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## Summary records of meetings of the Second Committee
## 23rd meeting

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# 23rd meeting

**Thursday, 1 August 1974, at 11.25 a.m.**

*Chairman:* Mr. Andrés AGUILAR (Venezuela).

**Exclusive economic zone beyond the territorial sea (*continued*)**

[*Agenda item 6*]

1. Mr. CHOWDHURY (Bangladesh) said that his delegation was deeply grateful for the spontaneous sympathy expressed in connexion with the floods in Bangladesh at the 47th plenary meeting, which would sustain his country in its hour of great trial.

2. The mass of sea law built up over the past 300 years had been influenced by economic considerations. The 1958 Conventions had sought to emphasize the special needs and interests—including economic interests—of the coastal States. Any future régime must therefore take into consideration the needs and economic interests of developing countries. In those countries' efforts to improve their standard of living, their need for a sufficient and well-balanced diet could not be overlooked. The seas offered a real prospect of broadening the economic base of a developing country. Until recently marine wealth had been measured in terms of fish, which had been thought to be an unlimited resource, but it was now known that at least 57 elements were dissolved in sea-water and the technology for their extraction already existed. The production of oil and natural gas from the sea-bed and subsoil was naturally of particular importance.

3. The 1958 Conventions had not touched upon the right of poor developing nations to a share of the oceans' total wealth. In view of the diminishing resources of the land, developing nations were increasingly looking towards the resources of the seas to provide them with an opportunity for social and economic development. Their interests had led them to initiate an equitable and reasonable concept of coastal State jurisdiction commonly referred to as the economic zone or patrimonial sea, which would give the coastal States exclusive control, though not full sovereignty, over all living and mineral resources up to 200 nautical miles from the applicable baselines. That concept had been endorsed in declarations adopted by the Organization of African Unity at Addis Ababa in May 1973 (A/CONF. 62/33), by the meeting of Ministers of the Specialized Conference of the Caribbean Countries on Problems of the Sea held at Santo Domingo in June 1972[1] and by the Conference of Heads of State or Government of Non-Aligned Countries held at Algiers in September 1973.

4. The Committee must therefore define the precise nature of the rights to be exercised by the coastal States in the area of the economic zone. The future legal framework should reflect the following key elements: first, the coastal State had sovereign rights to explore the sea-bed and subsoil and the superjacent waters and to exploit their living and non-living natural resources; secondly, it had exclusive jurisdiction for the purpose of control, regulation and preservation of the marine environment and over scientific research; thirdly, it should use its economic zone for peaceful purposes only; fourthly, all States should enjoy freedom of navigation and overflight and freedom to lay submarine cables and pipelines subject to the exercise by the coastal State of its rights as provided in the future convention; fifthly, the land-locked States, subject to an appropriate bilateral or regional agreement, could exercise their equitable right to participate in the exploitation of the agreed level of the living resources of the area.

5. Despite the criticisms of the concept of the economic zone, his delegation supported the proposals contained in documents A/CONF.62/L.4 and A/CONF.62/C.2/L.21 and believed they could constitute a basis for discussion by the Committee.

6. Mr. WARIOBA (United Republic of Tanzania) said that a number of delegations which had expressed support of the exclusive economic zone seemed to be speaking of a preferential zone as proposed in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, rather than an exclusive economic zone in which the coastal State had exclusive sovereign rights to explore the area and exploit its renewable and non-renewable natural resources, as well as jurisdiction for the purpose of control and abatement of pollution and regulation of scientific research.

7. He hoped that members of the Committee would examine carefully the reasons why his and other delegations had advanced that specific concept. It was a well-considered proposition which did not seek to rely on existing international law, statutory legislation or other enactment, or State practice, although it drew upon them and at the same time tried to eliminate from them anything unsuited to the existing and future needs and aspirations of mankind. The acceptance of that concept would entail fundamental changes in international and national law. The developing countries had not been fairly represented at the earlier Conferences on the Law of the Sea in 1958 and 1960 and consequently their interests had not been adequately considered, but they were prepared to accept any changes in their constitutions and legislation that the adoption of the principle of the economic zone would entail.

