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102nd Plenary meeting

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been voiced would obviously have to be taken into account in any further action.

35. With regard to comments made on parts XIII and XIV, he said that the proposals submitted in writing concerned those parts obviously belonging to the third category—informal proposals on which, owing to lack of time or divided views, no compromise formulae had emerged. Those propo-

posals might of course be reconsidered, but the compromise and balance worked out after intensive negotiations ought to be preserved. He warned the Conference against amendments that might disrupt the balance achieved.

The meeting rose at 10.25 p.m.

102nd meeting

Thursday, 18 May 1978, at 11.35 a.m.

President: Mr. H. S. AMERASINGHE.

Adoption of a convention dealing with all matters relating to the law of the sea, pursuant to paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973, and of the Final Act of the Conference (*continued*)

REPORT OF THE SECOND COMMITTEE (*continued**)

1. The PRESIDENT invited representatives to continue their discussion of the reports presented at the 100th meeting by the Chairman of the Second Committee and the Chairman of negotiating group 4.

2. Mr. CASTAÑEDA (Mexico), speaking on behalf of the members of the co-ordinating group of the Group of Coastal States—Argentina, Australia, Canada, Chile, Fiji, India, Kenya, Mauritius, Mexico, Nigeria, Norway, Pakistan, Peru, Senegal and Sri Lanka—said that he wished to make three comments on the reports submitted at the previous meeting by the Chairman of the Second Committee and the Chairman of negotiating group 4.

3. First, the co-ordinating group considered that the issues dealt with by negotiating groups 4, 5 and 6—namely relations between coastal States on the one hand and land-locked and geographically disadvantaged States on the other hand, the peaceful settlement of disputes and the outer limits of the continental shelf—constituted a package and should be dealt with together for the purpose of their inclusion in a revised version of the formal composite negotiating text.¹

4. Secondly, the co-ordinating group considered, with respect to the definition of the outer limit of the continental shelf, that the formula most likely to result in a consensus was the Irish formula (see A/CONF.62/C.2/L.98). The co-ordinating group had carefully considered the proposal put forward by the delegation of the USSR (C.2/Informal Meeting/14) but did not feel that it would lead to a consensus.

5. The third point which the co-ordinating group wished to make was that it would be unreasonable for the land-locked and geographically disadvantaged States to expect that, in return for their possible acceptance of the Irish formula, the coastal States would make greater concessions than those set forth in the report submitted by the Chairman of negotiating group 4.

6. Speaking as the representative of Mexico, he said that the provisions of paragraph 3 of article 69 and paragraph 4 of article 70, as contained in the report submitted by the Chairman of negotiating group 4, could be accepted only in a situation in which there were surpluses: if there were no surpluses, those provisions would not apply.

7. Mr. WITEK (Poland), speaking on a point of order, strongly objected to the fact that the representative of Mexico had attempted to determine the order in which the plenary Conference would deal with its work.

8. The PRESIDENT suggested that the representative of Mexico had not attempted to dictate to the Conference. All delegations would have an opportunity to express their opinions.

9. Mr. GHARBI (Morocco) said that the sense of frustration with which many delegations, including his own, had received the report of the Chairman of the Second Committee in no way detracted from the qualities of the Chairman. Unfortunately, the rules under which the discussions had been conducted had been too restrictive to take account of all situations, particularly those in which the interests of only a very small number of countries had been at stake. In the matter of straits used for international navigation, for instance, the great majority of the Conference was justified in thinking that the coastal States were in the best position to give an account of their difficulties. Moreover, if the maritime Powers and their partners remained silent on the matter, was there any reason for not assuming that their silence signified consent? His delegation had proposed amendments to the provisions of the informal composite negotiating text relating to straits used for international navigation, not in order to reopen the debate on fundamental options but to introduce the essential alterations which would make those provisions legally consistent. The new régime of transit passage should not be imposed on States as an unconditional constraint. At a previous meeting, the Chairman of the Third Committee had stressed the fact that, since the tragedy that had occurred shortly before the opening of the current session, the international community was aware of the problems facing coastal States in their efforts to guarantee their security.

