

STATEMENT OF GHANA DELEGATION IN THE WORKING  
GROUP OF COMMITTEE I - 23RD AUGUST, 1976.

We have listened carefully to the reaction of a number of delegations to the proposals put forward by the Group of 77 on articles 22 and 23 and some aspects of the related annex 1. Taking these reactions together with the position of the Group of 77, one common ground seems to emerge, namely, that the Area, which we have all agreed is the universal heritage of mankind, should be exploited for the benefit of mankind as a whole. There has been no disagreement on this general principle since Caracas.

Our function, as a group is to give substance to this agreed principle. In our view, this task should be approached, not as competitors struggling for a larger slice of the same cake, but as a group co-operating to seek a formula which ensures an equitable distribution of the cake. This raises the question, who may exploit the Area?

In Caracas, there were two basic positions: the position which would give the exploitation to state parties and other entities while the Authority merely licensed such exploitation. The second position would make the Authority, exercising jurisdiction over the Area on behalf of mankind as a whole, the sole exploiter of the Area while having the right to associate state parties and other

entities with its activities in a manner which would ensure possible optimum benefit to mankind as a whole. The Group of 77 takes the latter position. The reason for maintaining this position should be clear. It is that the record of multi-national co-operations which have both in the past and in the present exploited resources in countries of members of the Group does not inspire confidence in their ability or willingness to seek the welfare of mankind as a whole. From this experience, therefore, the Group is not convinced that the best way of ensuring that exploitation of the resources of the Area will benefit all mankind, as it is expected to do, would be to give uninhibited and automatic access to the Area to multi-national co-operations. At the same time, the Group sees a great deal of merit in giving access to the Area to entities possessing both the finance and the technology to conduct exploitation of resources. Any such access granted, however, should be governed by rules and regulations promulgated by the Authority.

On the other hand it would be hypocritical not to appreciate the basis of the concerns of the developed countries which possess the technology and the finance to exploit the resources of the Area. These countries ~~by~~ from their experience of the operation of the United Nations and its agencies, are unwilling to trust that the Authority, when established, would operate in their best interest ~~as~~ of the minority of the international community. In the view

with they constitute

of my delegation therefore, an acceptable package seems to be one which establishes the over-all and effective control by the Authority over all activities in the Area, ~~but~~ while adopting a decision-making procedure which ensures that the essential interests of all, including those of the minority would be adequately safeguarded. The system of exploitation can therefore not be successfully negotiated, unless it is done in relation with the status and functions of the Authority including the decision-making mechanism of its organs.

Mr. Chairman, my delegation was heartened when the distinguished representative of the United States told us in his statement of the 19th that his government had accepted Group of 77 proposal to establish an Enterprise. After reading the text of the proposals in Article 22 and the related annex, however, I cannot conceal <sup>our</sup> ~~the~~ disappointment ~~of my delegation~~. The United States proposals make it abundantly clear that there is a wide gap between the conception of the U.S. Government of the status of the Enterprise and its functions and that of the Group of 77. The U.S. proposals conceive the Enterprise as a body, completely independent of the Authority which has the same rights as other entities operating in the Area, while the Group of 77 sees the Enterprise as the operating arm of the Authority which has primary right to exploit the resources of the Area. Seen in that light the Group of 77 does not see the different status given to the Enterprise in its

proposals vis-a-vis other entities operating in the Area, as constituting any form of discrimination.

What my delegation fails to understand is the implicit developed countries' conception of the Authority as an outside body from an alien planet whose interference in our affairs we should by all means resist. On the contrary, my delegation sees the Authority as a body constituted by the international community and entrusted with the exercise of our joint sovereignty over the Area. Whatever powers, therefore, we accord to the Authority is exercisable jointly by the international community through the organs constituting the Authority, namely, the Assembly, the Council and the Enterprise. Such powers derive from the joint sovereignty of the international community over the Area. In our view, they cannot, and should not be alienated in whole or in part to either state parties or

to other entities. Any rights to be enjoyed by state entities should flow from the exercise of joint-sovereignty over the Area, and not independent of, or parallel to it.

There is another aspect of the U.S. proposal which requires some comment. The conditions on which the U.S. proposals accept the Enterprise, leads my delegation to believe that the US delegation is only able to accept the Enterprise as long as it remained a delusion with no possibility of assuming a substantive form to enable it to conduct exploitation of resources in the Area. My delegation therefore does not see it as a concession to the position of the Group of 77 but as the U.S.' original Caracas position put in a different gab.

The USSR proposals on article 22 present a number of difficulties to my delegation, as we are sure they do to other delegations both non-members and members of the Group of 77. This is not to say that they have no points worth considering. I am sure with serious discussion and negotiation we may be able to find some common ground.

Mr. Chairman, there is one other matter arising out of the statement made by the distinguished representative of the United States which calls for a brief comment. This refers to the position announced to the Workshop to the effect that the United States delegation accepts the text of article 9 as it appears in the RSNT, and that that position was frozen and non-negotiable. I know Mr. Chairman, we are presently not discussing article 9, but the U.S. statement I have referred to calls for a comment relevant to the method of negotiations in the Workshop. My delegation has some problems with article 9 as it appears in the RSNT. If we are to be able to negotiate a convention on the sea-bed beyond national jurisdiction, it seems to my delegation, that at this stage of our negotiations a lot of harm could be done if delegations froze their positions on some draft articles. I therefore appeal to the U.S. delegation not to pursue the course of action they announced to us since we are sure that that course would only have the effect of frustrating our efforts.

Mr. Chairman, on Friday, you requested us to address ourselves to a method of continuing our negotiations.

Such a group  
could negotiate  
in detail  
issues discussed  
in the  
workshop

It is the view of my delegation that at this stage a small negotiating group would appear to be our best course. We do not expect that representatives of groups in the committee would have the mandate to commit other delegations in the group they represent to positions acceptable to them. This is part of the problem the distinguished representative of the U.S. referred to on Friday. My delegation believes that a method of work in the negotiating committee could be found which would make it possible for the committee to make a movement forward. We believe with the existing circumstances, there should be two stages of work in the committee. At the first stage the committee should explore the nature of compromises each delegation or group of delegations is willing to make on each issue in relation to related issues. When this has been done the committee should move on to another issue to give time to representatives to consult their groups, where this is necessary. When the first issue is taken up again, representatives of groups we believe, would then be able to take positions on sets of compromises available based on consultations with their groups.

Mr. Chairman, on the face of it, it would appear that this method of work would waste time. The composition of the committee and the problems our method of work so far have posed to management of negotiations, however, would appear to suggest that this is the only way open to us.