

# **Third United Nations Conference on the Law of the Sea**

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF.62/SR.104**

## **104<sup>th</sup> Plenary meeting**

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

that change as a definitive compromise formula and recommended that the new wording should be incorporated in due course in the revised text.

84. Lastly, he pointed out that the amendment proposed by his delegation, namely to delete paragraph 3 of article 121 (C.2/Informal Meeting/27), related to a question which had been under discussion by the Conference since the very beginning. The position of the countries supporting that deletion was well known. They considered that it was not right to make distinctions between islands according to their size or according to whether or not they were inhabitable. Furthermore, the Convention on the Continental Shelf<sup>6</sup> made no distinction between inhabitable and uninhabitable islands. Nor did many States which had an exclusive zone of 200 nautical miles make such a distinction.

85. Mr. MAHMOOD (Pakistan) endorsed the statement of the Mexican representative concerning the interrelationship of various issues, in particular the link between the access of land-locked and geographically disadvantaged States to living resources and the settlement of disputes concerning the sovereign rights of coastal States, as well as between the issues examined by negotiating groups 4, 5 and 6, to which must be added the question of the access of land-locked countries to and from the sea and transit through neighbouring States.

86. With regard to the report of negotiating group 4 (NG4/9/Rev.2), he said that, for his delegation, the sovereign rights of coastal States in the exclusive economic zone admitted of no competing right of other States in the zone. His delegation was opposed to the imposition of any obligation on coastal States as to how they should dispose of the resources in their zone. It objected, therefore, to the text proposed for paragraph 2 of article 62, the language of which was unduly peremptory. Nor could it support the terms of paragraph 1 of article 69 or paragraph 1 of article 70. As to paragraph 3 of article 69 and paragraph 4 of article 70, it considered that the access to living resources should be limited to the surplus. It

also had reservations concerning paragraph 2 of article 70. In addition, his delegation associated itself with the request of the representative of Ecuador for the deletion of paragraph 4 of article 296 from the informal composite negotiating text (102nd meeting). As a last comment on the question of the sovereign rights of coastal States, he reiterated that there was no question of permitting the access of land-locked States or developing coastal States to the non-living resources of the exclusive economic zone.

87. With regard to various questions taken up by the Second Committee, he said that, like the Moroccan and Turkish delegations, he regretted that, owing to lack of time, not all delegations had been able to express their views on matters of particular concern to them and that it had not been possible to take up some other issues.

88. He reiterated his delegation's position regarding access and transit to the sea for land-locked countries. Pakistan considered that the access of land-locked States to and from the sea and transit through a neighbouring country constituted an infringement of the sovereignty of the transit State over its territory and therefore refused to recognize any such right. His delegation reaffirmed, on the other hand, the freedom of access to and from the sea for all land-locked countries, but subject to agreements between the countries concerned. Accordingly, it had objections to article 125 of the negotiating text and suggested that its wording should be modified after further negotiations.

89. With regard to the delimitation of the exclusive economic zone between adjacent and/or opposite States, his country's position was set out in document NG7/10, which it had sponsored with 26 other States.

90. In conclusion, he supported the proposal by Bangladesh concerning paragraph 2 of article 7, as well as the statement by the representative of Ecuador on the safeguard clause. He also endorsed the comments made by the representative of China on the passage of warships in the territorial sea, which was the subject of document C.2/Informal Meeting/30.

<sup>6</sup>United Nations, *Treaty Series*, vol. 499, No. 7302, p. 311.

*The meeting rose at 6.15 p.m.*

## 104th meeting

Thursday, 18 May 1978, at 8.50 p.m.

*President:* Mr. H. S. AMERASINGHE.

*In the absence of the President, Mr. Koh (Singapore), Vice-President, took the Chair.*

**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. ZELAYA UBEDA (Nicaragua) stressed the interrelationship of the issues under consideration and regretted that it had not been possible to study them from the standpoint of the relations between them.

2. His delegation felt that the results of the negotiations on the items before the Second Committee which were presented by its Chairman (100th meeting) had been positive and his delegation considered that negotiating group 7 (see

NG7/21)<sup>1</sup> had established the bases for fruitful negotiations in the future. It might be possible to agree, in accordance with the proposal initially made by Norway, that the provisional rules on delimitation should have objective foundations that would ensure the exercise of the rights of third parties and would not cause one party to seek the perpetuation of a provisional solution. In view of the different shades of opinion and the various possible approaches, it might be advisable to divide articles 74 and 83 of the informal composite negotiating text<sup>2</sup> into separate articles dealing with their separate components.

3. In the context of the delimitation of maritime areas, the outer limit of the continental shelf was of great importance

<sup>1</sup>*Official Records of the Third United Nations Conference on the Law of the Sea*, vol. X (United Nations publication, Sales No. F.79.V.4), p. 124.

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

and his delegation noted that the two main proposals presented in negotiating group 6,<sup>3</sup> as well as the informal composite negotiating text, maintained the primacy of the concept of the shelf as the natural prolongation of a State's territory.

4. The text elaborated by negotiating group 4 with regard to the question of access to the surplus of the allowable catch (see NG4/9/Rev.2)<sup>4</sup> reflected the sincere efforts at compromise which, in the case of the coastal States, represented the furthest concessions they could make. The possible exhaustion of that surplus might call for a broader approach. The delimitation of the zone and the evaluation of available resources were just as important as the length of time for which the relationship of dependency was to last.

5. The part relating to the settlement of disputes (see NG5/16)<sup>5</sup> in that regard contained a solid guarantee for the State which was to be granted access. However, that guarantee must be linked with certain obligations to be complied with by the State obtaining access, so that the right of access would not constitute an obstacle to the coastal State and prevent it from developing its potential. Some consideration should be given to the periodicity of the assessment of the needs of the State obtaining access, and of its capacity to satisfy its needs by alternative means. A study should be undertaken to determine how the development by a non-land-locked State of its own sea and coastal areas, or of other alternatives which might terminate its dependency in regard to fishing, would affect the time considered reasonable for cancelling the right of access without detriment to the State to which it had been granted.

6. Mr. TEMPLETON (New Zealand) said that his delegation's attitude to the texts produced by the chairmen of negotiating groups 4 and 5 was a positive one.

