

United Nations
**GENERAL
ASSEMBLY**

TWENTY-EIGHTH SESSION

Official Records



**FIRST COMMITTEE, 1933rd
MEETING**

Monday, 22 October 1973,
at 3 p.m.

NEW YORK

CONTENTS

Agenda item 40 (continued):

Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction

Page

87

Chairman: Mr. Otto R. BORCH (Denmark).

AGENDA ITEM 40 (continued)

Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/9021, A/C.1/1035, A/C.1/L.646 and 647)

1. Mr. METTERNICH (Federal Republic of Germany): My delegation has availed itself of the opportunity kindly offered to it as a newcomer to state its opinion on substantive questions of maritime law [1926th meeting]. We shall therefore confine ourselves today to procedural matters.

2. As the delegation of the Federal Republic of Germany has indicated in its recent statement, we believe that it is now time to convene the Third United Nations Conference on the Law of the Sea. We share the opinion of many delegations that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, under its able and enlightened Chairman, Mr. Amerasinghe, has, under the circumstances, done a maximum of preparatory work. For the first time, a large political committee of sovereign States was entrusted with preparing a diplomatic conference of such outstanding importance. To be realistic, we had to expect that the presentation and assertion of individual positions would rank before negotiations and compromise. The impressive number of working papers in hand and the almost complete absence of consolidated texts are ample proof that what was possible has been achieved, while the unattainable remains undone.

3. For the very reason that the sea-bed Committee was unable to provide the operative basis for the Third United Nations Conference on the Law of the Sea, the Conference

itself must now begin. It should, right from the start, be of a substantive character. The representatives should have clear negotiating mandates. If the preparatory stage is further upheld, either at the level of the sea-bed Committee or within the framework of the Conference, the results may be that what has been achieved so far will be undone.

4. We are of the opinion that the Conference should be marked by that feeling of urgency which the rapid development in the technological field and the corresponding expansion of unilateral claims in the maritime sector require. For this reason, we support the view that the dates suggested by the twenty-seventh session of the General Assembly [resolution 3029 (XXVII)] should, as far as possible, be observed. It must therefore be left to the Conference itself to decide, in the light of the progress achieved, whether one or more additional meetings are appropriate.

5. So far as the venue of the Conference for the 1974 meeting is concerned—and this applies also to the venue of the possible conference in 1975—we are, in principle, open to any proposal which is approved by the majority of States. We do, however, consider it essential that both the Conference itself and individual delegations should have at their disposal the technical facilities which are a prerequisite for any meaningful work. We are convinced that the generous invitations which have been extended by Venezuela for 1974 and by Austria for 1975 will make allowance for this aspect.

6. The Third United Nations Conference on the Law of the Sea is not a codification conference in the traditional sense of the word, because the majority of States wish to have a new law of the sea. This law is to make allowance for the development that has taken place in past years. It is therefore in the interests of all States that the new law should be made universally applicable. This will only be achieved by a global compromise—not by the defeat of one group or another. Theoretically the ideal, although the most difficult, form of compromise is consensus. In practice, however, a consensus must not necessarily imply unanimity. We think that, on the basis of such a general or political consensus, it would be a realistic solution to adopt the gentlemen's agreement suggested by experienced quarters, that is, the Conference will not vote on procedural questions—unless that is unavoidable—and that it will vote on matters of substance only if the Conference deems it appropriate. We trust that such a general consensus will also prevail when, at the organizational conference, we shall decide on the rules which are to underlie our decision-making process.

7. With regard to the political question of invitations, the majority view has always been that it is for the community

of States to decide who shall be invited. This is the only way of making the otherwise abstract concept of universality workable. The invitation formula contained in the informal draft resolution and now also the formula contained in the formal draft resolution [A/C.1/L.647] which was submitted this afternoon appear, therefore, to be fully acceptable to us. Invitation cannot, of course, anticipate the decision of individual States regarding the question of recognition.

8. To summarize our views, we believe that the Third United Nations Conference on the Law of the Sea should be convened according to the schedule suggested by the twenty-seventh session of the General Assembly. The political negotiating mandate of the delegations alone will provide the impetus which can lead to a negotiated settlement. The settlement must be accepted by all States as applicable law; that universal applicability of law presupposes the willingness to co-operate and to compromise in the process of creating it.

9. Mr. KOCH SAN (Khmer Republic) (*interpretation from French*): In view of the fact that this is the first time I am speaking here, I wish to offer you, Mr. Chairman, and the other officers of the Committee my sincere congratulations on your election to the respective posts that you occupy in the First Committee.

10. In answer to a member of the Committee, I should like to state that the Khmer Republic is a fully fledged State Member of the United Nations and all the other international organizations related to it. Therefore it is only the delegation of the Khmer Republic that is empowered to take part in the Conference on the Law of the Sea, which is to be organized under the auspices of the United Nations. No group, whatever it may be, can claim to take part on behalf of the Khmer State. With reference to the organization of the Conference itself, we shall subscribe to the opinion expressed by the majority of the members of the Committee with respect to the number and site of the sessions and the mandate of the Conference.

11. The CHAIRMAN: I now call on the representative of Mexico to introduce draft resolution A/C.1/L.647.

12. Mr. CASTAÑEDA (Mexico) (*interpretation from Spanish*): Mr. Chairman, as you and the members of the Committee are aware, for some days now we have been holding consultations and negotiations in order to arrive at a draft resolution covering this entire question. After a number of days of consultation, the group of sponsors of draft resolution A/C.1/L.647 finally arrived at an agreement. As will be seen, this is quite a heterogeneous group of countries, since it includes countries from different regions of the world.

13. Basically this is the same draft resolution that had earlier been prepared by the Chairman of the Preparatory Committee, Mr. Amerasinghe, the representative of Sri Lanka. We took his paper as the basis for our draft and, with a few changes, none of great fundamental importance, we prepared this draft resolution. Very briefly, this draft resolution reflects the views of a number of delegations regarding the convening of the conference. Our entire draft rests on the presumption, I would say the conviction, that

it would be desirable for the substantive phase of the Conference on the Law of the Sea to be held next year. This does not mean that the sponsors are unaware of the fact that the Preparatory Committee did not arrive at those agreements that we had expected or desired. We also realize that there is still much to be done. Owing to the absence of the working paper as well as for many other reasons, the conference will have a great deal of work to do. From many other standpoints it will be desirable for the preparatory work to progress much further before the Conference.

14. We accept this but, by the same token, the sponsors feel that to continue the present state, that is to say, to continue in the preparatory stage of the work, would not only fail to contribute to progress in the preparation for the Conference but at best would represent no gain and, at worst, would simply make the situation even more complex.

15. We feel that States are now in a position to make mutual concessions, to negotiate and to come to agreement. But in order to do so we must place ourselves resolutely in the negotiating phase of the conference. To put it another way, we are now in the conference stage and no longer in the preparatory stage. I think that, to a large extent, the last stages of the preparatory work proved that States are not ready to make the necessary concessions to arrive at major agreements while we are still in the preparatory stage and that many, if not most, States must reserve their final positions until the Conference and the negotiations have begun. Therefore, we feel that it is now time to get into the Conference itself.

16. I should now like to turn to the main aspects of draft resolution A/C.1/L.647. I think it is unnecessary to speak about the preambular paragraphs. I shall say only what I feel is essential and not repeat matters that are self-explanatory.

17. Operative paragraph 1 expresses appreciation to the sea-bed Committee for the work it has done. I do not think that any further explanation is necessary on that point.

18. Operative paragraph 2 contains a number of questions that have been somewhat controversial or have given rise to certain difficulties. This paragraph confirms the contents of paragraph 3 of resolution 3029 A (XXVII) adopted in 1972. It was then agreed that the conference would have a preparatory phase that would deal with organizational and procedural questions and that this phase should take place concurrently with the present session of the General Assembly, more precisely, in November and December 1973. It was considered that a session lasting two or three weeks during the end of November and the beginning of December would be sufficient for these purposes. As will be noted, a blank appears in the paragraph in place of the dates. That blank has been retained because of requests made by a number of representatives and also because we understand that conversations are planned between the Chairman of the sea-bed Committee, Mr. Amerasinghe, and the President of the General Assembly, as well as high officials of the Secretariat. Those conversations are intended to fill in the blanks in the most satisfactory way possible. I might say that we have left the blank almost solely out of courtesy to these persons. But I must say that

the co-sponsors feel strongly inclined to fill in the blank with dates, and the dates would be precisely the ones included in the General Assembly resolution, that is, the end of November and the beginning of December. It may well be that last year, because of the haste with which the resolution was originally approved and perhaps because not enough thought had been given to details, we did not take into account all the difficulties and implications of those dates.

19. But the truth of the matter is that we did set those dates and that a decision was approved by the General Assembly regarding them. I feel that only if there are overriding and serious reasons should we change the dates that appear in the General Assembly resolution.

20. After all, our Governments, taking into account that decision of the General Assembly, have made certain arrangements. It would be somewhat difficult now to back-track. This is not merely a matter of discomfort or difficulty for one or two delegations. We are referring here to the fact that many representatives cannot stay here for two months waiting until the conference starts its work at a time other than that planned. So we trust that some practical solution will be found to this question. The sponsors are extremely hopeful that a practical solution will be found to this matter. Our minds are open on it, but we believe that the basic element underlying all this is that a decision was adopted by the General Assembly and we should adhere to it as far as possible—unless, as I say, there are overriding reasons to reconsider the matter. We must also take into account the fact that it is not so easy lightly to change plans that have been adopted by many Governments and delegations.