10. His delegation hoped that at the end of each session the achievements of the Conference would be assessed in a comprehensive manner. It welcomed the statement made by the President at the previous meeting, for it was preferable to leave options open rather than engage in a pointless revision of the informal composite negotiating text. None of the basic provisions of the informal composite negotiating text should be revised at the current stage; rather, all proposals for compromise texts should be annexed to the negotiating text for priority consideration by the Conference at its next session.

11. His delegation was convinced that eventually its concerns would be taken into account in a new and lasting legal régime.

12. Mr. HAMOUD (Iraq) said that the Second Committee had intended to discuss all proposals put forward by delegations on the articles coming within the competence of the Committee. Owing to lack of time, however, the Committee

*Resumed from the 100th meeting.

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

had moved directly from article 73 to articles 121, 122 and 123. Proposals had been submitted on articles 121, 122 and 123, but the Committee had not had time to discuss them, either. In view of the importance which certain States attached to those articles, proper attention should be given to them, particularly since the subjects they dealt with were mentioned in recommendation 6 contained in document A/CONF.62/62. His delegation, together with those of Algeria, Bangladesh, the Libyan Arab Jamahiriya, Madagascar, Morocco, Nicaragua, Somalia, Turkey and the United Republic of Cameroon, had sponsored a proposal on article 121 (C.2/Informal Meeting/21). It had also, with the delegations of Algeria, the Libyan Arab Jamahiriya, Romania and Turkey, sponsored a proposal on semi-enclosed seas (C.2/Informal Meeting/18).

13. He hoped that the views his delegation had expressed on article 45 would be taken into account during the revisions of the informal composite negotiating text.

14. Turning to the report of the Chairman of negotiating group 4, he observed that the suggestions of the Chairman (NG4/9/Rev.2)² contained an important amendment to paragraph 2 of article 62. That amendment introduced some balance and co-ordination between article 62 and the provisions of articles 69 and 70. In the opinion of his delegation, however, the amendments should apply also to the paragraphs of article 62 other than paragraph 2. His delegation had submitted a proposal to that effect to the Second Committee. Any proposal that did not take into account the relationship between articles 61 and 62, on the one hand, and articles 69 and 70, on the other hand, would not be acceptable to his delegation.

15. The amended definition of "geographically disadvantaged States" given in the report of the Chairman of negotiating group 4 did not eliminate the ambiguity inherent in the concept and did not cover a number of geographically disadvantaged States. His delegation had proposed an amendment to remove those shortcomings and hoped that its proposal would be taken into account in future negotiations.

16. Solution of the problem of the rights of land-locked and geographically disadvantaged States, as part of the package deal, was neither directly nor indirectly linked to any other matter or proposal; it was rather only a part of the package deal. The text proposed by the Chairman of negotiating group 4 on that subject provided a good basis for future negotiations.

17. Turning to the question of the continental shelf, he said that his delegation abided by the positions set forth in the proposal submitted by the Arab group on that question (NG6/2).

18. In conclusion, he said that his delegation had reservations concerning the text of article 296 as contained in the report of negotiating group 5 (NG5/17).³

19. Mr. van der ESSEN (Belgium) said that, two days previously, the Chairman of the Second Committee in his report to that Committee had mentioned, as having obtained widespread support and as not having been contested by any delegation, an informal suggestion put forward by the Belgian delegation concerning paragraph 3 of article 25. During the subsequent discussion, the delegation of a major Power had said, in a very indirect manner, that it endorsed the report of the Chairman of the Second Committee with respect to articles 18, 56 and 66; thus, that delegation had tacitly indicated that it did not approve the proposal concerning article 25 (C.2/Informal Meeting/15). That attitude had surprised the Belgian delegation, which failed to understand

why a delegation should not indicate its disapproval during the discussions on an article but had rather used the somewhat abnormal procedure of opposing a proposal indirectly without giving the reasons for its opposition.

