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ON THE LAW OF THE SEA

Third Session

PROVISIONAL SUMMARY RECORD OF THE FIFTY-FIFTH PLENARY MEETING

held at the Palais des Nations, Geneva,
on Friday, 18 April 1975, at 3.35 p.m.

President:	Mr. AMERASINGHE	Sri Lanka
Rapporteur-General:	Mr. RATTRAY	Jamaica

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N.B. Participants wishing to have corrections to this provisional summary record incorporated in the final summary record of the meeting are requested to submit them in writing in quadruplicate, preferably on a copy of the record itself, to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva, within five working days of receiving the provisional record in their working language.

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ORGANIZATION OF WORK (A/CONF.62/L.3/Add.3)

The PRESIDENT announced that, in addition to the non-governmental organizations earlier invited to send observers to the Conference in pursuance of General Assembly resolutions 3029 A (XXVII) and 3067(XXVIII), the International Council of Voluntary Agencies, the International Commission of Jurists and the International Movement for Fraternal Union among Races and Peoples had asked to be included on the list approved by the Conference. If he heard no objection he would take it that the Conference approved their requests.

It was so decided.

EVALUATION BY THE PRESIDENT OF PROGRESS OF THE WORK OF THE CONFERENCE (continued)

The PRESIDENT appealed to speakers to be brief in their comments.

Mr. ANDERSEN (Iceland) said that the slow progress made by the Conference so far was a matter of grave concern to many delegations. At the beginning of the session it had been hoped that a consensus would have been achieved by the present stage or that voting would have started. The proposal made by the President, at the previous meeting, that single negotiating texts should be drafted, was the only realistic solution; his delegation supported it and was confident that the outlines of an agreed text would emerge.

The work of the negotiating groups relating to the unified texts should be given high priority, and reasonable time-limits should be allowed for suggestions. Priority should also be given to the clarification of texts concerning the crucial issues of the territorial sea, straits, the limits of the continental shelf, the economic zone and the exploitation of the international sea-bed area. The sense of urgency generated at the present meeting must not be allowed to falter or fail.

Mr. MANGAL (Afghanistan) said it was normal to make an evaluation of progress when the half-way stage of the session had been passed. The President's statement at the previous meeting had revealed the disturbing fact that no substantial progress in negotiations had been achieved. That failure should be taken into account and a decision taken to use the remaining time for substantive negotiations.

Much time had already been spent on procedural matters and the complexity of the subject before the Conference had been used as a pretext and justification for failure to produce results. It was essential at the present stage to make a further determined

effort to produce a comprehensive convention, for which there was an urgent need. In order to be successful, however, such a convention must protect the rights and interests of all States.

The single negotiating texts should therefore reflect the positions of all interest groups, including the land-locked and geographically disadvantaged States, and should be the outcome of negotiations among the groups. They should not be the result of negotiations conducted outside the framework of the Conference or of personal initiatives from outside. Above all, the land-locked and geographically disadvantaged States must be given a firm assurance that they would not have imposed upon them a text which ignored their rights and interests, for that would be a serious violation of the historic mandate of the Conference to produce a new, just and comprehensive order for the seas. With that proviso, his delegation would co-operate with the President and the chairmen of the committees in producing the single negotiating texts.

Mr. SHEBAB (Egypt) stressed his country's conviction of the need to establish a new legal order for the sea, which would end the prevailing disorder and meet the need for international co-operation without injuring the interests of any State. He supported the President's proposal that single negotiating texts should be prepared. It should be understood, however, that such texts could only form a working basis for negotiations and that they would have no official or binding status. They should reflect all points of view and it would not be possible to set a deadline for the completion of such a complex and difficult task.

With regard to the President's suggestion that a fourth session of the Conference might be convened later, that was not a question which could be decided at the present meeting, since there had been no time to study it. The Egyptian delegation would, however, welcome any proposal that might speed up progress, and he assured participants that the developing countries were just as anxious as any delegations present for a speedy conclusion of negotiations.

