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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-EIGHTH MEETING\*

held at the Palais des Nations, Geneva,  
on Wednesday, 22 August 1973, at 3.30 p.m.

Chairman: Mr. GALINDO POHL El Salvador

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.

ADOPTION OF THE REPORT OF THE SUB-COMMITTEE (A/AC.138/SC.II/L.58 and Add.1) (continued)

Mr. ABDEL-HAMID (Egypt), Rapporteur, introducing an informal revised text of paragraphs 34 to 44, noted that paragraphs 34 to 36, as revised, had already been adopted.

Mr. YTURRIAGA (Spain) requested that the final text of the report should mention all the points raised by Spain during the discussion. The revised draft of paragraphs 34 to 44 omitted some of them.

The CHAIRMAN said that the secretariat would ensure that all points raised were duly recorded in the report.

Paragraph 37

Mr. ABDEL-HAMID (Egypt), Rapporteur, drew attention to the changes made to the draft of paragraph 37 as it had appeared in document A/AC.138/SC.II/L.58/Add.1. In the first sentence the phrase "similar concepts of national sovereignty and jurisdiction" had been inserted after the word "concept" and the words "intermediate zone" after the words "fishery zone or rights". The following sentence had been inserted after the second sentence: "The view was also expressed that another defect of the Geneva Convention was the vagueness of its provisions with regard to the baselines for measuring the breadth of the territorial sea". The last sentence had been replaced by the following passage.

"It was also stated that the question of the uniform breadth of the territorial sea should not be connected with the recognition of zones or other points of coastal State jurisdiction in the adjacent sea areas.

It was further stated that the determination of the breadth of the territorial sea was the concern not only of the coastal State or States, but also involved the interests of the entire international community.

It was observed that the determination of the breadth of the territorial sea should depend on the legal régime of the zone adjacent to the territorial sea and, in particular, on the nature and contents of the rights of the coastal State and its jurisdiction in such a zone."

Mr. SAPOZHNIKOV (Ukrainian Soviet Socialist Republic) suggested that the words "or other points of coastal State jurisdiction" in what was now the sixth sentence should be amended to read "or other kinds of coastal State jurisdiction".

Mr. ABDEL-HAMID (Egypt), Rapporteur, agreed to that amendment.

Paragraph 37, as revised and amended, was adopted.

Paragraph 38

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the text of paragraph 38 remained unchanged.

Mr. TUNCEL (Turkey) said he agreed with the text of paragraph 38 but would like it recorded that during the debate many speakers had mentioned the desirability of negotiation on limits in the case of adjacent coastal States.

Paragraph 38, as contained in document A/AC.138/SC.II/L.58/Add.1, was adopted.

Paragraph 39

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that in the third sentence the phrase "including ships with special characteristics, as well as regulations for the protection of the marine environment and for marine pollution" had been added. The following sentence had been inserted after that sentence: "In this connexion the view was expressed that such coastal regulatory powers were not compatible with the principle of innocent passage". The following two sentences had been added to the end of the paragraph:

"It was also stated that there was no need to revise the concept of innocent passage as it applied in territorial sea areas other than straits used for international navigation. Reference was made to the establishment of an appropriate and binding dispute settlement machinery."

Paragraph 39, as revised, was adopted.

Paragraphs 40 and 41

Paragraphs 40 and 41, as contained in document A/AC.138/SC.II/L.58/Add.1, were adopted.

Paragraphs 41A and 41B

The following text was adopted for insertion after paragraph 41 as paragraphs 41A and 41B:

"41A. It was stated that there should be established a régime of navigation through the territorial sea and through straits used for international navigation which would involve passage under treaty-defined conditions supplemented by a binding dispute settlement machinery forming part of international institutions for the oceans.

"41B. It was stated that the only problem under discussion with reference to the list of subjects and issues was that of straits used for international navigation as they were defined by international law."

Paragraph 42

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the revised paragraph should read as follows:

"It was stated that in straits used for international navigation all ships and aircraft should enjoy the same freedom of navigation and overflight for the purpose of transit as they have in the high seas."

Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that the USSR understood the term "straits used for international navigation" to mean straits connecting two parts of the high seas.

Paragraph 42, as revised, was adopted.

Paragraph 43

Paragraph 43, as contained in document A/AC.138/SC.II/L.58/Add.1, was adopted.

Paragraph 44

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the phrase "under whatever régime would be applicable" had been deleted from the first sentence, and the following sentence inserted after that sentence: "In this connexion, it was also stated that there was no need for prior notice and authorization". The word "further" had been inserted before the word "stated" in the last sentence.

Paragraph 44, as revised, was adopted.

The CHAIRMAN invited the Sub-Committee to resume consideration of the text of the draft report as contained in document A/AC.138/SC.II/L.58/Add.1.

Paragraph 45

Mr. WEHRY (Netherlands) said that the concept of a geographically disadvantaged State had not been defined and would indeed be difficult to define. As used in the proposals submitted, it usually meant a State without convenient access to or economic interest in marine space. However, the Indonesian representative had argued that being situated on straits used for international navigation could also be considered a disadvantage. A more appropriate term might perhaps be found in order to avoid confusion.

Mr. ABDEL-HAMID (Egypt), Rapporteur, suggested that the words "as geographically disadvantaged" should be replaced by the words "to be in an unfavourable geographical position".

Mr. KUSUMAATMADJA (Indonesia) and Mr. VOHRAH (Malaysia) supported that suggestion.

Paragraph 45, as revised, was adopted.

Paragraph 46

Miss RUIZ CERUTTI (Argentina) suggested that the penultimate sentence, referring to the judgment of the International Court of Justice in the North Sea Continental Shelf cases, should be inserted after the first sentence in the paragraph, making it the second sentence, and that the following sentence should be inserted after it: "It was further stated that, since national jurisdiction existed over the continental shelf prior to the proposal to establish an international sea-bed area, the acquired rights of coastal States over the continental shelf should be recognized".