21. Incidentally, may I add that it was foreseen that the First Committee would deal with the question of the sea-bed for a period of at least two weeks, but in fact we have given the subject barely one week, so there should be four or five days left for the sea-bed items, and we feel that those days could be devoted to this phase of the conference. The General Committee and the First Committee basically are in debt to the forthcoming Conference on the Law of the Sea to the extent of at least five days. I think that debt could be paid in the following way: those days between the dates we want, that is, between 26 November and 8 December, could be devoted to this organizational phase.

22. I go on to operative paragraph 3. Here we mention the mandate of the Conference. It will be seen that one of the key concepts is that there shall be “a convention”, and we do not leave the door open to “conventions”, in the plural, as the earlier text did. We owe this to the fact that the sponsors felt that, taking into account the very close interrelationship that exists among all the items on the sea, and since the subject has been discussed in the United Nations for about 20 years—since, I would say in parentheses, 1953, when we were speaking of whether the régime of the continental shelf should be the subject of a convention or whether it should be merged with all the aspects of the régime of the sea that were being studied by the International Law Commission—even at that time, 1953, we all stressed the essential unity of all the problems relating to the sea. I believe that the principle of the basic

and essential unity of the subjects relating to the sea still stands, and history has confirmed the validity of that principle.

23. It is for that reason that we added the final words in the paragraph and stated that it would be desirable to have only one Convention, so that the régime of reservations or the additional implementation régime of the convention will be single and relatively uniform, and considered as a whole. It is for that reason, as I said, that in the first line of operative paragraph 3 we talk about adopting “a convention”.

24. Secondly, what is the mandate? The mandate covers “all matters relating to the law of the sea”, as this document reads, but not unrestrictedly, in an unbridled fashion. A certain legal framework will have to be set up. That legal framework is enclosed in the list of items contained in General Assembly resolution 2750 C (XXV) and in the lists of subjects and issues relating to the law of the sea prepared by the preparatory committee. Therefore, taking into account those two lists, we feel that the Conference should study all questions relating to the law of the sea, then embody the results in a single convention, if at all possible.

25. Operative paragraph 4 deals with two matters: the dates for the Conference and the site. We have the problem of one or two sessions for next year. This paragraph is based on the solution that seems to have gained most ground, not only among the sponsors but also among the entire membership of the First Committee. Some of us thought otherwise. The delegation of Mexico itself made that fact clear in the first statement we made here. We considered there should be two sessions, one of four weeks in the spring and one of eight weeks in the summer. We felt that that would better lend itself to progress in our work. However, a certain number of delegations—I would go even further and qualify that by saying the greater number of delegations—swayed us towards the concept of a single substantive session in 1974 and we yielded our position to go along with the will of the majority. That is the idea contained in operative paragraph 4.

26. The date is, again, left blank, because we felt that the date would depend to a large extent upon the site of the Conference. Those two matters are linked: first of all we shall have to decide where the Conference is to be held, and then we can put in the dates. With regard to the site, it will be seen that there is still a blank after the word “at”. May I express the hope that the committee will give favourable consideration to the invitations issued. Mexico, as a Latin American country, is particularly appreciative of the invitation of the Government of Venezuela. However, as members of the Committee know, that is not the only invitation. The delegation of Austria has also issued an invitation. And, of course, another solution still stands, for which no invitation is required, and that is that the Conference should be held at one of the headquarters of the United Nations, the European headquarters in Geneva, where a number of delegations would like the Conference to take place. As I said, that question is still open.

27. Operative paragraphs 5 and 6 do not call for any additional comments, I think.

28. Paragraph 7 is somewhat of a hybrid. It has brought together a couple of ideas which we might almost call contrary but which we have tried to marry. One is the principle of universality, which is mentioned in the paragraph, and the other is the so-called Vienna formula. We have tried to outline the ideal solution, which is that of universality, but we did not want to entrust the Secretary-General with an extremely complex and responsible task which he might be somewhat hesitant to accept, that is to say, leaving it to him to decide which entities are to be considered States and, as such, to be invited. We provided for that by indicating a solution here, leaving a blank for those States which the General Assembly might wish to invite, apart from those which are States Members of the United Nations.

29. We feel that this blank could be filled in in the next two days, and I would appeal to all our colleagues to try to solve the questions pending as soon as possible. We believe it hinders the orderly work of the Committee if we allow those questions to be unresolved for too long. The current situation is very fluid, and we would like a more specific stand to be adopted on a number of those questions. That is why we felt it desirable to submit the draft resolution as we are doing, even though there are still certain blanks in the text, since we felt that this might help to crystallize views. If this situation of fluidity is allowed to continue for 8 to 10 days more, it is going to complicate the situation unduly, because Governments will not know when, where or how the sessions are going to begin. We therefore felt that these matters should be resolved as soon as possible. Naturally we are in your hands, Sir, as Chairman of the Committee, to guide our efforts and channel them so that in the work of the First Committee we may resolve these pending questions as soon as possible.

30. Regarding operative paragraph 9, some of the sponsors quite correctly asked me to draw the attention of the Committee to a very important sentence which is within commas, and that is the question of the secretariat of the Conference, taking into account the principle of equitable geographical representation. We consider this important and hope that the Secretariat will take into account that decision of the General Assembly.

31. With regard to operative paragraph 10: this may be the most crucial and difficult of all pending questions. This is the paragraph which deals with the rules of procedure and, as we all know full well, rules of procedure are a circumlocution for method of voting. That is what we have to solve. There is no facile formula, there is no simple solution to this problem. In the best of cases any solution will be bad. We have to select the least bad rather than to find the best. We have again to reconcile two contrary criteria here. On the one hand, we do not want a small majority to be able to try to impose solutions which would not be viable, because we all know that when it is a question of creating a new international law, a new universal régime of the sea, the agreement and acceptance or, at least the tolerance of all important groups of States is required. I hardly think that a solution could, *de facto*, become true international law without having the active support or at least the tolerance of all the main groups of States. However, that is only one aspect of the matter. The contrary criterion is the following: we should not allow a

country or small group of countries to acquire sufficient legal power to prevent the international community from adopting a solution that is strongly supported by the international community itself. In other words, we do not want to recognize the right of veto to any State or group of States. We cannot recognize the veto in this case. So where does the solution lie? The solution lies in the formula that the United Nations has adopted in different cases, which is not, I grant you, institutionalized. It has not been explicitly stated, but in the course of the passage of years we have adopted what is known as the consensus. Consensus does not have a precise legal connotation. It is very difficult to define, but nevertheless it has more or less worked in practice. We feel that the main decisions to be adopted by the Conference—and I am not speaking of procedural questions, because we believe that the rule should be the usual rule, namely that decisions should be taken by a majority vote. However, substantive questions, important questions, should be primarily decided by agreement among the groups of States, that is, by consensus. All efforts must be made to achieve that consensus. However, there must be left one last resort so that certain principles can, if necessary, be adopted by a majority, and will have political or legal value according to the number of countries supporting them, what countries support them, and so on. Obviously we may come to a point where the rule of consensus may no longer be achievable, because that would condemn the Conference and the international community to deny itself a legal régime in as important a question as this simply because of the stubbornness or the misunderstood, or correctly understood, interests of a limited number of States.

32. That cannot be tolerated because the alternative to that universal régime would be anarchy, and we cannot support a voting system that makes anarchy possible. So in the last analysis we have to take a decision. An argument adduced here—I grant you that it is valid—is that since this is an international régime all the groups of States should participate in it. But that same argument—that we want a universal régime—can play the contrary role. It can also be used as a very powerful argument to support the fact that if there is a difference of opinion it is essential that that difference be solved wisely and acceptably, because otherwise there will be no such régime. So we have to harmonize or reconcile these two contrary principles and we felt that this was the ideal solution.

33. In the draft resolution we have requested the Secretary-General to prepare appropriate draft rules of procedure. As you know, a number of formulas have been bandied about, and when speaking of them here we are not necessarily representing the views of all the co-sponsors. As I said, this is not a matter that is contained in the draft resolution. There may be differences of opinion among the co-sponsors, but I can inform the First Committee quite objectively that the co-sponsors and other delegations not co-sponsors have weighed a number of possibilities. As I said, in the case of procedural matters every effort must be made to arrive at agreements, but if that were to be impossible, then purely and simply, as a last resort, the rule of the majority shall be applied in the traditional way, as other conferences have applied it—a simple majority in a committee and a two-thirds majority in plenary will be applied for procedural questions.

34. Regarding substantive matters, one possibility might be the one that is already almost defined in a draft that has been circulated, and that would be to say that when it is felt that a matter should be solved by voting, the General Committee shall be consulted and shall decide whether or not the question should be solved by voting.

35. My delegation and other delegations sponsoring this draft resolution would agree with the essence of that formula. However, we cannot agree with the way in which this problem is being solved. On the contrary, we are very much against it. But we do understand and agree with the essence. We feel that the procedure provided in this formula is completely inadequate. Let me explain why. We think that in cases where there is a difference of opinion and some delegations feel that a matter should be put to the vote, and other delegations feel that as the time is not yet ripe for a vote, the knot has to be cut in a different way. A question on which a vote may be called for may be a substantive and concrete item, a word in an article, an article, a small group of articles, an entire chapter of a convention, or the convention on a whole. We cannot in advance define the extent of the subject on which a vote may or may not be called for. At a certain moment it may be a mere figure; it may be 12 or 200. The problem may arise on that unique and specific point or it may arise on the adoption of the entire convention or on a chapter thereof. Therefore we cannot know ahead of time what it may be.

