the Secretary-General) said that the Secretary-General regretted that his attendance at the United Nations Conference on Trade and Development in Nairobi made it impossible for him to be present at the closing of the current session of the United Nations Conference on the Law of the Sea. In his message the Secretary-General said that he was aware that the fourth session of the Conference had not produced total agreement. At the same time, it was clear that a good deal of progress had been made, and the decision to hold another session in New York was, in itself, an indication of the general desire to maintain momentum and to try to find a global solution creating a new legal order for the oceans at an early date. He expressed his deep appreciation to the President of the Conference for his tireless efforts and outstanding leadership, to the Committee Chairmen for the most skilful manner in which they had discharged their responsibilities and to all representatives for their serious and determined approach.

64. As Governments reviewed the results of the current session and prepared for the following session, he addressed an earnest appeal to them to make every effort to solve the remaining problems by approaching the unresolved issues in a spirit of compromise and realism, giving full recognition to the enormous importance of the successful outcome of the negotiations.

65. A régime of law which ensured the equitable development and use of the seas and their precious resources would be of obvious benefit to all nations and peoples. Success in achieving that critical goal would be a landmark in international co-operation and give important impetus to efforts to solve the other difficult global problems faced by the world community.

66. The PRESIDENT asked the Special Representative of the Secretary-General to convey his thanks and that of the members of the Conference to the Secretary-General for his continued interest in the work of the Conference. For his own part, at the end of the long and arduous current session, he thanked the members of the General Committee for their hard work in administering the Conference. The Conference owed a special debt of gratitude to the Chairmen of the three Main Committees who bore the heaviest responsibility of all and had made a vital contribution by providing the revised informal single negotiating text. He also thanked the staff of the Secretariat, led by the Special Representative of the Secretary-General and Executive Secretary. He expressed his gratitude to all delegations for the co-operation extended to him during the current and previous sessions.

The meeting rose at 6.10 p.m.