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COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE II

PROVISIONAL SUMMARY RECORD OF THE SEVENTY-FOURTH MEETING*/

held at the Palais des Nations, Geneva,
on Tuesday, 14 August 1973, at 8.35 p.m.

Chairman:	Mr. TUBMAN	Liberia
Rapporteur:	Mr. ABDEL-HAMID	Egypt

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N.B. Participants wishing to submit corrections to this provisional summary record are requested to submit them in writing, preferably on a copy of the record itself, to the Official Records Editing Section, Room LX 2332, United Nations, New York, by 20 September 1973.

*/ This provisional summary record, together with the corrections to be issued in consolidated form after the session, will constitute the final record of the meeting.

CONSIDERATION OF QUESTIONS REFERRED TO THE SUB-COMMITTEE BY THE COMMITTEE UNDER THE TERMS OF THE "AGREEMENT REACHED ON ORGANIZATION OF WORK" AS READ OUT BY THE CHAIRMAN AT THE 45TH MEETING OF THE COMMITTEE HELD ON 12 MARCH 1971 (continued)

Mr. GAJARDO (Chile) observed that the present discussions were of especial interest to his country, with its 4,200 km of coast; together with Ecuador and Peru, Chile belonged to an international organization whose function was to conserve, regulate and exploit the resources of the South Pacific, its sea-bed and its subsoil. The fact that the forthcoming Conference on the Law of the Sea was to be held at Santiago - a source of pride for Chile - was yet another reason for his country to take an interest in questions of such importance for the international community.

His delegation did not feel that there was any need for it to submit draft articles, but would merely comment on those that had already been submitted, being anxious to make its contribution to the difficult task of legal draughtsmanship which must precede the Conference itself. While appreciative of the merits of the drafts submitted, it regretted that certain delegations seemed to be clinging to extreme positions and had not yet shown that spirit of compromise which was indispensable for the conclusion of an international agreement. If political negotiations were to begin soon, the Sub-Committee must draw up without delay a preliminary draft containing only a minimum of variants.

His delegation had already declared itself in favour of the creation of an economic zone of 200 miles with freedom of navigation and overflight, the sovereign jurisdiction of each coastal State being limited to a 12-mile strip. Indeed, there was already the beginnings of such an economic zone by virtue of *in fieri* customary law, which it would be for the Conference to sanction.

Turning to the question of straits, he observed that the decision of the International Court of Justice in the Corfu Straits case and the provisions of article 14 of the Geneva Convention on the Territorial Sea and the Contiguous Zone showed that a strait could be considered as being used by international shipping when it met two conditions: (a) that it joined two parts of the high seas (or again, under the Geneva Convention, a part of the high seas and the territorial sea of a foreign State - although in that case the normal practice was not completely clear), and (b) that it was effectively and habitually used by international shipping. Without wishing to go into greater detail, he noted that there seemed to be a consensus that, in the case of such straits, the rights both of the coastal State and of other States concerned should be recognized.

of most coastal States. That solution, however, which had the advantage of simplicity, did not take account of the fact that certain continental shelves went beyond 200 miles. The criterion of exploitability established by the Geneva Convention of 1958 might be imprecise, but it was nevertheless beyond question that a coastal State had certain rights over its continental shelf and that the geographical and geological facts might be such that the shelf extended beyond 200 miles. Moreover, even where the continental shelf and the patrimonial sea (or exclusive economic zone) coincided, it was essential to retain the concept of the continental shelf in order to maintain the unity of that zone of the sea-bed, which might be undermined by the application of abstract delimitation criteria.