8. It had been argued that the exclusive economic zone would drain the resources that comprised the common heritage. But the 200 miles of economic zone was intended to replace the legal continental shelf and the concept of fishery zones. No opponents of the concept could honestly accuse its proponents of draining the common heritage with regard to living resources, for they themselves had refused to include them in that heritage. Scientists had said that the best and most extensive mineral resources lay far from the coasts and, with regard to oil and gas, the economic zone would leave at least some of the continental shelf in the international area.

9. The developing countries in general and the United Republic of Tanzania in particular paid great attention to proper management of marine resources. Their priorities for fish resources were well defined: to provide their people with more animal protein food, to export surpluses in order to develop their economy, to raise the standard of living of their fishermen and to reduce unemployment through the development of subsidiary industries. They therefore paid great attention to maintaining the ecological system of which fish were a part. They realized that if rivers were polluted through uncontrolled dumping of dangerous industrial effluents, that would kill the very resource required as a source of food and raw material for other industries. They were therefore extremely strict with regard to all sources of pollution. They also realized that overexploited resources took a long time to regenerate. Experience in other seas had shown that it was high time to curb the freedom of the high seas that had resulted in the exhaustion of their fishery resources. Tropical waters had numerous species

[1] *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21* and corrigendum, annex I, sect. 2.

of fish, but in very small numbers. Since the increase in the number of artisan fishermen was worrying resource managers, larger vessels were being introduced to enable the fishermen to go farther off shore. That meant that the developing countries must expand their fishery management area and prohibit factory ships from those waters.

10. It had been said that the requirement of full utilization stemmed from the desire to prevent wastage of resources, but he could not accept the implication that developing countries intended to waste resources in the exclusive economic zone. Nor did they intend to hoard their resources, which was just as much of a crime. All they wanted was fair distribution and rational utilization of the living resources of the sea to satisfy the needs of mankind rather than to swell the pockets of a few. It had also been said repeatedly that fish could not be managed by boundaries. The 200-mile boundary would, however, not apply to the fish, which would be free to migrate laterally, but to the fishermen.

11. To illustrate his point, he explained that near the border between Kenya and Tanzania, the animals belonged to the country in which they happened to be but were free to cross the border. However, if a Kenyan hunter killed an animal in Tanzania, the animal belonged to Tanzania, and if the hunter wished to take it to Kenya he would have to pay for it.

12. His country's fisheries experts had good knowledge of the biology of fish, and of the collection and interpretation of statistics and other environmental data which explained the behaviour of fish and man. Every regulation corresponded to a particular environment, and only after wide application was it awarded international status. The issue was therefore not whether regulations were international but who would adopt them for application in their specific area. The recommendations made by international bodies would not differ widely from national regulations, but they were too general in at least two senses. First, they were designed to cover large areas, and therefore in certain special areas they failed to have the desired effect; secondly, they were minimum regulations and therefore needed to be supplemented. His delegation believed that the coastal state was in the best position to decide whether to apply a recommendation in an area close to its coast.

13. However, the question of enforcement was more important. International regulations were not new, and yet depletion of fish stocks had continued. Indeed, it was the fishermen of the States which championed international regulations who were responsible for that depletion, and those States had done little to enforce the regulations strictly. They preached the need for scientific evidence for fishery management, while their fishermen behaved very differently in areas close to or in the waters of the developing countries.

14. Frankly, the fishery resources in the exclusive economic zone must benefit those living in the adjacent areas. He felt that all delegations should express their interests honestly and openly instead of hiding behind undefined international interests and accusing the developing countries of bad intentions.

15. His delegation had already spoken about the control of pollution and the regulation of scientific research in the Third Committee at the 4th and 8th meetings. Its views on the position of the land-locked countries were well known and were clearly reflected in the Declaration of the Organization of African Unity (A/CONF.62/33). However, he wished to stress that all the elements were equally important. His delegation did not interpret an economic zone as a resource zone. The concept of the exclusive economic zone was particularly important to the developing countries, especially in Africa, and it would be the key point in determining his delegation's judgement on the final outcome of the negotiations in progress.