Mr. SAULESCU (Romania) said that during the first half of the session considerable progress had been made in understanding the various positions of participating States and, in view of the complex nature of the work, his delegation regarded that progress as being satisfactory. Negotiations on basic questions of particular importance such as the territorial sea, the continental shelf and the economic zone should, however, be accelerated.

With regard to the President's proposal, his delegation thought it should be possible, by intensifying all efforts, to draw up single negotiating texts. Those texts should reflect the interests of all States and should be a work of condensation leading towards the establishment of maritime relations on a new basis, as the foundation of a new international political and economic order. All States, on a basis of equality, should be able to see their views reflected in the texts. If the three weeks to come were given over to intensive work, it should be possible to produce the outline, at least, of a new convention.

Mr. PI Chi-lung (China) said that the committees had done much useful work, but it must be acknowledged that, measured against the magnitude of the task and the expectations of the peoples of the world, it was not enough. The main reason why insufficient progress had been made in drawing up a new law of the sea which would meet the needs of the time and of all countries, was that the Conference was dominated by two opposing views. On the one hand, the countries of the Third World, and others which valued their independence, desired a thorough revision of the outmoded régime left over from the era of colonialism and imperialism and, on the other hand, the two super-Powers wished to maintain a position of hegemony and were unwilling to relinquish their monopoly of the control of the oceans. The super-Powers sometimes altered their tactics: while saying they would negotiate, they remained adamant on the substance of their positions. One of the super-Powers, while professing to have the interests of the developing countries at heart, insisted that the area beyond the territorial sea was the "high seas" and that the economic zone was part of the high seas. It insisted on freedom of research, alleging that research was not related to economic resources. The other super-Power took a similar stand and, by propagating the idea that if no immediate agreement was reached on a convention it would take unilateral action, was issuing a threat to the world to impose its own view. In those circumstances, how would it be possible to reach agreement?

Progress would only be possible when the position of maritime hegemony had been abandoned and real co-operation with the developing countries initiated. There was little time left at the present session, but what time remained should be used to the full and a thorough discussion of important matters of substance such as the economic

zone, the territorial sea and straits should be begun at once. A proliferation of working groups should be avoided so as to enable developing countries with small delegations to play their full part.

With regard to the single negotiating texts proposed by the President, the representative of Tanzania had made judicious comments at the previous meeting. If such texts were to be drawn up, they should reflect the positions of the majority of countries and especially of the developing countries. Moreover, other proposals already submitted should remain valid despite the existence of the unified texts. In the Second Committee many subjects had not been fully discussed and new proposals would probably be forthcoming. The unified texts should not prejudice such proposals and should not be treated as the sole documents for consultation and discussion.

In confronting the super-Powers, the developing countries had learnt to feel a new unity in their fight for a new international economic order, and the super-Powers were consequently becoming isolated. The task before the Conference was arduous, but it must be pursued with energy and the newly-found unity must be maintained. China, a developing socialist State of the Third World, would work side by side with the developing countries towards the establishment of a new law of the sea in the long-term interests of the peoples of the world.

Sir Roger JACKLING (United Kingdom) said that the Conference had reached a critical stage. It was essential that participants should demonstrate that some degree of progress had been made, in order to convince governments and the world as a whole that a generally acceptable convention was within reach. His delegation therefore supported the President's proposal.

It was true that there had been negotiation, but great difficulty had been found in reconciling positions, even among like-minded delegations. The drawing up of single texts by a new method was therefore the last hope of achieving significant progress. His delegation did not share the doubts expressed by the representative of Tanzania at the previous meeting. On the contrary, it considered that a single text concentrated attention, led to a better understanding of other people's positions and opened the way for compromise.

Production of the texts would be difficult. It was obvious that each must be the product of a single hand, that is to say, of the chairman of each committee. He must have complete discretion to consult as and where he wished and no restrictions must be placed upon him. The United Kingdom delegation agreed with the representative of Venezuela that the texts shouldleave no room for alternatives: it would therefore be impossible for them to represent all the trends reflected at the Conference. The texts could be submitted to the committees informally, but that must be done well before the end of the session.

