

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

A/CONF.62/C.2/SR.58

58th meeting of the Second Committee

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

58th meeting

Tuesday, 24 April 1979, at 3.25 p.m.

Chairman: Mr. A. AGUILAR (Venezuela).

Consideration of the reports of the Chairmen of Negotiating Groups 7, 4 and 6

1. Mr. MAWHINNEY (Canada) said that it was clear from the discussion that the legal criteria for the delimitation of the exclusive economic zone and the continental shelf, as set out in paragraph 1 of article 74 and of article 83 of the informal composite negotiating text,¹ did not yet command unanimous support. The informal text submitted in the report of the Chairman of Negotiating Group 7 at the previous meeting could serve as a basis for future efforts to reach a compromise, taking into account the other proposals that had been made, including the Mexican proposal (NG7/29 and Rev.1). With regard to the settlement of disputes, his delegation shared the concerns expressed by the delegations of Colombia and Chile regarding the multiplicity of possible procedures. With regard to article 297, concerning optional exceptions to the settlement procedures provided for in the convention, any alteration must be linked to articles 74 and 83, since such exceptions were closely related to the delimitation of the exclusive economic zone and the continental shelf. For its part, his delegation thought that any departure from objective delimitation criteria must be accompanied by correspondingly effective procedures for the settlement of disputes.

2. Mr. DARWIN (United Kingdom) said that, in his delegation's view, the median line criterion was an essential element in any text which was to command a consensus. The new proposal by the Chairman of Negotiating Group 7 regarding paragraph 1 of article 74 and of article 83 merited further careful study before the debate on those articles was concluded.

3. With regard to interim arrangements, the text submitted by the Chairman required further study. Any provision on that subject must be worded very carefully since, in some circumstances, it could be very unjust to certain States by preventing them from exploiting the sea-bed. With regard to the settlement of disputes, his delegation favoured binding procedures, but thought that the question should be given very careful consideration. While recognizing that the Chairman of the Group had presented an accurate over-all review of the situation, his delegation had grave objections on a number of points in the Chairman's report.

4. Mr. ARIAS SCHREIBER (Peru) said that the text of the future convention should be well balanced enough not to prejudice the interests of either of the two groups of delegations concerned, and to enable any country to invoke the appropriate criteria in each specific case. That was precisely the merit of the formulation submitted by the Chairman of Negotiating Group 7 on the substantive provisions of articles 74 and 83 concerning the exclusive economic zone and the continental shelf. With regard to the settlement of disputes, his delegation, like those of Chile and other countries, felt that there was a majority in favour of the use of compulsory procedures; in that regard, the proposal submitted by the Chairman was incomplete.

5. Mr. ATAÍDE (Portugal) said that his delegation subscribed to all the observations made by the representative of Spain as co-ordinator of the group of sponsors of the informal proposals on articles 74 and 83 (NG7/2). The median line principle had gained ground during the current session, but

that circumstance was not reflected in the report of the Chairman of Negotiating Group 7 (NG7/39).

6. Mr. DJALAL (Indonesia) said that, in his delegation's view, the existence of a historic title or of other special circumstances could be established only by agreement between opposite or adjacent States, and not unilaterally, and that article 15 should be so understood. With regard to paragraph 1 of article 74 and of article 83, he thought that the compromise proposed by the Chairman of the Group was an appreciable improvement on the negotiating text. With regard to paragraph 3, on interim measures, he was afraid that the expression "they shall refrain from aggravating the situation" in the text suggested by the Chairman might be interpreted subjectively and might in fact be understood as imposing a moratorium. With regard to the remainder of the paragraph, the proposed new text seemed to be an improvement on the preceding one. On the subject of paragraph 4, he said that a definition of the median line or the equidistance line must at all costs be included in the convention and must apply both to the exclusive economic zone and to the continental shelf, regardless of the article in which it appeared. The limit of the exclusive economic zone did not always coincide with that of the continental shelf, and the two concepts should be made clear, if necessary in a new article.