36. We can easily presume that at the Conference many cases, and not only one, may arise where it will be necessary to decide on whether specific questions are to be voted upon or not. What are we to do in each of those cases? As far as this formula is concerned, one or more countries will have to take the very difficult decision of calling for a meeting of the General Committee. This in itself is a difficult undertaking. Why? Because politically and psychologically the act in itself implies that the country which is calling for that meeting has decided that no agreement is possible and therefore that a vote should be resorted to. This is a political decision that is very difficult to take, and not all countries would be ready to take it except as a last resort. But that is not the only obstacle. Once the decision has been adopted to call a meeting of the General Committee, procedural problems arise. It may take some time to call the meeting of the General Committee. Then, the General Committee will have to be convinced that it must decide upon such a complicated political question, taking into account that that Committee is not the most representative of organs, since it is a body of limited membership. I do not understand why, in the last instance, it is that body of limited membership that is going to decide whether or not a matter is to be voted upon. And once the decision had been adopted, we would have to go back to the body where the problem arose. I believe it is a cumbersome, complicated procedure. In actual practice, the consequences of this type of procedure will probably be that it will not be followed and that questions that at a certain moment should be solved by voting will not be solved in that way. Thus we will allow a too small minority to possess extraordinary powers to block or veto a series of solutions which an enormous majority of the Conference may feel desirable.

37. What other solution could there be? The problem has been posed and there are a number of possibilities which we will continue to study. *Inter alia* there is this possibility: if what is sought is to give the Conference more time for reflection before a vote is taken, if what is sought is to avoid bringing too much passion and heat into the discussion, if positions have become too crystallized, if the attitude is becoming too political—which does happen in United Nations discussions—then let us not take a vote in those circumstances. Why? Because we will not be solving a concrete problem; we shall be legislating for the future and for a long period of time. That legislation for the future cannot be achieved in the heat of the moment. We have to give States a little more time to reflect.

38. Therefore, we thought that the organ in which the problem first arose should be the organ which decides whether or not a matter is to be voted upon. But that organ has to give itself time to reflect. For example, if today such a question were to arise and a delegation were to ask the Second Committee to decide whether the question should be settled by voting, then a period of reflection of 24 hours or 48 hours would be given. Therefore it would be not the General Committee itself but the body where the problem arose which would decide by a two-thirds majority on whether or not that problem, large or small, was to be solved by a vote. That is one of many possible solutions. We might also consider extending the period of reflection, the time between the discussion in the Committee and that in the plenary. We might insist that a week elapse between the discussion in the Committee and the discussion in plenary, to allow those matters to be solved.

39. These are possibilities. However, we are not wedded to them as the best; they are merely some thoughts that I felt should be put before the Committee as I submitted this paragraph of the draft resolution.

40. I go on to paragraph 11. Here we invite participating States to submit before 1 February their suggestions for draft articles, and if they can do so in writing, all the better. This of course does not curtail their right to submit proposals at the Conference itself.

41. Finally, paragraph 13 is the logical consequence of all the foregoing. This consequence is to dissolve the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. Once we start the Conference on its way, the Preparatory Committee ceases to exist.

42. Those were the comments I wanted to make in introducing this draft.

43. The CHAIRMAN: I thank Mr. Castañeda for his vivid and, if he will allow me to say so, eloquent presentation of draft resolution A/C.1/L.647.

44. Mr. ÅLGÅRD (Norway): It gives me great pleasure to support the draft resolution just introduced by the representative of Mexico, Ambassador Castañeda. It embodies the result which, in the view of the sponsoring delegations, should emerge from the review which the General Assembly is undertaking of the plans for the Third United Nations Conference on the Law of the Sea, as reflected in resolution

3029 (XXVII). Mr. Castañeda has eloquently explained the draft resolution in detail, so I will restrict myself to a few more general remarks.

45. The language of the draft resolution follows closely, except for a few adaptations made to meet points raised during subsequent discussions, the text of the amended draft resolution suggested by the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, Mr. Amerasinghe, after consultations in the contact groups. The text suggested is the result of extensive consultations between the sponsors and also seeks to reflect a number of points which have been made by other delegations during the debate.

46. It has been drafted with a view to gaining general acceptance in the Committee and on many issues therefore reflects a somewhat delicate balance between different points of view. Though the text perhaps does not meet the optimal wishes of any single delegation, it should, we hope, satisfy the minimum requirements of all.

47. Certain main questions have been left open in the draft resolution—partly because of new developments which occurred during the discussions of last week and partly to allow consultations between delegations to continue. We have in this connexion noted with sympathy and appreciation the invitation extended at the 1932nd meeting by the delegation of Venezuela for Caracas as the venue for 1974.

48. I should like to emphasize that the sponsoring delegations have not, either individually or collectively, committed themselves to any particular view on how the blanks concerned could best be filled in, with the modifications that emerged from the statement just made by Ambassador Castañeda. The same would of course apply to the Committee as a whole if after adaptation of the draft resolution at Committee level the blanks should still be there.

49. I should like to make two further points.

50. First, I would express our gratitude and appreciation to the Chairman of the sea-bed Committee for the constructive role he has played in the consultation process, for his untiring and dedicated work in that respect. It is largely as a result of his constant efforts and initiatives that we have been able to reach the present stage of our deliberations.

51. Secondly, I should like to conclude by once more emphasizing on behalf of my own delegation that the urgency of the law of the sea problems before us makes it imperative that draft resolutions, such as the one now proposed, be passed by the present session of the General Assembly. The rapid advance of modern technology, with its corollary threat to marine resources, requires new international solutions which can be arrived at in time only if the step from preparatory work to substantive negotiations is now taken.

52. Mr. LIND (Sweden): The Swedish delegation is one of the sponsors of draft resolution A/C.1/L.647. Our support

for the important provisions of that text should be evident from the statement made by my Ambassador at the 1928th meeting. With the urgent need to have a new law of the sea, we see the formal presentation today of this draft resolution as a momentous step on the road to the launching of the Third United Nations Conference on the Law of the Sea.

53. As has already been stated by the representative of Mexico, Mr. Castañeda, the present group of delegations behind the draft resolution, which we do not believe necessarily to be the final list of sponsors, is well balanced. The draft resolution deals exclusively with procedural and organizational aspects related to the convening of the Conference. The Swedish delegation considers the draft resolution to be unrelated to the various interests of States in the substance of what will later be dealt with by the Conference itself. In our view, the draft resolution is therefore highly commendable to all delegations, whether they represent States which are coastal, States which are land-locked or States which are shelf-locked.

54. Mr. BEESLEY (Canada): I shall not take the Committee's time by reiterating what has already been said so ably by the delegations of Mexico, Norway and Sweden, but I should like to express the full support of my delegation for this draft resolution, which it has sponsored. As has already been explained, particularly by the representative of Mexico, the sponsors have had no wish to prejudge any of the unresolved issues in putting forth this draft resolution. On the contrary, we have wished only to try to bring to a head some of the issues we have been discussing for more than a week now and which very urgently require resolution. I should like to offer, on behalf of my delegation alone, a few comments and suggestions on some of those unresolved issues.

55. The first relates to the timing of the procedural conference. It seems we have a difficulty in that most delegations would far prefer to adhere to the timing laid down in our resolution last year and sanctioned by the General Assembly, which most of us understood to mean that we would begin some time late in November and finish some time early in December. That, certainly, is the preference of my delegation, and we, among many others, would like to see something like the dates 26 November to 7 or 8 December. It is our understanding, however, that there may be difficulty in working out the necessary arrangements, including, in particular, availability of the facilities to have our conference at that particular time. I should like, however, to place on record the view of my delegation that it is a major international conference we are discussing; it is not just another meeting of a subcommittee or even of a committee or sub-organ of the United Nations. It is a major international conference, and it is our view that efforts should be made to try and provide us with adequate facilities and, one would hope, a period of time that would not run well into Christmas week. Having said that, we accept that that may not be possible but we would urge that every effort be made to make it so. It is our suggestion that we attempt to tackle that problem first.

56. The second issue requiring consideration remains the timing and venue of the substantive session. We have heard very helpful statements—last week from the representative

of Chile [1927th meeting] and today from the representatives of Venezuela and Austria [1932nd meeting]. We now finally have before us the information to enable us to make that kind of decision, and it is my own delegation's suggestion that we attempt to decide that question also as quickly as possible. After all, it has some urgency—second only, perhaps, to the urgency attendant upon the first question mentioned, namely, when we shall begin our procedural conference.

57. The third question we must obviously still discuss further with a view to working out some kind of agreed solution is that relating to our decision-making even though, strictly speaking, that problem belongs to the procedural session to be held later this year for resolution. It seems clear that whether or not that is the correct approach strictly speaking, nevertheless this issue of the manner in which we shall reach decision is an important one for many delegations and one we should try to resolve even before the procedural session if we can do so by means of some form of gentlemen's agreement which, one would hope, would be reflected in a statement of the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, who has already been so helpful in trying to resolve these difficulties, and subsequently, with your agreement, Mr. Chairman, perhaps in a statement by you.

58. The fourth question we must try and resolve, preferably by negotiation but if not by some other means, is that of participation in the conference. Some delegations would prefer to see that issue separated from the major resolution and put into a separate one in order to ensure maximum support for the resolution convening the conference, but there are others that equally strongly oppose that approach and want to ensure that the two questions are linked in the one resolution.

