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Report of the Chairman of the Drafting Committee

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State and the researching State does not necessarily mean that normal circumstances do not exist between them for purposes of applying article 246, paragraph 3;

(b) The exercise by the coastal State of its discretion under article 246, paragraph 4 (a), shall be deferred and its consent shall be implied with respect to marine scientific research projects undertaken outside specific areas of the continental shelf beyond 200 miles, from the baselines of which the breadth of the territorial sea is measured, which the coastal State has publicly designated as areas in which exploitation or exploratory operations, such as exploratory drilling, are occurring or are about to occur;

(c) The coastal State shall give reasonable notice of such areas.

Article 247

In line 1, after "global" add "intergovernmental".

Article 249

Redraft paragraph 1 (d) to read:

"(d) If requested, provide the coastal State with an assessment of such data, samples, and research results or assist in their interpretation;"

In paragraph 1 (e), delete "subject to paragraph 2 of this article".

Redraft paragraph 2 to read:

"2. The present article is without prejudice to the conditions established by the laws and regulations of the coastal State for the exercise of its discretion to grant or withhold consent pursuant to article 246, paragraph 4, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources."

Article 253

Redraft the title to read:

"Suspension or cessation of research activities".

In paragraph 1, line 1, before "cessation" insert "suspension or".

Redraft paragraph 1 (a) to read:

"(a) The research activities are not being conducted in accordance with the information communicated as provided for under article 248 upon which the consent of the coastal State was based and compliance is not secured within a reasonable period of time;"

Add a new paragraph 2:

"2. The coastal State may require cessation of research activities if the conditions provided for in paragraph 1 are not complied with within a reasonable period of time after suspension has been invoked, subject to any proceedings which may have been instituted pursuant to section 2 of Part XV."

Article 255

States shall endeavour to adopt reasonable rules, regulations and procedures to promote and facilitate marine scientific research activities beyond their territorial sea and, as appropriate, to facilitate, subject to the provisions of their internal law, access to their harbours and promote assistance for marine scientific research vessels, which comply with the relevant provisions of this Part.

Article 264

Add a new paragraph 2:

"2. Disputes arising from an allegation by the researching State that with respect to a specific project the coastal State is not exercising its rights under articles 246 and 253 in a manner compatible with the provisions of this Convention shall be submitted, at the request of either party and notwithstanding article 284, paragraph 3, to the conciliation procedure described in annex IV, provided that the Conciliation Commission shall not call in question the exercise of the discretion to withhold consent in accordance with article 246, paragraph 4."

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Report of the Chairman of the Drafting Committee

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At the 93rd plenary meeting of the Conference, the Drafting Committee was requested to commence work by ad-

ressing itself to the provisions of the informal composite negotiating text that appeared to be settled and to recommend changes that were considered necessary from a technical and drafting point of view, particularly the adoption of uniform terminology.

At the request of the Drafting Committee, the secretariat prepared a list of recurring words and expressions in the informal composite negotiating text which might be harmonized (informal paper 2). The examples which were selected were not exhaustive on any particular issue but they clearly indicated the difficult task which the Committee faced in carrying out the mandate of ensuring uniformity of terminology.

It was recognized that it is desirable, to the extent possible, to avoid the use of different words, where the intended meaning appears to be the same.

The following pattern has been adopted for this paper. Firstly, there is a representative list of examples which has been chosen from each section of informal paper 2, then some issues involved. This is followed by the recommendations of the Drafting Committee. The substance of these recommendations, which were themselves based on the work of the language groups, was discussed by the coordinators of the language groups under the direction of the Chairman of the Drafting Committee.

I

"All States"

Examples

Article 17:

"ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea".

Article 52, paragraph 1:

"ships of all States enjoy the right of innocent passage through archipelagic waters".

Article 90:

"every State, whether coastal or land-locked, has the right to sail ships under its flag on the high seas".

Article 116:

"all States have the right for their nationals to engage in fishing on the high seas".

Article 140:

"activities in the Area shall be carried out for the benefit of mankind as a whole irrespective of the geographical location of States, whether coastal or land-locked".

Article 150, subparagraph (f):

"for all States Parties, irrespective of their social and economic systems or geographical location, to participate in the development of the resources of the Area".

Article 238:

"States, irrespective of their geographical location . . . have the right to conduct marine scientific research".

Article 256:

"States, irrespective of their geographical location . . . shall have the right . . . to conduct marine scientific research in the Area".

Article 257:

"States, irrespective of their geographical location . . . shall have the right . . . to conduct marine scientific research in the water column beyond the limits of the exclusive economic zone".

Some issues involved

(a) Should the term "all States", wherever it appears, be qualified by an expression such as "whether coastal or land-locked"?

(b) What is the distinction between the following expressions: "all States", "every State" and "States"?

The recommendations of the Drafting Committee

The Drafting Committee recommended the addition of the word "all" before "States" in articles 238, 256 and 257 of the revised negotiating text.

II

- (i) "*Developing country*";
- (ii) "*Developing State*".

Examples

- Article 61, paragraph 3:
"special requirements of developing countries".
- Article 62, paragraph 4 (a):
"of developing coastal States".
- Article 82, paragraph 3:
"a developing country which is a net importer of a mineral resource".
- Article 82, paragraph 4:
"the interests and needs of developing countries".
- Article 119, paragraph 1 (a):
"requirements of developing countries".
- Article 140:
"and taking into particular consideration the interests and needs of the developing countries and peoples who have not attained full independence or other self-governing status".
- Article 143, paragraph 3 (b):
"for the benefit of developing countries".
- Article 144, paragraph 2 (b):
"the domestic technology of developing countries . . . and from developing countries".
- Article 150, subparagraph (g):
"the protection of developing countries".
- Article 202, subparagraph (a):
"and other assistance to developing States".
- Article 202, subparagraph (a) (iv):
"enhancing the capacity of developing States".
- Article 202, subparagraph (c):
"in particular to developing States".
- Article 203:
"developing States".
- Article 266, paragraph 2:
"particularly developing States".
- Annex II, article 5, paragraph 1 (e):
"for the benefit of a developing country".
- Annex II, article 8, paragraph 1:
"or in association with developing countries".