Mr. NJENGA (Kenya) suggested that the following phrase should be added to the sentence referring to the judgment of the International Court of Justice: "but it was emphasized that the cases were concerned only with delimitation of the continental shelf between States and not with the outer limits of the continental shelf".

Mr. ROBINSON (Jamaica) supported that suggestion.

Mr. PARDO (Malta) suggested that the words "depth and breadth criteria" in the fourth sentence should be replaced by the words "criteria of depth and of distance from the coast".

Mr. BRENNAN (Australia) supported the amendment proposed by Argentina since it reflected a statement made by his delegation, and the amendment proposed by Malta. He suggested that the word "geomorphological" should be inserted before the word "geological" in the fourth sentence. The Kenyan amendment would be acceptable if it formed a separate sentence beginning with the words "It was also stated that ...". The word "emphasized" would upset the balance of the report, which at present used such neutral expressions as "It was stated that ..." or "Reference was made to ...".

Mr. OXMAN (United States of America) said that the Kenyan amendment accurately reflected the substance of remarks made about the judgment of the International Court of Justice, although the judgment itself in fact dealt with other matters besides delimitation of the continental shelf between States. The amendment proposed by Argentina would be difficult to accept, as it would give additional prominence to the rights of coastal States, while no reference was made in the paragraph to the duties and obligations which were intimately connected with such

rights. That issue, raised on numerous occasions by his delegation, might however be more appropriately dealt with in paragraph 56, to which the United States might propose substantial amendments to ensure that it adequately reflected his delegation's views. The United States would not then wish to amend paragraph 46.

Mr. TUNCEL (Turkey) said that the present text of the sentence dealing with the judgment of the International Court of Justice adequately reflected the references which had been made to it during the discussion. At the Committee's previous session, the Turkish delegation had dealt at some length with the question of the delimitation of marine spaces with reference to the Court's judgment. That judgment dealt mainly with the legal aspect of continental shelf delimitation between adjacent and opposite States, but also raised the geological and geomorphological aspects, defining the continental shelf as the natural prolongation of the land mass under the sea. The reference to the judgment in the paragraph was therefore quite rightly followed by a reference to the question of delimitation between adjacent and opposite States. Argentina's amendment dealt only with the legal aspect of coastal States' rights and should not be so placed as to appear to follow from the reference to the Court's judgment. Kenya's amendment should not be in the same sentence as the reference to the judgment of the International Court of Justice, as that judgment had also been mentioned in connexion with matters other than the outer limits of the continental shelf. He was therefore in favour of keeping the present wording of paragraph 46 and placing the proposed amendments in a separate paragraph dealing with different aspects of the continental shelf question.

Mr. ANDERSON (United Kingdom) said he was in favour of keeping the present neutral wording of the sentence referring to the judgment of the International Court of Justice, although the sentence could be inserted earlier in the paragraph if that was the general wish. It quite rightly expressed no opinion on the Court's decision. If Kenya's amendment was adopted, it should be placed in a separate sentence and the phrase "which described the continental shelf as the natural prolongation of the land mass under the sea" should be added to the sentence referring to the Court's judgment.

Mr. FIGUEROA (Venezuela) supported the suggestions made by the representatives of Argentina, Australia and Malta and agreed with the United Kingdom that the reference to the judgment of the International Court of Justice should be kept in its present form.

Mr. ZOTIADES (Greece) agreed with the representative of Malta that the criterion of distance from the coast was technically more appropriate than that of breadth. Otherwise paragraph 46 should remain as drafted. The other amendments proposed would destroy its balance. The sentence dealing with the judgement of the International Court of Justice was sufficiently general to cover all the references made to it in the discussion.

Mr. NJENGA (Kenya) said that, in a spirit of compromise, he would agree to the suggestion that his amendment should form a separate sentence beginning with the words "It was stated that". He would find it difficult to accept the additional phrase proposed by the United Kingdom about the natural prolongation of the land mass under the sea, as that had not been the only aspect of the case mentioned. There had also been a reference to the Court's finding that the continental shelf was qualified by the concept of adjacency, which did not extend beyond 100 miles. If the United Kingdom maintained its amendment, he would be obliged to insist on a reference to that concept of adjacency.

Mr. OSHIMA (Japan) proposed that the words "and to the resources of the continental shelf" should be added at the end of the last sentence.

Mr. de ARAUJO CASTRO (Brazil), referring to the comments made by the United States representative on the amendment proposed by the Argentine representative, and in particular his reference to paragraph 56, said that the Rapporteur had been wise not to mention pollution control and scientific research, since those topics had been extensively discussed in Sub-Committee III and would be covered in its report. Nevertheless, his delegation fully appreciated the United States point of view, which might perhaps be accommodated by the addition of a few words in paragraph 46, after the words proposed in the Argentine amendment.

Mr. OXMAN (United States of America) assured the Brazilian representative that his amendment to paragraph 56 would be short and would not be controversial.

Mr. JACOVIDES (Cyprus) said that his delegation was willing to accept the paragraph as it stood; however, if the text was to be changed, it should be amended along the lines proposed by the Maltese and Kenyan representatives. The words "and the relevant rules of the 1958 Geneva Convention" might also be added at the end.

Mr. ABDEL-HAMID (Egypt), Rapporteur, said he felt that the paragraph could be adopted if the following changes were made: the reference to the International Court of Justice should be moved up, and the Kenyan amendment should follow it, as sub-amended by Australia; the word "geomorphological" should be inserted, and the Argentine, Japanese and Maltese amendments should also be accepted. The United Kingdom representative had withdrawn his amendment.

Mr. JACOVIDES (Cyprus) said that he would not press his amendment; on the understanding that it was covered by the reference to the Geneva Convention in the second line of paragraph 46.

Mr. PARDO (Malta) said that the words "distance from the coast" might be considered one-sided; the words "distance from the coast or from appropriate baselines" might be better.

The CHAIRMAN said that the Maltese representative's suggestion was acceptable to the Rapporteur.