59. Without any view to stifling debate since there are many delegations that have not, of course, had a chance to comment on the draft resolutions tabled this morning and they are all entitled to be heard, my suggestion is that rather than debate these questions that could take up another week of our time, whether we have time or not, we should try to negotiate the resolution of these issues and—bearing in mind only the right of every delegation that wishes to speak for the record to do so—that we proceed as quickly as possible to the consultation process which we have utilized with some success earlier. I make this suggestion with due deference because I am aware that there may be delegations which will think that the problem ought to be handled differently. But I put forth these suggestions solely in the knowledge that we have very little time left—today is almost gone and we may have to adjourn until Thursday—and it would be very useful to attempt to resolve at least these questions through negotiation where perhaps we would not have to speak at such lengths as we would if we were debating the issue with full record.

60. Mr. ZOTIADES (Greece): My delegation, which participated in the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, would like to take the floor in support of draft resolution A/C.1/L.647 now before us. The 15 Powers sponsoring this draft resolution must be

warmly congratulated for their efforts in producing a draft resolution which seems to command the support of the overwhelming majority of the members of our Committee. The draft resolution is well-balanced; it is non-controversial; it is procedural in nature; it follows closely the lines suggested by the draft presented by the sea-bed Committee Chairman, Mr. Amerasinghe; and it is highly commendable.

61. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, despite its well-known failure to produce draft articles for the Third United Nations Conference on the Law of the Sea, has worked hard and has attained a certain amount of success in producing alternative solutions to major issues on the complex issue of the law of the sea, issues strongly connected with the sovereignty and jurisdiction of Member States. It is for this reason that operative paragraph 1 of the draft resolution is appropriate.

62. As far as operative paragraph 2 of the draft resolution is concerned, my delegation would propose that the blank space in that paragraph be filled by adding the word "December". We are entering the last week in October. We have not as yet agreed which Member States of the United Nations are going to be sent invitations. Our Governments must be allowed a certain amount of time to decide on the composition of their delegations to the Third United Nations Conference on the Law of the Sea. They need a certain amount of time for preparation of the *pleins pouvoirs*. For all these practical reasons we would suggest that the first session of the Third United Nations Conference on the Law of the Sea be held in New York in December 1973 for the purpose of dealing with organizational matters, including the election of officers.

63. As far as the substantive session of the Conference is concerned, we are pleased to see that the sponsors are suggesting one session only for a period of ten weeks. My delegation is grateful for the suggestions made by the representatives of Austria and Venezuela to host the Conference, and we look forward, as far as the venue of the Conference is concerned, to the final solution to be taken during the organizational session.

64. My delegation accepts operative paragraph 7 of the draft resolution without prejudicing at the same time the position of my country on the question of the recognition of certain States to be called to participate in the Conference.

65. Coming now to the much-discussed operative paragraph 10, the rules of procedure present, indeed, the very crux of the problem. In view of the fact that it is not our Committee but the Conference itself which is entitled to adopt its rules of procedure, we welcome the formulation of article 10 in the sense that the Secretary-General will be asked to prepare appropriate draft rules of procedure taking into account at the same time the views expressed in the sea-bed Committee and in the General Assembly. These draft rules should, of course, be circulated in time for consideration and approval at the organizational session of the Conference. This formulation follows a middle-of-the-road course that is non-controversial and, furthermore, opens the door wide for general acceptance.

66. In concluding, I should like to express the full support of my delegation for this draft resolution. We would have sponsored it gladly if it were not for the unresolved issue remaining now in the blank paragraph. However, independently of this method of producing the draft resolution, my delegation appreciates the wisdom behind the mechanics of balancing the draft resolution before us, we welcome the suggestions put forward, we appreciate its objectivity and the well-balanced nature of its subject-matter and we strongly recommend that it be adopted by consensus.

67. While I am speaking, allow me to state my delegation's appreciation for the work done by the Chairman of the sea-bed Committee, Mr. Amerasinghe. We should like to take this occasion to pay a special tribute to the outstanding work, the inspiring efforts and tireless struggle of the Chairman of the sea-bed Committee to promote the work and organize the Third United Nations Conference on the Law of the Sea as successfully as possible.

68. Mr. NJENGA (Kenya): My delegation is a sponsor of the draft resolution which was introduced by the representatives of Mexico and other sponsors, namely Norway, New Zealand and Canada. Consequently, I shall be very brief, confining myself mainly to expressing our full support and recommendation of this draft resolution to the Committee for adoption.

69. While doing this we are not unmindful of the fact that the draft resolution as it stands is not quite complete in the sense that it still contains a number of blanks which must be filled before we can take concrete action on it. The presence of blank spaces does not mean that they are blanks in the minds of the sponsors. Rather it expresses the feeling of the sponsors that we should not push our individual or collective views on other delegations before full considerations on these items are undertaken.

70. As far as my delegation is concerned, however, I think we must decide, and decide fairly soon, how to complete the draft resolution that is before us. My delegation sees no difficulty in fixing firmly the dates for the inaugural session of the Conference, since this is a matter on which the General Assembly took a concrete decision at the twenty-seventh session in resolution 3029 (XXVII), when it decided that the inaugural session would be held in New York in November and December. If it proved impossible to confirm the facilities for the Conference when the allocation of them was being made, I do not think this should be blamed on the First Committee or upon the sponsors or upon those who have already made arrangements to bring their experts to the Conference for the end of November and December. I very much hope that the Secretariat and those concerned, including the General Committee, will be able to accommodate the very strong view held by a number of delegations that the inaugural session should be held from 26 November to 7 December or thereabouts. *This is a matter which cannot wait for too long.*

71. As for the dates and the venue of the second session, my delegation wishes first of all to express its appreciation and gratitude to the representative of Venezuela for the kind invitation, which my Government and my delegation accept, to offer Caracas as the site for the second session of the Conference. We look forward to holding the session

there, because Venezuela has been one of the countries with which we have worked very closely and which has contributed much to the success of the preparatory work we have been doing in the sea-bed Committee. Therefore we have no hesitation in endorsing this invitation from the Government of Venezuela. We are, nevertheless, mindful of the fact that the Government of Austria has also offered Vienna as the venue for the third session in 1975. This was already reflected last year in the resolution I have already mentioned and, as we expressed then, we continue to express thanks for that invitation. Since it appears from the intervention this morning by the representative of Austria [1932nd meeting] that there need not be any competition, I think this matter can be settled relatively easily, because we have now, it would seem to me, only one invitation for 1975.

72. The only other point I should like to address myself to is the other blank is regard to the invitation to States to participate. It is no secret that my delegation has indicated that at the appropriate time we intend to inscribe the name of the State of Guinea-Bissau which recently became independent, as one of the States to be invited to participate in the forthcoming Conference on the Law of the Sea. I have already obtained assurances from my fellow sponsors that the inscribing of the name of Guinea-Bissau is not going to be taken as an amendment. Otherwise my delegation would have found it difficult to sponsor a blank here, because, at least in the view of the delegation of Kenya, as far as Guinea-Bissau is concerned, there is no blank. So at the appropriate time this is going to be done. This does not in any way mean that any of the sponsors is bound to support the request to inscribe Guinea-Bissau which we are going to make. Of course, we hope that the majority of them will be in a position to go along with it, in the spirit of compromise and co-operation.

73. Finally, I think that at this stage we cannot comment in detail on operative paragraph 10, on the appropriate draft rules of procedure for the Conference, because we believe that this will be the function of the inaugural session itself to decide. However, we maintain our position here that we cannot accept and will not expect the Secretary-General to give us draft rules of procedure which are at variance with the normal practice at previous conferences. This does not mean—and I have said this before—that we want to impose the will of the majority on the minority. Nevertheless, we must insist that the equality of States demands that the minority should not be in a position to block a majority either. Therefore we expect to have rules which reflect the normal decision-taking mechanisms, including the two-thirds rule, at the appropriate time. As for the gentlemen's agreement that is being discussed here and there, my delegation has not yet had access to the document that is going to reflect it and therefore I will confine myself to expressing the hope that it will not be a form of institutionalization of the consensus method, which we have had occasion before to denounce. We only hope that the gentlemen's agreement will be that we are all going to act in a spirit of co-operation, compromise and negotiation in good faith to get generally acceptable new regulations. We should concentrate mainly not on how we are going to block this group or how we are not going to be blocked by that group, but on the spirit of the exercise we are going to undertake.

74. Mr. STEVENSON (United States of America): Let me add my congratulations to those of others for the excellent work that the sponsors have done in giving us this draft resolution. I shall heed the recommendation of the representative of Canada and not comment specifically on the draft resolution, which seems to reflect substantially the comments that have previously been made. I should like to limit myself exclusively to the question of the understanding, or agreement, which several delegations have indicated is so important a part of our consideration of this draft resolution.

75. Let me say that in general we certainly agree with those who have indicated we have to find the middle way between a situation in which we have too quick majority voting and, on the other hand, a situation in which a limited number of delegations can prevent real progress.