7. Mr. XU Guangjian (China) agreed with the Chairman that it was not at present possible to revise the informal composite negotiating text. In articles 74 and 83, the Chairman's text on the delimitation of maritime boundaries needed some improvement. The existing wording of the informal composite negotiating text and the informal proposal of the delegations of Mexico and Peru (NG7/36 and Rev.1) could serve as a point of departure for future negotiations. With regard to interim measures, his delegation was largely in agreement with the report of the Chairman. The question of the settlement of disputes was very complex and his delegation would like to study the Chairman's report in greater detail before expressing a view.

8. Mr. FIGUEREDO PLANCHART (Venezuela) said that, in general, he agreed with the report of the Chairman of the Group. However, in view of the observations made at the preceding meeting to the effect that a minority of the participants in the Conference was opposed to binding procedures for the settlement of disputes, he wished to reaffirm formally that his delegation could not accept a compromise which would entail acceptance by the parties of a procedure which would impose a binding decision on them.

9. Mr. PARAISO (France) said that, with regard to the basic criteria for delimitation, he was largely in agreement with the Chairman's report, but he could not subscribe to the idea of a so-called neutral formula. The guiding principles of delimitation should not be placed on the same footing as methods of delimitation such as the equidistance method. On the other hand, the most recent suggestions by the Chairman, including those relating to articles 74 and 83, and the compromise wording proposed for paragraph 3 of each of those articles by a private group (NG7/38) could, with certain improvements, be useful for subsequent discussions. With regard to the settlement of disputes, his delegation reserved the right to express its views in another forum.

10. Mr. ZHELYAZKOV (Bulgaria) said that, in general, he approved the report of the Chairman of Negotiating Group 7, in particular the new proposals for paragraphs 1 and 3 of article

¹ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

74 and of article 83, and also the proposal for article 297, paragraph 1 (a), concerning the settlement of disputes.

11. Mr. STAVROPOULOS (Greece) said that he agreed with the Chairman except on three points. With regard to delimitation criteria, the text relating to the equidistance line was not altogether satisfactory; but his delegation agreed that it was necessary to find a genuinely neutral solution which did not favour any State at the expense of another. With regard to paragraph 3 of article 74 and of article 83, he said that the proposed new text, although not entirely satisfactory, nevertheless constituted a definite improvement on the informal composite negotiating text. With regard to article 297, paragraph 1 (a), concerning the settlement of disputes, the Chairman's report did not make it clear that there had been a clear majority in the discussion in favour of compulsory third-party adjudication.

12. Mr. NOMURA (Japan) said that he did not agree with delegations which took the view that the proposals in documents NG7/32 and 38 concerning paragraph 3 of article 74 and of article 83 could serve as a basis for a compromise. In particular, he had reservations regarding the second sentence of the text proposed by the Chairman, especially since a number of delegations had criticized provisions which would amount to imposing a kind of moratorium.

13. Mr. VELLA (Malta) said that, as the representative of Spain had pointed out when speaking on behalf of the sponsors of the informal proposals in document NG7/2, delimitation criteria, interim measures and settlement of disputes were closely linked. With regard to delimitation criteria, the Chairman's text could provide a basis for agreement. The situation was different in the case of the settlement of disputes, since the discussion had shown that there was a majority in favour of compulsory settlement procedures, a fact which was not made clear in the report.

14. Mr. MAHMOOD (Pakistan) agreed with the Chairman that, except for the two amendments to article 15, there was no consensus, or any prospect of one, for a revision of the negotiating text. Indeed, the part relating to the delimitation of maritime boundaries between adjacent and opposite States was well formulated. With regard to delimitation criteria, the proposed new text could serve as a basis for future negotiations if it were amended in accordance with the suggestions made by the Romanian delegation at the preceding meeting, with the proposals submitted in the initial version of document NG7/36 and with the Soviet proposals. With regard to interim measures, his delegation could not agree with the Chairman, in view of the number of delegations that had advocated a compulsory procedure for the settlement of disputes; in that regard his delegation shared the views expressed by the delegations of Chile and Malta.

15. The CHAIRMAN said it was clear that the Committee as a whole agreed with the Chairman of Negotiating Group 7 that there was as yet no basis for a consensus on the questions before the Group.

16. He declared that consideration of the report of Negotiating Group 7 on the delimitation of maritime boundaries between adjacent and opposite States and the settlement of disputes thereon was concluded.