In his delegation's view, the creation of a patrimonial sea or an exclusive economic zone was not incompatible with the concept of the continental shelf, for the two concepts were complementary. The simultaneous presence of those two types of sea area would of course present certain problems, for which a variety of solutions could be suggested. There could be a unitary régime for the patrimonial sea or economic zone; and a régime based on existing law for that part of the continental shelf which lay beyond the 200-mile limit. That solution, which had been adopted in the Declaration of Santo Domingo and in the joint proposals of Colombia, Mexico and Venezuela (A/AC.138/SC.II/L.21), had the disadvantage of placing the continental shelf under several régimes at once. It would also be possible to establish for that part of the sea-bed lying under the patrimonial sea or economic zone a régime similar to that in force for the continental shelf under existing law. The Venezuelan delegation would, by and large, favour that solution, which would make for a unitary continental shelf régime. There could also be different régimes, within the bounds of the patrimonial sea or economic zone, for the sea-bed and the superjacent waters; such a double régime, however, would present some difficulties. Finally, several delegations had informally proposed a formula by which the concept of the continental shelf would be included in a wider concept of the patrimonial sea or economic zone. The patrimonial sea or economic zone would then comprise (a) the continental shelf as far as the outer limits of the continental rise, together with the sea-bed and its subsoil for 200 miles, if the outer limits of the continental rise did not go that far, and (b) the superjacent waters for 200 miles. That formula did not do away with the concept of the continental shelf, which would be an integral part of the economic zone, and his delegation would be willing to accept it, although it would prefer the concept of the continental shelf to remain distinct.

There remained the question of the outer limit of the continental shelf. Clearly, the criterion of exploitability established in the Geneva Convention of 1958 should be replaced by another which would open the way to a precise demarcation between the continental shelf and the international zone of the sea-bed which was the common heritage of humanity. It should not, however, be forgotten that the criterion of exploitability was closely bound up with the criterion of depth established by the Convention, so that to drop one would mean dropping the other. The problem, therefore, was to find one or more criteria to replace in toto the formula adopted in the Geneva Convention of 1958, which, in any case, was only a compromise formula.

Proposals had been put forward for criteria of distance and depth, mixed criteria based on those two factors and geomorphological criteria. Venezuela, together with Colombia and Mexico, had proposed in document A/AC.138/SC.II/L.21 that the bounds of the continental shelf should be set at the outer limits of the continental rise.

The legal concept of the continental shelf stemmed from the geographical and geological fact that the continental shelf was an extension of the coastal State's territory, whether continental or insular. It was that close physical tie which gave rise to the legal theory of appurtenance. The principle had been clearly stated in President Truman's proclamation of 25 September 1945, which had been the basis for the formulation of rules of international law on the subject, and also in the legal and even constitutional provisions adopted by various States following on that proclamation.

It had been said that the Geneva Convention of 1958 departed from the idea that the continental shelf was a natural extension of a State's territory and that the definition of that term given in article 1 was based on purely technical and economic criteria. However, in the report containing the final text of the articles on the law of the sea which the International Law Commission had submitted to the General Assembly in 1956 (A/3159), it was stated, in the commentary on article 67, that the term "continental shelf" had been retained because it was in current use, primarily in its geological meaning; some departure from that meaning was, however, justified on account of the varied use of the term by scientists. Writers on international law had stressed the importance of the geographical and geological factor in the determination and delimitation of the continental shelf. Professor Gidel, who had played a very important part in the drafting of regulations for the continental shelf, had stressed

that the idea of keeping the continental shelf for the coastal State, stemmed from the fact that the continental shelf was an extension and a dependency of the continental mass of the coastal State and therefore came under the theory of appurtenance. Professor Gidel had pointed out that the essential merit of the principle of automatic attribution to the coastal State of rights over its continental shelf was that it contained an internal self-regulating mechanism based on physical conditions independent of the desires of the interested parties. Other writers, such as Lauterpacht, Jenkin, Jennings and Kish, had likewise insisted that the concept of the continental shelf had a geographical and geological basis.