7. The text in document NG4/9/Rev.2 appeared substantially to satisfy the aspirations of land-locked and geographically disadvantaged countries, though it went to the very limit of what coastal states might feel able to concede. It was clear that no further concession could be made by coastal States without encroaching to an unacceptable degree on their sovereign rights over the living resources of their exclusive economic zones and, specifically, their right to exploit those resources. Also, acceptance of the proposals by the Chairman of negotiating group 4 would not be conceivable for the coastal States unless those proposals were accompanied by the new text on dispute settlement produced by negotiating group 5. He stressed that the article of the informal composite negotiating text on that question was unacceptable to his delegation. Again, the new compromise text went as far as coastal States could be expected to go in accepting any limitation on their discretion to exercise their sovereign rights over the living resources of their exclusive economic zones in accordance with their own best judgement.

8. His delegation was concerned that no proposal had yet emerged from negotiating group 6. It remained firmly of the view that the Irish amendment (see A/CONF.62/C.2/L.98) offered the only widely acceptable compromise between the existing text of article 76, which the New Zealand Government supported, and various arbitrary and unacceptable proposals to cut off the natural prolongation of the land mass belonging to the coastal State by the application of depth or distance criteria.

9. His delegation was a member of the group of coastal States which had taken the firm position that the three important issues must be treated as a package. He recalled that the linkage between the outcome of the negotiations in negotiating groups 4 and 6 had not in the first instance been made by

the supporters of the Irish amendment but had emerged from statements by leading members of the group of land-locked and geographically disadvantaged states in negotiating group 6. His delegation stood ready to continue to negotiate on the basis of the statement made by the Chairman of the Second Committee at the 94th and 100th plenary meetings that a possible compromise might be reached, whereby recognition of the rights invoked by countries with a continental shelf beyond 200 miles would be linked to a satisfactory solution of the question of payments and contributions, and to a solution of the problems facing land-locked and geographically disadvantaged countries. However, it followed from the linkage envisaged by the Chairman of the Second Committee that the New Zealand delegation could not for the present agree to the inclusion of any revised text of articles 62, 69 and 70 in a revised negotiating text.

10. His delegation could not support the proposal submitted by Bulgaria on behalf of a number of delegations for the production by the Intergovernmental Oceanographic Commission of further maps showing the effect of various formulae for the delimitation of the continental shelf (103rd meeting). In effect, that proposal was merely a request for the repetition by the Intergovernmental Oceanographic Commission of an exercise which had already been carried out with the co-operation of that Commission. It was his understanding that the present Secretariat map had in fact been produced on a much larger scale, and had been reduced in scale simply for convenience in handling.

11. Mr. VUKAS (Yugoslavia) said that during the current session his delegation had submitted a number of informal suggestions which had not all received the same treatment. First, it had suggested the addition to article 36 of a text which would have the effect of clarifying the application of the régime of the freedom of navigation and overflight in wide straits, in which neither the régime of transit passage nor the régime of innocent passage applied. However, its suggestion had not been included in the list of changes in the negotiating text proposed by the Chairman of the Second Committee.

12. With regard to paragraphs 2 and 3 of article 62, his delegation together with that of Romania, had suggested two modifications (C.2/Informal Meeting/1), the purpose of which was to take into account the interests of all developing countries. Although that suggestion had received considerable support in the discussions in the Second Committee, it had not been reflected in the compromise proposals elaborated by the Chairman of negotiating group 4, who had suggested the addition of a phrase incompatible with the proposal by Romania and Yugoslavia. His delegation was therefore unable to accept the text suggested for paragraph 2 of article 62. With that exception, his delegation regarded the results of the work of negotiating group 4 as encouraging and as constituting a major step towards the achievement of a solution acceptable to all.

13. With regard to part IX of the negotiating text, his delegation had suggested a provision granting unimpeded freedom of navigation and overflight in outlets connecting enclosed and semi-enclosed seas with other seas (C.2/Informal Meeting/3).

14. As to the question of the linkage of the results achieved in negotiating group 4 with the issues dealt with in other groups, his delegation did not deny the possibility of linking the solutions of some of the remaining hard-core issues. However, it could not accept the linkage of the positive results achieved in one group, namely negotiating group 4, with only one of the issues dealt with in another group. The progress achieved in negotiating group 4 had been linked by some representatives with the acceptance of the Irish formula for the definition of the continental shelf. The acceptance of that formula could be linked only with the system of the sharing of the benefits resulting from the exploitation

<sup>3</sup>*Ibid.*, vol. X, p. 84.

<sup>4</sup>*Ibid.*, p. 93.

<sup>5</sup>*Ibid.*, p. 117.

of the non-living resources of the continental shelf beyond 200 nautical miles. In any event, his country did not support the Irish formula and had always been in favour of clear-cut criteria for the definition of the continental shelf.

15. Lastly, his delegation endorsed the statements made at the 102nd meeting by the representatives of Belgium and Bangladesh concerning the suggestions they had put forward in the Second Committee. It also supported the proposal by Bulgaria for the production of a map indicating the results of the application of different methods for limiting the extension of the régime of the continental shelf.

16. Mr. INGLES (Philippines) said that he was unable to endorse the report of the Chairman of the Second Committee, since it failed to mention as worthy of consideration two proposals submitted by the Philippine delegation—first, for the introduction of a new article (article 3 *bis*) on historic waters (C.2/Informal Meeting/19), secondly, for the amendment of articles 52, 53 and 54 on archipelagic States (C.2/Informal Meeting/20 and Corr.1). There had been no open opposition to those proposals; on the contrary, the suggested amendments to the three articles had received firm support.

17. The new article 3 *bis* was necessary to provide a basis for the reference in paragraph 6 of article 10 to historic bays and for the reference in article 15 to historic title in the delimitation of the territorial sea between two States, and also to provide a basis for the recognition of title to historic waters.

18. The historic title which the Philippines claimed over its present territorial waters was based on the 1898 Treaty of Paris, under which Spain had ceded the Philippines to the United States and delimited its territorial boundaries. Those limits had been later confirmed by legislation enacted by the Philippine legislature in 1932 and by the United States Congress in 1934, and also in the Philippine Constitution of 1935.