17. Mr. HAFNER (Austria) said that his delegation had some reservations with regard to article 69, paragraph 3, concerning the rights of land-locked States, since that paragraph would tend to restrict such rights solely to developing countries.

18. Mr. ARIAS SCHREIBER (Peru) said that the wording proposed in document NG4/9/Rev.2² by the Chairman of Negotiating Group 4 was preferable to the negotiating text, al-

though it contained elements which were unacceptable to many coastal States, particularly with regard to the rights claimed by non-coastal States to exploit the exclusive economic zone of coastal States. Without wishing to re-open a lengthy debate on a question on which he had already expressed his views on many occasions, he wished to point out that, if certain delegations insisted on their extreme position, other delegations would be compelled to revert to their initial position, in particular with respect to the 200-mile limit for the territorial sea. His delegation could agree that the text proposed by the Chairman of the Group should be incorporated in the negotiating text in spite of the objections it had to that wording—objections which it intended in due course to embody in formal proposals. If other delegations were opposed to the Chairman's wording, his delegation would have no objection to the retention of the existing wording of the negotiating text.

19. The amendment proposed by the Romanian and the Yugoslav delegations to article 62, paragraph 2 (C.2/Informal Meeting/41), seemed acceptable in the light of the explanations provided by those two delegations in support of their proposal.

20. Mr. JAYAKUMAR (Singapore) said that his delegation had several reservations regarding the text submitted by the Chairman, for reasons he had explained earlier. However, it must be admitted that, all things considered, the Chairman's report offered better prospects for a consensus than did the negotiating text. His delegation supported the principle underlying the proposal by the Yugoslav and Romanian delegations, but had some reservations regarding its interpretation. Under the Chairman's proposed amendment to article 62, paragraph 2, coastal States would be requested to have regard to the provisions of articles 69 and 70, especially in relation to developing countries. He wondered if the proposal of the Yugoslav and Romanian delegations would have the effect of relegating that provision to a secondary place. If so, his delegation would have difficulties in accepting it. If, on the other hand, the question was simply a drafting matter, he hoped that the Yugoslav and Romanian delegations would bear his views in mind in any future redrafting of their proposal.

21. Mr. KE ZAISHUO (China) said that the compromise text of Negotiating Group 4 constituted an appreciable improvement on the negotiating text and should be incorporated in it. That did not mean, however, that the compromise text could not subsequently be revised and further improved with a view to gaining wider support. His delegation was favourably disposed to the proposal made by Romania and Yugoslavia, which merited more detailed consideration.

22. Mr. AL-NIMER (Bahrain) paid a tribute to the efforts made by Mr. Nandan to take account of the positions of the various delegations represented in Negotiating Group 4, and those of other countries. The compromise text was the result of negotiations which had lasted longer than those leading to the elaboration of the negotiating text and could therefore constitute a basis for further negotiations. It was necessary to overcome the obstacle resulting from the refusal of certain coastal countries to accept any amendment of the text, in order to safeguard their interests in areas not under their jurisdiction. He pointed out, moreover, that his delegation had proposed a definition of land-locked or geographically disadvantaged countries which took account of article 70. With regard to the problems raised by the question of fishing rights and the surplus catch, his delegation supported the proposal made in that connexion by Iraq and the United Arab Emirates.

23. Mr. VALENCIA RODRÍGUEZ (Ecuador) said that the Chairman's proposals were an improvement on the existing wording of the negotiating text, but were not entirely satisfactory for a number of reasons. First, with regard to paragraph 1 of article 69 and of article 70, he was concerned at the use of the word "right" in connexion with the participation of land-

² *Ibid.*, vol. X (United Nations publication, Sales No. E.79.V.4), p. 93.

locked and geographically disadvantaged States in the exploitation of the resources of the exclusive economic zone of coastal States. Secondly, the words "region" and "sub-region" in the same paragraph should be clearly defined on the basis of appropriate geographical or economic criteria. Thirdly, the definition of "States with special geographical characteristics" in article 70, paragraph 2, was not satisfactory. That concept should be clarified. In article 69, paragraph 3, and article 70, paragraph 4, co-operation between coastal and land-locked or geographically disadvantaged States should not be compulsory, as the proposed text seemed to suggest; the matter should be left to the sovereign decision of the parties concerned.