76. However, I do not feel that the proposal submitted some time ago by the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and amplified in this session presents some of the problems that the representative of Mexico indicated. It seems to me that there is a great difference between referring to a committee, such as the General Committee, every time a voting issue arises and having that committee deal with the very important question of when we move from the consensus stage to the voting stage of the Conference. It seems to me that that is clearly not attempting to institutionalize consensus, because it clearly contemplates that we will move from consensus. But I think that this particular Conference, as so many delegations have pointed out, is so comprehensive in scope and so important to the vital interests of so many countries that we must make a maximum effort to achieve the maximum of general agreement before we move to the voting stage. That was really the intent of the proposal made by the Chairman to the effect that there would be a recommendation from the General Committee on moving to the voting stage with the plenary still deciding whether it wanted to move to that stage. Once the voting stage was reached one would not be coming back to the General Committee, so that there is no real problem of having to convoke the General Committee. Certainly, for this momentous decision it could certainly be convoked and give this issue the importance that it deserves.

77. My delegation is one that has consistently stressed the importance to us all of both a successful and a prompt conference. There is no suggestion, therefore, that we wish to delay it. It is our own view, however, that if there is a possibility of a precipitate vote on some individual issue without considering how that relates to the over-all, comprehensive settlement that we are trying to achieve, that can in fact prevent progress and delay us.

78. It seems to us that the change that the sponsors have already made in this session to move from a reference to many conventions to a single convention is along the same lines as my own concern here, because we want a comprehensive, over-all settlement, which requires relating the work of one committee and the views of one delegation to the views of all committees and substantially most of the delegations represented here.

79. I also think that this understanding is something of such importance that we should have further discussions on it before reaching a decision. I think that it is very important to a number of delegations for us to take a general decision on it at this time. I do not think that this is a matter we can properly leave to the Secretary-General or to the organizational session; it is something that we really must decide at this time.

80. Sir Roger JACKLING (United Kingdom): Mr. Chairman, since this is the first occasion on which my delegation is speaking in this Committee—apart from putting a question to you—and since it seems rather a long time before hallowed United Nations practices have changed, I might, with all diffidence, be allowed to offer the congratulations of my delegation to you, Sir, on your election and to the other officers of the Committee who support you. Perhaps I might also be allowed to add that the United Kingdom has in this six-month period a special reason to know the wisdom and effectiveness of Danish chairmanship.

81. If I concentrate in my remarks on only one point of the draft resolution, it is not in any sense that my delegation is not extremely conscious of the generosity of the invitations that were made at the 1932nd meeting regarding the site of the Conference. It is because the one point to which I wish to confine my remarks is of so vital a nature to this particular draft resolution that I thought it would not be right to let any time pass before I registered our views on this matter. I refer of course to operative paragraph 10 of the draft resolution concerning the rules of procedure and especially to the question of decision-making. I had hoped, I must admit, that there could have been perhaps more opportunity for informal discussion on this point before the draft resolution was submitted or at least before what is, to my mind, its essential aspect was dealt with so eloquently and so extensively by the representative of Mexico because he spoke in such a way on this particular point that it seems essential to me that there should be an immediate response. At the same time, he spoke so effectively that I feel especially reluctant to find myself speaking in an opposite sense. But it is probably the single most important point before those of us associated with the preparation for the Conference since we took the decision on the list of subjects and issues in August 1972.

82. A further reason why it seems to me that I must make this statement at this stage is because it will really be extremely difficult for my delegation to take a position on the draft resolution as a whole unless there is absolute clarity on the significance of operative paragraph 10, as drafted, on the process of decision-making.

83. I cannot therefore accept the suggestion which was made by the representative of Kenya a few moments ago that decisions on the rules could be left entirely to the Conference. In saying this I am not for one moment suggesting that there should be any change, in or any great departure, should I say, from the rules of procedure which have generally applied to international conferences under the auspices of the United Nations. Nor am I suggesting that, to use his words, we should seek to institutionalize consensus. But in matters of moment with which this Conference would be dealing, it really is essential that we

should proceed and see that our decision-making procedure is properly cautious and properly takes account of the consequences of the decisions which might be taken.

84. Mr. Casteñada said that rules of procedure are a circumlocution for a method of voting but are no panacea. I myself prefer to regard rules of procedure as the framework we need in order to enable us, in orderly fashion, to arrive at broad and effective international commitments in which all will share in order to ensure that the results of this conference are universally accepted and applied. Ambassador Casteñada, in developing this, himself said that solutions must lie in consensus. Consensus is either too exact or too inexact a term. It either means unanimity or it means so full a weight of general approval as to make it really not possible for any one State or group of States to stand out against what is clearly the general feeling of the international community. But the word is, I can see, a turnabout and it may be that some formulation could be found for it which is more acceptable or more understandable than the use of the term itself. That is why I find it rather difficult to talk of the Conference proceeding as far as possible by way of consensus without having some form of mechanism to ensure that when it takes a decision it is taking a decision in full knowledge and with the consent of the general body of the Conference that that decision should then be taken, whether or not the result of the decision is one which will be supported by 100 per cent of those present.

85. That is the problem that I have in mind, the problem of how one could put a check on the normal operation of the mechanical rules of procedure, an automatic brake, if you like, which would ensure that the Conference stood off and considered just where it was before it proceeded to a vote on a matter of substance. I am not talking about questions of procedure. I would completely accept that questions of procedure should be decided by the normal processes, by the international rules which have applied, for example, at the Vienna Conference and so forth. But it seemed to us that the proposal made by the Chairman of the sea-bed Committee Ambassador Amerasinghe, at the 1926th meeting, that the Conference should only proceed to a vote on the recommendation of the General Committee provided just that cautionary brake on any too early move to vote taking that was required. I find it difficult to follow the objection to the General Committee. Here I was struck by the observations of the representative of the United States in regard to the need for the decision on voting, when it came—and this clearly would be a matter of substance affecting the whole range of questions for the conference—that that decision should be in the hands of a body with some over-all responsibility for the operations of the conference as a whole. This surely is essentially the character of the General Committee on the pattern of the Assembly which I would assume the Conference on the Law of the Sea would wish to have. It seemed to me too that this fitted very closely to Ambassador Casteñada's own observation. He spoke of the essential unity of the Conference when he was speaking about operative paragraph 3 of the draft resolution—and this is a change from earlier informal drafts that we saw—which provides that the mandate of the Conference should be to adopt a convention dealing with all matters relating to the law of the sea. This is why it seemed to me that his suggestion that the

matter should be left to the individual committees themselves, perhaps after a proper delay, to decide whether or not a vote should be taken, was not truly satisfactory. That surely is to overlook the linkage between the issues and only to underline the need that a body with a general perspective of the conference should be the place from whence a recommendation emanates to the Conference on the matter of voting. I do not see that such a process is any more cumbersome than the normal consideration of the operations of a conference which is undertaken quite regularly by any conference bureau.

86. A rule of this kind would also be a protection against an action which might put any chairman in difficulty regarding a vote cast by one or more delegations. A delay in a vote may not be a help in that, although a delay may be provided for, a vote would still have to be taken. The decision, it seems to me, should be taken in a body small enough to permit frank discussion, to allow a frank exchange of the positions of all groups and where an over-all view of the position of the Conference can be undertaken.

87. I therefore feel that the acceptability or otherwise of this draft resolution must greatly depend on the manner in which this question is dealt with. I would entirely accept that it might best be dealt with by way of a statement in this Committee which forms part of the record. Until we can arrive at some conclusion on a formula on those lines, my delegation must reserve its position on the draft resolution before us.

88. Mr. WARIOBA (United Republic of Tanzania): After what has been said I have very little to add in commending this draft resolution to the First Committee. Tanzania is one of the sponsors of the draft resolution and our understanding of the various provisions is in most cases the same as has been explained by other sponsors, especially the representatives of Mexico, Norway, Sweden, Canada and Kenya. I shall not, therefore, repeat views already expressed. I shall mention only one or two things.

89. My first point concerns operative paragraph 2. I am in the same position as my colleagues from Canada and Kenya as far as the blank is concerned. In the informal consultations we have had so far, we have not reached a decision on the exact date or dates for the inaugural session of the Conference but, as the representative of Canada has said—and this is our view also—we should stick to the decision of the General Assembly in resolution 3029 A (XXVII) and convene the session on schedule, that is, some time in November and December. From 26 November to 8 December would meet with our approval. We are certainly aware of the difficulties that have been explained but, at the same time, I think it would not be impossible to make arrangements so that the session could convene on schedule.

90. We have heard that convening the Conference earlier than, say, 10 December would make it very difficult to provide facilities. Certainly that has come as a surprise to us, because for a year we have lived with the conviction that since the General Assembly had decided that the Conference would be in November-December, arrangements would have been made or, if it were not possible to have

the Conference convened on schedule, at least we should have been informed of the problems earlier than a few days ago.

91. We have also heard that if we decided to convene the Conference in November, Governments might not be in a position to prepare for it as much as they would if they had been given advance notice. It is possible that is the situation but, after the decision of the General Assembly last year, I think it is common knowledge that the majority of Governments were aware that this Conference would take place in November and they prepared accordingly. I think all that is needed is an indication of the exact date on which the Conference is going to convene. I do not think the decision of the General Assembly this year is really going to determine the preparations of States that wish to attend the Conference, but that does not mean we are indifferent to the difficulties that might arise. All the same, we feel it would be possible to make arrangements in such a way that we can have the facilities without placing a strain on the proceedings of the General Assembly.

92. It is obvious that the issues that are going to be considered by the inaugural session of the Conference do not lend themselves to solution in a general debate. Solutions will certainly have to come from informal consultations, which might not need full-scale facilities. Further, my delegation does not expect that for the two weeks that the Conference would be in session we would have two meetings a day. I think the nature of the issues we are going to consider does not encourage that sort of proceeding. I am sure that if we are going to have just a few formal meetings, with the rest of the work being done in informal consultations, we could certainly make arrangements for the Conference to convene as early as November.