Some issues involved

The text, as these examples show, is not consistent in its use of the words "developing country" or "developing State". The following factors may help to elucidate this issue:

- (a) As used within the United Nations system, a "developing country" is a State.
- (b) This issue should be divorced from the question of participation in the convention, for example, whether dependent territories may become parties to the convention.
- (c) This issue is not related either to the separate question of whether States which are not parties to the convention can benefit from or be bound by the provisions of the convention.
- (d) On the other hand, the expression "developing country" is hallowed by usage.

The recommendations of the Drafting Committee

The Drafting Committee recommended that the phrase "developing States" should replace "developing countries" except where the reference is to an entity other than a State (for example, in article 140, paragraph 1).

III

- (i) "*States with special geographical characteristics*";
- (ii) "*Land-locked and geographically disadvantaged States*";
- (iii) "*Land-locked and other geographically disadvantaged States*";
- (iv) "*Land-locked or otherwise geographically disadvantaged State*".

Examples

- Article 70:
"States with special geographical characteristics shall have the right to participate . . .".
- Article 148:
"The effective participation of developing countries . . . having due regard to their special needs and interests, and in particular the special needs of the land-locked and geographically disadvantaged States among them".
- Article 160, paragraph 2 (k):
"for States in connexion with activities in the Area as are due to their geographical location, including land-locked and geographically disadvantaged countries.
- Article 254, title:
"neighbouring land-locked and geographically disadvantaged States".
- Article 254, paragraph 1:
"rights of neighbouring land-locked and other geographically disadvantaged States".
- Article 266, paragraph 2:
"particularly developing States, including land-locked and geographically disadvantaged States".
- Annex III, article 11, paragraph 3 (b) (ii):
"in the developing countries, including the land-locked or otherwise geographically disadvantaged among them".

Some issues involved

The issue here seems to be to all intents and purposes one of nomenclature. The choice of expression will depend on general acceptance of a name for such States. It should be pointed out that in article 70, paragraph 2, there is a definition of the term "States with special geographical characteristics".

The recommendations of the Drafting Committee

Articles 69 and 70 use the phrase "States with special geographical characteristics" whereas articles 148, 160, 161, 254, 266, and 272 use the phrase "geographically disadvantaged States". The Drafting Committee recommended that the Chairman of the Drafting Committee consult with the relevant chairmen on the question of the harmonization of the use of these terms.

IV

"*State enterprises*".

Examples

- Article 137, paragraph 1:
"whether undertaken by States Parties, or State enterprises or persons natural or juridical".

Article 153, paragraph 2 (b):

“by States Parties or State entities or persons natural or juridical”.

Article 165, paragraph 2 (c):

“in consultation and collaboration with any entity carrying out such activities or State or States concerned”.

Some issues involved

There are perhaps two issues here. In the first place, is there a difference between “State enterprises” and “State entities”? Secondly, does not the expression “persons natural or juridical” include “State enterprises”?

The recommendations of the Drafting Committee

The co-ordinators of the language groups are continuing to consult on this section.

V

“Persons”.

Examples

Article 137, paragraph 1:

“or person, natural or juridical”.

Article 153, paragraph 2 (b):

“or persons natural or juridical”.

Article 235, paragraph 2:

“natural or juridical persons”.

Article 263, paragraph 2:

“their natural or juridical persons”.

Some issues involved

This section poses a relatively simple problem concerning the position of the adjectives “natural or juridical”. Should they be placed before the noun “person” or after it? The question whether “juridical” should be replaced by “legal” is also raised.

The recommendations of the Drafting Committee

The Drafting Committee recommended use of the phrase “natural or juridical persons”.

VI

(i) “Ship”;

(ii) “Vessel”.

Examples

The word “ship”, with few exceptions, is used in Parts II, III, IV, V, and VII of the English version and the word “vessel” is used in Parts XII, XIII and XV, save in one case (article 233).

Some issues involved

This problem affects only the English and Russian versions since only one word is used in the other languages, e.g. *buque* in Spanish and *navire* in French. The words “ship” and “vessel” are not interpreted as meaning different things in the text.

The recommendations of the Drafting Committee

In the Arabic, Chinese, French and Spanish texts, one word is used consistently throughout the text. The Drafting Committee suggested that the chairmen of the English and Russian language groups might consult with each other in an attempt to resolve the issue within their groups.

VII

“Joint ventures”.

Examples

Article 62, paragraph 4 (i):

“relating to joint ventures or other co-operative arrangements”.

Article 72, paragraph 1:

“by establishing joint collaboration ventures”.

Article 153, paragraph 3:

“such contracts may provide for joint arrangements in accordance with”.

Article 269, subparagraph (e):

“promote joint ventures and other forms of bilateral and multilateral co-operation”.

Annex II, article 7, paragraph 4:

“or through joint ventures with States”.

Annex II, article 8, paragraph 3:

“into joint arrangements”.

Annex III, article 12, paragraph 2 (a):

“forms of association, or other arrangements”.

Some issues involved

It seems reasonable to seek more uniformity in references such as “joint ventures or other co-operative arrangements” and “joint collaboration ventures”.

The recommendations of the Drafting Committee

The Drafting Committee recommended that the word “collaboration” be deleted from article 72, paragraph 1, following the model of article 62, paragraph 4 (i).

VIII

“Internal law”.

Examples

Article 94, paragraph 2 (b):

“assume jurisdiction under its internal law over each ship flying its flag”.

Article 217, paragraph 6:

“such proceedings to be taken in accordance with their laws”.

Article 220, paragraph 2:

“to be taken in accordance with its laws”.

Article 223:

“as may be provided under national legislation”.

Article 235, paragraph 2:

“in accordance with their legal systems”.

Annex III, article 12, paragraph 6:

“of making effective in terms of its own law”.

Some issues involved

In this list of references there are several different expressions used to convey the notion of “municipal” or “domestic” law, for example, “internal law”, “their laws”, “its own law”. Consequently, there should be some harmonization to the extent possible.

The recommendations of the Drafting Committee

The Drafting Committee noted that the Arabic, Chinese, French, Russian and Spanish co-ordinators were in agreement that it was preferable to use either “internal law” or “national law” rather than expressions such as “its laws”, “their laws”, “legislation” or “national legislation”.