20. His delegation could not agree to the inclusion in the informal composite negotiating text of the proposed amendment to article 66 which had been submitted by a group of interested countries and to which the Chairman of the Second Committee had referred in his report. There were two reasons for his delegation's attitude. First, the procedure of reaching agreement in a small group was acceptable when the agreement related to localized issues. In the case under discussion, however, the agreement related to the high seas. Since the issue in question had not been discussed in the Second Committee, his delegation had been taken by surprise and had been unable to consult its national experts. Second, article 66 related to fisheries, an area in which the nine members of the European Economic Community no longer exercised individual competence but should speak with a single voice. Some, but not all, of the members of the Community were sponsors of the proposed amendment. The question should, therefore, be examined further at a subsequent session of the Conference, when there would be time to consider it with the care it deserved.

21. Mr. KIBRIA (Bangladesh) said that the text of paragraph 2 of article 7, as contained in the informal composite negotiating text, was unsatisfactory and unacceptable to his delegation. On 26 April, his delegation had circulated a revised text (C.2/Informal Meeting/6) for consideration by the Conference. When the matter had been taken up in the Second Committee on 28 April, his delegation had explained its position and had pointed out that it was prepared to conduct further negotiations with all interested countries with a view to achieving a consensus. A large number of delegations from all parts of the world had supported his delegation's proposal. It was therefore a matter for regret that the report submitted by the Chairman of the Second Committee had not contained a reference to his delegation's proposal or to the widespread support it had received in the Committee. It should be noted that not a single delegation in the Second Committee had opposed the proposal and that some of the countries interested in the matter had expressly stated their willingness to negotiate further with a view to reaching a compromise formulation. His delegation therefore proposed that the issue of straight baselines should be placed in the second category (see A/CONF.62/L.28, para. 9).

22. Mr. CABALLERO TAMAYO (Bolivia) said that, in the Second Committee and negotiating group 4, his delegation's position had remained perfectly consistent with that of the other land-locked and geographically disadvantaged countries. Bolivia found itself in the position of a land-locked country as a result of historical accidents which it could not regard as consolidated; it fully maintained its special claim in respect of access to the sea.

23. In the opinion of his delegation, in the specific area of the law of the sea and the right to the sea, the Conference must construct the appropriate part of the new legal order which the world community expected of it with a view to meeting the challenges of the modern era. In addition, the Conference must contribute to the establishment of the new international economic order and of a genuine spirit of negotiation oriented towards agreement and co-operation.

24. In practice, the extent to which the Conference recognized and guaranteed the rights to which the land-locked and geographically disadvantaged countries were entitled would be a reliable indicator of the extent to which it was taking those overriding objectives into account. A further indicator would be the extent to which it replaced the concept of exclusive privilege based on geographical or other

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

³*Ibid.*, p. 117.

advantage by the concept of responsibility delegated by the world community.

25. With regard to the compromise texts agreed on in negotiating group 4, his delegation attached special importance to recognition of the right of the land-locked countries to effective participation in the exploitation of the living and natural resources of the so-called exclusive economic zone. It also attached importance to recognition of the land-locked countries' right of access to and from the sea. In that respect, the texts drafted at the Conference might spell out more precise provisions concerning port facilities.

26. In the opinion of his delegation, the tendency to restrict rights on the grounds that they had not been exercised previously was of doubtful ethical and legal validity and of little constructive value.

27. Mr. VALENCIA-RODRÍGUEZ (Ecuador) said that the questions discussed by negotiating groups 4, 5 and 6 were closely interrelated and could not be considered in isolation. The acceptance of recommendations by group chairmen on any of those questions was dependent on acceptance of the conclusions or recommendations of the other groups, since all those questions formed an integral part of the over-all "negotiating package", as had been recognized in General Assembly resolution 3067 (XXVIII). Having said that, his delegation wished to explain its serious objections to the substance of the compromise texts which had been proposed.