93. My second point relates to the blanks in paragraphs 4 and 5 and here, briefly, my position is exactly the same as that of my colleague from Kenya, so I shall not go further into that.

94. Thirdly, I should like to refer to paragraph 5. It has come to my attention that there are various interpretations of that paragraph and I should like to state clearly the position of my delegation. I have heard that the paragraph might be interpreted as a provision that would allow arrangements on the lines of preparatory work. That interpretation does not accord with our views. We consulted on the issue of preparatory work before this draft resolution was introduced and I think the views of the majority are known. All that this paragraph 5 means to my delegation is the normal action that a conference might take, especially a conference of this nature, to facilitate its work, but it is not in the nature of such preparatory work as we had, say, in the sea-bed Committee.

95. Finally, with regard to paragraph 10, we choose not to express any views on the substance, for the simple reason that we think this is one of the main agenda items for the inaugural session of the Conference and we do not want to debate it here. Our understanding is that what is embodied in paragraph 10 is an indication to the Secretary-General that different views are held on the issue of rules of procedure and when he is undertaking the task of drafting those rules of procedure he should take into account the

problems that will face the inaugural session of the Conference. It is at that Conference that we shall debate this issue. We shall consult and find a solution that will help the Conference to reach decisions. We do not expect the First Committee or the General Assembly to decide on the decision-making mechanism but rather that they will leave it to the Conference itself to decide. Briefly, we take paragraph 10 as an indication to the Secretary-General but not an invitation to the First Committee to take a decision of substance.

96. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): In the light of the debates and the informal consultations that have been taking place in the last few days, my delegation feels constrained to make known our main conclusions on the question of the convening of the Conference and draft resolution A/C.1/L.647.

97. All delegations have agreed that the sea-bed Committee was unable to complete the preparatory work entrusted to it by the General Assembly in its resolution 2750 C (XXV). It has been said that that result was not necessarily due to lack of time, since the Committee has been meeting for six years, but was primarily due to procedural reasons and lack of a desire to negotiate. But such a statement is in part inaccurate, because only the subject of the sea-bed beyond the limits of national jurisdiction has been studied since 1968. There are a series of draft articles on that subject, whereas the negotiating work and the drafting of texts covering national jurisdiction were taken up only in the last weeks of July and August this year.

98. But for reasons that are well known and which I do not have to go over here, apart from the need for adequate preparation, or with the idea that this might be facilitated if the process of negotiation within the framework of the Conference were to be speeded up, it has been felt appropriate to start the Conference at the end of 1973 and continue with the substantive work in 1974.

99. In the draft resolution that has now been submitted, reference still has to be made to what all delegations have admitted and what the representative of Mexico himself admitted, namely that the Committee, within the limits of its ability, has done the work entrusted to it regarding the preparation of the Third Conference on the Law of the Sea, that the Conference should be immediately inaugurated and that in 1974 a substantive session should be held in order to undertake substantive negotiation and work and to complete the drafting of articles with the participation of all those States which were not members of the preparatory Committee.

100. However, I understand that the inclusion of a paragraph to that effect would be acceptable to all delegations, and I trust that I am not mistaken, because that would make it easier to win general acceptance of this draft resolution and ensure that the work will begin in an atmosphere of understanding. Furthermore, I think we all have in mind the need for pending questions to be dealt with by delegations participating at the Conference, since there can be no convention without a text, either adopted by consensus or containing alternatives, on all the subjects of the law of the sea, and not only on the sea-bed beyond

national jurisdiction. The delimitation of the areas of national jurisdiction in the case of coastal States opposite one another; the régime applicable to the continental shelves that go beyond the 200-mile limit; passage through international straits; the concept of an archipelago; the situation of certain islands; the rights and the hopes of land-locked countries and other countries in a disadvantageous geographical position; the question of anadromous resources; the question of regional agreements on narrow seas and questions of peace and security: these are all matters which still call for considerable preparation. So far as my own country is concerned we have very little trouble with them but we understand that certain other countries still have serious difficulties.

101. With regard to the agenda of the Conference, we are gratified that the draft resolution mentions the list of subjects and issues adopted in 1972, in whose preparation the countries of Latin America, together with those of Africa and Asia and other nations, took a major part in order to ensure a comprehensive and unitary treatment of the various aspects of the law of the sea, despite the initial efforts by some Powers which wanted only their own specific interests to be taken into account in connexion with three or four aspects that had not been provided for in the 1958 Conventions.

102. We are also gratified to note that the sponsors of this draft resolution have decided that a single session will be held in 1974. They have thus met the justified arguments invoked by delegations of developing nations.

103. My delegation has received with special pleasure the invitation by the Government of Venezuela for Caracas to be the site of the second session in 1974 instead of Santiago, Chile, for reasons that have been made known already. We trust that that initiative will commend itself for approval by all delegations, since that would mark a new and just recognition of the important role that the countries of Latin America have played in the evolution of the law of the sea.

104. With regard to participation in the Conference, I think that it would be a mistake to aspire to adopt norms that are going to govern all States, including the concept of the common heritage of mankind which covers the international zone of the sea-bed and ocean floor, while at the same time excluding certain countries from participating in the elaboration of such rules for political reasons. Any such discrimination would be incompatible with the principle of universality, of which so much is said, but about which so little is usually done.

105. With regard to the rules of procedure, my delegation has already made known its views and I hardly think that I need dwell on them again here. If it is planned to create a special committee to recommend whether a matter is to be voted upon or not, then it will be indispensable that that special committee should include not only the major Powers and those countries which advocate a certain trend, but also those which hold a different view which is equally valid, since they too will be defending the interests of their peoples.

106. Having pinpointed these matters and while thanking the sponsors of the draft resolution for the document they

have submitted to us, I trust that we will be able to come to an agreement regarding the blanks that still exist. I trust that the preamble will also take up what so many delegations have stressed in their speeches regarding the work done and remaining to be done. Once that has been done it will be possible to take a definitive stand on the draft resolution submitted.

107. Mr. ZEGERS (Chile) (*interpretation from Spanish*): The Chilean delegation is a sponsor of the draft resolution now before the First Committee. The draft resolution itself was brilliantly introduced by the delegation of Mexico, and supported by the delegations of Norway, Sweden, Canada, Kenya, and the United Republic of Tanzania. Therefore I intend to confine myself to certain very specific points in the draft resolution.

108. First of all, I should like to make it clear that my delegation understands that the blanks contained in operative paragraphs 2, 4 and 7 are to be filled in before the First Committee votes on the draft resolution.

109. To refer specifically to those blanks: first of all, regarding the procedural aspect of the Conference on the Law of the Sea, my delegation feels that it should be held in accordance with the dates set forth in resolution 3029 A (XXVII), namely the last week of November and the first week of December. That was decided by the General Assembly and both the United Nations and member delegations should be ready to ensure that that part of the Conference takes place on the dates decided.

110. Regarding the site of the Conference, the blank contained in operative paragraph 4, my delegation would fully endorse the remarks just made by the delegation of Kenya. At the outset of the meeting this morning, we all heard the invitation proffered by the delegation of Venezuela. We also heard the views of the delegation of Austria and, as the representative of Kenya said, for 1974 there seems to be a firm invitation from Venezuela.

111. My country was honoured by the General Assembly in being selected as the site for the holding of the substantive part of the Conference on the Law of the Sea, not only for whatever contribution we may have made to the development of the law of the sea, but because of the contribution made by all Latin America. Thus my delegation considers that it would be right and proper for the General Assembly to proclaim as the site Venezuela, whose delegation is making such a significant contribution to the progressive development of the law of the sea. Naturally, this does not mean to say that we would cast out for any future meetings the invitation issued by the delegation of Austria. On the contrary, my Government accepts that invitation very gratefully.

112. Regarding the voting system, which is not contemplated in the draft resolution but is somewhat like the ghost in *Hamlet* in that it is always present in the background of our discussion, I must say that my delegation basically agrees with what was said by the delegations of Mexico and Kenya. The rules of procedure of the Conference must be those same classical rules of procedure that have served so many conferences of the United Nations: a system of voting by majority in the committees

and by two-thirds majority in the plenary. It is true that we should endeavour to achieve a consensus, but that should be the goal, not a strait-jacket. We cannot regulate a consensus unless we are ready to regulate the dissent. If we set forth the consensus as the sole way of solving questions, we shall never be able to come to full agreement. The possibility of a vote will allow consensus to be arrived at after negotiations.

113. Mention has been made of the need at this stage for a "gentlemen's agreement". My delegation tends to feel, like the representative of the United Republic of Tanzania, that this should be dealt with at the procedural Conference and not here and now. But were a gentlemen's agreement to exist, then it should state that the rules of procedure of the Conference have to lay down normal forms of voting and, as far as the way of working is concerned, we shall try to the utmost to work by consensus in substantive questions, because it is obvious that in procedural matters there is no reason for the Conference not to vote.

114. I should like to express the agreement of my delegation with the explanations given by the representative of Mexico when, as he said, he was interpreting some of the views of the sponsors. Chile is one of the sponsors, and my delegation and the Mexican delegation are not in favour of a restricted organ in the nature of the General Committee deciding how and when the Conference is to vote. It may well be that the rules of procedure may contain certain provisions preventing a hasty vote, or the solution of problems by impassioned or political pressure. As the representative of Mexico said, a breathing-space should be decided upon when a committee had decided to vote. We could set a time-limit between the vote in the committee and the vote in the plenary. So, in a word, a clear-cut, simple and *a priori* acknowledged system would have to be set up. But a cumbersome procedure that provides for a transmittal of the problem to a lesser body may almost completely inhibit the pressure arising from the possibility of voting.