24. For all those reasons, the new proposed text did not offer improved prospects of a consensus. The proposal by Yugoslavia and Romania, on the other hand, would be useful.

25. Mr. HAMOUD (Iraq) said that Mr. Nandan's excellent report constituted an improvement on the negotiating text and opened the way for further negotiations and a consensus, although some aspects of it needed clarification.

26. Mr. CHOI HO IK (Democratic People's Republic of Korea) said that the proposal by the delegations of Romania and Yugoslavia concerning article 62, paragraph 2, took account both of the economic situation and of the interests of developing countries. The Democratic People's Republic of Korea, as an independent and peace-loving developing country, supported that proposal.

27. Mr. CASTAÑEDA (Mexico) wished to state once again that the coastal States did not consider it desirable to continue negotiations in the Negotiating Group since, under existing conditions, consideration of the question could not lead to positive results. The text proposed by Mr. Nandan represented the best possible balance that could be achieved between the different views. Certain coastal States had genuine objections to the Chairman's text, as the delegations of Peru and Ecuador had pointed out, but the extent to which they were willing to accept it varied from one delegation to another. He was not therefore in a position to reply on behalf of the coastal States to the question whether, as a group, they considered it desirable to revise the negotiating text accordingly.

28. For its part, the Mexican delegation believed that the text proposed by Mr. Nandan represented a significant improvement on the negotiating text and improved the chances of reaching a consensus. Consequently, the text should be incorporated in the negotiating text.

29. Mr. GOERNER (German Democratic Republic) paid a tribute to the efforts of Mr. Nandan, but felt that document NG4/9/Rev.2 satisfied only to a very limited extent the expectations of the German Democratic Republic with respect to the right of access by land-locked and geographically disadvantaged countries to the living resources of the economic zones of other States. It did not in any way compensate for the losses suffered by fishermen of the German Democratic Republic as a result of the establishment of economic zones in what had been their traditional fishing grounds. Despite the many reservations which his delegation would have to make with respect to that text, it could be usefully included in a revised version of the negotiating text or in any other document reflecting the positive results of the work accomplished since the sixth session. The legitimate rights and interests of the land-locked and geographically disadvantaged countries had been virtually ignored at the time of the preparation of the negotiating text and, from the political and moral standpoint, the compromise suggestions would improve the political climate and strengthen mutual confidence among States participating in the Conference. The inclusion of that text in the negotiating text would not mean, however, that it could not be improved or clarified at a later stage or that the negotiations on the subject had been concluded. Further negotiations were

in fact indispensable in order to find a solution that would take into account the rights and interests of all States.

30. Mr. MAKEKA (Lesotho) said that document NG4/9/Rev.2 was an improvement on the provisions of the negotiating text and should replace the latter as a basis for future negotiations.

31. The question of the right of access of land-locked and geographically disadvantaged States to the authorized surplus had proved to be a stumbling block in negotiations, especially since there were regional understandings granting certain rights to participate in the harvest as opposed to the surplus. His delegation had therefore proposed an amendment to article 69, paragraphs 1 and 5, and to article 70, paragraphs 1 and 6, and had thought that that amendment might lead to a consensus; but it had been surprised to hear the Chairman say that he had been unable to amend the proposal contained in document NG4/9/Rev.2 in the absence of the consensus. He added that it had been difficult, if not impossible, to circulate that constructive amendment as a document of the Negotiating Group and, as a result, delegations had been unable to study the proposals in depth. His delegation hoped that steps would be taken in future to improve the procedure for circulating proposals.

32. Mr. ANDERSEN (Iceland) congratulated Mr. Nandan on finding a balance between the positions of the parties concerned and said that the delegation of Iceland supported his recommendations.

33. Mr. MONNIER (Switzerland) said that, in spite of reservations which his delegation would be obliged to express regarding articles 69 and 70 as they appeared in document NG4/9/Rev.2—reservations concerning the arbitrary distinction made between developed and developing countries—it felt that the new text offered substantially improved prospects of a consensus and should therefore be included in the negotiating text.