28. It opposed the use of the word "right" in the texts of articles 69 and 70 proposed in document NG4/9/Rev.2. It had repeatedly explained that there were a number of coastal States which had been exercising sovereign rights within 200 miles of their coasts for more than 25 years, and that such rights would not originate from the convention. The exercise of such sovereign rights by those States was incompatible with recognition of certain rights in favour of other States. His delegation also objected to the definition of "States with special geographical characteristics"; there was no reason for the establishment of such a special category of States.

29. With regard to the compromise text submitted in document NG5/16,⁴ the maximum concession which his delegation could make was the deletion of paragraph 4 from article 296. It was inadmissible that the sovereign rights of a coastal State with regard to living resources should be made subject to decisions alien to the will of that State. However, with a view to contributing to a consensus on that important question, his delegation would give consideration to the compromise text proposed by the Chairman of negotiating group 5.

30. On the question of the definition of the outer edge of the continental shelf, his delegation had expressed support for the present wording of article 76 of the informal composite negotiating text. However, a considerable number of coastal States had expressed support for the Irish proposal and had linked the text proposed by the Chairman of negotiating group 4 with the acceptance, by other States, of the text. His delegation did not wish to express an opinion on the latter text, but supported the position of those States which linked the compromise text proposed by the Chairman of negotiating group 4 with the text proposed by Ireland.

31. The Conference now had before it a very important negotiating mini-package in which the unfavourable aspects of one solution could be offset by the more or less favourable aspects of another. Only by that means could a balance be established between different questions. His delegation therefore felt obliged to place on record the fact that the essential position of his country had not been incorporated in that package. Its position was that the convention should include a safeguard clause which would protect the rights

that a considerable number of States had been exercising over the 200-mile area for a long time. It had listened carefully to the reasons adduced by the opponents of such a clause, but it firmly maintained its position, which was of vital importance for Ecuador. Consequently, so long as the informal composite negotiating text did not adequately reflect that position or take into account the other very important issues which his delegation had raised concerning archipelagos and highly migratory species, it saw no reason for expressing support for the substance of the texts now under consideration. It would withhold its support until it was acquainted with the negotiating package relating to the convention as a whole, and it reserved the right to oppose that package in the light of the circumstances.

32. Mr. MORALES-SUÁREZ (Colombia) said that his delegation radically opposed the present text of article 76, and would adopt a flexible position with regard to other solutions.

33. Mr. LOVO-CASTELAR (El Salvador) said that his delegation maintained its general reservations concerning the texts which had been submitted at the most recent stage of the negotiations, since, in its view, the purpose of the negotiations was to agree on a single, closely interrelated unit. Since account had not been taken of certain proposals which were of major interest to delegations such as his own, it was not in a position to endorse the over-all text. He had in mind, in particular, his delegation's proposal for a safeguard clause concerning the applicability of national legislation. Such a clause would not undermine the effectiveness of the future system, but would on the contrary facilitate its recognition and implementation. His delegation also had specific reservations concerning the use of the word "right" in the text of articles 69 and 70 drafted by negotiating group 4. In view of the juridical nature of the exclusive economic zone, it was impossible to recognize the rights of third parties in that area; the use of the term "access" would be more appropriate. With regard to article 70, his delegation had reservations concerning the use of the term "States with special geographical characteristics".