16. Mr. NJENGA (Kenya) said that his country had expressed its views on the concept of the exclusive economic zone many times in the sea-bed Committee and at other meetings. That concept had been included in a draft declaration adopted by the Council of Ministers of the Organization of African Unity in May 1973, which had been incorporated in the Declaration on the issues of the law of the sea adopted at that organization's tenth session at Addis Ababa in 1973 and reaffirmed by the African Heads of State and Government at Mogadiscio in June 1974.

17. The draft articles contained in document A/CONF.62/L.4 were constructive and could form the basis for further negotiations, although the formulation in article 12 of that document did not fully meet his delegation's position and it believed that the coastal State enjoyed more than sovereign rights over other resources. Article II of the 14-Power draft articles submitted to the sea-bed Committee in 1973 (A/9021 and Corr.1 and 3, vol. III, sect. 29), of which his country was a sponsor, conformed more specifically to its position. The rational management of any natural resource required *inter alia* that the resource should be clearly understood through knowledge acquired as a result of properly conducted fundamental, applied or exploratory research and that it should be exploited in such a manner as to ensure its rational utilization and conservation. It was therefore clear that marine scientific research and the prevention and control of pollution of the marine environment were part of the whole process of management, development and conservation of any natural resource and that one could not be controlled without the other. His delegation therefore did not agree with the Israeli representative's comment, at the previous meeting, on article 26 of the proposals submitted by Kenya on marine pollution (A/CONF.62/C.3/L.2).

18. The 14-Power draft articles submitted in 1973 were still the basic proposals of his delegation, which deemed them to be before the Committee. He therefore considered the exclusive economic zone to be a national area of sovereignty for economic purposes, in which the coastal State not only enjoyed sovereignty over all the resources but also exercised exclusive jurisdiction for their protection. It was therefore inappropriate to enumerate the coastal States' rights and duties within that national zone. On the other hand, the Conference should spell out clearly what rights and interests the international community should enjoy within that zone. Article IV of the draft articles, although similar to article 14 of document A/CONF.62/L.4, was preferable because it brought out clearly that even where the international community was guaranteed certain freedoms, it had to take into account at all times the overriding right of the coastal State to preserve its economic interests. The law established within the economic zone must be regarded as a new law and the freedoms to be enjoyed in that zone must be regarded as different from those subsisting under the present so-called régime of freedom of the high seas.

19. His delegation was particularly concerned at some delegations' insistence on a narrow interpretation of the concept of the exclusive economic zone; they claimed they accepted the concept while seeking to deny the obvious fact that all activities within that zone would have a direct impact on the economic interests of the coastal States in the area. Kenya would therefore not accept any formulation which provided for vague and indefinite rights of the international community within the economic zone, to be enjoyed without the consent of the coastal State. Any rights other than those set forth in draft article IV of the 14-Power proposal must be clearly spelled out, discussed and accepted by the Conference. Otherwise, the concept would be so diluted as to be unrecognizable to those who had fought hard to have it accepted. Were the economic zone concept to be unduly diluted, many delegations, including his own, would have to resort to claiming a broad territorial sea limit of 200 nautical miles in order to assert their justified concern over their resources.

20. With regard to the rights of the land-locked countries, which were to be discussed by the Committee under a subse-

quent item, his delegation endorsed the relevant paragraph of the Declaration of the Organization of African Unity on the issues of the law of the sea (A/CONF.62/33, sect. C, para. 9).

21. With regard to the delimitation of the exclusive economic zone between adjacent and/or opposite States, his delegation hoped that the proposals outlined in document A/CONF.62/C.2/L.28 would be given sympathetic consideration by the Conference.

22. Mr. JUNIUS (Liberia) said that his delegation urged acceptance of a 200-mile economic zone in which the coastal State would have the exclusive right to exploit living and non-living resources. That would not preclude suitable arrangements being made with neighbouring States, land-locked or otherwise, for sharing in fishing activities in the economic zone. The coastal State could also, if it so desired, enter into co-operative arrangements with other States for the exploitation of mineral or hycrocarbon resources. It should be understood that nothing in the proposed economic zone would interfere with the rights of free passage and overflight or with the right to lay and maintain cables and pipelines.