Paragraph 46, as amended, was adopted.

Paragraphs 47 and 48

Mr. OXMAN (United States of America) proposed that the last sentence in paragraph 47 should become the second sentence of paragraph 48.

It was so decided.

Mr. ARIAS SCHREIBER (Peru) said that he wished to make it clear that his delegation's interpretation of the nature of the rights of coastal States was as indicated in document A/AC.138/SC.II/L.27.

Mr. RAMIREZ (Ecuador) also drew attention to the contents of document A/AC.138/SC.II/L.27.

Mr. RAJAPAKSE (Sri Lanka) proposed that the word "exclusive" should be inserted before the word "economic" in what was now the second sentence of paragraph 48.

Mr. PARDO (Malta) proposed the addition, at the end of paragraph 48, of a sentence reading: "Reference was also made to the interest of the international community in efficient resource management within the exclusive economic zone".

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the amendments proposed by the Sri Lanka and Maltese representatives were acceptable.

Paragraphs 47 and 48, as amended, were adopted.

Paragraph 49

Mr. BORRAYO REYES (Guatemala) suggested a drafting change in the Spanish text.

Mr. PARDO (Malta) said that the last sentence seemed rather harsh. It might perhaps be toned down by the deletion of the words "and unlikely to achieve the purpose for which they were intended".



Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that paragraphs 47 and 48 and the first part of paragraph 49 reflected the view of those who were in favour of establishing exclusive economic zones. He therefore had no objection to their inclusion. The last sentence in paragraph 49, however, expressed his delegation's view, and those who were in favour of economic zones were not entitled to tone it down. The text should be left as it stood. He proposed that a further sentence reading "It was also stated that the establishment of exclusive economic zones might be prejudicial to the rights and interests of other States." should be added at the end of the paragraph.

Mr. PARDO (Malta) suggested that the new sentence proposed by the Soviet representative might be better placed elsewhere.

Mr. NJENGA (Kenya) said his delegation would find it difficult to accept the deletion of the words "and unlikely to achieve the purpose for which they were intended".

Mr. WEHRY (Netherlands) proposed the deletion of the word "premature", since he had no recollection of any delegation expressing the view that regional economic zones would be premature. He agreed with the Maltese representative that the sentence proposed by the Soviet representative would be more appropriate in another paragraph.

Miss CABRERA (Mexico) said she wished to make it clear that, in her delegation's view, the exclusive economic zones concerned were regional or subregional zones and that the last sentence should be interpreted in that light.

Mr. NJENGA (Kenya), referring to the Netherlands representative's proposal that the word "premature" should be deleted, pointed out that the Kenyan delegation had in fact expressed the view that such exclusive economic zones would be premature, because of the lack of regional organizations capable of making and enforcing the relevant regulations.

Mr. ABDEL-HAMID (Egypt), Rapporteur, suggested that the new sentence proposed by the USSR representative should be included as a separate paragraph after paragraph 51.

Mr. NASINOVSKY (Union of Soviet Socialist Republics) agreed to that suggestion.

Mr. MHLANGA (Zambia) said that, in the light of the amendment proposed by the USSR representative, he wished to propose the addition, at the end of paragraph 48, of a new sentence reading: "The view was expressed that there appeared to be inadequate safeguards being made for the rights and interests of developing land-locked and other disadvantaged States".

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the point raised by the Zambian representative was already covered by paragraph 48.

Mr. DAO (Mali) agreed with the Maltese representative that the last sentence was rather too strong. He suggested the addition of the words "unless certain appropriate arrangements were preliminarily adopted" at the end of the sentence.

Mr. MBAYA (Cameroon) said that in addition to the practical difficulties to which the Kenyan representative had referred, at the moment there was no accepted legal basis for the concept of a regional economic zone. He wondered whether some reference to that matter could not be included in the report.

Mr. SAPOZHENIKOV (Ukrainian Soviet Socialist Republic) said that the Zambian proposal was an independent one and was not covered by paragraph 48.

Mr. NJENGA (Kenya) proposed that the English text of the amendment submitted by Mali should read "unless appropriate arrangements were adopted".

Mr. ABDEL-HAMID (Egypt), Rapporteur, accepted the Kenyan version. The Zambian proposal could be included in paragraph 51 A, which would contain the Soviet Union's sentence. The point made by the representative of Cameroon would certainly be covered in the report.

Paragraph 49, as amended, was adopted.

#### Paragraph 50

Mr. TRESSELT (Norway) proposed that the paragraph should be split into two sentences, so as to reflect the different points of view that had been expressed: there would be a full stop after the words "patrimonial sea", with the remainder of the paragraph being altered *mutatis mutandis*.

Mr. OXMAN (United States of America) welcomed the amendment proposed by Norway. His own delegation's proposal was not, however, reflected in the paragraph, and he therefore proposed that a text should be added to read as follows: "It was noted that coastal State economic jurisdiction should not affect freedom of navigation and overflight and other rights to carry on non-resource activities. It was also stated that some activities should be subject to coastal State regulations in the exercise of its economic jurisdiction."

Mr. PARDO (Malta) supported the Norwegian amendment. The wording after the words "patrimonial sea" did not, however, correspond with the position of his delegation, and the United States amendment did not help matters. With regard to the United States reference to freedom of navigation and overflight, he would prefer the phrase "navigation and overflight under internationally accepted regulations". He proposed that a new sentence should be added to read along the following lines: "Appropriate regulations should be adopted by international institutions and enforced by a compulsory dispute settling procedure with regard to navigation and overflight".

Mr. ZEGERS (Chile) noted that the paragraph did not refer to the questions of pollution and scientific research and suggested that a general reference should be included to cover the position. The simplest solution would perhaps be to add, after the words "patrimonial sea", the phrase "with the only limitation the exercise of the rights of coastal States in the zone".

Mr. NJENGA (Kenya) said that the United States proposal would destroy the delicate balance so carefully established by the Rapporteur in paragraph 50; the idea should be expressed elsewhere. On the other hand, he liked the Chilean suggestion.