It also noted that the co-ordinator of the English language group expressed a preference for “its laws” or “their laws”. Wherever added precision is required to distinguish from

international or other types of law, the term "national" should be used.

IX

"Subject to the consent of the coastal State".

Examples

Article 40:

"without the prior authorization of the States bordering straits".

Article 77, paragraph 2:

"without the express consent of the coastal State".

Article 79, paragraph 3:

"subject to the consent of the coastal State".

Article 210, paragraph 3:

"without the permission of the competent authorities of States".

Article 210, paragraph 5:

"without the express prior approval of the coastal State".

Article 245:

"only with the express consent of and under conditions set forth by the coastal State".

Article 246, paragraph 2:

"with the consent of the coastal State".

Article 265:

"without the express approval of the coastal State concerned".

Some issues involved

The problem here is whether there is a need for this variety of expressions—"express consent", "consent", "prior authorization", "express approval", "express prior approval", etc.

The recommendations of the Drafting Committee

The Drafting Committee recommended that it should aim for standardization in translation of expressions such as "consent" or "authorization", but that standardization of expressions within each language may not be possible.

X

"Artificial islands, installations and structures and international navigation"

Examples

Article 60, paragraph 7:

"Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation".

Article 147, paragraph 2 (c):

"The configuration and location of such safety zones shall not be such as to form a belt impeding the lawful access of shipping to particular maritime zones or navigation along international sea lanes."

Article 261:

"The deployment and use of any type of scientific research installations or equipment shall not constitute an obstacle to established international shipping routes".

Some issues involved

The problem here relates to what language should be used to express the notion that the establishment of artificial islands, installations and structures should not impede international navigation.³⁸

³⁸ See article 5 paragraph 6, of the Convention on the Continental Shelf (United Nations, *Treaty Series*, vol. 499, No. 7302, p.312).

The recommendations of the Drafting Committee

The co-ordinators of the language groups are continuing to consult on this section. In this connexion, a model article based on article 60 will be examined.

XI

"Status of artificial islands, installations and structures"

Examples

Article 60, paragraph 8:

"Artificial islands, installations and structures have no territorial sea of their own".

Article 147, paragraph 2 (e):

"Such installations shall not possess the status of islands. They shall have no territorial sea".

Article 259:

"The installations or equipment referred to in this section shall not have the status of islands, or possess their own territorial sea".

Some issues involved

With respect to the language used in this section, see article 5, paragraph 4, of the Convention on the Continental Shelf.

The recommendations of the Drafting Committee

The Drafting Committee recommended that the relevant parts of articles 60, paragraph 8, 147, paragraph 2 (e) and 259 read as follows: ". . . do not possess the status of islands. They have no territorial sea of their own . . .".

XII

- (i) *"Sea lanes and traffic separation schemes"*;
- (ii) *"Any channels customarily used for international navigation"*;
- (iii) *"All normal passage routes used as routes for international navigation"*;
- (iv) *"To the use of recognized sea lanes essential to international navigation"*.

Examples

Article 22, paragraph 1:

"through its territorial sea to use such sea lanes and traffic separation schemes".

Article 22, paragraph 3 (b):

"any channels customarily used for international navigation".

Article 41, paragraph 1:

"States bordering straits may designate sea lanes or traffic separation schemes".

Article 53, paragraph 4:

"all normal passage routes used as routes for international navigation".

Article 53, paragraph 4:

"all normal navigational channels".

Article 53, paragraph 12:

"through the routes normally used for international navigation".

Article 60, paragraph 7:

"to the use of recognized sea lanes essential to international navigation".

Article 147, paragraph 2 (b):

"through sea lanes of vital importance for international shipping".

Article 147, paragraph 2 (c):

"or navigation along international sea lanes".

Article 261:

“to established international shipping routes”.

Some issues involved

The language used is not consistent, for example, article 147, paragraph 2 (c), refers to “international sea lanes” whereas article 261 speaks of “international shipping routes”. Both could be referring to the same maritime area. Moreover, the term “sea lanes” is used in a specific sense in some articles, for example, articles 22, paragraph 1, and 41, paragraph 1, and in a general sense in, for example, articles 60, paragraph 7, and 147. The specific usage of the term is frequently associated with traffic separation schemes.

The recommendations of the Drafting Committee

The Drafting Committee noted that the terminology used in these articles requires article-by-article consideration. However, it recommended that the following suggestions be made to the Conference:

1. The word “such” should be added to the beginning of article 53, paragraph 5, so that it reads “such sea lanes”.
2. The term “sea lanes” should be retained in part III.
3. A term other than “sea lanes” should be used elsewhere than in Parts II, III and IV of the Convention, for example, in articles 60, paragraph 7, and 147.

XIII

“Delimitation of the territorial sea, the exclusive economic zone or the continental shelf”

Examples

Article 60, paragraph 8:

“and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf”.

Article 134, paragraph 4:

“shall affect the validity of any agreement between States with respect to the establishment of limits between opposite or adjacent States”.

Article 147, paragraph 2 (e):

“... nor shall their presence affect the determination of territorial or jurisdictional limits of any kind”.

Article 259:

“and their presence shall not affect the delimitation of the territorial sea, exclusive economic zone and the continental shelf of the coastal State”.

Some issues involved

With respect to the language used in these references see article 5, paragraph 4, of the Convention on the Continental Shelf.

The recommendations of the Drafting Committee

The Drafting Committee recommended that the relevant parts of articles 60, paragraph 8, 147, paragraph 2 (e), and 259 should read as follows: “... and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf”.

XIV

- (i) *“Between States with opposite or adjacent coasts”*;
- (ii) *“Between adjacent or opposite States”*.

Examples

Article 15, title:

“Delimitation of the territorial sea between States with opposite or adjacent coasts”.

Article 74, paragraph 1:

“The delimitation of the exclusive economic zone between adjacent or opposite States”.

Article 83, paragraph 1:

“The delimitation of the continental shelf between adjacent or opposite States”.

Article 298, paragraph 1 (a):

“disputes concerning sea boundary delimitations between adjacent or opposite States”.

Some issues involved

The choice lies between the expressions “States with opposite or adjacent coasts” and “between adjacent or opposite States”.