In addition, the International Court of Justice, in its judgment on the delimitation of the continental shelf in the North Sea, had explicitly reaffirmed those very ideas. It had pointed out that the rights of the coastal State over the continental shelf, which was a natural extension of its territory in and under the sea, were inherent rights which did not have to be proved, and the existence of which did not depend on the exercise of them. They were, moreover, exclusive rights, in the sense that, although a coastal State might decide not to explore or exploit the resources of its continental shelf, no other State could explore or exploit them without its consent. The Court, developing the theory of appurtenance, stressed that the rights of a coastal State over its continental shelf were based not on proximity - which would not suffice to establish those rights - but on the fact that the shelf was actually a part, an underwater extension, of the territory over which that State exercised jurisdiction. Consequently, when a submarine area was not part of the territory of a coastal State, it did not belong to that State or, at any rate, it could not be regarded as belonging to it when claimed by a State of whose territory it was a natural extension, even if it was further away.

In his delegation's view, the formula adopted in the Geneva Convention of 1958 was no more than a compromise solution, which the signatories had hoped at the time would serve for several years, without imagining that it would be rapidly overtaken by technical developments. Care must be taken to avoid repeating the errors of the past by adopting criteria based on a practical situation that was liable to change or on measurements of distance and depth which could not satisfy everyone. If it were

decided to create a new zone, whether patrimonial sea or exclusive economic zone, the inequalities inherent in the adoption of a purely geographical and geological criterion would practically disappear, since all coastal States would exercise, by virtue of the legal concept of the continental shelf or the patrimonial sea, rights over the resources of the sea-bed and its subsoil for a distance of 200 miles. Under the formula advocated by his delegation, coastal States would exercise sovereignty over the entire continental margin by virtue of the geological unity of the continental shelf.

It had been pointed out that the adoption of that formula would significantly cut down the international zone of the sea-bed and might place a large part of the hydrocarbon resources under national jurisdiction. While appreciating that argument, his delegation believed that it was sometimes pushed too far - for instance, when the States concerned were practically accused of wanting to appropriate a part of the common heritage of mankind.

The Declaration of Principles Governing the Sea-Bed and the Ocean Floor affirmed the existence of an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, the precise limits of which were yet to be determined. It would be possible, whilst applying criteria based on a geographical and geological conception of the continental shelf, to limit the jurisdiction of a coastal State to a single part of the continental margin; such a limitation would, however, have to be based on an agreement between the States concerned. It would also be possible to envisage a system of sharing in the advantages to be derived from the exploitation of marine resources by a sea-bed exploitation fund. Regarding that part of the continental shelf lying beyond the 200-mile limit, States could either renounce their rights, or retain them and pay dues to an international agency. Venezuela, whose continental shelf did not go beyond 200 miles, would not comment on any of the compromise formulae which might be submitted, but merely insisted on the need for a formula based on the physical facts, the only kind that could provide a viable solution.

In regard to the continental shelf and its limits, Venezuela supported the ideas embodied in many of the proposals submitted. In particular, it welcomed paragraph (5) of part 3 of the document submitted by China (A/AC.138/SC.II/L.34) in which it was stated that "States adjacent or opposite to each other, the continental shelves of which connect together, shall jointly determine the delimitation of the limits of jurisdiction of the continental shelves through consultations on an equal footing."

On the Turkish proposal (A/AC.138/SC.II/L.50), under which the International Hydrographic Organization would be invited to carry out a general study on geomorphological and bathymetric aspects of various islands, he agreed with New Zealand and Spain that the régime for an island should be based on the principle of the unity of its territory and the indivisibility of the sovereignty of States.

He expressed reservations on the draft article under Article 19, Régime of Islands (A/AC.138/SC.II/L.43), for he felt that an extreme diversity of conditions obtained which would make it difficult to adopt a solution acceptable to the majority.

His delegation welcomed the Jamaican proposal (A/AC.138/SC.II/L.55) and would be willing to become a sponsor, subject to a few minor changes.