19. The proposed modifications to articles 52, 53 and 54 were intended to reflect his delegation's basic position which was that, since most of what were now termed archipelagic waters in the negotiating text were in fact internal waters of the Philippines, passage through its archipelagic waters should be subject to a régime stricter than the régime of passage through territorial waters and certainly much more strict than the régime of passage through straits used for international navigation. At the very least, an archipelagic State should exercise the same authority over its archipelagic waters as a coastal State did over its territorial waters. Thus, his delegation sought final determination by the archipelagic States of the designation of sea lanes, similar to that exercised by a coastal State in designating sea lanes through its territorial waters. In addition, it sought elimination of overflight of, and submerged passage by submarines through, its country's archipelagic waters, both of which were currently prohibited over and through its territorial waters. According to the definition of the informal composite negotiating text, certain straits which were currently regarded as territorial waters of his country would be converted into archipelagic waters over which aircraft would be allowed to fly and through which submarines would be permitted to pass while submerged—a situation which would be unacceptable to his Government. Therefore, unless the provisions of articles 52, 53 and 54 of the negotiating text were modified, perhaps along the lines of its proposal, the Philippines would be unable to accept them not only because they undermined its unity as an archipelago but also because they violated its sovereignty and territorial integrity.

20. Mr. CALERO RODRIGUES (Brazil) said that, in his delegation's view, negotiating group 4 had achieved genuine progress. However, his delegation had some reservations regarding the question of geographically disadvantaged States. With regard to land-locked States, the provisions were quite acceptable and could be included in a revised text.

21. With regard to the question of linkage, it was undeniable that all the results of the work of the groups formed a package that had to be considered as a whole.

22. His delegation was disappointed at the results of the work of negotiating group 6, because it believed that the group had at one point been quite close to achieving a positive solution. It was also disappointed at the results achieved by negotiating group 7 and considered that that group could arrive at a compromise solution provided that representatives demonstrated goodwill.

23. With regard to the work of the Second Committee, he recalled that his delegation had proposed an amendment to paragraph 1 of article 73 (C.2/Informal Meeting/12). Under the current version of that article, coastal States were entitled to exercise their sovereign rights over the living resources of their exclusive economic zone. In his delegation's view, coastal States should be entitled to exercise their sovereign rights over the non-living resources of their economic zone as well. His delegation's proposal had been supported by many delegations and no opposition had been voiced. In summing up the results of the discussion, the Chairman of the Second Committee had indicated that the Brazilian proposal had met with no opposition and should be included in a revised version. Subsequently, however, one delegation had expressed an objection. The Brazilian delegation regretted that the delegation in question had taken such a position in respect of an article which merely sought to correct an omission. Many informal suggestions made in the Second Committee would have to be taken up again, and his delegation's suggestion and that of Uruguay should be included among them.

*Mr. Amerasinghe took the Chair.*

24. Mr. BRENNAN (Australia) said his delegation agreed that useful work had been done in negotiating groups 4 and 5; while it reserved its position on the exact wording of the texts put forward in the reports of the groups, it believed that in happier circumstances those texts might have been incorporated in a revision of the informal composite negotiating text or otherwise recognized in the records of the Conference as holding out improved prospects for consensus by comparison with the informal composite negotiating text. Unfortunately, however, his delegation could not agree that that should be done in the present circumstances, because the work of negotiating group 6 had not produced positive results. In connexion with the work of the group, he noted that neither the Irish proposal nor the Soviet proposal, both of which had been put forward as a compromise, would provide a basis for a consensus because they both had as their essential element a distance factor. Any proposal which depended on a distance or depth factor was unacceptable as a definition of the continental shelf because it contradicted the governing principle of law—namely, that the continental shelf was the natural prolongation of the land territory.

25. With regard to the proposal for the production of a new map, his delegation's initial reaction was an adverse one. It seemed that a different organization was being requested to provide a larger-scale map, on which would be inscribed the same information as that appearing on the map provided by the Secretariat (see A/CONF.62/L.98 and Add.1 and 2). The only exception would be that in the relatively few places in the world where the continental shelf extended beyond 300 miles, a line showing the effect of the Soviet proposal would appear. If the map were to be produced in time to be useful, the Intergovernmental Oceanographic Commission would have to use the same information as the Lamont-Doherty Observatory and might even have to commission the Observatory to do the work. If it used different information, the time needed to prepare the map would be so great that the

request would serve no useful purpose. His delegation would require further information regarding the cost and the time involved before it could agree to a request which would not, on the basis of available information, produce results commensurate with its cost.

26. Mr. JAYAWARDENE (Sri Lanka) said that his delegation was prepared to recognize the right of land-locked and geographically disadvantaged States to participate in the exploitation of the living resources of the exclusive economic zone, as provided for in articles 69 and 70 of the informal composite negotiating text, but it believed that right must be subject to the necessary precondition that the terms, conditions and modalities of such participation should be established by agreement with the coastal State before it could be exercised. That was his delegation's understanding of paragraph 1 of article 69 and paragraph 3 of article 70 as set out in the final text of negotiating group 4. Secondly, his delegation was prepared to recognize the right of disadvantaged States to participate in cases where there was no surplus, but such preferential participation would be considered only in the light of the principle of equality of applications and the interests of the coastal State. Furthermore, his delegation's acceptance of the final text of negotiating group 4 was conditional upon a satisfactory definition of the terms "region or subregion" which appeared in the provisions in question.

27. With regard to the definition of the outer limit of the continental shelf, he said that his country was a wide-margin State and that by a law of 1976 his Government had defined the legal continental shelf of Sri Lanka as extending to the outer edge of the continental margin. That provision was in conformity with article 76 of the negotiating text and with general international law, which recognized the sovereign rights of a coastal State as extending throughout the national prolongation of the land mass into and under the sea. Consequently, his delegation was unable to accept the fixed-distance criterion proposed by the USSR (C.2/Informal Meeting/14), since it bore no relation to that fundamental juridical fact. That comment should not be interpreted as reflecting an extremist position since it was not the intention of his country to extend a claim to the last grain of sedimentary matter. His delegation recognized that, for practical purposes, a cut-off point was necessary. It was therefore prepared to consider other proposals which sought to define the outer edge of the margin. In that connexion, it accepted the rationale of the Irish formula but had some difficulty with regard to its application. In its view, the combined distance-sedimentary layer-thickness criterion could produce equitable results only in cases where the margin thinned out rapidly. It could cause injustice in the case of countries, such as his, where the continental margin was wide and of considerable thickness throughout. No mathematical formula could claim a universal and equitable application, in view of the highly varied geographical, geomorphological and geological conditions existing in the world. His delegation had raised several objections to that formula. They were of a technical nature and had been set out in its analysis of the Irish formula during the deliberations of negotiating group 6. His delegation was prepared to accept the Irish formula as a basis for negotiation and perhaps as a general rule, provided that the case of Sri Lanka was treated as a special circumstance and an exception thereto, since a rigid application of the Irish formula would deprive his country of a vast extent of its continental margin.