For his part, he was confident in the ability of the chairmen to complete the task. Since the Second Committee was having the greatest difficulty in reaching agreement, he promised to give particular support to the Chairman of that Committee. Although the single draft texts would only be negotiating texts, and would not commit the participants any more than the draft of the International Law Commission had committed the 1958 Conference, he hoped that they would form a basis for final agreement to be reached at the next session of the Conference.

Mr. STEVENSON (United States of America) said he shared the President's concern at the slow rate of progress being made and questioned whether the Conference was adopting the right procedure for reaching agreement. At the previous session a considerable advance had been made in regard to the economic zone, which had been largely due to the efforts of the Chairman of the Second Committee in reducing the number of alternatives.

Clearly the difficulties facing the Conference must be explained to the general public and a further effort made to justify the expectation that a treaty would be drawn up within a reasonable time.

Some real progress had been achieved at the present session, at which informal negotiations had been essential, although more time had been spent on restating positions than had been truly constructive. The only way out of the present difficulties was the preparation of single texts without alternatives or variants, and he therefore supported the President's proposal.

He agreed with the Canadian representative that the Second Committee's text should be prepared as quickly as possible so that it could be discussed at the present session. His delegation had come prepared to negotiate an international solution of problems of critical importance to mankind and he hoped the Conference would pass the test of the multilateral treaty-making process.

Mr. FRANCIS (Jamaica) said he endorsed the President's views in the main, and agreed that unified negotiating texts with the characteristics the President had described should be prepared before the end of the session.

The representative of Tanzania had made some pertinent observations about the proceedings in the Second Committee, which urgently needed a mechanism to integrate the fragmentary efforts of interest groups.

Mr. BAKULA (Peru) paid a tribute to the dedication, intelligence and skill of the President which had contributed so much to the progress thus far achieved. Since the Geneva Conferences on the Law of the Sea in 1958 and 1960, the legitimate interests of developing countries in the maritime space were being increasingly recognized, and a legal structure designed to promote alien domination and exploitation was becoming obsolete.

The progress of the present Conference had been slow because some delegations were not prepared to change the status quo and would only make concessions on minor issues. The lack of progress was not due to the absence of negotiating machinery, and even with a single text negotiations would have run into difficulties because of the unwillingness of some delegations to compromise.

Unified negotiating texts could not be a substitute for negotiations and must not be allowed to endanger vital interests or the progress of the third world. Their scope would have to be established in advance, to prevent arbitrary interpretations. They must be timely, that was to say prepared when the moment was ripe, but some of the working groups had not yet discussed certain fundamental problems. They must also be balanced and consistent. They would need to be informal, not binding and open to amendment, and should be prepared in a way that was consistent with the Conference's established methods of work. Each committee's text must faithfully represent the consensus of its members.

Mr. AYALA (Ecuador) said that the Conference had reached a critical stage; some real progress had been made and the negotiations should certainly continue. The subjects being dealt with were both complex and wide in scope; many of them touched on the vital interests of certain States, some of which were prepared to compromise, whereas others seemed unwilling to give up established positions. He wondered whether unified texts would change that situation.

The unified texts must reflect the fundamental interests of the various groups concerned and provide a synthesis of the work done by the working groups. They must fulfill the requirements mentioned by the Peruvian representative.

There was no need for the Conference to concern itself too much with public opinion. Many other conferences dealing with problems of public international law had only produced results after many years. Nevertheless, an effort should be made to explain to the world the complexity of the issues under discussion.

Mr. PLAKA (Albania) said that because of political disagreements the Conference was still trying to devise an effective procedure. Representatives from Asian, African, Latin American and other countries were determined to formulate a new law of the sea which would safeguard their national sovereignty and economic interests, replacing the old law which had perpetuated injustice. But the two super-Powers, the United States and the Soviet Union, were opposed to that new trend and were obstructing progress by various manoeuvres, because they wished to maintain their political, military and economic interests in accordance with their aggressive expansionist policy of establishing their hegemony throughout the world and domination over the ocean. They were striving to maintain a privileged position with respect to the ocean by obstructive tactics and were minimizing the significance of the current session by distracting attention from the main problems affecting the rights and interests of developing countries and other independent peaceful States.