115. I also wish to say that, apart from these possible breathing-spaces, if there were a drafting committee, the agreements in committee adopted either by consensus or vote could be co-ordinated by the drafting committee prior to any vote taking place in the plenary. Therefore, the rules of procedure can include a multitude of rules that will ensure rational examination of the subjects and rational negotiation of the problems, without delegating to a lesser organ powers that should normally be vested in the Conference.

116. Finally, I want to refer to operative paragraph 9, which mentions the Secretariat for the Conference. Paragraph 9 mentions two elements: first, that the resources available to the Secretariat be utilized and this not only for reasons of economy but because of the widely acknowledged merit of the existing Secretariat and its officials; and secondly that, in the necessary expansion of the Secretariat for a conference of this magnitude, the principle of equitable geographical representation be taken into account. In other words, that the result of this recruitment be balanced geographical representation, including staff at the decision-making level. I should like to recall that on this subject in the general debate, apart from my own delega-

tion, comments were made by the delegations of Kenya, Jamaica and Tunisia that warrant being borne in mind.

117. As a conclusion to these few comments, I should like to say that we could not vote on the draft resolution until we have solved the matters that call for further consultations and that are represented in the draft resolution of the sponsors by blanks.

118. Mr. DIAZ GONZALEZ (Venezuela) (*interpretation from Spanish*): May I make a few comments regarding the draft resolution presented this afternoon by a group of sponsors?

119. First of all, my delegation entirely agrees with the draft resolution, in the preparation and discussion of which we took an active part. If we are not sponsoring the draft it is precisely because we, together with other Latin American delegations, feel that the blanks still to be found in the draft should have been filled in before the draft was submitted. However, we understand full well the reasons that led to the other sponsors feeling that the draft should be submitted in that form because of the very little time at our disposal. Thus my delegation would like to say that before this draft resolution can be approved or even put to the vote, not only will the blanks have to be filled in but very serious consideration will have to be given to the comments made by the delegation of Tunisia this morning and the delegations of Kenya and Peru this afternoon, as also the delegation of Jamaica earlier.

120. May I express my delegation's sincerest appreciation to those delegations which, like those of Kenya, the United Republic of Tanzania, Tunisia, Yugoslavia, Chile and Peru—and I apologize if I have overlooked any other—who have expressed their open support for the Venezuelan offer that the 1974 conference hold its first substantive session in the city of Caracas. On this point I must for the benefit of the Committee stress that when this morning Venezuela publicly announced the invitation it did so with the unanimous endorsement of the group of Latin American States. We are also gratified to know that not only the group of Latin American States unanimously supports the hope of the Government of Venezuela, but also that the representative of Chile in particular voiced his support here a few moments ago, and that a number of the African members of the Committee have done likewise.

121. I should like to conclude by saying that to my delegation it is indispensable that before proceeding to a vote on the draft resolution the blanks contained therein be filled in.

122. Mr. WISNOEMOERTI (Indonesia): I shall be very brief. First of all, the Indonesian delegation would like to express its appreciation to the sponsors of draft resolution A/C.1/L.647, now before us, for their invaluable contribution in producing that document. I would refrain from submitting detailed comments on the draft as I do not see the need to do so on a document which is the ultimate result of intensive consultations among many members of our Committee including my delegation. The Indonesian delegation wishes only to state that the draft resolution has been able to reflect truly the views and positions that have been expressed by the majority of members of this

Committee during the debate. For that reason the Indonesian delegation would like to express its support for the draft resolution. It is our hope that the draft can be adopted by this Committee without unnecessary delay.

123. Mr. SANDERS (Guyana): Following on what the representative of Venezuela has said, I have asked to speak as Chairman of the group of Latin American States to take the opportunity of informing the delegations in the First Committee that the members of the group of American States have warmly welcomed the initiative of the Government of Venezuela in offering Caracas as the venue for the 1974 session of the Conference, and because of considerations just referred to by the representative of Chile they gave their full support to Venezuela for the holding of the Conference in Caracas.

124. Mr. HASSAN (Sudan): I should like first to express my appreciation for the excellent formulation, introduction and further clarification of the draft resolution before the Committee. My delegation's first response to the draft resolution, pending the filling-in of the blanks, is acceptance. Hence at this stage I wish to address my comments only to operative paragraph 5, which invites the Conference to make such arrangements as it may deem necessary to facilitate its work. We believe it is indeed within the competence of such an international conference, composed of authoritative delegations, to seek every possible arrangement that would bring its work to success. It is a fact inherent in the nature, composition and purpose of the Conference. Hence explicit reference to it in the draft resolution is, I am inclined to believe, sought by the sponsors to reaffirm that fact. However, some clarification is due from the sponsors to enable us fully to comprehend the intent and purposes of operative paragraph 5 at this juncture in our work.

125. I believe that is due to two considerations. First, such an explicit reference to an obvious fact implicit in the over-all draft resolution would have been appropriate if the draft was meant to convene a conference to deal with an exercise novel in the annals of this Organization—such as the United Nations Conference on the Human Environment. This is not the first codification conference the United Nations has prepared for and convened; for that matter, two Conferences on the Law of the Sea have preceded the forthcoming one. Secondly, six years of an immense and laborious preparatory process has preceded the Conference we are about to convene. Irrespective of whether the preparatory process was successful or unsuccessful, all of us have to admit that in pursuit of consolidation of views and consensus every avenue was explored and all appropriate arrangements, ranging from the formation of working groups to drafting groups to contact groups, were exhausted.

126. Perhaps it is due to lack of imagination on my part—and in this I humbly seek the help and guidance of the sponsors of the draft resolution to shed some light on this issue—but I fail to see or imagine what those appropriate arrangements could possibly be apart from arrangements adopted during the preparatory process. Apart from the sponsors, I believe we have among us here some distinguished jurists and diplomats whose experience and knowledge is vast and immense. Perhaps it is about

time that the sponsors conveyed to us what kind of appropriate arrangements they envisage the Conference must resort to.

127. Mr. ZULETA (Colombia) (*interpretation from Spanish*): Mr. Chairman, I do not wish in any way to slow down the expeditious and effective way in which you are presiding over the debate by making a lengthy statement, but mine is one of the delegations sponsoring the draft resolution before us and therefore I do not have to stress the fact that we are fully in agreement with its contents.

128. We agree with the statements made by a number of representatives preceding us regarding the need to fill the blanks which still appear in the draft resolution before we take a final decision on it, and I trust that that final decision will be adopted by consensus.

129. With regard to the blank in operative paragraph 2, my delegation has given its views in its previous statement. Regarding the blanks in operative paragraph 4, again my delegation has informed the group of Latin American States—and we are happy to repeat it for the First Committee—that we fully support the candidacy of Caracas, and, we express our appreciation to our sister republic of Venezuela for that kind invitation.

130. With regard to operative paragraph 10, it has to be considered in the context of operative paragraph 2, and we entirely support the view expressed by the representative of Mexico when he presented this document. He entirely interpreted the views of my delegation on the questions of procedure and voting and the time when those procedural questions have to be discussed.

131. Mr. OGISO (Japan): I have listened with interest to the statement of the representative of Venezuela. When the Venezuelan offer was taken up in the group of Asian States a few hours ago it was mentioned that the Venezuelan representative would be ready to explain in detail the facilities which the Venezuelan Government can offer to the Conference. Since there are many countries which may not have embassies in Caracas, such information about the facilities would be very useful at the present stage, so I wonder whether the representative of Venezuela is in a position to give some detailed information about the Conference facilities and other necessary facilities in Caracas for the Conference which will be one of the biggest conferences to be held in Latin America.

132. The next question which I should like to raise is that of a gentlemen's agreement on decision-making procedures. This Conference on the Law of the Sea is going to establish a new law of the sea, and the new laws will have to be laws which will be adhered to by all members of the international community. Therefore we have to try to take a decision as much as possible by consensus. But the possibility of voting will not be excluded at the final stage and we have to have some precise gentlemen's agreement as to what extent we should try to settle the question by consensus and at what stage and by what procedure we may come to voting. The success of the Conference may depend to a very great extent on the content of this gentlemen's agreement.

133. In that respect, in addition to the various blanks which are still left in the draft resolution, we have to exchange views on the decision-making procedure and on the necessary gentlemen's agreement so that in that respect I wish to raise a procedural question. I understand that the Chairman's intention is to take a decision on this procedural draft resolution sometime in the latter half of this week. However, since we still have some time before then, it will be both necessary and desirable to continue an informal exchange of views, first, on the gentlemen's agreement in question and, secondly, on those blanks which are still contained in the draft resolution.

134. For that purpose I wonder whether the Chairman is ready to hold informal consultations or a meeting of the contact group before we meet again to take up this draft resolution formally. I would appreciate it very much if clarification could be given on these two aspects on which my delegation and, I assume, other delegations might have an interest.

135. The CHAIRMAN: May I say immediately to the latter statement of the representative of Japan that I have been authorized to announce a meeting of the consultative group on the sea-bed question at 10.30 tomorrow morning. Secondly, may I ask the representative of Venezuela whether he would wish to speak to the question of the representative of Japan at this stage or whether he would prefer to wait.