Mr. ROBINSON (Jamaica) said that when, on 9 July, his delegation had drawn the attention of the Sea-Bed Committee to the unhappy lot of geographically disadvantaged States which derived no substantial advantage from an extension of their maritime jurisdiction but were adversely affected by an extension of the maritime jurisdiction of other States, it had intended to show how the fundamental issues relating to the law of the sea crystallized under the concept of an area of convergence and divergent areas of a residual nature. That concept, which was theoretically attractive as well as practical, had been the basis of the draft articles submitted by Jamaica in document A/AC.138/SC.II/L.55. His delegation regarded those convergent areas as the "matrimonial sea", which was part of the common heritage of mankind. The renewable resources in those areas should be shared equally among the States in the same area of convergence.

His delegation had never been particularly enthusiastic about the idea of an exclusive economic zone because of the drawbacks it presented, notwithstanding its obvious logic and fairness, for the geographically disadvantaged countries. Jamaica would derive little advantage from the extension of its jurisdiction as a result of the adoption of the idea of an exclusive economic zone, and thousands of Jamaican fishermen would be threatened by the extension of the jurisdiction of other States in areas where Jamaica now shared a community of interests with such States. Consequently, the articles submitted by Jamaica were intended to ensure that nationals of geographically disadvantaged States should have a right of access to the resources of the "matrimonial sea". The articles were inextricably bound up with the question of the limits of national jurisdiction. The problems referred to were not peculiar

to Jamaica but were shared by many other geographically disadvantaged States. That was why his delegation considered that the articles should be included in a multilateral treaty. They were intended to assist the development of developing States which, for geographical, biological or ecological reasons, (i) derived no substantial advantage from the extension of their maritime jurisdiction; (ii) were adversely affected by the extension of the maritime jurisdiction of other States; or (iii) had a short coastline and could not extend their national jurisdiction uniformly. With regard to the third criterion, the importance of the word "and" needed emphasis, since it was essential that a State should fulfil both conditions (possession of a short coastline and inability to extend maritime jurisdiction uniformly) in order to be able to claim the status of a geographically disadvantaged coastal State. A geographically disadvantaged State was, by definition, a developing country, and it was to stress that fact that the word "developing", which was not really necessary because of the definition in article 5, had been used in the title of the draft articles. The three criteria set forth in article 5 were not cumulative, and a State need satisfy only one of them to qualify as a geographically disadvantaged coastal State.

Although the draft was applicable solely to coastal States, his delegation had a great deal of sympathy for the position of land-locked States, and it was only practical reasons that had prevented it from grouping those States with the geographically disadvantaged coastal States. He explained that the word "region" in article 1 was used in the United Nations sense, namely, to designate an area which constituted a geographic political bloc. The definition of the word "national" given in article 5 (b) was the one normally used in bilateral air agreements.

The reciprocal nature of the right set forth in article 1 might be thought surprising in connexion with geographically disadvantaged coastal States, particularly States that were disadvantaged in the sense of article 5 (a) (i), in other words States whose waters were so impoverished that they would derive no substantial advantage from the extension of their maritime jurisdiction. However, his delegation had wished to stress the idea of reciprocity to make it quite clear that the emphasis was on the <u>right</u> to exploit the resources of the sea and not on the availability of such resources. His delegation felt sure that, since the States in question were developing ones, there would be no objection to such a right being granted on a preferential basis.

The definition of the area in which the right to exploit was to exist had caused considerable difficulty, since his delegation had wished to find a neutral wording that would not embody any one of the various ideas proposed (patrimonial sea, exclusive economic zone, sovereign territorial zone or purely jurisdictional zone) to the exclusion of the others. The formula "maritime zones beyond 12 miles from the coasts of the States of the region" was sufficiently broad. All Member States would surely agree that the new law of the sea could not be formulated on a basis that would oust fishermen of geographically disadvantaged countries from waters in which they had been fishing for generations.