The Soviet Union representative had shown, at the previous meeting, how the super-Powers were seeking to impose a package deal on the main issues. The proposals of those two powers on the main issues made it clear that they wished to limit the sovereignty of States over the territorial sea, the sovereignty of coastal States over straits situated in the territorial sea and the sovereignty of coastal States over renewable and non-renewable resources of the exclusive economic zone, as well as the sovereign rights of States relating to scientific research and pollution control. To that end they were sowing discord between coastal and land-locked States.

The United States was trying to secure the hasty adoption of rules on the exploitation of non-renewable resources of the international sea and was threatening a treaty on that subject must be concluded by the following year. For its part, the USSR had submitted a new proposal on the subject which was at variance with the position of developing countries and, in particular, with article 9 as drafted by the Group of 77. In the Third Committee, the Soviet Union had made a proposal that would reduce to a minimum the rights of coastal States in the economic zone, in the continental shelf and with respect to scientific research.

The two super-Powers were trying to set aside the key issues and consequently the Second Committee had not yet decided on its procedure. Although a certain number of working groups had been set up at the insistence of the great majority of participating States, they had not yet started to work on major problems. Moreover, some of the small delegations were unable to participate in many of the groups.

Negotiations and consultations were certainly necessary, but he was opposed to those undertaken in secret, by which the super-Powers hoped to settle the main issues and restrict the legitimate rights of peace-loving States.

Unified texts might provide a basis for discussion, but they must be drawn up by the committees themselves with all delegations taking part in the process, and they should reflect legitimate interests of peace-loving States. He rejected the Soviet Union proposal that a single text be prepared without the participation of all members, as it would only serve the interests of the super-Powers.

The unified texts should, inter alia, contain provisions about the right of each State to determine the breadth of its territorial sea at a reasonable distance of up to 200 nautical miles according to its particular conditions, taking account of defence needs, national security and economic interests; the defence of the coastal State's national sovereignty over straits in the territorial sea; the passage of warships and military aircraft over the territorial sea, which should be subject to the law of the coastal State; the full sovereignty of the coastal State over renewable and non-renewable resources in the exclusive economic zone; and its national jurisdiction over other aspects of the economic zone including military activities in it. The

demands of developing countries concerning the exploration and exploitation of the international sea must be recognized as well as the legitimate rights of land-locked States.

In the limited time left to the Conference the principal issues should be examined with all delegations taking part and an effort should be made to resist the rapacious policy of the United States and the Soviet Union, in order to establish a new régime in the seas and oceans. Peace-loving States were aware that the super-Powers had sent their fleets to the Mediterranean, the Indian Ocean, the Atlantic and the Pacific Oceans to threaten the liberty and independence of other States.

The PRESIDENT called the Albanian representative to order and asked him to confine himself to the subject under discussion, which was how to promote the process of negotiation.

Mr. PLAKA (Albania) said that peaceful States must fight against hegemony; they should expel foreign military bases from the territory of coastal States and deny port facilities to the fleets of the two super-Powers. National sovereignty in the marine zones should be strengthened in the Convention. Peace-loving States would not yield to any pressure or blackmail; they would be victorious in the struggle to win a just new law which would protect the legitimate rights of the vast majority of States.

Mr. YTURRIAGA (Spain) thanked the President for his untiring efforts to find an acceptable procedure. His proposals should make for speedier results by focusing attention on specific issues. That process had already been initiated in the First and Third Committees. However, he shared the views of the representatives of Canada and Tanzania about the difficulties likely to be encountered. He had every confidence in the Chairman of the Second Committee, but Solomon himself would not have succeeded in reconciling some of the widely divergent views on certain matters and it would probably be impossible to eliminate alternative texts entirely. Unified negotiating texts must be the outcome of consultations in informal groups in which all delegations could participate, and they must be open to amendment. They could certainly not be a substitute for negotiations.