The recommendations of the Drafting Committee

The Drafting Committee recommended that the words “opposite” or “adjacent” should modify “coasts” not “States”. The model would therefore be the title of article 15 which, in the English text, reads in part: “Delimitation . . . between States with opposite or adjacent coasts”.

The choice of whether “opposite” precedes “adjacent”, or vice versa, was left to the Chairman of the Drafting Committee to decide on the basis of which phrase would require the least change to the text, bearing in mind that the “equidistance line” is appropriate to States with adjacent coasts and the “median line” to States with opposite coasts.

XV

“Due publicity of charts”, etc.

Examples

Article 16, paragraphs 1 and 2:

“1. The baselines for measuring the breadth of the territorial sea determined in accordance with articles 7, 9 and 10, or the limits derived therefrom, and the lines of delimitation drawn in accordance with articles 12 and 15, shall be shown on charts of a scale or scales adequate for determining them. Alternatively, a list of geographical co-ordinates of points, specifying the geodetic datum, may be substituted.

“2. The coastal State shall give due publicity to such charts or lists of geographical co-ordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.”

Article 47, paragraph 6:

“The archipelagic State shall clearly indicate such baselines on charts of a scale or scales adequate for determining them. The archipelagic State shall give due publicity to such charts and shall deposit a copy of each such chart with the Secretary-General of the United Nations.”

Article 75, paragraphs 1 and 2:

“1. Subject to this Part, the outer limit lines of the exclusive economic zone and the lines of delimitation drawn in accordance with article 74 shall be shown on charts of a scale or scales adequate for determining them. Where appropriate, lists of geographical co-ordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.

“2. The coastal State shall give due publicity to such charts or lists of geographical co-ordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.”

Article 76, paragraphs 7 and 8:

“7. Information on the limits of the continental shelf beyond the 200 nautical mile exclusive economic zone shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under annex on the basis of equitable geographic representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf

established by a coastal State taking into account these recommendations shall be final and binding.

“8. The coastal State shall deposit with the Secretary-General of the United Nations charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.”

Article 84, paragraphs 1 and 2:

“1. Subject to this Part, the outer limit lines of the continental shelf and the lines of delimitation drawn in accordance with article 83 shall be shown on charts of a scale or scales adequate for determining them. Where appropriate, lists of geographical co-ordinates of points, specifying the geodetic datum, may be substituted for such outer limits or lines of delimitation.

“2. The coastal State shall give due publicity to such charts or lists of geographical co-ordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.”

Article 134, paragraphs 2 and 3:

“2. States Parties shall notify the Authority established pursuant to article 156 of the limits referred to in article 1, paragraph 1 (1), determined by co-ordinates of latitude and longitude and shall indicate the same on appropriate large-scale charts officially recognized by that State.

“3. The Authority shall register and publish such notification in accordance with rules adopted by it for the purpose”.

Some issues involved

The major issues here concern the repetition of certain provisions, for example, “the coastal State shall give due publicity to such charts or lists of geographical co-ordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations”, and the problem of co-ordination between articles 75, 76, 84 and 134.

The recommendations of the Drafting Committee

The secretariat has prepared a draft article on publicity of charts. That article might be submitted after review by the Drafting Committee to the chairmen of the relevant committees for discussion.

The co-ordinators of the language groups are continuing to consult on the harmonization of articles 134, 76 and 84 with a view to consultation with the chairmen of the relevant committees.

XVI

“Notification”.

Examples

Article 27, paragraph 3:

“In the cases provided for in paragraphs 1 and 2, the coastal State shall, if the captain so requests, advise the diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship’s crew. In cases of emergency this notification may be communicated while the measures are being taken.”

Article 73, paragraph 4:

“In cases of arrest or detention of foreign vessels the coastal State shall promptly notify, through appropriate channels, the flag State of the action taken and of any penalties subsequently imposed”.

Article 231:

“States shall promptly notify the flag State and any other State concerned of any measures taken pursuant to section 6 against foreign vessels, and shall submit to the flag State

all official reports concerning such measures. However, with respect to violations committed in the territorial sea, the foregoing obligations of the coastal State shall apply only to such measures as are taken in proceedings. The consular officers or diplomatic agents, and where possible the maritime authority of the flag State, shall be immediately informed of any such measures”.

Some issues involved

There are certain issues of harmonization raised by these examples. First, whereas articles 73 and 231 use the word “notify”, article 27 uses the word “advise”. In the second place there is a lack of uniformity as to who should be notified or advised. Article 27, paragraph 3, makes mention of the “diplomatic agent or consular officer of the flag State”. Article 73, paragraph 4, refers to “the flag State” and article 231 refers to “the flag State or any other State concerned” and in the case of violations committed in the territorial sea “the consular officers or diplomatic agents, and where possible the maritime authority of the flag State”. The question of the consistency in substance of articles 27, paragraph 3, and 231 is also raised.

The recommendations of the Drafting Committee

The Drafting Committee recommended that the word “notify” be used rather than “advise”. In French the words *aviser* or *avertir* should be changed to *notifier*.

XVII

“*Exploration and exploitation of the resources of the Area*”.

Examples

Article 1, paragraph 3:

“‘Activities in the Area’ means all activities of exploration for, and exploitation of, the resources of the Area”.

Article 133, subparagraph (a):

“‘Activities in the Area’ means all activities of exploration for, and exploitation of, the resources of the Area.”

Article 150, subparagraph (f):

“of the exploration and exploitation of the resources of the Area”.

Article 155, paragraph 6:

“of exploration and exploitation of the resources of the Area”.

Article 215:

“activities concerning exploration and exploitation of the Area”.

Article 269, subparagraph (a):

“in the exploration and exploitation of the marine resources”.

Article 273:

“to the exploration of the Area, the exploitation of its resources and other related activities”.

Article 274:

“to the exploration of the Area and the exploitation of its resources”.

Some issues involved

A variety of expressions is used to signify the idea of exploring and exploiting the resources of the area. The main point, however, is that article 1, paragraph 3, does declare that “activities in the Area” means “all activities of exploration for, and exploitation of, the resources of the Area”. Thus, it ought to be possible to replace expressions such as those in articles 215 and 273 by the phrase “activities in the Area”.