23. Establishment of the economic zone should dispose of the outmoded concept of the continental shelf, which it was generally agreed needed revision. If the high seas and the sea-bed were to be considered as the common heritage of mankind, there was no room for any extension of exclusive rights beyond the 200-mile limit. Abandonment of the continental shelf concept need not result in undue damage to vested interests; even if it did, the sacrifices demanded in no way differed from those demanded of all coastal States if the proposed convention was to achieve its purposes. His delegation believed that the economic zone was a corner-stone of the proposed convention.

24. Mr. JEANNEL (France) said that, since the task of the Conference was to draft a law, he wished to make some observations of a legal nature which might help to reconcile the divergent interests which existed with regard to the economic zone.

25. His country had sought to ascertain the specific motives which had led certain countries, contrary to established usage, to seek to extend their sovereignty over an area extending to 200 miles at the risk of interfering with the freedom of international communications, and in some regions of extinguishing that freedom. His country had concluded that what the coastal States, and more particularly the developing coastal States, were aiming at was to secure rights of an economic nature.

26. The example of the Latin American States bordering the Pacific Ocean illustrated particularly well the problem to be solved. Their economies depended upon fishing carried on primarily in fishing grounds linked to the Humboldt Current, which flowed in an area extending to 200 nautical miles from their coasts. It was therefore understandable that they should seek to secure the exploitation of those resources and to prevent foreigners from endangering the existence of stocks or reducing the catches of the coastal States. To deal with that situation, the Governments could have had recourse to the concept of a fishing preserve and applied it to a zone 200 miles wide. But while the problem of living resources could be solved in that fashion, the same was not true in the case of the mineral resources of the sea-bed and the subsoil thereof to which the same countries could just as legitimately lay claim since the acceptance of that principle in 1958. However, as the relevant Convention applied only to the continental shelf, its provisions were of little benefit to them because they lacked such a shelf. With technical progress making possible the exploitation of mineral resources at great depths and beyond the continental shelf, it was understandable that some of the States concerned should conclude that the best way to protect their interests as a whole was simply to extend the zone in which they exercised sovereignty.

27. Coastal States with a wide continental shelf had no need to take that extreme measure, since the area in which the living resources were found coincided with that of the continental shelf, and they had only to establish a restricted fishing zone encompassing the continental shelf as well. A number of States had taken such action, while others, evidently not realizing that there was such a possibility, had extended their territorial waters, apparently under the impression that they were more categorically securing the rights which they already held with regard to mineral resources. However, it should be noted that such decisions had never been motivated by a desire to control international navigation.

28. The motives which had led to the extension of coastal State sovereignty having been ascertained, it was clear that a means of satisfying the economic interests of the State concerned must be found. The 1958 Convention on the Continental Shelf[2] had proved that it was not absolutely necessary to extend the zone under national sovereignty for that purpose. The belt of sea under national jurisdiction could be kept to a reasonable breadth, beyond which specific rights of an economic nature to be exercised by the coastal State could be defined. The development of the doctrines of the patrimonial sea and the economic zone had proved that that approach had been very widely accepted.

29. The doctrine of the patrimonial sea approached the problem from the economic standpoint, but, as the term itself indicated, that doctrine was based on the notion of ownership, which had several important consequences.

30. First, the resources of the sea belonged to the coastal State. That did not present any particular difficulties in so far as the mineral resources of the sea-bed and subsoil were concerned, but that was not so in the case of the living resources of the sea, because of their mobility. In that connexion it would be instructive to look at the way in which national legislation had regulated the activity of hunting, which presented characteristics similar to those of fishing. In French law, which probably did not differ very much from that of other countries, capturing a game animal was the only way in which one acquired ownership of it. The owner of an estate did not own the game animals on it. If an animal from one plot of land was captured on another, it was the property of the hunter and not of the owner of the plot of land from which it came. Of course the owner of a plot of land could close it off in such a way as to prevent the movement of game animals but he could hardly control the flight of birds. In the sea, the problem of delimiting the various national jurisdictions was even more theoretical than it was on land. Furthermore, game animals and birds, like the living resources of the sea, would be threatened by extinction if hunting was not regulated so as to ensure their reproduction. However, conservation measures were taken not by each individual owner of a plot of land but by the public authorities for the whole of the territory, while the modalities for the enforcement of those measures might be determined by regional authorities in accordance with the circumstances of the region in question.