Mr. RAMIREZ (Ecuador), supported by Mr. ARIAS-SCHREIBER (Peru), proposed the addition of a sentence to read as follows: "It was stated that, under the concept of national sovereignty and jurisdiction, a plurality of regimes could be accepted for international navigation".

Mr. OXMAN (United States of America) said that paragraph 50 must reflect what had actually been stated on the subject of navigation and overflight and non-resource activities. He then reminded the Sub-Committee of what his delegation had stated on 18 July 1973 and what it had proposed in its draft article 4. The first sentence of his amendment to paragraph 50 was intended to recapitulate his own delegation's position and the second sentence to reflect what other delegations had said. With regard to the Ecuadorian amendment, he had not referred to other aspects that were alien to the economic zone.

Mr. RAMIREZ (Ecuador) said that his delegation's amendment, which was designed to cover also the positions of Paraguay, Peru, Uruguay and others, related directly to the question of navigation.

Mr. ABDEL-HAMID (Egypt), Rapporteur, summarizing the discussion, suggested that the Norwegian amendment should be adopted, the Maltese proposal to add a new sentence at the end of the paragraph should be adopted, the Ecuadorian amendment should form new paragraph 50 A, the Chilean amendment should be adopted, and the United States amendment should form new paragraph 50 B.

Paragraph 50, as amended, was adopted.

Paragraph 50 A was adopted.

Paragraph 50 B was adopted.

Paragraph 51

Mr. FIGUEROA (Venezuela) proposed that a specific reference should be made in the paragraph to the support expressed for the figure of 200 nautical miles as the outer limit of the economic zone of the patrimonial sea, without prejudice to the fact that some delegations had suggested other formulae. He also proposed that the word "geomorphological" should be added between the words "geological," and "economic" in the fourth line of the paragraph.

Mr. YANKOV (Bulgaria), referring to the first Venezuelan amendment, said that if a fair balance was to be established, it would be necessary to indicate the opinion of several other delegations on that subject. He would therefore propose that a sentence should be added at the end of paragraph 51 recording the view that such an excessive extension of the outer limits of economic zones might affect the interest of the international community in the equitable use of the riches of the seas.

Mr. VIEYTE (Uruguay) and Mr. BORRAYO REYES (Guatemala) supported the Venezuelan amendment.

Mr. ZEGERS (Chile) said that his delegation also supported the Venezuelan proposal. Altogether approximately 80 States supported the figure of 200 nautical miles, including the 41 African States parties to the Addis Ababa Declaration, 22 Latin American States, including the 14 signatories of the Santo Domingo Declaration, Australia and Canada and about 8 other western States, 7 or 8 Asian States and Yugoslavia. That support had been expressed in proposals, in formal debates, and in the informal debates of the Working Group.

The meeting was suspended at 6.30 p.m. and resumed at 7 p.m.

Mr. FIGUEREDO (Venezuela), supported by Mr. ROSENAL (Mexico) and Mr. ZARATE (Colombia), proposed that a new second sentence should be added to paragraph 51 to read: "In statements and draft articles on the patrimonial sea or exclusive economic zone, a distance of 200 nautical miles was suggested as a maximum limit for this zone."

Mr. YANKOV (Bulgaria) said that if a specific figure was mentioned for the exclusive economic zone, the text would be unfair and unbalanced. There were other specific figures for which greater support had been shown than for the 200-mile limit to the exclusive economic zone. For example, there had been more support for the 12-mile limit to the territorial sea, but no reference to that figure had been included in the text. The situation might, perhaps, be rectified by inserting after the Venezuelan sentence a further sentence to read: "It was pointed out, on the other hand, that such an extension of the limits of the economic zone was not justified."

Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that the Venezuelan amendment to paragraph 51 was quite unacceptable to his delegation. The whole report was based on an agreement among delegations not to indicate any limits in numerical terms. If the Venezuelan proposal was adopted in any guise, it would be necessary to reconsider a number of paragraphs that had already been agreed upon. He thought that the representative of Venezuela and his supporters should content themselves with the fact that their position was duly reflected in the summary records.

Mr. GRONDAL (Iceland) said that his delegation supported the Venezuelan amendment. It was inconceivable that there should be no reference to the 200-mile limit for the patrimonial sea or the exclusive economic zone in view of the very wide support it had received in the Sub-Committee.

Mr. OXMAN (United States of America) fully agreed with the representative of the Soviet Union. The unanimous agreement that there should be no reference to specific limits had apparently broken down. If the Venezuelan amendment were adopted, it would be necessary to re-write a number of other paragraphs in the report. It might, indeed, become necessary to mention a specific figure whenever a significant number of delegations had supported it. For example, a parallel sentence would have to be included in paragraph 37 regarding the 12-mile limit for the territorial sea. If it were then proposed to refer to other, less widely supported, specific limits for the breadth of the territorial sea, then the requirements of fair procedure would make it necessary to make similar references with regard to other questions, such as coastal State jurisdiction over resources.

Mr. FIGUEREDO (Venezuela) said that the limits of the exclusive economic zone constituted an important part of the over-all political agreement. It should be remembered that the acceptance of a territorial sea with a width of 12 miles was dependent upon the acceptance of a 200-mile limit for the economic zone. The two limits went together. It was necessary for the report to reflect what had occurred in the Sub-Committee.

His delegation would willingly agree to a reference to the figures proposed for the continental shelf, the territorial sea and so forth. It could also agree to the Bulgarian amendment.

Mr. HAFNER (Austria) said that his delegation preferred the original text of paragraph 51. Now that the discussion had been reopened, however, the Venezuelan compromise seemed to be the best solution.

Mr. NJENGA (Kenya) said that if the United States proposal regarding paragraph 37 was adopted, his delegation would suggest the addition of a second sentence recording the view that the 12-mile limit for the territorial sea would be unacceptable unless the proposal for an exclusive economic zone of a maximum of 200 nautical miles was also accepted.