The recommendations of the Drafting Committee

The Drafting Committee recommended:

1. That the expression "exploration and exploitation of the resources of the Area" and similar expressions such as those in articles 215 and 273, should be changed to "activities in the Area", which is defined in article 1, paragraph 3;
2. That the definition of "activities in the Area" should occur only in article 1, paragraph 3.

XVIII

- (i) "For peaceful purposes";
- (ii) "Exclusively for peaceful purposes".

Examples

- Article 88:
"The high seas shall be reserved for peaceful purposes."
- Article 141:
"The Area shall be open to use exclusively for peaceful purposes."
- Article 147, paragraph 2 (d):
"such installations shall be used exclusively for peaceful purposes;"
- Article 155, paragraph 3:
"the use of the Area exclusively for peaceful purposes".
- Article 240, subparagraph (a):
"Marine scientific research activities shall be conducted exclusively for peaceful purposes".
- Article 242:
"promote international co-operation in marine scientific research for peaceful purposes".
- Article 246, paragraph 3:
"to be carried out in accordance with this Convention exclusively for peaceful purposes".

Some issues involved

The issue here is whether it is necessary to change any of these expressions for the purposes of harmonization.

The recommendations of the Drafting Committee

The Drafting Committee recommended that the French and Russian texts be adjusted to conform with the English in articles 88 and 141 and that no further harmonization was necessary.

XIX

"Transfer of technology".

Examples

- Article 144, paragraph 2:
"promoting the transfer of technology".
- Article 150, subparagraph (c):
"transfer of technology to the Enterprise".
- Article 266, paragraph 1:
"transfer of marine science and marine technology".
- Article 268, subparagraph (c):
"the transfer of marine technology".
- Article 269, subparagraph (a):
"transfer of all kinds of marine technology".
- Article 270:
"transfer of marine technology".
- Article 272:
"in the field of transfer of marine technology".
- Article 273:
"transfer . . . of skills and technology".
- Annex II, article 5, paragraph 1:
"transfer of technology".

Some issues involved

There are certain issues which are raised by these references. Should the term be "transfer of technology" or "transfer of marine technology"? Does the inclusion of expressions such as "all kinds of" in article 269 and "of skills" in article 273 create negative implications regarding the meaning of other provisions?

The recommendations of the Drafting Committee

The Drafting Committee recommended that the word "marine" should be added to articles 276 and 277 and that the suggested deletion of "all kinds of" in article 269, subparagraph (a), and "skills and" in article 273 should be subject to further consultation.

XX

"International rules and standards".

Examples

- Article 21, paragraph 2:
"unless they are giving effect to generally accepted international rules or standards".
- Article 21, paragraph 4:
"generally accepted international regulations relating to the prevention of collisions at sea".
- Article 39, paragraph 2 (a):
"comply with generally accepted international regulations, procedures and practices for safety at sea".
- Article 42, paragraph 1 (b):
"the prevention, reduction and control of pollution by giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the strait".
- Article 60, paragraph 5:
"taking into account applicable international standards . . . except as authorized by generally accepted international standards".
- Article 60, paragraph 6:
"All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation".
- Article 61, paragraph 3:
"and any generally recommended subregional or global minimum standards".
- Article 94, paragraph 3 (b):
"The manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments".
- Article 213:
"to implement applicable international rules and standards established through".
- Article 217, paragraph 4:
"rules and standards established through the competent international organization or general diplomatic conference".
- Article 222:
"in conformity with all relevant international rules and standards concerning the safety of air navigation".

Some issues involved

This is clearly one of the most difficult sections to harmonize. The plethora of examples cited indicate quite eloquently that on the face of it, at least, there is need for intensive study.

The recommendations of the Drafting Committee

The Drafting Committee recommended that there should be further discussion on this issue and that, with this in mind,

representatives from all language groups should participate in the small group established by the English language group.

XXI

- (i) "Protection and preservation of the marine environment";
- (ii) "The preservation of the marine environment".

Examples

- Article 21, paragraph 1 (f):
"the preservation of the environment of the coastal State".
- Article 56, paragraph 1 (b) (iii):
"the preservation of the marine environment".
- Article 145:
"effective protection for the marine environment".
- Article 202, subparagraph (a):
"for the protection and preservation of the marine environment".
- Article 234:
"the protection of the marine environment".
- Article 235, paragraph 1:
"concerning the protection and preservation of the marine environment".
- Article 266, paragraph 2:
"the preservation of the marine environment".
- Article 277, subparagraph (c):
"related to the protection and preservation of the marine environment".
- Annex II, article 2, paragraph 1 (b):
"concerning protection of the marine environment".
- Annex II, article 16, paragraph 1 (b) (xii):
"the protection of the marine environment".

Some issues involved

The main issue here is whether the expression should be "preservation of the marine environment", "protection of the marine environment", or "protection and preservation of the marine environment". Some guidance in this matter is given by article 192 which can be considered the source of this obligation. Article 192 states that: "States have the obligation to protect and preserve the marine environment".

The recommendations of the Drafting Committee

The Drafting Committee recommended the use of the phrase "protection and preservation of the marine environment" throughout, except in Part XI. In addition, the Committee suggested that a draft of article 145, using the language of Part XII and of article 1, paragraph 4, be prepared for discussion in the co-ordinator's group and used as a model for Part XI and annexes II and III.

XXII

"References to subregional, regional and global organizations".

Examples

- Article 61, paragraph 2:
"As appropriate, the coastal State and relevant subregional, regional and global organizations shall co-operate to this end".
- Article 63, paragraph 1:
"these States shall seek either directly or through appropriate subregional or regional organizations".
- Article 66, paragraph 5:
"The State of origin of anadromous stocks and other States fishing these stocks shall make arrangements for the

implementation of the provisions of this article, where appropriate, through regional organizations."

Article 118:

"They shall, as appropriate, co-operate to establish subregional or regional fisheries organizations to this end."

Article 123:

"directly or through an appropriate regional organization".

Article 197:

"States shall co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, global or regional."

Article 200:

"States shall co-operate directly or through competent international organizations, global or regional".

Article 202:

"States shall directly or through competent international or regional organizations, global or regional".

Article 204, paragraph 1:

"individually or collectively through the competent international organizations, global or regional".

Article 205:

"or provide at appropriate intervals such reports to the competent international or regional organizations".