34. His delegation supported the proposal by the Bangladesh delegation concerning paragraph 2 of article 7.

35. Mr. DE LA GUARDIA (Argentina) said it should be borne in mind that the text submitted by the Chairman of negotiating group 4 had been agreed on as the result of concessions by the coastal States. His delegation nevertheless had difficulties with that text, and in particular with the use of the terms "right" and "States with special geographical characteristics". His delegation considered totally unacceptable any attempt to consider the results achieved in negotiating group 4 in isolation before a satisfactory solution was found for other problems, in particular those relating to the continental shelf. The question of the settlement of disputes was also very closely related to the questions dealt with in negotiating groups 4 and 6. All those questions constituted a negotiating package which could be accepted only in its entirety. The texts produced by negotiating group 5 represented a marked improvement over earlier texts, but his delegation would be unable to endorse them until satisfactory solutions had been found for the questions dealt with in negotiating groups 4 and 6.

36. He unreservedly supported the observations made by the representative of Mexico on behalf of the co-ordinating group of coastal States. On the question of the definition of the continental shelf, his delegation considered that the Irish text constituted the most acceptable basis for a compromise and as such should be included in the informal composite negotiating text. If that were not done at the current session, his delegation would formally oppose any other amendment of the negotiating text.

37. Mr. EVENSEN (Norway) said that his delegation wel-

⁴*Ibid.*, p. 120.

comed the progress which had been made in negotiations concerning the access of land-locked States and States with special geographical characteristics to fisheries activities in the economic zones of other States. The compromise text concerning fishing opportunities which had been agreed on in negotiating group 4 incorporated the maximum possible concessions. Their extent and scope was exhaustively defined in paragraphs 1 of articles 69 and 70. The fishing opportunities which were provided for under paragraph 3 of article 69 and paragraph 4 of article 70 would be based exclusively on the specific agreements envisaged in those provisions. In the opinion of his delegation, the final sentences of those paragraphs stated the obvious and were therefore redundant.

38. The revised text of paragraph 5 of article 70 represented a very important departure from the provisions of the informal composite negotiating text. It went without saying that fishing access for developed States with special geographical characteristics would be governed by the provisions of paragraphs 1, 2 and 3 of the same article. It was also important to note that, in granting fishing opportunities under the proposed formula, a coastal State was entitled to take into account, in addition to the considerations set forth in subparagraphs (a) to (d) of paragraph 3, the fishing possibilities accorded to third States which suffered detrimental effects as a result of the disruption of traditional fishing patterns.

39. The enlarged scope of the proposed compromise formula was a factor of major importance for Norway, in view of its geographical situation, and represented a major concession. It was also essential to consider those proposals within the context of the other questions before the Conference—in particular, the negotiating package containing the specific legal régime for the exclusive economic zone, the question of acceptable procedures for the settlement of disputes concerning the exercise by the coastal State of its sovereign rights in respect of the zone, and the question of a more precise definition of the outer edge of the continental margin. In the latter context, the Irish text represented the only viable compromise proposal so far submitted.

40. If the solutions which were emerging on those other questions were adopted in the future text, his delegation would be prepared to work on the basis of the proposed compromise formula for articles 69 and 70, despite the reservations which it continued to hold on points of substance.

41. It wished to make it quite clear that the possibility of an accommodation between land-locked States and States with special geographical characteristics, on the one hand, and coastal States, on the other, must be restricted to access to living resources. Such an accommodation could in no circumstances cover minerals, either under the convention or under any other agreement.

42. Mr. AL-MOR (United Arab Emirates), referring to document NG4/9/Rev.2, said that his delegation was unable to accept the definition contained in paragraph 2 of article 70, which failed to take account of specific situations in semi-enclosed seas where resources were extremely limited. Furthermore, that definition did not take account of effects on the economic zones of the countries concerned or of the economic factors which formed the very basis of the concept of an exclusive economic zone, exploitation of which was aimed at strengthening the economies of the countries concerned.

43. Paragraph 4 of article 70 was ambiguous, especially in so far as it related to the objectives of coastal States and other States concerned. It was not clear whether the provisions of that paragraph represented an obligation or an invitation for the coastal State to exercise co-operation, or whether they were applicable to a coastal State if that State needed all its resources in order to satisfy the food requirements of its

population. His delegation also had reservations concerning paragraph 2 of article 70.