Mr. ARIAS-SCHREIBER (Peru) said that if the United States proposal was adopted, his delegation would also propose adding a sentence to paragraph 37, to the effect that a maximum limit of 200 nautical miles had been suggested for the adjacent sea over which the coastal State exercised sovereignty and jurisdiction.

Mr. ZEGERS (Chile) said that the United States proposal concerning the limits of the territorial sea would be acceptable provided that the Kenyan and Peruvian suggestions were adopted.

Mr. FIGUEREDO (Venezuela) also supported the Kenyan and Peruvian suggestions.

Mr. AYALA LASSO (Ecuador) supported the Peruvian suggestion.

Mr. de ARAUJO CASTRO (Brazil) said that, if the discussion on paragraph 37 was to be reopened, he would have a sentence to add.

Mr. YANKOV (Bulgaria) proposed that all the amendments, including his own, should be withdrawn and that the Sub-Committee should revert to the original text of paragraph 51, in order to avoid revising the entire report to include references to specific limits.

Mr. CIEGLEWICZ (Poland) and Mr. KEDADI (Tunisia) supported that proposal.

Mr. ABDEL-HAMID (Egypt), Rapporteur, suggested that the best solution might be to leave paragraph 51 as it stood and to include a new paragraph 36A, to read as follows: "Suggestions made regarding the breadth of the territorial sea, the continental shelf, the patrimonial sea, the exclusive economic zone, the preferential zone beyond the territorial sea, the economic sea-bed area, the national ocean space

and the exclusive fisheries zone are set forth in the proposals and draft articles annexed to this report". The relevant documents could be listed in a footnote.

Mr. NASINOVSKY (Union of Soviet Socialist Republics), Mr. SAPOZHNIKOV (Ukrainian Soviet Socialist Republic), Mr. ROBINSON (Jamaica), Mr. UPADHYAY (Nepal), Mr. PARDO (Malta), Mr. MENDOZA (Philippines) and Mr. CIEGLEWICZ (Poland) supported that suggestion..

Mr. ARIAS-SCHREIBER (Peru) said he had no objection to the course suggested by the Rapporteur, but thought that the paragraph should also contain a reference to the seas under national jurisdiction.

Mr. FIGUEROA (Venezuela) said that he could not accept the Rapporteur's solution, since it ignored the very core of the problem before the Sub-Committee. If the report was merely to refer to statements made in the debate, all the substantive paragraphs could be deleted and replaced by references to summary records of the debates and to the draft articles discussed in the Working Group. The question of limits was one of the key issues confronting the Committee and the forthcoming Conference, and the report must reflect all the points of view that had been expressed.

Mr. MBAYA (Cameroon), Mr. ROSENAL (Mexico), Mr. ZEGERS (Chile) and Mr. VIEYTE (Uruguay) agreed with the Venezuelan representative.

The CHAIRMAN suggested that paragraph 51 should be left in abeyance, pending consultations between the Rapporteur and interested delegations.

It was so agreed.

Miss RUIZ CERUTTI (Argentina) said she hoped that the whole question of limits would be considered during the consultations and that appropriate changes would be suggested for paragraphs 37 and 46.

Mr. NEEDLER (Canada) said that his delegation hoped that the consultations would result in a simple, generally acceptable text which would incorporate the essence of the Venezuelan and United States proposals.

Mr. ANDERSON (United Kingdom) said that his delegation would have preferred the solution suggested by the Rapporteur. A discussion on limits could continue indefinitely.

Mr. Yankov (Bulgaria) took the Chair.

New paragraph 51A

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the text proposed by the Soviet delegation during the discussion on paragraph 49 and accepted by the Sub-Committee would be inserted as new paragraph 51A.

Paragraph 51A was adopted.

New paragraph 51 B

Mr. PARDO (Malta) proposed the insertion of the following sentence as new paragraph 51 B: "Reference was also made to the need to consolidate the concepts of the territorial sea and the continental shelf with that of the exclusive economic zone into a new concept of national ocean space within a precise overall limit based on a distance criterion."

Paragraph 51 B was adopted.

Paragraph 52

Mr. N DAO (Mauritania) said that the paragraph was not entirely acceptable to his delegation. In the declaration by the Organization of African Unity (A/AC.138/89), no distinction was made between the exclusive fisheries zone and the exclusive economic zone, whereas the report treated them as separate zones. He therefore suggested either that the words "Concerning fisheries" should be deleted from the first sentence, or that a sentence along the following lines should be inserted before the second sentence: "For certain delegations, this zone is merged with the exclusive economic zone".

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the Sub-Committee's discussions, and, consequently, the draft report, had been based on the list of subjects and issues adopted in 1972. It would therefore be a little difficult to introduce the idea put forward by the Mauritanian representative. He expressed the hope that the Mauritanian delegation would be satisfied if its views were reflected in the summary record.

Mr. N DAO (Mauritania) accepted the solution suggested by the Rapporteur.

Mr. RAJAPAKSE (Sri Lanka) proposed that the first sentence should be replaced by the following two sentences: "Concerning fisheries, statements were made on the right of coastal States to establish an exclusive fishery zone beyond their territorial sea. According to those statements, the coastal State would exercise sovereign rights for the purpose of exploration, exploitation, conservation and management of the living resources, including fisheries, in that zone, and could adopt, from time to time, such measures as it may deem appropriate."

He proposed the insertion of the word "due" before "regard" in the last sentence.



An essential idea behind the concept of the exclusive fisheries zone was that in matters of dispute arising in respect of the zone and of operations in it, the paramountcy of the judicial institutions of the coastal States would be recognized and accepted. A sentence reflecting that idea should be included somewhere in the paragraph. If his suggestion was accepted, the Rapporteur could be requested to formulate an appropriate sentence and decide where it could best be inserted in the paragraph.

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the proposals made by the previous speaker were acceptable to him.

Mr. NEEDLER (Canada) proposed that the word "it" in the first sentence should be replaced by "they". He also proposed that the phrase "the legitimate uses" in the last sentence should be replaced by "other legitimate uses".