He welcomed the fact that a working group on "innocent passage" had been set up to examine problems connected with navigation through the territorial sea and straits within the territorial sea, so that all suggestions could be considered on an equal footing.

Mr. PISK (Czechoslovakia) agreed with the President's assessment of the progress so far achieved. Single negotiating texts were certainly needed, particularly by the Second Committee, and he hoped they could be prepared by the end of the session so as to provide a basis for future negotiations. They must reflect the work done so far and provide an outline of the future convention. It would not be possible to accommodate all international interests, but the texts must do so as far as possible. In preparing unified texts a high degree of objectivity would be needed, but unfortunately experience in the Second Committee had shown that no delegation was prepared to make significant concessions.

The next session of the Conference might be held at the beginning of 1976 if single negotiating texts could be ready by the end of the present session.

Mr. PERISIĆ (Yugoslavia) said that the main subject of concern was problems faced by the Second Committee. The Group of 77 had produced a draft on some key issues such as article 9 and the basic conditions, and the Committee itself had made some progress in drafting a single negotiating text; that procedure should continue despite the difficulties encountered.

He supported the President's proposal, but considered that single negotiating texts should not be a compromise or commit any government. They must be open to amendment. He hoped that they would be produced before the end of the session, but the final decision on the possibility of producing such texts should be left to the committee chairmen and taken before the final week of the Conference.

He fully endorsed the statement by the delegate of Venezuela regarding the unacceptability of any time-limit or threat of unilateral action on the common heritage. The Conference was not a purely legal exercise, but a very important political conference demanding patient work to harmonize different individual interests with the interests of the community as a whole. For that reason he supported the proposal that the Conference should strongly reaffirm the moratorium proclaimed in General Assembly resolution 2574 D (XXIV) and condemn any attempt at unilateral action violating that moratorium.

Mr. JAGOTA (India) welcomed the proposal that single texts should be prepared before the end of the present session. Such texts should cover all issues before the Conference, and should be regarded as a basis for future negotiations. They should be

open to amendment, but should not contain any variants or any evaluation of the work done so far. The negotiations taking place in the working groups should be continued while the chairmen of the committees were preparing the single texts.

Because of the legal nature of its work the Conference had chosen an inductive approach, which had led to the emergence of a number of important concepts and, in the case of the Second Committee, to the document on Main Trends (A/CONF.62/C.2/WP.1). But the Second Committee had not yet tackled central issues such as the economic zone, archipelagos, islands, the continental shelf, land-locked States and geographically disadvantaged States. The working groups should negotiate on those issues and the results of their negotiations should be embodied in the single text.

Mr. CHOWDHURY (Bangladesh) said that the Conference must prepare a universally accepted legal framework for the utilization of the resources of the seas, in order to protect the interests of the developing countries. Failure to do so would lead to chaos, unilateral action and colonization by force. A single text would facilitate that process, provided that it reflected all main trends and took account of legitimate national interests.

He endorsed the suggestion that a further session of the Conference be convened as early as possible in 1976, and considered that inter-sessional informal meetings would contribute to its success.

Mr. KEDADI (Tunisia) said it was important that the discussions concerning the future convention should proceed in an atmosphere of calm, free from any pressure and with the participation of all delegations. Some delegations were anxious to achieve results because of internal pressures, but were not prepared to make concessions. All the participating delegations held formal briefs from their governments, but most of them had shown flexability and made concessions, both at Caracas and during the present session. The developing countries had submitted proposals on most of the issues before the Conference that were in conformity with the Declaration of Principles; those proposals were reflected in the document on Main Trends (A/CONF.62/C.2/WP.1) and should continue to be the basis for negotiation. The Conference should issue a solemn declaration reiterating the principles contained in resolution 2574D (XXIV) and affirming the need to avoid unilateral action.