28. He pointed out that, throughout the deliberations of the Conference, special consideration had been given to developing countries. In cases of hardship, specific provision had been made even for a single developed country and it was only equitable that, in the same spirit, a similar understanding should be extended to a small developing country

which would suffer considerable hardship if a rigid formula were to be imposed upon it.

29. In view of what he had stated, his delegation reserved its position against attempts to secure a rigid imposition of the Irish formula. His country was prepared to extend its co-operation, but it should not be expected to make an unreasonable and unjustifiable sacrifice of its interests.

30. Mr. PARK (Republic of Korea) said that his delegation considered that a number of issues still required further negotiation in order to improve the present wording of the informal composite negotiating text. With regard to the régime of innocent passage through the territorial sea, his delegation had no objection to article 17, but it believed that a régime of prior notification should be applied to foreign warships and Government vessels operated for non-commercial purposes which intended to navigate in the territorial sea of other States. His delegation's position in that regard was motivated primarily by security considerations as well as by a spirit of compromise. A large number of States had supported the prior notification régime or adopted that régime in their national legislation. Therefore, his delegation requested that a new article incorporating the idea of prior notification for a special category of ships should be included in part II, section 3, subsection C, of the negotiating text.

31. With regard to the question of the delimitation of maritime areas, his delegation regretted that no consensus had yet emerged from the deliberations of negotiating group 7. In his view, perhaps the way out of the impasse created by the conflicting positions of the sponsors of the principle of equity and the sponsors of the equidistance methods would be to place the two criteria on an equal footing by referring to each of them in paragraph 1 of articles 74 and 83. Although his country was inclined to support one of the principles rather than the other, it was prepared to accept a compromise proposal based on a reference to both principles, in order to expedite a consensus on that important issue.

32. In connexion with article 76, he considered that the Irish formula enjoyed the widest spectrum of support because it reflected most accurately the geographical and geomorphological concept of the continental shelf and his delegation therefore also endorsed that formula.

33. While his delegation was not opposed to the amendment proposed by nine countries to article 66, it was inclined to agree with the view expressed by the Belgian representative (102nd meeting) concerning the manner in which the amendment had been introduced. His delegation had had no time to receive specific instructions from his Government, and therefore reserved the right to comment on the issue at an appropriate time.

34. Lastly, he supported the proposal made by the delegations of Romania and Yugoslavia concerning paragraphs 2 and 3 of article 62.

35. Mr. IBÁÑEZ (Spain) said that his delegation wished to voice strong objections to the text of negotiating group 4, which was unacceptable to it. As other delegations had pointed out, the word "right" should not be used in connexion with the access of land-locked States and States with special geographical characteristics to the surplus of the living resources of the exclusive economic zones of other States. Nor could his delegation agree with the definition given in the proposed paragraph 2 of article 70 of States with special geographical characteristics. In its opinion, the definition in the paragraph in question should refer to developing coastal States. All considerations should be based on economic rather than geographic factors. For the same reason, his delegation could not accept the proposed amendment to paragraph 2 of article 62.

36. The discussion had highlighted the profound disagreement among members, and had indicated that the text under

consideration had little chance of serving as a basis for a consensus. In those circumstances, he thought that it would be preferable to maintain the existing texts of articles 62, 69 and 70 of the negotiating text.

37. The report of the deliberations of negotiating group 7 showed that no proposal had been put forward which had commanded sufficient support to improve the prospects of reaching a consensus in the plenary conference. It was also clear that the existing texts of articles 74 and 83 could not serve as a basis for consensus.

38. His delegation, which had co-sponsored the informal suggestions contained in document NG7/2, wished to point out that while those who favoured the criterion of equity for the delimitation of the continental shelf rejected all reference to the equidistance principle, those who favoured the latter principle did not reject a reference to equity. In that connexion also, it should be remembered that the Geneva Convention of 1958 on the continental shelf<sup>6</sup> established the principle of equidistance for the delimitation of the continental shelf.

39. The present wording of the articles of the informal composite negotiating text concerning States bordering straits was unacceptable to his delegation. The discussions on the subject during the current session had shown that many delegations did not regard those articles as constituting a compromise that took account of the interests of all concerned. His delegation had proposed a number of informal amendments which would preserve the principle of free passage, duly protect the security of coastal States and international navigation, and make it possible to take measures to prevent pollution. The amendments had been perfectly balanced and in accordance with the principles governing the Conference's work. His delegation expressed the hope that the Conference would adopt the most appropriate system to ensure that at the next session it would be able to examine that important chapter in detail in a spirit of compromise.

40. His delegation had some reservations concerning the wording of the article on the abuse of rights proposed by the Chairman of negotiating group 5. Lastly, he agreed with delegations which had referred to the need to deal with the question of archipelagos that were not States.

41. Mr. WITEK (Poland) said that the fact that the suggestions contained in document NG4/9/Rev.2 did not show more substantial progress towards a compromise was no reflection on the Chairman of negotiating group 4, whose efforts to promote a consensus had been untiring. It was rather the fault of delegations whose attitudes had made such progress impossible. Many speakers had said that the document placed too much emphasis on the superficial aspects of the question of the right of access of land-locked and geographically disadvantaged States to the living resources of the economic zone, and did not go deep enough into the substance of the expectations which those States had with respect to such access. Before the suggestions could be finalized, there must be further careful study of three main points: first, the question of the definition and identity of land-locked and geographically disadvantaged States; secondly, the fact that the document currently made access by such States to the resources of the zone conditional upon the consent of the coastal State, but did not indicate what would happen if such consent was refused; and, thirdly, the fact that the wording now suggested for paragraph 4 of article 69 and paragraph 5 of article 70 left the land-locked and geographically disadvantaged States with no choice but to accept the decisions of the coastal State concerning the disposition of the surplus of its allowable catch. His delegation hoped that its compromise proposal with regard to the last point would eventually be given the attention which it merited, but had not

received at the current session. It would also look in any further negotiations for clarification with respect to the problems of regions and subregions.