34. Mr. ROBINSON (Jamaica) said that the text proposed by Mr. Nandan did not ideally meet the expectations of the Jamaican delegation but constituted an acceptable basis for defining a common position for the Group. His delegation supported the proposal by the Yugoslav and Romanian delegations, the underlying principles of which safeguarded the interests of the developing countries. That proposal should however be brought into line with the major claims of the land-locked and geographically disadvantaged States.

35. Mr. DLAMINI (Swaziland) said that, though not ideal, the report of Negotiating Group 4 was in many respects an improvement on the negotiating text and, because of its positive elements, constituted a good basis for compromise. It should therefore replace the negotiating text, on the understanding that it could be improved whenever that would be possible.

36. The proposal submitted by Yugoslavia and Romania would, in spite of the good intentions underlying it, upset the delicate balance achieved in the document submitted by Mr. Nandan and, since his delegation was anxious to reach a compromise as quickly as possible, it thought that the amendment to article 62, paragraph 2, as reproduced in document NG4/9/Rev.2, should be retained.

37. Mr. IBÁÑEZ (Spain) said that he had serious reservations regarding document NG4/9/Rev.2, with respect to the treatment accorded to developed States with special geographical characteristics or land-locked developed States. There was no reason to give them any special consideration or any priority. Their situation as developed States should be enough to exclude them from the category of disadvantaged States. His delegation could not therefore agree that they should be accorded certain privileges and, accordingly, it had reservations with respect to articles 69 and 70 and also article 62 in the proposals made by Mr. Nandan. The proposal appearing in document C.2/Informal Meeting/41, and particularly

the last two lines, were also unacceptable to his delegation since the formulation proposed by Mr. Nandan for article 62, paragraph 2, although theoretically inoffensive, might have substantial implications. Those considerations should be kept in mind in elaborating a balanced formula that would offer better prospects for consensus and take into account more fully the various interests involved. In the circumstances, his delegation felt it preferable to retain the negotiating text as it stood.

38. Mr. KRÁL (Czechoslovakia) said that his delegation, as a member of the group of land-locked and geographically disadvantaged States, was not satisfied with the compromise text in document NG4/9/Rev.2, which was very far from its idea of a just and equitable solution to the problem of the rights of land-locked States or States with special geographical characteristics. His delegation had already expressed its reservations and wished now merely to state that the compromise text, nevertheless, contained certain improvements on the negotiating text and better reflected the progress made in the negotiations and the various views expressed during the eighth session. His delegation therefore agreed that the proposed wording should be incorporated in the revised negotiating text since it offered better prospects of a consensus.

39. Mr. FOSTERVOLL (Norway) said that the text of document NG4/9/Rev.2 did not fully meet the expectations of his delegation which could, nevertheless, accept it as a compromise.

40. He endorsed the statements made by the representative of Mexico as Chairman of the group of coastal States.

41. Mr. CALERO RODRIGUES (Brazil) stated that his delegation could accept the text of article 69 proposed in document NG4/9/Rev.2, but not the text of article 70 on the rights of States with special geographical characteristics. In spite of those reservations, his delegation felt that the proposed formulation offered better prospects of a consensus than the initial text, and that it should therefore be included in the revised version of the negotiating text.

42. Mr. BREM (France), speaking on behalf of the States members of the European Economic Community, said that the position of those States had not changed since the seventh session. They still had certain reservations regarding the content of document NG4/9/Rev.2, but felt nevertheless that it contained some positive elements which could open the way to a compromise.

43. Mr. TAHINDRO (Madagascar) thought that document NG4/9/Rev.2 offered a good basis for consensus. As a coastal State, his country regarded it as the best possible compromise and could accept it with some serious reservations.

44. Mr. PHAM GIAN (Viet Nam) said that his country was prepared to co-operate with the neighbouring land-locked States or States with special geographic characteristics, and it accepted the compromise proposed by the Chairman of Negotiating Group 4 as a basis for future negotiations.

45. Mr. MAHMOOD (Pakistan) stated that, in his delegation's view, document NG4/9/Rev.2 could not serve as a basis for consensus for the reasons earlier explained by the representative of Ecuador. In particular, his delegation was strongly opposed to the use of the word "right" in paragraph 1 of article 69 and of article 70, and it could not accept the wording of article 69, paragraph 3, or article 70, paragraph 4, since the provisions contained therein were mandatory.