Article 207, paragraph 3:

"States shall endeavour to harmonize their national policies at the appropriate regional level."

Article 247:

"A coastal State which is a member of a regional or global organization".

Article 268, subparagraph (e):

"international co-operation at all levels, particularly at the regional, subregional and bilateral levels".

Some issues involved

An issue raised here is whether expressions such as "subregional, regional, and global organizations" or "international organizations, global or regional" could be replaced by the simple phrase "international organizations".

The recommendations of the Drafting Committee

The Drafting Committee recommended that:

1. In article 61, paragraph 5, the word "relevant" should be inserted to conform to article 61, paragraph 2.
2. In principle, except with respect to article 61, the term "competent international organizations" is sufficient to refer to global organizations or to both global and other organizations. The use of the word "competent" is subject to later reconsideration in connexion with the other adjectives referred to in section 15 of informal paper 2/Add.1.
3. Most co-ordinators of the language groups felt that there was no substantive issue in the order in which "global", "regional" and "subregional" appeared. However, there may be reason for distinguishing between provisions on living resources in which "subregional" and "regional" precede "global", and provisions on pollution in which "global" precedes "regional".
4. It should be noted that the Spanish text uses the word "competent" in article 61, paragraph 2, where the English text uses "relevant".

XXIII

"Bilateral, subregional or regional agreements".

Examples

Article 69, paragraph 2:

"through bilateral, subregional or regional agreements".

Article 70, paragraph 3:

“through bilateral, subregional or regional agreements”.

Article 125, paragraph 2:

“through bilateral, subregional or regional agreements”.

Article 243:

“through the conclusion of bilateral, regional and multilateral agreements”.

Article 255:

“for the purpose of giving effect to bilateral or regional and other multilateral agreements”.

Article 282:

“through a general, regional or special agreement”.

Some issues involved

There are two types of agreements mentioned in these references: agreements of a limited kind, for example, “bilateral, subregional or regional agreements” and those which are of a wider nature, for example, “bilateral, regional and multilateral agreements”. It seems that harmonization can be carried out in the latter type of expressions (articles 243, 255 and 282).

The recommendations of the Drafting Committee

The Drafting Committee recommended that the expression “bilateral, regional and multilateral agreements” be simplified to read “bilateral and multilateral agreements” except where a specific type of international agreement is contemplated. A change would not therefore be made in articles 69, 70, 125 and 282. Where the negotiating text uses the word “or” rather than “and”, that word would be retained pending an article-by-article review. The expression “through a general, regional or special agreement” in article 282 is still under consideration.

XXIV

(i) “*Obligation*”;

(ii) “*Duty*”.

Examples

Article 192, title:

“General obligation”.

Article 192:

“States have the obligation to protect and preserve the marine environment”.

Article 193:

“States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment”.

Article 237, title:

“Obligations under other conventions on the protection and preservation of the marine environment”.

Article 237, paragraph 1:

“The provisions of this Part shall be without prejudice to the specific obligations assumed by States under special conventions and agreements”.

Article 282, title:

“Obligations under general, regional or special agreements”.

The term “duty” or “duties” is used in the titles of articles 24, 39, 44, 54, 56, 58, 94, 98, 100, 117, 195, 225, 248 and 249.

Some issues involved

These examples raise the following questions: Do the words “obligation” and “duty” carry the same legal meaning? If the answer is in the affirmative, should there be only one word throughout the text to express the notion of duty?

Of course, there may be other criteria, for example, usage which may determine in each instance the choice of word. It should be pointed out that this issue arises in a different manner in the other languages.

The recommendations of the Drafting Committee

The Drafting Committee recommended that this section receive further consideration by the language groups. It recommended that harmonization was preferable noting, for example, the problems of harmonization and linguistic concordance in articles 192 and 193.

The French language group expressed a preference for the term *obligation* in French, but could agree to any other harmonized solution.

XXV

(i) “*Juridical status*”;

(ii) “*Legal status*”.

Examples

Article 2, title:

“Juridical status of the territorial sea, of the airspace over the territorial sea and of its bed and subsoil”.

Article 34, title:

“Juridical status of waters forming straits used for international navigation”.

Article 49, title:

“Juridical status of archipelagic waters, of the airspace over archipelagic waters, and of their bed and subsoil”.

Article 78:

“the legal status of the superjacent waters”.

Article 135:

“shall affect the legal status of the waters superjacent to the Area”.

Article 155, paragraph 3:

“the legal status of the superjacent waters”.

Article 259, title:

“Legal status”.

Some issues involved

For the sake of uniformity either “juridical status” or “legal status” should be chosen.

There is a broader question of the distinction in the English text between the words “status” and “régime”, the question of the consistency in the use of the adjective “legal”, and the problem of concordance among the different languages.

The recommendations of the Drafting Committee

The Drafting Committee recommended that “legal status” be used throughout the English text in preference to “juridical status”. Equivalents in other languages: Arabic—المركز القانوني, Chinese—法律地位, French—*régime juridique*, Russian—правовой статус, Spanish—*régimen jurídico*.

The Drafting Committee recommended that the language groups review instances other than those listed in informal paper 2 where the English text uses words such as “régime”, “legal régime”, “status”, “legal (juridical) status”.

XXVI

“*Other rules of international law*”.

Examples

Article 2, paragraph 3:

“and to the other rules of international law”.

Article 34, paragraph 2:

“and to other rules of international law”.

Article 58, paragraph 2:

“other pertinent rules of international law . . . in so far as they are not incompatible with this Part”.

Article 58, paragraph 3:

“and other rules of international law in so far as they are not incompatible with this Part”.

Article 87, paragraph 1:

“by other rules of international law”.

Article 139, paragraph 1:

“to applicable principles of international law”.

Article 223:

“or applicable international law”.

Article 294:

“by international law”.

Some issues involved

The main issues here relate to the use of various expressions such as “other rules of international law”, “other pertinent rules of international law”, “applicable principles of international law” and “other rules of international law in so far as they are not incompatible with this Part”. Do the adjectives “pertinent” and “applicable” carry any meaning in this context? Does the term “rules of international law” adequately cover the meaning?

The recommendations of the Drafting Committee

The Drafting Committee recommended the deletion of the word “pertinent” wherever it appears in this context, and the use of the word “rules” rather than “principles” in article 139, paragraph 1.