Mr. ABDEL-HAMID (Egypt), Rapporteur, accepted those amendments.

Mr. ARIAS-SCHREIBER (Peru) noted that paragraph 52 did not necessarily refer to the zone of sovereignty and national jurisdiction. His delegation's position with regard to fisheries in zones of sovereignty and national jurisdiction had been stated during the Sub-Committee's discussions and was set out in document A/AC.138/SC.II/L.54.

Mr. RAMIREZ (Ecuador) stated that his delegation considered the sovereignty and jurisdiction of the coastal State in adjacent seas to extend to all the resources existing in such areas, including fishery resources, without prejudice to international co-operation in the field of conservation.

He reserved the right to place on record a specific reference to the 200-mile limit, in the light of the issue which had been left pending under paragraph 51.

Mr. SUGIHARA (Japan) proposed the insertion of the following new paragraph, at an appropriate place between paragraphs 52 and 60: "Concerning fisheries, statements were made regarding the right of participation of third States and the need to protect the rights of States whose nationals have habitually fished in a particular area".

Mr. ABDEL-HAMID (Egypt), Rapporteur, suggested that the Japanese proposal should be taken up when the Sub-Committee considered paragraph 58.

It was so agreed.

The CHAIRMAN drew attention to the amendments proposed by the representatives of Sri Lanka and Canada, which had been accepted by the Rapporteur.

Paragraph 52, as amended, was adopted.

Paragraph 53

Mr. TRESSELT (Norway) proposed the insertion of the following phrase after the word "respect" in the second line: ", to the need for co-operation between coastal States and the appropriate regional and global organizations,".

Mr. BRENNAN (Australia) proposed that the phrase "non-discriminatory character of such regulations and programmes" should be replaced by "need for such regulations and programmes to be of a non-discriminatory character".

Mr. MBOPE (Kenya) proposed the deletion of the phrase "and to the liability of coastal States for damage due to ill-management".

Mr. PARDO (Malta) proposed that the word "responsibility" should be replaced by "international responsibilities" and that the word "power" should be replaced by "right".

Mr. NEEDLER (Canada) proposed that the phrase "reference was made" should be replaced by "references were made".

Mr. ABDEL-HAMID (Egypt), Rapporteur, accepted those amendments.

Paragraph 53, as amended, was adopted.

Mr. McKERNAN (United States of America) proposed the insertion of the following new paragraph:

"Statements were also made regarding the establishment of coastal State jurisdiction over coastal species to whatever distance they extend off-shore and over anadromous species throughout their migratory range with international regulation of highly migratory species. The need for treaty provisions ensuring conservation, maximum utilization and compulsory dispute settlement in connexion with coastal State jurisdiction was discussed. Reference was made to the duty of the coastal State to permit other States to fish for that part of the allowable catch exceeding its harvesting capacity at any given time, taking into account traditional fishing and the interests of other States in the region."

Acceptance of that new paragraph would entail the deletion of the last three sentences of paragraph 58, which reflected the views expressed by his delegation.

Mr. SMALL (New Zealand) suggested that the new paragraph proposed by the previous speaker should start with a phrase such as "Reference was also made to ...", rather than "Statements were also made regarding ...".

Mr. OXMAN (United States of America) said that the New Zealand sub-amendment was acceptable to his delegation.

Mr. BRENNAN (Australia) said that parts of paragraph 58 reflected the views of his delegation, which might consequently have to oppose a proposal by the United States delegation to make deletions in that paragraph.

Mr. VOLKOV (Union of Soviet Socialist Republics) said that his delegation was opposed to deleting all or part of paragraph 58.

The CHAIRMAN suggested that the new paragraph proposed by the United States delegation should be taken up when the Sub-Committee considered paragraph 58.

It was so agreed.

Paragraph 54

Mr. GRONDAL (Iceland) proposed the deletion of the word "developing" at the beginning of the second line.

Mr. VOLKOV (Union of Soviet Socialist Republics) proposed the deletion of the word "neighbouring" in the penultimate sentence.

Mr. LAPOINTE (Canada) proposed the insertion of the phrase "appropriate share of the " before "allowable" in the second sentence.

The amendments were adopted.

Paragraph 54, as amended, was adopted.

Paragraph 55

Paragraph 55 was adopted.

Paragraph 56

Mr. OXMAN (United States of America) said that the first sentence in paragraph 56 was incomplete and proposed that it should be redrafted to read:

"Reference was made, in connexion with the exercise of such exclusive rights, to the rights and duties of coastal States with regard to the prevention of pollution, the prevention of unreasonable interference with navigation, over-flight and other uses, the protection of such foreign investment as is permitted, and the sharing of some revenues for international community purposes, particularly the economic advancement of developing countries. In this regard, reference was made to the need for the compulsory settlement of disputes".

Mr. MBAYA (Cameroon) observed that the United States text ranged over too many subjects. He failed to see the connexion between the prevention of pollution and the protection of foreign investments. He also wondered who would be judge of whether interference with navigation etc. was unreasonable.

Mr. NJENGA (Kenya) said that the United States amendment should be made a separate paragraph.

Paragraph 56 itself should be reworded to read:

"Reference was made to the rights and duties of coastal States to prevent and control pollution and other hazards to the marine environment in the exclusive economic zone. Reference was also made to the rights and duties of coastal States in respect of scientific research in the zone".

Mr. DAO (Mali) said that as paragraph 55 dealt with rights of coastal States, the United States text, which was concerned with the obligations of coastal States, vis-à-vis third States, should become paragraph 55 A.

Mr. OXMAN (United States of America) accepted the suggestion made by the representative of Mali.

The Kenyan amendment to paragraph 56 was adopted.

Paragraph 56, as amended, was adopted.

Mr. NJENGA (Kenya) believed that the reference to the prevention of pollution should be omitted from the United States text for a new paragraph 55 A as the question was dealt with in paragraph 56.