46. Mr. ZHUDRO (Union of Soviet Socialist Republics) reminded the Committee that his delegation had always supported the position of the geographically disadvantaged countries, which must be accorded the right to meet the requirements of their peoples by fishing and exploitation of marine resources.

47. The text in document NG4/9/Rev.2 was preferable to the negotiating text and was a step in the right direction because it gave land-locked countries and countries with special geo-

graphic characteristics the widely acceptable right to a share in marine resources.

48. His delegation felt that the results achieved could not be denied, and it was in favour of incorporating the above-mentioned text in the revised version of the negotiating text.

49. Mr. SYMONIDES (Poland) stated that document NG4/9/Rev.2 offered a better prospect for consensus than the initial text. His delegation believed that it should appear in the revised version of the negotiating text, though it had certain reservations on the matter.

50. Mr. NANANSALA (Philippines) thought that document NG4/9/Rev.2 was not fully satisfactory but offered improved prospects for a consensus. His delegation was therefore in favour of its incorporation in the revised negotiating text.

51. Mr. ROJANAPHRUK (Thailand) thought that the text in document NG4/9/Rev.2 was an improvement on the negotiating text and should appear in the revised version, though his delegation would have certain reservations regarding the text if the compromise on article 62, paragraph 2, were to affect the meaning of the provisions of article 62 in the negotiating text, especially paragraph 3.

52. His delegation also regarded the proposal by the Yugoslav and Romanian delegations as acceptable.

53. Mr. ZHELYAZKOV (Bulgaria) said that his delegation regarded the text in document NG4/9/Rev.2 as preferable to the negotiating text formulation and therefore supported its incorporation in the revised version.

54. The compromise formula thus proposed was by no means perfect and would have to be improved by negotiation after revision of the initial text.

55. His delegation had already observed that the concepts of subregion and region in articles 69 and 70 would have to be defined and was sorry that that concern of his delegation had not been mentioned in the report of the Chairman of the Negotiating Group submitted at the previous meeting. He hoped that that problem would be duly examined at a later stage.

56. Mr. PRANDLER (Hungary) said that although there were certain omissions in document NG4/9/Rev.2, his delegation would agree to its incorporation, as it stood, in the revised version of the negotiating text. He was, however, opposed to further amendments which would further weaken the position of the land-locked developed countries on any point.

57. Mr. SAMPER (Colombia) said that his delegation still had some difficulty in accepting the compromise text, especially with respect to the rights of States having special geographical characteristics, because it was not satisfied with the criteria used for defining them. In spite of those reservations, the proposed text still appeared to offer the best prospect of a consensus.

58. Mr. WISNOEMOERTI (Indonesia) said that his delegation agreed that the compromise text should appear in the revised version of the negotiating text, provided that amendments to its provisions could still be proposed at a later date.

59. Mr. ARCULUS (United Kingdom) recalled that the position expressed by the States members of the European Economic Community at the seventh session included approval of certain elements in the compromise formula and also various reservations on other points.

60. The proposal submitted by Yugoslavia and Romania deserved further study.

61. Mr. SHELDON (Byelorussian Soviet Socialist Republic) thought that document NG4/9/Rev.2 reflected quite accurately the state of the negotiations at the end of the present session and offered appreciably greater prospects of reaching a consensus. The formulation proposed was, therefore, a step in the right direction and should be included in the revised version of the negotiating text, with a view to further negotiations.

62. Mr. GAJARDO (Chile) observed that the representative of Mexico had already spoken on behalf of the group of coastal States, to which Chile belonged. The Chilean delegation endorsed the text in document NG4/9/Rev.2.

63. Mr. RABAZA VÁSQUEZ (Cuba) said that, in his delegation's view, the text in document NG4/9/Rev.2 should be incorporated in the revised version of the negotiating text.

64. Mr. NAKAGAWA (Japan) thought that the text in document NG4/9/Rev.2 constituted a balanced compromise and probably represented the best possible formula for agreement. His delegation therefore believed that it should be incorporated in the revised version of the negotiating text.