31. He was not arguing that exactly the same kind of régime should be applied to the seas, but it seemed to him that the experience gained in the regulation of hunting could suggest possible solutions with regard to the sea at a time when both the necessity of conserving species and the extension of national jurisdiction posed the same kind of problems as those which States had had to solve much earlier on land. Above all, however, an examination of the situation on land demonstrated the inadequacy of viewing the question within the context of the right of ownership.

32. Secondly, the notion of the patrimonial sea implied ownership not only of the living resources and minerals of the sea-bed and subsoil but also of all other possible resources. It was

[2] United Nations, *Treaty Series*, vol. 499, p. 312.

impossible to foresee whether technical and scientific progress would lead to the discovery of new usable resources or what the conditions of their exploitation might be. It was therefore impossible to rule out the assumption that those conditions might be more or less incompatible with the maintenance of freedom of communications or that the extraction of those materials might jeopardize the general balance of the marine environment. Was it advisable to ignore those risks and recognize in advance a right of States which they might use against the interests of the international community?

33. Thirdly, while it might be felt that the concept of the patrimonial sea did not apply to the air, it did, on the other hand, imply ownership of the water. It could be said that, in the abstract, ownership and sovereignty were two distinct ideas. It remained to be proved, however, that such a distinction had any practical significance when the right of ownership was exercised by a State and not an individual. There was thus good reason to fear that the patrimonial sea might become a mere legal phrase under cover of which sovereignty would be asserted. In those circumstances the other freedoms could only be considered as exceptions to a general rule favourable to the coastal States alone.

34. Fourthly, the adoption of the concept of the common heritage of mankind seemed to have been inspired by the basic concern to halt the trend towards the inclusion of large portions of the sea within areas under national jurisdiction. In the long-standing doctrinal quarrel between the partisans of the *res nullius* and the *res communis*, the international community seemed to have taken the side of the latter. It was therefore paradoxical that its members should invoke the opposing doctrine when it was a question of satisfying their own individual interests, particularly since it was unnecessary to do so in order to meet the legitimate claims of coastal States.

35. The concept of the exclusive economic zone did not appear to pose the same difficulties as that of the patrimonial sea. It implied that States would enjoy and exercise specific rights of an economic nature in a determined zone. It could nevertheless be criticized on the ground that the adjective "exclusive" was being applied to the zone itself, which would simply mean that there could not be another zone in the same geographical space, something which was obvious and surely not what was meant. In reality it was the rights granted to the coastal State which should be described as exclusive, since it was intended that only one State would enjoy them. However, the general character of the exclusivity of those rights might pose certain problems in that it would apply also to living resources. But it was reasonable to expect that the obstacle could be overcome by appropriate adaptations of the formulation to be used.

36. It seemed that in the view of certain delegations the economic zone, by its very nature, would also confer prerogatives on the coastal State with regard to pollution control. That approach was subject to criticism on the ground that it would present such prerogatives as falling within the category of rights of an economic nature. In reality the situation was quite different. What was really intended was to give to the coastal State exclusive control with regard to regulations, policing and the punishment of infractions, which would amount to placing the entire zone in question under the array of competences which were inherent in sovereignty. The fact that such sovereignty would have a functional character would make little difference: the recognition of such sovereignty would still be contrary to the interests of the international community. Before demonstrating the validity of that assertion, he wished to emphasize that the points he was about to make applied only to the powers which would be granted to a State and not to the dimension of the zone within which they would be exercised.

37. A fragmentary approach to regulations aimed at combating a danger which it was agreed knew no frontiers, especially in the seas, was inappropriate since it would lead to anarchy and at the same time would be ineffective owing to a lack of co-ordination. Moreover, the exercise of such sovereignty would undermine the freedom of communications since it would in effect rule out the application of the law of the flag State in the zone in question. The law of the flag State was the only guarantee of freedom of movement since it forbade the interference of any warship or police vessel with the movement of any ship not flying its flag. Although that law had been devised by the maritime Powers, it actually protected the weak against those few which alone had the material means to police the seas.