The Drafting Committee also recommended that the adjective “applicable” be deleted when reference is made to rules or principles of international law.

XXVII

“*The Charter of the United Nations*”.

Examples

Preamble, paragraph 2

“in accordance with the purposes and principles of the United Nations as set forth in the Charter”.

Preamble, paragraph 3

“in accordance with the Charter of the United Nations”.

Article 19, paragraph 2 (a)

“of the principles of international law embodied in the Charter of the United Nations”.

Article 39, paragraph 1 (b)

“of the principles of international law embodied in the Charter of the United Nations”.

Article 138

“other pertinent rules of international law, including the Charter of the United Nations”.

Some issues involved

The examples all refer to the Charter of the United Nations. Therefore, the issue relates to the finding of a uniform formula where the principles of the Charter of the United Nations are referred to. See section XXVI above.

The recommendations of the Drafting Committee

The co-ordinators of the language groups recommended that article 138 be redrafted in part to read: “the provisions of this Part, the principles embodied in the Charter of the United Nations and other rules of international law . . .”.

XXVIII and XXIX

- (i) “the above provisions do not affect the right of the coastal State to take any steps”
- (ii) “nothing in this Part shall affect the right of States to take measures”;
- (iii) “applies”;
- (iv) “shall apply”.

Examples

Article 10, paragraph 6:

“The foregoing provisions do not apply to”.

Article 27, paragraph 2:

“the above provisions do not affect the right of the coastal State to take any steps”.

Article 28, paragraph 3:

“paragraph 2 is without prejudice to the right of the coastal State”.

Article 35:

“nothing in this Part shall affect”.

Article 49, paragraph 4:

“The régime of archipelagic sea lanes passage established in this Part shall not in other respects affect the status of the archipelagic waters”.

Article 71:

“the provisions of articles 69 and 70 shall not apply”.

Article 110, paragraph 4:

“these provisions shall apply”.

Article 112, paragraph 2:

“Article 79, paragraph 5 applies”.

Article 134, paragraph 1:

“this Part shall apply”.

Article 135:

“Neither the provisions of this Part nor any rights granted or exercised pursuant thereto shall affect the legal status of the waters”.

Article 142, paragraph 3:

“Neither the provisions of this Part nor any rights granted or exercised pursuant thereto shall affect the rights of coastal States to take such measures”.

Article 233:

“Nothing in sections 5, 6 and 7 of this Part shall affect the legal régime of straits used for international navigation”.

Article 236:

“the provisions of the present Convention . . . shall not apply”.

Article 249, paragraph 2:

“This article is without prejudice to the conditions”.

Article 293, paragraph 1:

“The court or tribunal having jurisdiction under this section shall apply the present Convention”.

Some issues involved

The main issue involved here concerns the use of “shall”. It is generally agreed that “shall” denotes an imperative and expresses an obligation. The text, as the examples show, in English, Russian and Spanish, tends to be indiscriminate in its use of “shall” vis-à-vis the present tense. There is certainly a case for consistency in the use of this auxiliary.

The recommendations of the Drafting Committee

The co-ordinators of the language groups are continuing to consult on this section. The secretariat has prepared a paper on the use of the word “shall” in the English text which will form the basis for further discussions in the language groups.

XXX

- (i) “Not contrary to”;
- (ii) “Consistent with”.

XXXI

“Except where otherwise provided”.

XXXII

- (i) “In accordance with”;
- (ii) “In conformity with”;
- (iii) “Pursuant to”;
- (iv) “In strict conformity with”;
- (v) “In pursuance of”.

XXXIII

- (i) “Provided in”;
- (ii) “Provided for in”;
- (iii) “Established in”;
- (iv) “Referred to in”;
- (v) “Defined in”;
- (vi) “Set out in”;
- (vii) “Listed in”;
- (viii) “Mentioned in”;
- (ix) “Called for in”;
- (x) “Described in”;
- (xi) “Prescribed in”;
- (xii) “Laid down in”;
- (xiii) “Set forth in”;
- (xiv) “Created by”;
- (xv) “Designated under”;
- (xvi) “Determined under”;
- (xvii) “Covered by”;
- (xviii) “Required by”.

Examples

Section XXX

- Article 1, paragraph 5 (b) (ii):
“is not contrary to the aims of the present Convention”.
- Article 56, paragraph 2:
“compatible with the provisions of the present Convention”.
- Article 58, paragraph 1:
“compatible with the other provisions of the present Convention”.
- Article 58, paragraph 2:
“so far as they are not incompatible with the present Part”.
- Article 62, paragraph 4:
“consistent with the present Convention”.
- Article 236:
“in a manner consistent, so far as is reasonable and practicable, with the present Convention”.
- Article 240, subparagraph (c):
“compatible with the present Convention”.
- Article 293, paragraph 1:
“most compatible with the present Convention”.

Section XXXI

- Article 5:
“except where otherwise provided in the present Convention”.
- Article 8, paragraph 1:
“except as provided in Part IV”.
- Article 24, paragraph 1:
“except in accordance with the present Convention”.
- Article 32:
“With such exceptions as are contained in subsection A”.
- Article 121, paragraph 2:
“except as provided for in paragraph 3”.
- Article 298, paragraph 1 (b):
“subject to the exceptions referred to in article 296”.
- Article 302:
“unless expressly provided otherwise”.

Section XXXII

- Article 3:
“in accordance with the present Convention”.
- Article 19, paragraph 1:
“in conformity with the present Convention”.
- Article 72, paragraph 2:
“pursuant to articles 69 and 70”.
- Article 73, paragraph 1:
“in conformity with the present Convention”.
- Article 208, paragraph 1:
“pursuant to articles 60 and 80”.
- Annex II, article 3, paragraph 2 (a):
“in strict conformity with the present Convention and the rules and regulations of the Authority”.
- Annex II, article 16, paragraph 1 (d):
“in pursuance of articles 151 and 164”.