65. Mr. LUPINACCI (Uruguay) said that his delegation had reservations with respect to the use of the word "right" in paragraph 1 of article 69 and of article 70, and also on the wording of article 69, paragraph 3, and article 70, paragraph 4, because the ambiguous formulation which had been adopted might lead to a questioning of the concept of surpluses.

66. A precise definition should be given of the terms "region" and "subregion" because the proposed text had nothing to say on that point.

67. His delegation agreed with the Colombian delegation that the definition of the notion of a State with special geographic characteristics was inadequate, and it supported the observations of the Spanish delegation regarding article 62, paragraph 2.

68. It nevertheless felt that the text in document NG4/9/Rev.2 offered better prospects of a consensus than the initial text and it thought therefore, that the text should be incorporated in the revised version of the negotiating text with a view to future negotiations.

69. Mr. ENKHSAIKHAN (Mongolia) said that his delegation was not completely satisfied with the text in document NG4/9/Rev.2, which did nevertheless contain certain improvements on the initial text and offered a fair basis for further negotiations. His delegation had no objection to its incorporation in the revised version of the negotiating text.

70. Mr. CHANG-CHOON LEE (Republic of Korea) said that, in his delegation's view, the text in document NG4/9/Rev.2 could not serve as a revised version of the provisions of the negotiating text which the Negotiating Group had considered.

71. With regard to article 70, his delegation preferred the provisions of the negotiating text, with certain improvements. With regard to article 62, it felt that the proposal by the Romanian and Yugoslav delegations should be considered further because it might help to improve the provisions of article 62.

72. Mr. THOMAS (Guyana) said that his delegation believed that the text in document NG4/9/Rev.2 should be incorporated in the revised version of the negotiating text because it was the best formula to emerge from the discussions of the Negotiating Group.

73. Mr. CLINGAN (United States of America) observed that the text in document NG4/9/Rev.2 met the minimum requirements of many delegations and should constitute a good point of departure for a future compromise. His delegation therefore believed that it should be incorporated in the revised version of the negotiating text.

74. Mr. BAYONNE (Congo), after noting that the representative of Mexico had already spoken on behalf of the coastal States, said that his own delegation regarded the text in document NG4/9/Rev.2 as a step forward towards a consensus.

75. Mr. MOMTAZ (Iran) said that his delegation was in favour of incorporating the text of document NG4/9/Rev.2 in the revised version of the negotiating text, though it had certain reservations particularly regarding the definition of "region" and "subregion", which was of major importance.

76. He also supported the proposal by the Romanian and Yugoslav delegations because he thought it was better not to discriminate between different developing countries.

77. Mr. POP (Romania) thanked delegations which had supported the proposal by the Romanian and Yugoslav delegations. He noted that none of the representatives who had taken part in the discussion had expressed any basic objection to that proposal and he hoped that it would sooner or later be included in the text of document NG4/9/Rev.2.

78. The CHAIRMAN noted that, in spite of the reservations expressed by various delegations, the compromise text in document NG4/9/Rev.2 had received the general support of delegations as a text likely to facilitate a consensus. He pointed out that the reservations which had been made would sufficiently protect the delegations which had expressed them. If there were no objections, he would present that position of the Second Committee to the Conference in plenary meeting and would indicate that the formula had received widespread support because it offered a better possibility of consensus than the informal composite negotiating text.

It was so decided.

79. The CHAIRMAN stated that Negotiating Group 6 had held only six informal meetings during the eighth session and that the private consultations, while not producing the desired results, had nevertheless resulted in certain progress, in that some proposals had been approved and had received sufficient support to serve as a basis for future negotiations.

80. He thought that it was still possible to make a last effort to reach an agreement on a revision of the negotiating text before the end of the current session, since the positions of the different parties seemed to be closer on several points.

81. Mr. ATAÍDE (Portugal) said that the difficulty of the issues under consideration was such that a final solution could not be expected after only six meetings of the Negotiating Group. He was nevertheless convinced that the various concessions made by delegations offered a good point of departure for reaching a consensus in the Group.