38. The thirst for power which was inherent in human nature and which was present in each State would soon take advantage of the breach thus opened in one of the legal systems whose purpose was to contain it within limits compatible with the very existence of international society. The fertile imaginations of national Governments and their jurists could be counted on to find subtle distinctions which would either permit discrimination under cover of rules applicable to all or almost completely impede freedom of movement.

39. A study of the particular case of pollution led to the conclusion that satisfying legitimate national interests while maintaining international public order required a clear and precise definition of the rights which States could exercise individually.

40. In presenting his delegation's view on what the content of the economic zone should be, he had not referred to a subject important to many, namely scientific research.

41. The question of scientific research could not be properly dealt with exclusively within the context of economic rights. It was, moreover, an item which fell within the competence of the Third Committee, and he reserved the right to elaborate on the subject in that forum. For the moment, he would merely state that in the zone within which the economic rights of the coastal State would be exercised, basic scientific research should be governed by provisions analogous to that contained in article 5, paragraph 8, of the 1958 Convention on the Continental Shelf.

42. It followed from his earlier remarks that there should be no obstacle to recognizing that a coastal State had both a right of ownership over the mineral resources of the sea-bed and the subsoil thereof and the right to exploit them. One might, however, question the advisability of employing the terminology used in the 1958 Convention, which spoke of "sovereign" rights. First, that qualification seemed superfluous, inasmuch as its only possible effect could be to specify whether it was a question of rights exercised by a State, and such a specification was entirely unnecessary, because the reference clearly could not be to rights granted to individuals. Secondly, the adjective "sovereign" was inadequate, because the meaning intended was that the rights granted could not be exercised by others. Sovereign rights could be exercised jointly by more than one entity, as was, for example, the case with regard to the right to vote in international assemblies or organizations. The term used should therefore be "exclusive rights".

43. With regard to fishing, on the other hand, it had been seen that it was scarcely possible to invoke the concept of ownership for the purpose of defining the rights of States. A different concept must therefore be sought, perhaps that of exclusive competence. Such a concept, which should not be applied in the case of highly migratory species, such as cetaceans and tuna, would permit the coastal State either to exploit biological resources itself or to authorize natural or juridical persons, whether national or foreign, to fish in its zone. The fish would be the property of the authorized fisher, such ownership resulting from the catching of the fish.

44. Such exclusive competence over fishing would not, however, be of a discretionary nature; it would have to be a restricted competence, inasmuch as the coastal State would have to respect the rules of law applying to fishing on the basis, *inter alia*, on the one hand, of sectoral or regional agreements and,

on the other hand, of the duty of international co-operation for which provision should be made in the convention under preparation for States and, in particular, for neighboring States. It was clear that the establishment of the zone in areas formerly governed solely by the régime of the high seas would entail the need to take account of the interests of the States which had traditionally fished in those areas under that régime.

45. The two following examples might serve to indicate more precisely the purpose of those general observations. First, if the coastal State did not take all the allowable catch, it could not refuse requests submitted to it for fishing permits for the quantities available and should give priority to holders of acquired rights. Secondly, where international or regional regulations already existed for the conservation of species, it would be obliged to take the necessary steps to apply those regulations and to restrict itself to such steps. Such an obligation seemed essential in order to ensure the co-ordination and harmonization necessary for an effective conservation policy.

46. The coastal State would also have to have the necessary means to ensure observance of the applicable regulations. It would thus be necessary to provide for exceptions to the law of the flag, of the same type as those which his delegation would suggest in the case of pollution control.

47. With regard to pollution by vessels, the law of the flag State would remain the rule for the application of norms established at the international level only. It would therefore be necessary to permit the coastal State to exercise, within its area of jurisdiction, certain competences of the flag State if it was to ensure the application of the rules within that jurisdiction. First, the States parties would delegate to each other under the convention those competences which they all held as actual or potential flag States, to the extent necessary to enable the coastal State to take cognizance of violations and submit to their courts reports attesting thereto. Secondly, the competence of the coastal State should be substituted for that of the flag State in the case of penal prosecutions if the latter did not prosecute the perpetrator of a duly attested violation.