136. Mr. DIAZ GONZALEZ (Venezuela) (*interpretation from Spanish*): Might I ask the representative of Japan whether he would like me to give him the information here in the First Committee or in the group of Asian States, since I have already given ample information to the Group of 77 and to the group of African States?

137. Mr. OGISO (Japan): When this question was raised in the group of Asian States, it was suggested that for the convenience of the entire First Committee it might be better to ask the Venezuelan representative to give information in the First Committee instead of in the group of Asian States. That is why I raised this question.

138. Mr. DIAZ GONZALEZ (Venezuela) (*interpretation from Spanish*): First of all I should like to tell the representative of Japan that, as far as facilities and installations are concerned, if we have taken the initiative to invite the Conference to meet in Caracas, it was in the full knowledge of all that was involved. We knew that this was a very important conference to which a number of delegations would come which would not only have to have meeting areas but also housing and so on.

139. Having said this, I shall repeat what I said in the group of African States and in the Group of 77. Caracas is an ultra-modern city, with a population of about two million. It has diplomatic representation from almost 60 countries, of which more than 20 are developing nations. I would add that there are more than 10 diplomatic missions here that do not have headquarters in Caracas but nevertheless have them here in New York, in Washington or in countries neighbouring Venezuela, which means that communication facilities between those missions and Caracas are very easy. Furthermore, air communications between

Caracas and the rest of the world are ample, either via New York—and there are four flights in each direction daily between New York and Venezuela—or directly to the main capitals of Europe, through European or international airlines or the Venezuelan airline.

140. With regard to facilities for meetings at the Conference, these exist and will be made available. As an example, I would say that the International Civil Aviation Organization has held a session in Caracas, and its membership is greater than that of the United Nations. Two weeks ago there was wound up in Caracas the conference of the International Union of Official Travel Organisations, which also has a much larger membership than the United Nations itself.

141. So I think that the apprehensions that some delegations may have regarding what facilities Caracas may offer are ill-founded, and I think that I may have helped to dissipate them by what I have said. As I said, these facilities will be made available if Caracas is chosen. This is a commitment that my Government assumes. We should hardly have dared to propose Caracas for a meeting of the Conference on the Law of the Sea unless we were perfectly sure we could cope with it. The representative of Japan can rest assured of this, as can all other representatives in the First Committee.

142. Mr. WAPENYI (Uganda): Having just heard again the representative of Venezuela make the announcement which he had kindly explained when he met the group of African States on Friday last, I should like to place on record that the group took note with great appreciation of the offer as made and agreed to hold consultations with its respective Governments. I am glad to note that some members have already had authorization to indicate acceptance of Caracas as the venue for the Conference. No doubt all the members of the group of African States, when they have cleared this invitation with their Governments, will come up with positive answers.

143. Mr. AMERASINGHE (Sri Lanka): Mr. Chairman, I thought I should inform you and the members of the Committee that I met the President of the General Assembly and discussed with him the possible dates that could be assigned for the inaugural session of the Third United Nations Conference on the Law of the Sea. The President is quite ready to abide by any decision of the General Assembly, but of course it is not only for him to determine whether or not any facilities we seek could be provided. That would depend on the programme of work of the General Assembly session itself and the volume of work that arises during the period in which we wish to hold the inaugural session of the Third United Nations Conference on the Law of the Sea. The Under-Secretary-General in charge of General Assembly Affairs has agreed to discuss the matter with me as Chairman on Wednesday and to state during which dates the facilities could be provided. I could then come back to you, Mr. Chairman, and to this Committee and give any information that I have.

144. Secondly, I am very grateful to you, Mr. Chairman, for having made the announcement that a meeting of the consultative group will be held tomorrow. It is my intention to pursue these informal discussions with the

consultative group in order to arrive at some understanding with regard to the gentlemen's agreement. Therefore I would appreciate it very much if time after the meeting of the First Committee on any day this week could be made available to the consultative group to pursue these consultations.

145. The representative of Japan stated that the gentlemen's agreement must be precise. I should like to observe that it is the very nature of a gentlemen's agreement that it is not precise. Between gentlemen there is no need for precision. Just as patriotism is the last refuge of the scoundrel, so ambiguity is the last refuge of the gentleman. I hope everybody will bear that in mind in discussing this matter.

146. Mr. OGISO (Japan): I only wish to thank the representative of Venezuela for his detailed explanation and I should like to assure him that the Japanese Government will most favourably consider his offer.

147. Mr. MOVCHAN (Union of Soviet Socialist Republics) (*interpretation from Russian*): We have asked for the floor merely to support the efforts of Mr. Amerasinghe, my friend, for the purpose of continuing our work on questions which are of interest to all the delegations taking part in these discussions—to continue working on these questions in a spirit that would be constructive, as we have done so far. In this connexion, it seems to me that the appeal that he has addressed to you, Mr. Chairman, that, as far as the consultative group is concerned, sufficient time should be provided for the elaboration of mutually acceptable solutions, will be supported by all the members of the First Committee and the Bureau.

148. Next, we have noted that a number of delegations have already indicated their views concerning the draft resolution that was submitted. We have already had informal talks with delegations concerning the point of view of the Soviet delegation on the questions dealt with in the draft resolution, but we hope that time will still be afforded to the Soviet delegation to express its views concerning the questions referred to in the draft resolution, because the attitude of the Soviet delegation to that resolution will largely be determined by the results of the work on the gentlemen's agreement. It would seem to me that, in view of the fact that for the organizational session of the Conference a time is now being defined, the First Committee has sufficient time left in its time-table to conduct in a business-like fashion talks so as to resolve this matter and be sure that the draft resolution will reflect those important aspects that will govern the ultimate resolution of the work on the sea-bed and the ocean floor. We are considering a question that has not yet been dealt with in detail today, namely, that the Conference whose task is to elaborate new rules of international law and codification of existing rules must be universal in character. And that is why on this subject a number of decisions of United Nations organs have been invoked—organs which have been dealing with codification, such as the International Law Commission, the Vienna Convention on the Law of Treaties, discussions in the Sixth Committee and decisions of the twenty-seventh session of the General Assembly. It seems to me that on these questions we shall have to follow the example concerning the universal

significance of the results of our work as indicated in decisions of those organs.

149. Secondly, naturally, in so far as this involves codification and progressive development of international law, due attention will have to be devoted to ensuring that any draft resolutions will be based upon agreements—because that is the only road to success in international law; there is no other way. All new States, as I remember, from the very moment of their emergence, have always said that the new standards must be defined on the basis of agreements. It seems to me that their position has not undergone any new changes recently, and that is why I look with optimism on the fact that the questions to be reflected in the gentlemen's agreement will be resolved, as was said by Ambassador Amerasinghe, on the basis of a gentlemanly approach and also on the basis of agreement, so that this might indeed be an agreement.

150. I reserve the right of my delegation to speak on the substance of the draft resolution on another occasion.

151. The CHAIRMAN: I hope that the Committee will now agree that we have had a full and complete debate on agenda item 40, or at least so full and complete that we may adjourn the debate on this item and not take it up again until we are ready to pursue it to a vote.

152. As I have said before, I personally would prefer that that be done fairly early. I think that there are great merits in pursuing things with some vigour and in maintaining a sense of urgency. It would therefore be my hope that the debate can be resumed during this week—preferably on Wednesday or Thursday. At the same time I must realize, of course, that there are unsolved problems in the draft resolution before us. I should like to go through them with the Committee so that we can see how much time it will take to solve them.

153. It seems to me that the blank in operative paragraph 2 ought to be solved speedily. It may be that we will need to have continued discussions with the Under-Secretary-General for General Assembly Affairs, but at the same time, it seems to me that we can just as well have them now as two or three days from now.

154. With regard to operative paragraph 4, even if members would like to consult their Governments, I would urge that that be done speedily so that an answer can be given soon to the gracious invitation extended to the Conference. In the same way, I should have thought that the question of setting the dates could be done tomorrow just as well as three days from now.

155. It would appear to me, therefore, that the questions in operative paragraphs 2 and 4 really call for speedy decision.

156. When it comes to the question in operative paragraph 7, I sense that there are still problems outstanding. I should have thought, however, that they were well known to everybody and I would therefore hope that the consultative group, when it meets tomorrow, will come to some kind of agreement—whether to pursue the matter in this draft resolution and if so how to pursue it, through

consensus or through voting. Again, I should think that the questions are so well known in all their ramifications because of the lengthy discussions that have taken place during the last week that that too could be decided fairly speedily.

157. I realize however that when we come to operative paragraph 10 there are, apparently, still problems of substance outstanding and I should have thought that it would serve no useful purpose to convene the Committee again to discuss this draft resolution before the problems concealed behind operative paragraph 10 have been solved to the general satisfaction of the membership. It is again my hope, however, that the particular problems are so well known that the members will now be able to come to grips with them and produce a solution.

158. If I may go back to operative paragraph 4, I should like to remind the Committee that the representative of Austria this morning expressed the desire to see reflected in this draft resolution his Government's invitation for 1975, and I would like the consultative group to bear that in mind.

159. I do not think that there is any other way in which to handle the problems before us than to put myself in the hands of the Chairman of the sea-bed Committee with the general request that he should, with his usual efficiency, carry the negotiating process to a speedy conclusion and enable us to return to agenda item 40 before the end of this week with a view to bringing it to a successful conclusion.

The meeting rose at 6 p.m.