82. Mr. HAYES (Ireland) said he hoped that the report which the Chairman had just presented on the discussions in Negotiating Group 6 would be published, so that delegations could study it with the attention it deserved. His delegation felt that the negotiations in Group 6 had resulted in a certain amount of progress, especially since the discussion on the Soviet proposal in the preceding week. A compromise now seemed possible on article 76, on the definition of the outer limits of the continental shelf. His delegation was ready to continue negotiations with a view to reaching a compromise on that issue.

83. Mr. JAYEWARDENE (Sri Lanka), referring to the definition of the outer limits of the continental shelf, pointed out that the formula proposed by Ireland applied only to certain types of continental margin belonging mainly to developed countries. However, certain countries which supported the Irish proposal had acknowledged the validity of the position of countries which opposed it, such as Sri Lanka. Some countries which had supported other proposals had also supported Sri Lanka's position, recognizing that it would be unfair to adopt the Irish proposal in its original form or to combine it with the Soviet proposal for the definition of fixed limits.

84. His delegation had, in document NG6/5, submitted a proposal for a fair definition of the continental margin. It would be unfair to adopt a formula which applied solely to two of the main types of continental margin, to the detriment of developing countries such as Sri Lanka. The Irish delegation had, moreover, supported Sri Lanka's proposal and intended to amend its own proposal. His delegation hoped therefore that its position would be taken into account in any revision of draft article 76.

85. Mr. BAYAGBOMA (Nigeria) wished to know whether other meetings of Negotiating Group 6 were planned before the end of the session or whether it was hoped that negotiations could be conducted in a small group. The Chairman had referred to the difficulties which he had encountered in establishing such a group, and the Nigerian delegation would like some clarification on that subject.

86. The CHAIRMAN replied that it was always possible to hold a plenary meeting in the framework of Negotiating Group 6 or elsewhere, since the position of States remained in principle the same; however, it was necessary that there should be a will to reach agreement. He himself would do whatever he could to realize such possibilities if they existed.

87. The difficulties he had encountered in establishing a small group related to the manner in which the various interests were to be represented. That was the only reason why no agreement had been possible. The establishment of a group was only one means of reaching an agreement; and it was necessary that a will to negotiate should exist. It was impossible to impose a solution when there was disagreement from the outset.

88. Mr. WISNOEMOERTI (Indonesia) said that, at the first meeting of Negotiating Group 6, his delegation had proposed the establishment of a small negotiating group and no delegation had objected to the idea at the time. He regretted that the group had not been established, owing to difficulties regarding its composition. If the parties directly concerned could propose a compromise formula before the end of the session, that would advance the work considerably; but, more realistically, his delegation suggested that, if no new result emerged before then, the establishment of a small working group should be included among the priority items for the next session. He had no doubt that, by that time, the Chairman would have succeeded in resolving the problems of the composition of the group and thought that once the group had found a solution, it

could refer it to Negotiating Group 6 and then to the Second Committee.

89. The CHAIRMAN replied that he was prepared to establish such a group at the appropriate time and was in favour of the idea of considering that question at the beginning of the following session.

90. Mr. BARABOLYA (Union of Soviet Socialist Republics) felt that there was now a sufficient basis for reaching consensus on the definition of the outer limits of the continental shelf. It was essential for that purpose to establish precise criteria based on an indication of distance and depth.

91. His delegation regretted that it had not yet been possible to reach a consensus and asked all delegations to work towards that objective. The Soviet Union had already taken a step in that direction and was ready to co-operate with other delegations and with the Chairman with a view to reaching a consensus as soon as possible.

92. Mr. ATEIGA (Libyan Arab Jamahiriya) pointed out that the Arab countries had submitted a formula for defining the outer limits of the continental shelf and that their views on the subject had not changed. Those limits should be defined with due regard for the legal elements and for geomorphological considerations. He also stated that the Arab countries had inalienable interests in the zone in question and that the small negotiating group should take their position into account. The Arab countries were, nevertheless, prepared to co-operate as long as the principle envisaged was founded on equity and integrity.

93. The CHAIRMAN declared that the Second Committee had concluded its consideration of the report of Negotiating Group 6 and had in principle completed its deliberations. He thanked the Chairmen of the negotiating groups, the members of the Bureau and the secretariat staff who had helped the Committee in its task.

The meeting rose at 6.55 p.m.