48. The foregoing were the legal considerations which his delegation wished to put before the Second Committee. They did not constitute proposals strictly speaking, but rather suggested a method to facilitate the preparation of specific drafts. His delegation was submitting them as such for the Committee's consideration. They were, of course, inspired by a desire to prevent vast areas of the oceans from being made subject to the sovereignty of coastal States because, in his delegation's view, such an extension of sovereignty would run counter to history and, moreover, would benefit primarily those States which already exercised sovereignty over the largest land areas.

49. Mr. DE ALWIS (Sri Lanka) said that his delegation attached special importance to the régime of the economic zone, particularly to the conservation, management and exploitation of its living resources, since much of the population of its country depended on the sea for a livelihood.

50. The concept of the economic zone had gained general acceptance by the international community, which had recognized that the economic interests of the coastal State must be fully safeguarded. In an effort to accommodate those legitimate objectives, a number of coastal States had extended their territorial sea to a distance of 200 nautical miles. It followed that the coastal State should have sovereign and not merely preferential rights over renewable and non-renewable resources up to that distance, and the exclusive right to make regulations to ensure the conservation, management and exploitation of the economic resources over which it had sole proprietary rights. That did not, however, exclude the possibility of joint efforts by neighbouring countries to co-ordinate their conservation, management and exploitation systems, particularly with respect to highly migratory species. Moreover, provision should be made to ensure that the food resources of the sea did not go to waste. On the basis of those two criteria, his delegation would determine its attitude towards the various formulations on the economic zone. The exclusiveness of the fishery zone was not incompatible with the possibility that the coastal State might allow other States to exploit the zone in order to ensure optimum utilization of its resources for the benefit of the international community as a whole.

51. His delegation would find no difficulty in accepting provisions which sought to ensure freedom of navigation and overflight and the laying of submarine cables and pipelines in the economic zone, provided they were not in conflict with or did not unduly interfere with the coastal State's exercise of its sovereign rights over the conservation, management and exploitation of its economic resources. Accordingly, foreign vessels which violated the coastal State's regulations should be considered guilty of an offence, tried and punished, and should be liable for damage done to the resources. The coastal State should for that purpose have the power to stop and search vessels which they were reasonably satisfied had violated their regulations.

52. With respect to the question of access by States to the resources of the exclusive economic zone, his delegation found it necessary to draw a distinction between renewable and non-renewable resources. The former, if unused or under-used, could go to waste and be lost to the international community; moreover, there might be neighbouring land-locked or otherwise disadvantaged States without access to such resources. His delegation was therefore ready to support provisions whereby the coastal State might grant access by such States to the allowable catch not fully utilized by the coastal State, in accordance with laws prescribed by that State. Provision should be made for the coastal State to take into consideration scientific information and relevant data from neighbouring coastal States and from organizations such as the Food and Agriculture Organization of the United Nations, on the basis of which it would be entitled to fix the periods during which the prescribed species might be caught, the age and size of the fish that might be caught, the quota of catch, whether in relation to species or vessel over a period of time or to the total catch of nationals of one State during a prescribed period, and to specify the type of gear permitted.

53. In determining which other States might be given permission to exploit the resources of the zone, a coastal State might, at its sole discretion, grant rights to States such as neighbouring developing land-locked States in the region, developing geographically disadvantaged States in the region, neighbouring coastal States, States that had traditionally fished in the area and other States, subject to such terms, conditions and regulations as the coastal State might prescribe. With the exception of the first two categories, whose needs ought to be universally recognized and adequately protected, other States might be permitted access subject to conditions such as the licensing of fishing vessels and equipment. The coastal State might take into account the competitive nature of the offer, which might include fees, the training of coastal State personnel, grants of equipment and other opportunities for the transfer of science and technology, or joint ventures. In his own country's waters, other States exploited the fishery resources under such arrangements.

54. With regard to the preferential rights to be extended to neighbouring land-locked or geographically disadvantaged States, it would be self-defeating if those States were to be permitted to introduce technologically advanced States or groups of States as partners into the exclusive economic zone of the coastal State on grounds of co-operation in joint ventures. The historic rights enjoyed by nationals of another neighbouring developing State might, however, be recognized if a substantial part of its population depended for its livelihood on fishing and if such rights were founded on usage over a very long period.

*The meeting rose at 12.55 p.m.*