42. It was with the greatest surprise that he had noted that, rather than promoting compromise, certain delegations were now seeking to attach new strings to the solution of the question of access by land-locked and geographically disadvantaged States to the living resources of the economic zone and the accommodation of their interests therein. Efforts of that kind, particularly those aimed at linking access with acceptance by the land-locked and geographically disadvantaged States of the so-called Irish formula, were in no way consonant with the notion of negotiation or the practice of international conferences, but represented attempts to impose solutions by *diktat* and force such as had been witnessed in recent events involving an internationally-known statesman.

43. The PRESIDENT, observing that political matters such as those which had just been mentioned were irrelevant to the work of the Conference, requested the representative of Poland to confine himself to the subject under discussion.

44. Mr. WITEK (Poland) replied that, in making his statement, he was acting as the representative of a sovereign State.

45. The PRESIDENT said that he respected the sovereignty of all States, but also the sovereign consideration of relevancy.

46. Mr. WITEK (Poland) said that it had been unfair to announce at such a late stage in the Conference's work that the resolution of the problem of access was possible only if the Irish formula was accepted. At the intersessional meeting, the participants had recognized the existence of the question of access as an independent problem and had described it and the question of sea-bed mining as the two most important issues on which negotiation was still required. His delegation, together with others, had made considerable efforts to promote a compromise on those questions, in the hope that a step-by-step approach would enhance the chances of obtaining a final, over all consensus. For the time being, the only "package" his delegation was prepared to recognize with respect to access was that in which the question of access was linked with that of the rights and duties of coastal States.

47. Another package consisted of the problem of the limits of the continental shelf and the problems of economic zones, including the questions of their legal status and of safeguards against the subjection of the zone and the high seas to national sovereignty. From the outset, his delegation had favoured a limit of 200 nautical miles for the continental shelf; if it had been attracted by other proposals, that had been only because they had the merit of being measurable. His delegation had always remained open to suggestions on the question of coastal States' jurisdiction over minerals on the continental shelf, in the expectation that its attitude would be matched by a willingness to accept stronger safeguards against the extension of the jurisdiction of coastal States beyond their territorial waters.

48. With respect to the latter question, his delegation fully supported the amendment to article 55 suggested by the group of land-locked and geographically disadvantaged States (C.2/Informal Meeting/35), but feared that it would be insufficient. Nor would anyone be misled by promises of revenue sharing, since the problem of the extension of State jurisdiction to mineral resources beyond the 200-mile limit was not merely financial, but highly political.

49. In the opinion of his delegation, the Conference was dividing the seas, rather than fulfilling its mandate to establish a new order for them. The Irish formula was an example of that trend. His delegation supported the call for new maps

<sup>6</sup>United Nations, *Treaty Series*, vol. 499, No. 7302, p. 311.

since it had strong grounds for questioning the objective value of the maps currently available and believed that the problems of the continental shelf could be resolved only if the Conference took its decisions on the basis of objective, scientific documents.

50. The PRESIDENT said that he wished to make it clear to the representative of Poland that the Conference was now trying to negotiate. He felt that the achievement of compromise would not be facilitated by recrimination, and that delegations could defend their own positions without criticizing others.

51. Mr. WITEK (Poland) stressed that nothing he had said had been intended as a recrimination against anyone. He regretted that, in having to give that clarification, he found himself in disagreement with the President for the third time that day.

52. Mr. JAGOTA (India) said that his delegation had contributed in a spirit of goodwill to the attempts to find a solution to the problem of the interests of land-locked and geographically disadvantaged States in the living resources of the exclusive economic zone of States of their region or subregion; it agreed in principle with the proposals made in that connexion in the first three paragraphs of document NG4/9/Rev.1. It believed that all delegations should now make earnest efforts to find generally acceptable solutions to the other problems which remained—particularly that of the outer limits of the continental shelf—and that the Conference should meanwhile follow the suggestion made by the representative of Mexico at the 102nd meeting, and refrain from mentioning the matter of land-locked and geographically disadvantaged States in any revised version of the informal composite negotiating text.

53. The formula suggested by Ireland represented a reasonable solution to the problem of delimiting the continental shelf, since it defined the limits of the shelf in a precise way and would leave to the international sea-bed area the same thickness of sediments at its boundary as the coastal State concerned would claim if it opted for the first of the proposed methods of delimitation. The Irish formula should, therefore, be included in any revised version of the negotiating text. His delegation considered that the map submitted by the Secretariat in document A/CONF.62/C.2/L.98 and Add.1 and 2 depicted clearly the effects of the various formulae for defining the outer limits of the continental shelf, but that the accuracy with which those limits were delineated must be seen in the light of the Secretariat's own references to a substantial probability of error. He had noticed such errors in certain areas in the vicinity of India and its islands.

54. In the opinion of his delegation, the informal suggestion made by Bangladesh with respect to the content of paragraph 2 of article 7 (C.2/Informal Meeting/6) would have the effect of establishing a new rule of international law, under which a coastal State would be able to establish straight baselines from base points at sea, and would therefore require wide acceptance by the international community before it could come into force. As his delegation had stated at an informal meeting of the Committee on 28 April, such a suggestion must be considered in the light of: the distance from the coastline of the base points for the future baselines; the effect which the new baselines would have on the general direction of the coastline; the possibility that the baselines would be used in fixing the outer limits of the territorial sea or exclusive economic zone, or maritime boundaries with neighbouring coastal States; and the effects on navigation in the enclosed internal waters. It was therefore gratified that Bangladesh was willing to discuss its suggestion with the other States interested in the matter and to raise it again at the Conference's next session. That attitude on the part of Bangladesh showed that its suggestion could not be regarded as having already obtained the substantial support to which

reference was made in subparagraph 2 of paragraph 9 of document A/CONF.62/L.28.