The situation envisaged in article 2 occurred in regions or sub-regions where States were separated by narrow bodies of water. If there were geographically disadvantaged States within the zone of convergence, their nationals would enjoy a right of equal access to the living resources in that zone with the nationals of coastal States in the region that were not geographically disadvantaged. That was in fact an application of the concept of the "matrimonial sea". He pointed out that article 2 dealt not only with regions but also with sub-regions (which would in most cases be small ones, where the seas were semi-enclosed), whereas article 1 dealt with more extensive regions where there was not necessarily any convergence of maritime zones. Nevertheless, his delegation believed that in a spirit of regional neighbourliness, geographically disadvantaged States of all regions should have certain rights. He also pointed out that article 2 did not make the right set forth in article 1 subject to regional and bilateral agreements, since the right would derive from, and take effect within the framework of, the multilateral treaty. Only the procedures regulating the exercise of the right would be subject to regional, sub-regional or bilateral agreements.

In articles 3 and 4, which dealt with a situation where territories in the regions were under colonial domination or not fully independent, his delegation had wished to prevent the rights granted in articles 1 and 2 from being exploited by the metropolitan Powers, while ensuring that the inhabitants of such territories enjoyed their rights for the purpose of their domestic needs.

His delegation fully appreciated all the other proposals that sought to deal with the position of geographically disadvantaged States. There was sufficient common ground in those proposals to justify the hope that a satisfactory solution would be found to the problems of the geographically disadvantaged developing countries.

Mr. JACOVIDES (Cyprus), referring to the amendment submitted by Tunisia and Turkey (A/AC.138/SC.II/L.31), proposing the deletion of the words "or insular" in the fifth line of the draft article submitted by Cyprus on the breadth of the territorial sea (A/AC.138/SC.II/L.19), pointed out that, in the context of the draft article, the deletion of those words would have the effect, in the case of States whose coasts were opposite or adjacent to each other, of excluding islands from the law of the sea as far as the delimitation of territorial waters was concerned, since it would then be stated that the median line principle would operate from the continental base lines of States. Without knowing what the intention of the sponsors had been, he was astonished that they should have submitted such an amendment and drew the special attention of island States (including archipelagic States) to the potentially catastrophic effect of such a proposal.

Equity would surely require that, in the case of States whose coasts were opposite or adjacent to each other, islands should be entitled to a margin wider than that provided for under the median line principle, since their inhabitants were generally more dependent upon the resources of the sea than those of coastal States. That was particularly true in the case of developing island States. Any provision that did not take account of such considerations would not only run counter to equity but also be contrary to existing international law. Consequently, his delegation categorically rejected the proposed amendment to its draft article.

He went on to draw attention to the fact that several island States had already dismissed as unacceptable the "Proposal for a Study of Islands" submitted by Turkey in document A/AC.138/SC.II/L.50, and others had expressed grave doubts about it. He considered, first of all, that there was no reason why islands should be singled out for a study of that nature or why the proposal should not also apply to coastal States. Such discrimination could hardly be justified either scientifically or logically, and it raised the fear that the proposal cloaked political objectives alien to the purposes of the Conference. Secondly, he found the proposal vague and imprecise. It referred only to "various islands", and it was difficult to see what factors might be taken into account in choosing them. In any event, it would be helpful to know the position of the representative of the International Hydrographic Organization. His delegation, for its part, opposed the inclusion of such an article in the Convention.

On the other hand, it considered that the draft articles on "Regional Facilities for Developing Geographically Disadvantaged Coastal States" (A/AC.138/SC.II/L.55), submitted by the representative of Jamaica, contained many positive elements and his delegation would not fail to study them with all the attention that it deserved.