44. Mr. AKRAM (Afghanistan) regretted that he was quite unable to agree with the proposals in documents NG4/9/Rev.2 and NG5/16, which merely reinforced the present unsatisfactory situation of the land-locked and geographically disadvantaged countries in regard to the exploitation of the living resources of the economic zone. His delegation could not accept any extension of the exclusive economic zone beyond territorial waters, unless the legitimate claims of his country were met. There was grave doubt whether the problem would be solved by the inclusion of the words "access to the surplus resources". The proposals for the settlement of disputes in article 296 and in document NG5/16 were also quite unacceptable. Paragraph 3 of article 296 was, in view of its unilateral nature, altogether unsuitable for inclusion in an international convention.

45. He reserved the right to speak subsequently on the Irish proposal relating to the outer limit of the continental shelf.

46. Mr. ROBINSON (Jamaica) welcomed the compromise suggestions presented by the Chairman of negotiating group 4, which offered an improved prospect of a consensus. With regard to the problem of States with special geographical characteristics, the fact that those States referred to themselves in that manner appeared to be sufficient justification for the use of the term. He believed that the words "nutritional needs of the populations" represented an improvement on the formulation previously used. On the other hand, adequate treatment had not been given to situations in enclosed and semi-enclosed seas and he endorsed the views of the representative of the United Arab Emirates in that connexion.

47. A further important point was that the issues dealt with by negotiating groups 4 and 5 should be considered together. In his view, the jurisdiction of coastal States over the sea-bed should end at 200 miles, but he could accept an extension of that limit, provided that an acceptable and equitable system of revenue sharing was devised and an equitable solution found to ensure access for the land-locked and geographically disadvantaged States to the living resources in the exclusive economic zone. There was no logical reason for linking the access of land-locked and geographically disadvantaged States to the solution of one particular aspect of the definition of the outer limit of the continental shelf. His delegation could not accept a solution which excluded *a priori* consideration of other possibilities.

48. Against that background, he would be prepared to examine the Irish formula or any other proposal, such as that submitted by the Union of Soviet Socialist Republics. It would in particular be of interest to see a practical cartographical demonstration of what the latter proposal would imply.

49. Mr. YOLGA (Turkey) said that, before examining the proposals submitted, it was most important to consider the question of the receivability of proposals in general.

50. First, it was necessary to establish the meaning of "majority" and "consensus" for the purpose of a revision of the informal composite negotiating text. A "majority" for or against a proposal should not be estimated as a majority of all participants in the Conference, but as a majority only of those delegations which had actually taken part in the discussion of a specific problem. It was a plain fact that only a relatively limited number of delegations were interested in any particular problem and that, when a problem of interest to certain delegations only was being discussed, the rest of the Conference remained indifferent.

51. The second criterion for determining whether or not a proposal was receivable was the extent to which it was in conformity with equitable principles and established juris-

prudence—in other words, with the existing state of international law.

52. The situation in negotiating group 7 had been as follows: the group did not have any fixed “nucleus” but all delegations interested in the problem of delimitation (they numbered about 60) had taken part in the discussions. Apart from a very small number of delegations which had adopted a neutral approach, two thirds of the total had supported a solution based on “equitable principles” (NG7/10), while the other third had favoured the “equidistance method” (NG7/2). Thus, the majority of interested countries was in favour of the first solution; and, in any case, the supporters of the two opposing ideas agreed that articles 74 and 83 of the informal composite negotiating text needed to be amended.

53. With regard to the second criterion, document NG7/10 submitted by Turkey and 26 other countries accurately reflected the principles of international law in its present state, as defined in jurisprudence, in the opinions of writers and in the practice of States. On the other hand, document NG7/2, which had been submitted by 20 States, established a system of rules which would enable its supporters to obtain undue advantages for themselves. The equidistance method, which was merely one method among others, was elevated to the status of a “general principle”. If no agreement could be reached, a party wishing to do so could apply it unilaterally and, if the case were brought before a third party, the applicable rules would of course be the same rules based on the principle of the median or equidistance line.