55. Mr. WOLFF (Federal Republic of Germany) said that his delegation had noted with satisfaction that the overwhelming majority of the participants in the Conference were not prepared to encroach upon the freedoms and rights which States other than the coastal State enjoyed in the economic zone as recognized in part V of the informal composite negotiating text. It regretted, however, that the suggestions for the clarification of the legal status of the economic zone made by the USSR (C.2/Informal Meeting/7) and by the group of land-locked and geographically disadvantaged States (C.2/Informal Meeting/35) had not found the support they merited.

56. He was sorry that there had been no time to discuss part IX of the negotiating text. His delegation believed that co-operation between neighbouring States in matters to which that section of the text referred should be considered a general aim, and should not be restricted to certain geographical areas. Consequently, it saw no particular justification for a separate chapter on enclosed or semi-enclosed seas and would prefer part IX to be deleted.

57. His delegation attached special importance to the proposals which it had put forward concerning paragraph 2 of article 3, and articles 19 and 23 (C.2/Informal Meeting/8), and would like them to be reconsidered at the Conference's next session.

58. Mr. DJALAL (Indonesia) said that his delegation considered that, on the whole, substantial progress had been made at the current session, particularly in negotiating group 4. It believed that the suggestions made by the Chairman of that group in document NG4/9/Rev.2 could serve as a basis for consensus on specific and specified rights of land-locked and geographically disadvantaged States in exclusive economic zones. Those suggestions might not correspond entirely to the views of all States, but it was time for compromise. It was therefore in the spirit of compromise that his delegation would examine the informal proposals which had been made at the current session. It believed that the resolution of the question dealt with in document NG4/9/Rev.2 would be a good augury for the solution of other problems before the Conference.

59. He noted that the Chairman of negotiating group 7 had refrained from saying, in document NG7/11, that there had been consensus on the wording of article 15 of the negotiating text. His delegation considered that point important, for it had reservations concerning that article, particularly its second sentence. Particularly where opposite States were concerned, the meaning or existence of "historic title or other special circumstances" in relation to the delimitation of the territorial sea should be determined objectively by both parties, and not subjectively by one of them, as the article now implied. Indonesia therefore supported the proposal made by the delegation of Peru in document NG7/13.

*Mr. Arias Schreiber (Peru), Vice-President, took the Chair.*

60. Mr. SHEHAB (Egypt) said that the lengthy discussions which had been devoted to the question of the definition and delimitation of the continental shelf had shown that the views of delegations on that matter differed widely. There was thus a need for further negotiations, in which he hoped that not merely the informal suggestions for article 76 made by Ireland and the USSR but also the informal suggestion by the group of Arab States (NG6/2) would be taken into account. The last-mentioned suggestion, which enjoyed a wide measure of support, was precise and deprived no State of any part of what its sponsors considered to be the common heritage of mankind.

61. With regard to the question of straits used for interna-



tional navigation, his delegation regretted that, although compromise proposals had been submitted by the delegations of Spain, Greece and Morocco (C.2/Informal Meeting/4, 17 and 22), there had been no real negotiations on the issue. The Conference had therefore found itself with a unilateral statement of what the régime for such straits should be, and consensus on the matter had proved impossible. It was essential in the interests of the security of the coastal States and of international navigation that article 39 of the negotiating text should be amended to provide stronger guarantees for the coastal States. An amendment was also necessary in order to eliminate the dangers posed by overflight of international straits without prior notification to the coastal States concerned. Finally, his delegation wished to insist on the deletion of paragraph 2 of article 45 of the negotiating text which it considered logically incompatible with paragraph 1 of article 45.

62. Other items on which there had been no real negotiations were the régime of islands and closed or semi-enclosed seas. Both were of vital importance and must be the subject of further discussion.

63. Mr. ATEIGA (Libyan Arab Jamahiriya) said that his delegation continued to believe that merchant and non-merchant vessels should be subject to differing régimes when in passage through a territorial sea. In particular, military vessels should be required to obtain prior authorization for such passage from the coastal State concerned. With that in mind, his delegation supported the informal suggestions made by Argentina and other States in document C.2/Informal Meeting/30.

64. His delegation considered that the existing provisions of the negotiating text with regard to the exclusive economic zone were sufficiently clear. A precise distinction between the exclusive economic zone and the territorial sea was made in article 55 of the text, and the legal régime which applied in the zone was amply explained in articles 56 and 58. However, in order to accommodate the delegations which still had difficulties with those articles, his delegation was prepared to support the suggestion for the amendment of article 55 contained in document C.2/Informal Meeting/34.

65. The Conference itself had recognized that the questions of the régime of islands and of enclosed and semi-enclosed seas were of vital importance, and his delegation therefore hoped that time would be set aside for them to be studied as they merited. In informal contacts, it had found a wide measure of support for the amendment to article 121 which it and other delegations had suggested (C.2/Informal Meeting/21). The amendment would eliminate the possibility of abuse and contribute to the progressive development of international law. His delegation hoped that the suggested definition of a semi-enclosed sea which it had helped to draft (C.2/Informal Meeting/18) would be considered applicable to the Mediterranean, since that and the other suggestions contained in the same document were aimed at enabling the States bordering that sea to co-operate in exploring and conserving its natural resources.

66. His delegation considered that the suggestions made by the Chairman of negotiating group 4 in document NG4/9/Rev.2 constituted a constructive basis for future negotiations. For purely legal reasons associated with the concept of sovereignty, it was however unable to agree with the suggested reference in article 69 to the "right" of land-locked States. The question of the definition of the continental shelf, discussed by negotiating group 6, was linked to the concept that certain marine areas were the common heritage of mankind. If the proposed international sea-bed authority was to have due competence and to be able to explore and exploit efficiently the resources of such areas, the continental shelf must not extend beyond the 200-mile limit. In that connexion, his delegation believed that the informal suggestion

by the Arab group for a definition of the continental shelf was closest to the philosophy which lay behind the notion of common heritage and to the aspirations of the Third World for a new international economic order in which disparities would be eliminated and development would be furthered. His delegation supported the call by the representative of Bulgaria for the preparation of new maps (103rd meeting). In elaborating the final texts of the articles discussed by negotiating group 7, account should be taken of the recent developments in international law with respect to delimitation—developments which were apparent in opinions of the International Court of Justice—and of the general feeling of the Conference as reflected in the existing version of the negotiating text and the informal suggestion made in document NG7/10. Any attempt to overlook those points would constitute a denial of current realities and of the aspirations of the majority of the world's peoples.