Mr. SUGUIHARA (Japan) said that the definition of the continental shelf of a coastal State in article 1 of the 1958 Convention on the Continental Shelf, based on the criteria of depth and exploitability, had been the subject of many serious criticisms on the grounds of its lack of precision and its inappropriateness in practice in the present world of technological progress. There seemed to be a growing number of delegations in favour of a new and more precise definition of the continental shelf based on a distance criterion, either alone or in combination with the criterion of depth. His delegation would be able to support a new definition based on a single and uniform criterion of distance, which would have to be sufficiently wide to command the support of the greatest possible number of States. In its opinion, that criterion had the advantage of being simple and easy to apply. However, if a new definition of the continental shelf was based on that criterion, it would be necessary to look into the matter of delimiting the boundaries of the continental shelf between neighbouring States. In other words, it would be necessary to ascertain whether the provisions of article 6 of the 1958 Convention, concerning the delimitation of boundaries of the continental shelf between opposite or adjacent neighbouring States, remained applicable and acceptable for the majority of States, or whether they might not have to be modified. His delegation felt that the adoption of a single and uniform criterion based on distance would logically lead to the adoption of the equidistance rule as a generally applicable method for delimiting the continental shelf between neighbouring coastal States. It believed that under normal conditions and with the new definition, that method would lead to equitable results. That was why it had submitted a set of principles regarding the delimitation of the continental shelf - or the coastal sea-bed area - which were applicable in general, and in particular to opposite or adjacent coastal States (A/AC.138/SC.II/L.56). His delegation's proposal had avoided the term "continental shelf" and had used instead a new expression "coastal sea-bed area" for two reasons: firstly, to make it clear that there now existed a precise and clear-cut definition in terms of distance from the coast of the outer limits of the sea-bed area, over which the coastal State exercised sovereign rights for the purposes of exploring it and exploiting its resources, and secondly, to establish, in

comparison with the 1958 Convention, that only the mineral resources of the sea-bed were involved, to the exclusion of the sedentary species of the continental shelf. His delegation considered that the question of living resources in the water column, whether sedentary or not, should not be examined at the same time as the régime applicable to the exploration and exploitation of non-living resources of the sea-bed and its subsoil. His delegation also emphasized the primary role assigned in its proposal to the equidistance method in the delimitation of the boundaries of coastal sea-bed areas between neighbouring States. Of course it was not unaware of the fact that in certain circumstances (special configuration of the coastline and the location of islands), the application of that method could produce unsatisfactory results, but it believed that those circumstances should not prevent the principle of equidistance from being adopted as the basic rule of law in the current negotiations on the delimitation of particular coastal sea-bed areas.

Referring to the important problem of archipelagos, he said that in his opinion draft articles A/AC.138/SC.II/L.44 and L.48 could serve as a useful basis for discussion. His delegation was prepared to consider sympathetically the concept and principles proposed in draft articles A/AC.138/SC.II/L.48 submitted by Fiji, Indonesia, Mauritius and the Philippines. As Japan itself consisted of a number of islands, his delegation did not view with indifference the particular situation in which archipelagic States found themselves because of their geography and it could appreciate their concern. But it also considered that the establishment of a special régime for archipelagos should not adversely affect the legitimate interests of other States in the various uses of the sea and that efforts should be made to strike a fair balance between the interests of the States concerned and those of the international community as a whole.

His delegation was in general agreement with the view contained in the introductory note to the draft article submitted by the United Kingdom (A/AC.138/SC.II/L.44), and it also believed that objective criteria should be established both for the definition of archipelagos and for the régime to be applied to archipelagic waters, so that the legitimate interests of the international community would be safeguarded.

With regard to the criteria to be adopted, his delegation considered that it would be contrary to the interests of the international community if, as a result of a vague definition, too large a part of the high seas came under the sovereignty of some island States. In that sense, whilst fully sympathetic to the considerations that had prompted

the definition of an archipelagic State in article 1 of draft articles A/AC.138/SC.II/L.48, it found it difficult to accept that definition as it stood, as it was so vague that virtually any island State could claim the status of an archipelagic State, however great the distance between the islands of which it was made up. In that respect, it considered that the criteria proposed in the United Kingdom paper might serve as a basis for the Sub-Committee's work.