The proposed single texts would be useful provided that they covered all the matters assigned to the Committees and reflected as clearly as possible the interests of the developing countries. They should be regarded as the basis for future negotiations. In preparing their texts, the chairmen of the committees should be guided by the positions of the regional groups; the texts should be ready before the end of the session, so that those groups could engage in inter-sessional discussions in preparation for the final phase of the Conference.

It was the view of his delegation and of the Group of 77 that the next session of the Conference should be held in 1976, in a developing country in Africa or Asia.

Mr. HARRY (Australia) endorsed the need for single negotiating texts incorporating the agreements already reached in the informal discussions. Where positions were not harmonized, the Chairmen, in consultation with the Secretariat and the officers of the committees, should prepare a balanced text stating the general position, which would be subject to amendment.

As Chairman of the informal group on settlement of disputes, he wished to inform the meeting that that group was at present discussing a single text and hoped to submit seventeen articles and three concise annexes.

Mr. TREDINNICK (Bolivia) said that there was generally a heavy economic undercurrent to international relations, and in view of the importance of the natural resources of the sea, the law of the sea could be no exception. His delegation thought that the delay in starting on real negotiation was not unexpected, since the object of the Conference was to formulate a new law of the sea based on international social justice. The Conference was at a crossroads: it could take the path of peace and progress or continue on that of injustice and discrimination, which would make negotiation impossible.

His delegation was prepared to collaborate in preparing single consolidated texts which took account of the interests of landlocked and other geographically disadvantaged States, and it endorsed the views expressed on that subject by the Guatemalan representative. All the participants were keenly aware that they were the repository of their peoples' hopes of economic development and social progress, in addition to being the legislators for a new law of the sea: in that capacity, this delegation was willing to negotiate.

Mr. ZEGERS (Chile) endorsed the President's proposal that single texts should be prepared before the end of the session. They should be regarded as a basis for future negotiations and should take account of all the deliberations which had taken place since 1958. They should reflect the discussions held at Caracas and during the present session, particularly on crucial issues such as the two hundred mile limit.

Mr. LUPINACCI (Uruguay) also supported the President's proposal. He endorsed the view expressed by the representative of Greece that it was difficult to see how the Conference could draw up legal rules on the complex issues before it without such a text.

The difficulties which had arisen in the negotiations were due to the vested interests of certain States and, in particular, to the resistance of the major maritime Powers to the adoption of a new Law of the Sea recognizing the legitimate interests of the developing countries. Some progress had been achieved, however, particularly at Caracas where the document on basic trends (A/CONF.62/C.2/WP.1) had been prepared.

The single texts should take account of the results of the deliberations in all the working groups. They should clearly define the most important issues and should seek to provide an uncontroversial, generally acceptable basis for future negotiations. They should be prepared before the end of the present session, so that delegations could submit them to their Governments for consideration in preparation for the next session of the Conference.

Mr. GODOY (Paraguay) said that the drafting of single texts before the end of the session would greatly facilitate the work of the Conference and would enable delegations to engage in systematic consideration of proposals in plenary meetings. At the present session, the volume of documents, particularly in the Second Committee, had made it extremely difficult to study the numerous proposals submitted.

The lack of progress could not be attributed to any particular country or group, since each delegation had an obligation to defend the interests of its country and the aspirations of its people. He welcomed the relative successes which had been achieved by the First and Third Committees, in which his delegation had not been able to participate actively. The lack of progress in the Second Committee was due to its extensive agenda and the complexity of the subjects allocated to it. The document on Main Trends produced at Caracas constituted an advance, however, and he was confident that the exceptional qualities of the Chairman of the Second Committee would ensure the successful conclusion of its negotiations.

The forthcoming session of the General Assembly would provide a useful opportunity for informal intersessional consultations.

Mr. de LACHARRIERE (France) said that when delegations had elected at Caracas to follow the traditional negotiating procedure, everyone had realized that progress would be slow in a large conference dealing with a number of unfamiliar subjects. Nevertheless that procedure had the merit of giving delegations a chance to express their views and to become familiar with those of other delegations, and to weigh the concessions and compromises required to reach a general agreement. Some delegations thought that insufficient progress had been made, but there had been satisfactory results in the First and Third Committees. Some progress had also been made in the Second Committee, though admittedly on the less important matters. His delegation saw no reason to change a mode of procedure which was democratic and legally unassailable.