Mr. OXMAN (United States of America) said that the reference was not entirely redundant as his text referred back to paragraph 55 whereas paragraph 56 was more general.

The United States text for a new paragraph 55 A was adopted.

#### Paragraph 57

Mr. MBAYA (Cameroon) said that he was unable to understand the purpose of the word "other" in the last line of paragraph 57. Colonial Powers enjoyed no rights and privileges at all in an economic zone of a territory under their domination and control.

Mr. BORRAYO REYES (Guatemala) agreed.

Mr. NJENGA (Kenya) proposed the deletion of the words "for that territory" after the word "establish"; the deletion of the word "other" after the word "enjoy" and the substitution of the words "with respect to" for the word "in" after the word "privileges".

Mr. DAO (Mali) said that paragraph 57 should be recast, particularly as the States over which foreign domination and control was being exercised were not present to defend their own interests. It might read: "... or to enjoy the rights and privileges attaching thereto".

Mr. MBAYA (Cameroon) said that the text of paragraph 57 as amended by the Kenyan representative was preferable to that proposed by the representative of Mali, which was not free of ambiguity.

Mr. DAO (Mali) said that if the Kenyan amendments were felt to produce a clearer text, he would not press his amendment.

The Kenyan amendments were adopted.

Paragraph 57, as amended, was adopted.

Paragraph 58

Mr. BRENNAN (Australia) proposed the deletion of the last phrase in the first sentence, reading: "and the contribution ... non-living resources", since the content of that phrase was now covered in paragraph 55 A.

Mr. AYALO-IASSO (Ecuador) asked that a new paragraph, the exact wording of which could be left to the Rapporteur, should be inserted in the draft report to reflect the view of the authors of the joint proposal contained in document A/AC.138/SC.II/L.54.

The new paragraph should state that the view had been expressed that all fisheries in the area of the sovereignty and jurisdiction of the coastal State should be under the exclusive control of that State without prejudice to any international co-operation on which agreement was reached with other States particularly in respect of conservation.

Mr. ARIAS-SCHREIBER (Peru) supported the request by Ecuador.

Mr. OLSZOWKA (Poland) said that the addition proposed by Ecuador would only be acceptable if the views of the delegations holding differing opinions were given equal prominence. For example, the Polish delegation considered that fisheries problems should be resolved by conferring on coastal States certain preferential rights while at the same time giving certain rights to other States.

Turning to paragraph 58, he proposed the insertion of the words "the rights of other States and in particular" after the words "or jurisdiction" in the third line; the insertion of the words "and to the role of international fisheries organizations in the regulation of fisheries" after the word "species" at the end of the second sentence; and the transfer of the phrase "in particular developing States ... heavily on fishing" to follow the words "coastal State" in the third sentence. With those amendments the text of paragraph 58 would conform with his delegation's views.

Mr. JAYAKUMAR (Singapore) said that it would be difficult to accept the deletion proposed by the Australian representative because the phrase in question reflected the views of several delegations including his own which had made proposals about preferential rights and non-exclusive jurisdiction. Those views had only been summarized in a very broad way and they were not adequately covered in the new United States text for paragraph 55 A .

Mr. RAJAPAKSE (Sri Lanka) proposed the deletion of the word "special" before the words "rights by landlocked" in the fourth line.

He pointed out that the role of international fisheries organizations and the interests of States dependent on fisheries were already mentioned in paragraph 54.

Mr. PARDO (Malta) said that the Australian proposal to delete the last phrase in paragraph 58 would cause insurmountable difficulties. That sentence already gave a very inadequate picture of the fundamental position of a certain delegation. Perhaps the problem could be resolved by putting a full stop after the words "disadvantaged States" and then inserting a new sentence in place of the existing last phrase of the first sentence reading: "Reference was made to a contribution by a coastal State to an international authority out of the revenues derived from the exploitation of natural resources within its jurisdiction".

Mr. McKERNAN (United States of America) said that as the United States position was now fully covered in the new paragraph it had proposed following the discussion on paragraph 53, his delegation would have no objection to the maintenance of paragraph 58 with the amendments proposed during the discussion.

It had no objection to the addition proposed by the representative of Ecuador.

Mr. BRENNAN (Australia) said in reply to the representative of Singapore, that he had proposed deleting the last phrase in paragraph 58 because the point was already covered in the new paragraph 55 A . However, he could accept the alternative proposed by the Maltese representative, which would more accurately convey the sense of the discussion.

Mr. ANDERSON (United Kingdom) pointed out that the Ecuadorian proposal related to item 6 of the list of subjects and issues, which was covered by paragraphs 48 to 57 of the report. Since paragraph 58 was concerned with item 7 of the list, it might be better to insert the Ecuadorian text earlier in the report.

Mr. ABDEL-HAMID (Egypt), Rapporteur, suggested that the Ecuadorian proposal should become paragraph 53 A and that the new paragraph proposed by the United States following the discussion on paragraph 53 should become paragraph 57 A.

Mr. AYALA LASSO (Ecuador) and Mr. McKERNAN (United States of America) agreed to those suggestions.

Mr. OSHIMA (Japan) suggested that a sentence should be added at the end of the new paragraph 57 A, reading "Concerning anadromous species, the view was expressed that the regulation of this species should be left to the existing regulatory bodies".

Mr. McKERNAN (United States of America) said that he had no objection to the Japanese proposal, but thought that it should form a separate paragraph.

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that the Japanese text should become paragraph 58 A

The new paragraphs 53 A, 57 A and 58 A were adopted.

Mr. BRENNAN (Australia) withdrew his proposal in favour of the Maltese amendment to the second sentence of paragraph 58.

Mr. ANDREASEN (Denmark) suggested that the words "regions and" should be inserted before "States whose economies depended heavily on fishing" in the penultimate sentence of paragraph 58.

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that he could accept that amendment, as well as all the other changes to paragraph 58 that were still before the Sub-Committee.

Paragraph 58, as amended, was adopted.