Section XXXIII

- Article 8, paragraph 2:
“as provided in the present Convention”.
- Article 10, paragraph 6:
“provided for in article 7”.
- Article 34, paragraph 1:
“established in the present Part”.
- Article 38, paragraph 1:
“referred to in article 37”.
- Article 42, paragraph 2:
“as defined in the present section”.
- Article 56, paragraph 3:
“The rights set out in the present article”.
- Article 64, paragraph 1:
“species listed in annex I”.
- Article 67, paragraph 3:
“mentioned in paragraph 1”.
- Article 94, paragraph 5:
“called for in paragraphs 3 and 4”.
- Article 101, subparagraph (c):
“described in subparagraphs (a) and (b)”.
- Article 140, paragraph 1:
“as specifically provided for in the present Part”.
- Article 153, paragraph 2:
“as prescribed in paragraph 3”.
- Article 155, paragraph 1:
“policies set forth in article 150”.
- Article 155, paragraph 3:
“principles laid down in the present Part”.
- Article 199:
“as provided in the present Convention”.

Article 206:

“in the manner provided in article 205”.

Article 237, paragraph 1:

“principles set forth in the present Convention”.

Article 238:

“as provided for in the present Convention”.

Article 252, subparagraph (d):

“with regard to conditions established in article 249”.

Article 253, paragraph 1 (a):

“as provided under article 248”.

Annex V, article 23:

“covered by the present Convention”.

Some issues involved

The list of expressions cited above are phrases which introduce a reference to an article, section, a part, or to the convention itself. The object is to discern what distinction, if any, there might be in the different forms used. Perhaps, if there is a distinction, the expressions will be retained; if not, some harmonization may be necessary.

It should be noted, however, that even from an initial examination there seems to be no need for an expression such as “in strict conformity with”, which may raise an unintended negative implication regarding the meaning of other provisions which omit the word “strict”.

The recommendations of the Drafting Committee

The French language group has established a special group to advise the co-ordinators of the language groups on these expressions.

DOCUMENT NG6/19

Report of the Chairman of negotiating group 6

[Original: Spanish]
[22 August 1970]

Negotiating group 6 deals with the definition of the outer limit of the continental shelf and the question of payments and contributions with respect to the exploitation of the continental shelf beyond 200 miles or the question of revenue-sharing. At this resumed eighth session, it held five meetings, at which 72 statements were made. At its meeting on 13 August 1979, negotiating group 6 established the so-called group of 38. This was in response to the request by several delegations for questions referred to negotiating group 6 to be considered by a smaller group with a view to facilitating the solution of those questions. In response to those suggestions, I invited delegations interested in participating in a smaller group to register with the secretariat. The delegations which did so are as follows, in order of registration: Uruguay, Ireland, Libyan Arab Jamahiriya, Singapore, Bulgaria, Sri Lanka, United States of America, Philippines, Argentina, Seychelles, United Kingdom of Great Britain and Northern Ireland, France, United Arab Emirates, Japan, Ecuador, Iceland, India, Indonesia, Colombia, Yugoslavia, Union of Soviet Socialist Republics, Swaziland, Netherlands, Australia, New Zealand, Venezuela, Austria, Brazil, Romania, Morocco, Switzerland, Norway, Canada, Iraq, Jamaica, Sweden and Peru.

Although the number of delegations registered turned out to be somewhat large, I decided, in accordance with the wishes expressed by negotiating group 6, to begin the meetings of this working group immediately, on the understanding that it would be an open group in which delegations would refer to such items as they considered appropriate within the context of the mandate of negotiating group 6.

The items considered by the group of 38 were: the outer limit of the continental shelf; payments and contributions

with respect to the exploitation of the continental shelf beyond 200 miles; submarine oceanic ridges; the Commission on the Limits of the Continental Shelf; and the problem of Sri Lanka.

The group of 38 held five meetings, at which there were 65 statements on the aforementioned items.

(a) *Outer limit of the continental shelf*

Some delegations expressed their preference for the 200-mile extension, although, in the light of the progress of negotiations, they declared their willingness to continue negotiations to achieve a general agreement.

The Chinese delegation submitted an informal proposal regarding article 76 of the revised negotiating text, in document NG6/18. In paragraph 1, it would be made clear that the natural prolongation of the territory of the coastal State would be to a “limit not exceeding” the outer edge of the continental margin. In paragraph 3, in the listing of the elements which constitute the continental margin, the word “generally” would be inserted to indicate that those elements do not occur in all regions.

The Austrian delegation submitted an informal suggestion (NG6/12) containing a draft resolution for adoption by the Conference, urging the coastal States to facilitate participation by land-locked and geographically disadvantaged States of the same region or subregion in the exploration and exploitation of the natural resources of the continental shelf, through their entities or persons natural or juridical of their nationality.

(b) *Payments and contributions established by article 82 of the informal composite negotiating text*

In addition to the suggestions concerning this item made during the first part of the current session, there was an informal suggestion by the United States (NG6/13) to redraft paragraph 3 of article 82.

The delegations of Afghanistan, Austria, Bolivia, Lesotho, Nepal, Singapore, Uganda, Upper Volta and Zambia submitted an informal suggestion (NG6/15), according to which the payments or contributions referred to in article 82 would be made to the common heritage fund to be established to receive from the coastal States a portion of the proceeds from the exploitation of the non-living resources of their exclusive economic zones.

(c) *Submarine ocean ridges*

In connexion with this item, which is mentioned in the foot-note to paragraph 3 of article 76, the Group examined the suggestions contained in informal papers NG6/9 and NG6/11, submitted, respectively, by the Union of Soviet Socialist Republics and by Argentina, Australia, Canada, India, Ireland, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. The first suggestion was to add at the end of article 76, paragraph 5, the following text: “However, the limit of the shelf in areas containing submarine oceanic ridges shall not extend farther than the aforementioned 350-mile distance”. The second suggestion would define submarine oceanic ridges as long, narrow submarine elevations formed of oceanic crust and establish that in the areas of such ridges the outer limit of the continental shelf would not exceed the same distance of 350 miles.

Bulgaria also submitted an informal proposal (NG6/14/Rev.1), according to which the extension of the continental shelf on the basis of depth and distance would be subject to the shelf not being extended to submarine oceanic ridges. Singapore submitted an informal proposal (NG6/17), which was basically to delete in article 76, paragraph 5, the reference to the possibility of the continental shelf being extended 100 nautical miles from the 2,500-metre isobath. Japan sug-