He was not clear what the nature of the proposed single consolidated texts would be: they could only be the outcome of negotiation by the committee chairmen and would resemble mediators' reports. If the proposal was adopted, he hoped that the report of the Conference would be prepared in two separate parts, one part consisting of the three consolidated "negotiating" texts and the part recording what had actually been negotiated between Governments up to the end of the session. Pre-agreements had been reached in certain areas and negotiation should be actively pursued during the remainder of the session; the attention of the participants should not be concentrated on the consolidated texts - a negotiating text was not a negotiated text.

Some speakers had suggested that the consolidated texts should contain no variants, but a more reasonable objective would be to produce a text with variants on the points on which the chairmen judged them desirable. The chairmen's terms of reference should be flexible.

Mr. YOLGA (Turkey) said that when the programme of work had been agreed at Caracas, his delegation had observed that one session would not suffice to cover it. That had been predictable in view of the volume and complexity of the subject-matter, the conflicts of interest and the number of participants. Delegations must be content to proceed slowly, otherwise they might produce a text which would be the subject of general criticism after a few years.

He approved of the proposal to produce single consolidated texts, provided that it would not hinder the continuation of negotiations up to the end of the session. Any hope that the chairmen of the three Committees could produce texts which would solve all the problems before the Conference would prove merely another illusion. With regard to the nature of the consolidated texts, he fully endorsed the views expressed by the Venezuelan representative. They would not be official negotiated texts binding on any participant, but rather reports by the chairmen on the results of their work. The chairmen should be given considerable freedom of action in interpreting their terms of reference and the texts should take account of all the points covered, since every point was of importance to some delegation, if not to all.

Mr. CAMARA (Guinea) said that there had been talk of a threat to force through a convention: he rejected that suggestion; his delegation was not prepared to prejudice the interests of their people. He must also denounce as false the suggestion that the documents prepared by the Evensen group could be imposed on the Conference as reflecting majority opinion.

No agreement would be reached on the limits of the territorial sea and of the exclusive economic zone until the maritime Powers abandoned their attempt to impose their point of view. The developing nations wanted a just economic order which would make provision for their legitimate aspirations.

Some limit should be placed on the multiplication of groups within committees, and the proliferation of documents served to confuse rather than to help. The smaller delegations were unable to attend all the meetings to express their views.

He agreed that negotiations should be speeded up, but the main obstacle to progress was the confrontation of two conflicting concepts of the future of the world: the aim of the Conference was to change the old order imposed by imperialism and colonialism for a new order guaranteeing the effective sovereignty and independence of countries long subjugated and exploited. To advance its work, the Conference needed to make a political choice. Basic problems which had merely been touched on must be tackled, otherwise the Conference would continue to go round in circles.

Single consolidated texts would be difficult to produce unless certain Powers were willing to abandon their attachment to the old order. Everyone would know where the responsibility lay, since everyone had heard the different viewpoints expressed in the three committees: the third world countries wished the Conference to make progress - the former colonial Powers and their allies wished to hold on to their privileges.

Mr. TORRAS DE LA LUZ (Cuba) said that the Conference must find a method of work that would enable it to agree, at its next session, on the Convention that all delegations were working towards. It must first determine why its progress was slow. The first reason was the very complex nature of the Conference's agenda; the second was the fact that the Convention to be drafted was one that would affect the basic interests of States.

At other Conferences dealing with difficult subjects, such as the sixth special session of the General Assembly, or the three past sessions of UNCTAD, the main disagreements had been between the developing and socialist countries, on the one hand, and a number of imperialistic Powers on the other. At the present Conference the differences between States were much more complex, and even within the Group of 77, despite its unity on basic issues, there were differences on some of the vital questions being dealt with by the Second Committee.