As to the nature of the régime of the archipelagic waters, his delegation was particularly concerned about the possible impact of the régime of passage through archipelagic waters on international navigation. It was its belief that the establishment of a régime for archipelagos should not hamper international navigation and that provision should be made along the lines of the United Kingdom's proposal to safeguard passage through those parts of the archipelagic waters which had been used as routes for international navigation.

With regard to the sovereignty of archipelagic States over resources within archipelagic waters, his delegation considered that not only the interests of the archipelagic States themselves but also those of other States, which had legitimately and traditionally engaged in the exploitation of the living resources in those waters, should also be taken into account; those States would necessarily be affected by the adoption of the concept of archipelagic States.

Referring to the question of fisheries, to which Japan attached great importance, he reminded members that a year before, during the Committee's summer session at Geneva, his delegation had submitted Proposals for a Régime of Fisheries on the High Seas (A/AC.138/SC.II/L.12), in which it had endeavoured, on the basis of the principle of the preferential rights of coastal States, to accommodate in an equitable manner the interests of all States, coastal and non-coastal, including land-locked and shelf-locked States, as well as distant-water-fishing States. Fisheries had centuries-old traditions and the right to fish on the high seas had been protected and guaranteed under the High Seas Convention of 1958, which codified, as its preamble clearly stated, "the established principles of international law" on the high seas. It was obvious that any attempt to reconcile the interests of all States in the matter should take the principles laid down in that Convention into account, as well as, of course, the legitimate interests and concerns of coastal States.

Any proposal which, in protecting the rights and interests of the coastal States, disregarded the rights and interests of other States under a long-established principle of international law would not be a real solution of the problem, and any system which would in fact confer on "geographically advantaged" countries an exclusive right to the living resources of the sea would not provide a solution acceptable to the international community as a whole.

His delegation considered that the draft articles on fisheries submitted in document A/AC.138/SC.II/L.38, which provided that "a coastal State has a right to establish an exclusive fishery zone beyond its territorial sea", were not acceptable, because they totally failed to take the interests of other States into account and did not ensure the maximum utilization of the resources of the sea for the benefit of the international community as a whole. Article 4, for instance, which provided that "the coastal State may allow nationals of other States to fish in its exclusive fishery zone, subject to such terms, conditions and regulations as it may from time to time prescribe", would subordinate the rights and interests of other States to the will and whim of the coastal State. His delegation also failed to see why under article 5 of that draft, only neighbouring developing coastal States had "the right to fish in a specified area of their respective fishery zones", so that a developing coastal State had to share the resources of the sea within its jurisdiction with land-locked developing countries, whereas a developed coastal State was not under the same obligation vis-à-vis other States.

Equity and logic would require that the idea of historic rights and economic dependence should also apply to developed coastal States, and in his delegation's opinion, that idea should in a general way find a place in any future settlement of the fisheries issue that might be arrived at during the forthcoming Conference on the Law of the Sea.

Referring to the question of anadromous fish, mentioned in the draft articles, he said that his delegation considered it to be of limited importance, affecting a relatively small number of countries, and that, even if a provision on it was incorporated in a global convention, the matter could be left in the hands of the bodies which had already been dealing with it.

In conclusion, his delegation was of the opinion that the international community must find a solution to the various problems raised by the modern uses of the sea, taking the interests of all States into account, and it was ready, for its part, to do all in its power to help establish a reasonable and durable regime of the law of the sea.

Mr. ZULETA TORRES (Colombia) said that Colombia had always co-operated closely with Venezuela and therefore regretted having for once to disagree with the representative of that country, who had supported the principle set out in paragraph 5 of the "Working Paper on the Sea Area within the Limits of National Jurisdiction" submitted by China (A/AC.138/SC.II/L.34). He very much preferred the position of the representative of Cyprus, who had supported the principle of the median line and he considered it desirable that the same method should be used for the other areas covered by the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.

Subject to a few changes, he was prepared to support the draft articles submitted by the representative of Jamaica (A/AC.138/SC.II/L.55).

The meeting rose at 11 p.m.