67. Mr. FOSSUNG (United Republic of Cameroon) said that his delegation's position on the rights of land-locked and geographically disadvantaged States in the so-called exclusive economic zone had been well stated by the representatives of countries such as Jamaica, Turkey (102nd meeting), Zaire and Trinidad (103rd meeting). However, he wished to stress that his delegation could not accept the suggestions made by the Chairman of negotiating group 4 for the texts of paragraph 2 of article 62 and paragraph 1 of article 70, because the concepts of "surplus" and "appropriate part of the surplus" were too vague.

68. His delegation had supported the institution of exclusive economic zones in the hope that it would lead to an improvement in the currently precarious international economic situation and would be of benefit both to coastal and to land-locked and geographically disadvantaged States. It now saw, however, that access to the zones was being crippled by considerations of jurisdiction and sovereignty, and that States such as his own were being excluded from areas where they had previously been free to exercise their rights. If there was any truth in the allegation that such a situation was sanctioned by customary law, it could only be because that law had been established in the colonial era, when many States had been unable to defend their interests.

69. His delegation was greatly disturbed that the Second Committee had been unable to define the term "geographically disadvantaged State". The objection that the phrase was too elastic applied even more forcefully to the expression which had been proposed in its place. The Conference should seek to settle the question once and for all by adopting a definition from which only a finite number of States could benefit.

70. The importance of the question of the outer limits of the continental shelf had been demonstrated by the controversy which it had aroused in the Second Committee. Of the suggestions put forward for such a definition, that by the Arab group had the merit of being based on the principle of equity. If, as had been claimed, the Irish formula was the most acceptable of those definitions, it would be capable of standing alone and would not need to be presented as part of a package. It was in the interests of compromise that his delegation had supported the Bulgarian proposal for the preparation of new maps.

71. His delegation had made earnest efforts to advance the work of the Second Committee in the hope that that body would be able to reach a compromise, if not consensus. The current version of the negotiating text was unacceptable, as both coastal and land-locked and geographically disadvantaged States had been saying all along. As it stood, the text could not be considered as anything more than a basis for further negotiations.

72. The PRESIDENT expressed the hope that, in view of the lateness of the hour, delegations would try to adhere to



the five-minute limit in their statements, and would in their comments merely indicate their agreement or disagreement with the various proposals which had been submitted.

73. Mr. BENDIFALLAH (Algeria) said that his delegation wished to comment on two questions which had been examined by the Second Committee, namely the definition of the outer limits of the continental shelf and the question of the right of access of the land-locked and geographically disadvantaged States. On the latter point, negotiations had not been successful but nevertheless a basis existed for reaching an equitable result eventually. He could not agree with the definition of States with special geographical characteristics contained in document NG4/9/Rev.2; on that point he fully supported the comments made by other delegations, particularly that of Iraq (102nd meeting). Every effort must be made to ensure that a satisfactory definition was reached.

74. The definition of the outer limits of the continental shelf was of the greatest importance and he fully supported the position of the Arab group, as set out in document NG6/2, which would place a limit on the prolongation of the continental shelf. Otherwise, the concept of the common heritage of mankind would be infringed. Any formula which would have the effect of reducing the common heritage of mankind could not be supported.

75. He regretted that there had not been time to discuss the régime of islands and enclosed and semi-enclosed seas; like other delegations, his delegation hoped that discussions on those points would be held at a later stage.

76. The question of the delimitation of maritime boundaries was very important because of its relationship with the concept of national sovereignty. Any definition should be based on equitable principles, but account should also be taken of special circumstances.

77. Mrs. MUTUKWA (Zambia) said that her delegation fully recognized that the compromise text contained in document NG4/9/Rev.2 represented a much better basis for future negotiations than did the informal composite negotiating text; it nevertheless had reservations regarding the phrase "an appropriate part of the surplus" in the text proposed for article 69. The compromise text could be improved by the addition of a provision which would permit developing land-locked States to participate in exploiting the living resources of the economic zones of coastal States in their subregions or regions, without that right being conditional upon the existence of a surplus. Such a provision would greatly enhance the chances of a consensus solution, bearing in mind the strong belief which had been expressed by delegations both in negotiating group 4 and in the Second Committee that developing land-locked States needed particular consideration in the provisions pertaining to access to the living resources of the economic zone. A substantial majority of the developing land-locked States were among the least developed of the developing countries, and the fact of their being land-locked further complicated their difficult positions. No delegation could deny the justice, equity and logic of ensuring for those countries meaningful access to the living resources of the sea. Such countries had a greater right to participate in the living resources than all other States seeking participation in the economic zones of coastal States. She therefore proposed that paragraph 1 of article 69 should be redrafted to provide for a right for developing land-locked States to participate in the total allowable catch. The provisions of paragraph 2 would remain unchanged.

78. Her delegation was fully aware of the oft-repeated argument that regional solutions should not be imposed on the Conference. Nevertheless almost all African coastal States had stated that they would have no difficulty in allowing the African land-locked States to participate in the exploitation of the living resources of their exclusive economic zones, without making their participation conditional upon the

existence of a surplus. If the African coastal States saw no problem, it did not seem logical that objections should come from other regions with only two or three land-locked States. Furthermore, because of the low level of development of the developing land-locked States, there was really no danger of over-exploitation of the living resources of the economic zones by such States. The danger of over-exploitation came rather from developed maritime States and not from developing land-locked States.

79. In conclusion, she wished to reject the suggested linkage between the right of access of land-locked and geographically disadvantaged States to the living resources of the exclusive economic zones and the Irish formula for the definition of the outer limits of the continental shelf; the latter was only one among many suggestions.