It was important for the Conference not to ignore any valid contribution from whatever quarter - the main committees, official groups such as the Group of 77, or non-official groups such as the Evensen group.

He therefore believed that the President's proposal that single texts should be drafted by the committee chairman as a basis for negotiation, was a most promising one, since it would make it possible to bring together all the most useful ideas and suggestions produced at the Conference.

The proposal did not involve putting a brake on the work already in progress; the working groups could continue with their programmes, and could contribute to the single texts. Cuba interpreted the President's proposal in the light of the comments by the representatives of Venezuela and Turkey. A single text, far from paralysing the Conference's work, should help its progress. If all the points that could be agreed on were put together, it should be possible to settle at least some questions.

The arrangements for drafting the single texts should be left flexible, so that the chairmen could choose the best method of work. The single texts must be regarded not as

a panacea, but as a useful working method. He agreed that if possible the texts prepared by the First and Third Committees should include no variants, and that the Second Committee text should include variants only on those basic questions on which positions differed very widely.

He supported the views expressed by the representatives of Finland and Tunisia about pressure being brought to bear on the Conference. He agreed that, in order to maintain the calm atmosphere necessary for rapid progress towards agreement, the Conference should make a firm statement, in line with the appropriate General Assembly resolution, that there must be a suspension of unilateral activities in the exploitation of the seabed.

Mr. MESLOUB (Algeria) said that although some delegations believed that the preparation of single texts could help the progress of the Conference, others, including his own, had misgivings about it. Algeria supported the views expressed by the representative of the Ivory Coast, speaking as the Chairman of the African Group. If a single text could be prepared - which would certainly not be before the end of the Conference - it should give equal treatment to all questions, since, particularly in the sector allocated to the Second Committee, subjects regarded as vital by some did not have the same importance for others. Account should therefore be taken not only of the conclusions already reached by working groups, but also of those that would have to be reached on other matters still pending. All the interests concerned must be taken into account. He agreed that the Chairman of the Second Committee could not be expected to produce a single text without variants. On the basis he had outlined, his delegation would support the President's proposal, even though not fully convinced of its merits.

The slow progress of the Conference was only to be expected, in view of the large number of countries involved, and the extent to which their interests conflicted. One problem was that certain delegations had difficulty in reconciling themselves to the new realities of international life, in particular the full participation, on an equal footing, of all countries in drafting new rules of international law. Yet that must be the foundation of international democracy; that must be the starting point of any hope of arriving, within a reasonable time, at agreement on a new law of the sea, which would be the corner stone of the new international order.

History showed that pressure and unilateral action were never effective in the long run, and he agreed that the Conference should adopt a solemn declaration, in line with the relevant General Assembly resolution, prohibiting any form of unilateral action calculated to bring pressure to bear on the Conference.

The PRESIDENT said that his proposal seemed to be generally acceptable. It was that the chairmen of the three main committees should each prepare a single negotiating text covering the subjects entrusted to his committee, to take account of all the formal and informal discussions held so far. The texts would not prejudice the position of any delegation, and would not represent any negotiated text or accepted compromise. They would be a basis for negotiation.

The chairmen would be helped by the Secretariat in the preparation of their texts, but would not consult the Secretariat. The single texts would have to be ready before the end of the present session. The chairmen themselves would decide whom to consult and how. In the negotiations, any representative would be free to move amendments. In the preparation of the single texts, account must be taken of the results achieved in formal and informal groups. The drafting of single texts would not provide a pretext for ignoring any existing text, nor would it mean that no work could be done in working groups, or that other negotiations at the present session would cease. On the contrary, it should stimulate discussion, and facilitate progress in the negotiations. He was sure the Conference could have full confidence in the three committee chairmen and they would certainly take full account of all the comments made in the present debate.

He hoped that inter-sessional consultations would be pursued; as the representative of Paraguay had pointed out, there would be a useful opportunity for doing so at the General Assembly in New York.

He said he took it that the Conference was prepared to adopt his proposal.

It was so decided.

The meeting rose at 7.35 p.m.