54. The draft co-sponsored by Turkey, on the other hand, was purely defensive in nature. The sponsors wished to protect their legitimate rights against the unfair effects of the equidistance method and they hoped that their amendments to articles 74 and 83 would be adopted when the presidential team came to revise the informal composite negotiating text.

55. He regretted that it had not been possible to find time for discussing the possibility of bringing article 15, on the delimitation of the territorial sea, into line with the articles on the delimitation of the exclusive economic zone and of the continental shelf, or for considering the important problem of islands and semi-enclosed seas.

56. On the question of the width of the territorial sea, he said that coastal States had absolute sovereignty over the territorial sea, subject to the right of innocent passage through it by foreign vessels. Any extension of the territorial sea would therefore involve an annexation of maritime space. In the open sea that might be of little consequence but, in the vicinity of straits and in semi-enclosed seas, annexation of maritime space could affect the interests of other coastal States and disturb the delicate equilibrium established over the centuries. Coastal States should therefore be careful to hold consultations before attempting to extend their territorial sea.

The meeting rose at 1.30 p.m.

103rd meeting

Thursday, 18 May 1978, at 3.35 p.m.

President: Mr. H. S. AMERASINGHE.

Adoption of a convention dealing with all matters relating to the law of the sea, pursuant to paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973, and of the Final Act of the Conference (*continued*)

REPORT OF THE SECOND COMMITTEE (*continued*)

1. Mr. VILLADSEN (Denmark), speaking on behalf of the member countries of the European Economic Community, said that some of the suggestions made by Mr. Nandan, Chairman of negotiating group 4, in document NG4/9/Rev.2¹ might serve as a basis for a compromise, whereas others would require further negotiations.

2. The countries of the Community agreed with the proposed wording of paragraph 1 of articles 69 and 70, which would provide that land-locked and geographically disadvantaged States or “States with special geographical characteristics” should have the right to participate, on an equitable basis, in the exploitation of a surplus of the living resources of the economic zones of certain adjoining coastal States. The Community countries were, however, prepared to consider other formulations, such as the one suggested by the Peruvian delegation in negotiating group 4. In that connexion, he said that the Community considered that the fishing rights of land-locked and geographically disadvantaged countries should be limited to surplus resources and he noted with satisfaction that that basic principle had been retained in

the proposed new text. In addition, the regional arrangements referred to in paragraph 3 of article 69 and in paragraph 4 of article 70 should take account of all the equitable principles on which those articles were based. The reference to such arrangements in paragraph 2 of article 69 and in paragraph 3 of article 70 was therefore undesirable.

3. In view of the importance of the question of the right of land-locked and geographically disadvantaged States to fish in the exclusive economic zones, it would be necessary to define more clearly the meaning of the expression “States with special geographical characteristics” and of the concept “the same subregion or region” in order not to stray too far from the principle of vicinity embodied in the informal composite negotiating text.²

4. The countries of the Community would like to be able to take up again at an appropriate time the consideration of the text as it now stood, in order to deal with outstanding problems.

5. Mr. MWANGAGUHUNGA (Uganda), referring to article 69, said he was of the opinion that the developing land-locked States should have the right to participate in the exploitation of the total living resources of the exclusive economic zones of coastal States of the same subregion or region, in accordance with the principle that disadvantaged States should be given preferential treatment by the world community in the allocation of scarce economic resources. They should therefore be granted the right to participate in the total allowable catch. The terms and modalities of such participation should be established by the States concerned

¹Official Records of the Third United Nations Conference on the Law of the Sea, vol. X (United Nations publication, Sales No. E.79.V.4), p. 93.

²*Ibid.*, vol. VIII (United Nations publication, Sales No. E.78.V.4).