80. Mr. PRANDLER (Hungary) said that the results which had been achieved by the Second Committee had been very modest and that many issues remained to be negotiated, with the positions of delegations still far apart. His delegation was prepared to accept document NG4/9/Rev.2 as a basis for negotiations, but it would do so only as a gesture of goodwill. The proposal offered almost nothing in the form of tangible and practical results for the land-locked and geographically disadvantaged States. Even the meagre consideration given to the interests of those States was to be made conditional by some coastal States on the acceptance of the Irish formula for the determination of the outer limits of the continental shelf. His delegation could not accept the reasoning behind that linkage because, both in the case of the exploitation of the economic zone and in the case of the definition of the outer limit of the continental shelf, there were groups of countries with conflicting interests and the countries in each interest group were not the same in the two cases. Furthermore, during the discussion in negotiating group 6, his delegation had expressed its readiness to consider acceptance of the Irish formula as a method for determining the outer limits of the continental shelf, provided that it was combined with the Soviet proposal, according to which the outer limit of the continental shelf could not be extended beyond 300 miles. Though that suggestion had been rejected, he continued to believe that a compromise could be worked out by combining those two proposals in such a way as to meet the interests both of the numerous countries—including his own—which favoured the 200-mile limit and of those which advocated the natural prolongation approach.

81. One of the most important questions which had been discussed during the current session had concerned the legal nature of the economic zone. In that connexion, he supported the proposal of Bulgaria that the question should be studied by the International Law Commission. The compromise formula for paragraph 2 of article 55, which had been proposed by the delegation of Austria on behalf of the group of land-locked and geographically disadvantaged States, would serve as a safeguard against the abuse of rights in general and against the extension of sovereignty by coastal States to the economic zone in particular. The land-locked and geographically disadvantaged States were the underdogs of the Conference and he therefore requested that coastal States should show understanding of their problems.

82. Mr. LUPINACCI (Uruguay) said that his delegation regretted that lack of time had prevented consideration of a number of miscellaneous items in the Second Committee. It was concerned that, during the discussion on the legal nature of the exclusive economic zone, new efforts had been made to detract from the true nature of that zone and to identify it with the high seas. His delegation was resolutely opposed to that concept. The exclusive economic zone was not a territorial sea, nor was it the high seas. It had a character of its own. In that connexion, his delegation had proposed the addition of an article concerning activities in connexion with

the exploitation of the exclusive economic zone, with a view to clarifying the concept. He hoped the objections to that proposal would be withdrawn.

83. His delegation disagreed fundamentally with certain aspects of the formulations contained in document NG4/9/Rev.2 and, in particular, it had reservations regarding the right of land-locked States to the living resources of the exclusive economic zones of coastal States, in which coastal States exercised sovereignty. His delegation therefore had difficulty in accepting paragraph 3 of article 69 and paragraph 4 of article 70, as proposed in that document. The surplus principle must be respected.

84. His delegation regretted that worth-while results had not been achieved by negotiating group 6. It continued to support the Irish proposal, which it regarded as viable in that it permitted a harmonization of the interests of coastal States with those of the international community. It was essential that the right of coastal States to exploit the continental shelf to its limit should be recognized.

85. His delegation considered that the results achieved in negotiating groups 4 and 6 represented part of a fundamental negotiating package. It could not accept any formula proposed by negotiating group 4 if a satisfactory formula was not produced in negotiating group 6.

*Mr. Amerasinghe resumed the Chair.*

86. Mr. RUIVO (Portugal) said that the position of his delegation continued to be that the object of the negotiations which had taken place during the Conference was to reach a compromise solution based on an over-all package deal which in turn would consist of a number of package deals on key issues. From that point of view, his delegation believed that progress had been made during the current session, and he therefore hoped that the results achieved would be trans-

mitted to the next session of the Conference as a basis for further negotiation. The formula contained in document NG4/9/Rev.2 represented an improvement on the informal composite negotiating text, and his delegation was prepared to accept it with certain amendments. In particular, the relative level of economic development as a factor in negotiations on access to the exclusive economic zone required more precise definition. His delegation was in favour of the references to the nutritional needs of the populations of the respective States and to the need to avoid effects detrimental to the fishing industries of coastal States, but it was concerned at the references in the proposed wording of articles 69 and 70 to the subregion or the region, without any accompanying clarification of those concepts. His delegation considered that the criterion which should be applied in identifying the region or subregion should be based on objective considerations such as geographical proximity.

87. His delegation was satisfied with the formula proposed by the Chairman of negotiating group 5 (NG5/16), which represented a realistic solution that took account of the need to conserve resources and to manage them in a rational manner, and would also help indirectly to safeguard access, without discrimination, to surpluses. He regretted that his delegation's informal suggestion regarding article 61 and a new article 67 *bis* (C.2/Informal Meeting/26), which had been designed to clarify the criterion of maximum allowable catch, had not been adopted.

88. Mr. ZEGERS (Chile) said that his delegation considered that the results achieved by negotiating groups 4 and 5 represented a good basis for negotiations with a view to reaching a compromise. The difficulty with regard to the concept of rights of land-locked and geographically disadvantaged States could be avoided.

*The meeting rose at 11.45 p.m.*

## 105th meeting

Friday, 19 May 1978, at 10.15 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 (*concluded*)

1. The PRESIDENT said that he wished to correct any false impression that might have been created by an observation from the Chair during the statement by the representative of Poland at the previous meeting. No discourtesy had been intended. He had intervened merely to expedite the proceedings and to avoid the possibility of a succession of points of order.

2. Mr. ZEGERS (Chile) said that his delegation fully supported the observations made at the 102nd meeting by Mr. Castañeda, Chairman of the group of coastal States. In that connexion, it was certain that the reports of negotiating groups 5 and 7 would be presented in due course by the President of the Conference, and that the part of the report of the Chairman of the Second Committee (100th meeting)

which related to the work of negotiating group 6 would be reflected in the documents of the Conference.

3. The compromise suggestions by the Chairman of negotiating group 4 (NG4/9/Rev.2)<sup>1</sup> provided a sound basis for negotiation and might represent the nucleus of a possible compromise on the establishment, for land-locked and geographically disadvantaged States, of a right of participation on an equitable basis in the fishing surpluses of a region or subregion.

4. He believed that the problem raised by the word "rights" could be solved by adopting the suggestion of the representative of Peru to delete the word "the" in the English text.

5. Turning to the proposals contained in the report of negotiating group 5 (NG5/17)<sup>2</sup>, he said that they seemed to offer a good basis for negotiation in so far as they provided that disputes with regard to fisheries within the 200-mile exclusive economic zone should not be subject to compulsory settlement.

<sup>1</sup>Official 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.

<sup>2</sup>*Ibid.*, p. 117.