The meeting was suspended at 11 p.m. and resumed at 11.10 p.m.

Mr. WALKATE (Netherlands) asked for the insertion of a new paragraph, the placing of which could be left to the Rapporteur; it should preferably come before paragraph 58 and after the paragraphs dealing with special zones. It would read: "Reference was made to the creation of an intermediate zone or zone of mixed jurisdiction as a means of accommodating the interests of the international community with those of coastal and of disadvantaged States".

The Netherlands proposal was adopted.

Paragraph 59

Mr. BOZHILOV (Bulgaria) said that in order to reflect the discussion faithfully the words "freedom of scientific research" should be inserted after the words "freedom of fishing" in the fourth sentence of paragraph 59. Also it would be more logical for that sentence to be transferred to the beginning of the paragraph.

Mr. PARDO (Malta) read out an amendment he wished to propose to the third sentence in order to reflect his delegation's view. He would have no objection to the present fourth sentence preceding his new text.

Mr. LAPOINTE (Canada) said he was aware of the fact that Malta was in favour of making all uses of the high seas subject to international regulation but other delegations were less ambitious and would have preferred to retain the third sentence of paragraph 59 in its present form.

Mr. VOLKOV (Union of Soviet Socialist Republics) noted that in the Moscow Declaration by the socialist countries reference had been made to the rational exploitation of the living resources of the sea, a principle which nobody had contested at any of the Sea-Bed Committee's sessions. Accordingly, he proposed the insertion of the words "as well as about the necessity for the rational exploitation of the living resources of the sea" after the word "regulated" in the second sentence.

Mr. PARDO (Malta) said that he had reached agreement in informal discussion with the Canadian representative on keeping the third sentence of the Rapporteur's text and adding a new sentence reading: "It was also stated that in addition to marine pollution, navigation overflight, the laying and maintenance of submarine cables and pipelines as well as scientific research, other activities should be subject to non-discriminatory international regulation through appropriate international institutions".

Mr. BOHTE (Yugoslavia) said that it would be preferable to keep the fourth sentence of the Rapporteur's text, as it was, since it was objective and well balanced. Otherwise he would have to ask for the insertion of an additional sentence reading: "Reference was also made to the fact that there was no such freedom as freedom of scientific research".

Mr. NJENGA (Kenya) suggested that in the fifth sentence the word "maintenance" should be replaced by the word "management".

Mr. OLSZOWKA (Poland) said that many delegations had referred to the role of international or regional fishery organizations and not only in connexion with highly migratory resources. He therefore proposed the deletion of the words "in particular with regard to highly migratory resources" in the last sentence.



Mr. BURCHAK (Ukrainian Soviet Socialist Republic) supported the Bulgarian amendment, which corresponded to the view of a number of delegations. The Yugoslav delegation's view could be stated in a separate sentence.

Mr. de ARAUJO CASTRO (Brazil) observed that the freedom of scientific research had proved to be a controversial issue and had given rise to protracted debate, so that inclusion of the Bulgarian amendment was undesirable. Moreover a reference was made in the joint Canadian and Maltese proposal to the regulation of scientific research in the high seas.

Mr. VOLKOV (Union of Soviet Socialist Republics) supported the Polish amendment, which would make the last sentence of paragraph 59 more accurate.

Mr. OSHIMA (Japan) suggested that the Polish representative's point might be met by the insertion of the words "in connexion with the regulation of fisheries in general and" after the words "fishery organizations".

Mr. OLSZOWKA (Poland) said that the Japanese amendment was acceptable but he must maintain his own proposal to delete the phrase "in particular ... migratory resources".

Miss RUIZ CERUTTI (Argentina) proposed the addition of the words "and in particular for the benefit of developing countries" at the end of the paragraph.

Mr. McKERNAN (United States of America) strongly supported the Japanese amendment, which accurately reflected the view of his delegation.

Mr. ANDERSON (United Kingdom) supported the Japanese amendment. He had been astonished by the Brazilian representative's assertion as he had never heard it argued that scientific research on the high seas was not free, subject to reasonable regard for the rights of others. He supported the Bulgarian amendment.

Mr. ABDEL-HAMID (Egypt), Rapporteur, stated that the amendments proposed by the delegations of Kenya, the Soviet Union, Canada and Malta jointly, Argentina and Japan were acceptable. He would have thought that the Bulgarian amendment was already covered in the joint Canadian and Maltese text.

The CHAIRMAN pointed out that the joint text referred to the regulation of scientific research by international institutions whereas the Bulgarian amendment related to the freedom of scientific research in general.

Mr. ABDEL-HAMID (Egypt), Rapporteur, said that to meet the Bulgarian representative's point the words "as well as to the question of scientific research" could be added at the end of the fourth sentence in paragraph 59 following the word "pipelines". Such a form of words would be neutral.

Mr. BOHTE (Yugoslavia) said that if the Bulgarian proposal entailed the addition of a reference to another freedom, he would insist on his proposal being inserted separately.

Mr. PARDO (Malta) suggested that the problem could be settled by using the wording of the Convention on the High Seas and ending the sentence with the words "... cables and pipelines and to the other freedoms of the high seas".

Mr. OXMAN (United States of America) supported the Maltese suggestion. The draft Convention on the High Seas prepared by the International Law Commission had contained a reference to freedom of scientific research, but that reference had been omitted from the final Convention. The relevant part of article 2 of that instrument might be paraphrased to read: "and to the other freedoms of the high seas recognized by the general principles of international law".

Mr. BOHTE (Yugoslavia) said he could agree to the compromise solution suggested by the Maltese and United States representatives.

Mr. BOZHILOV (Bulgaria) agreed to that solution. He still thought, however, that it would have been logical to begin the paragraph with the sentence in question, since the text was largely taken from the Convention on the High Seas and was generally accepted.

Mr. MBOTE (Kenya), referring to the last sentence, said that the question of scientific research and transfer of technology was so important as to warrant a separate paragraph. He therefore proposed that the last sentence of paragraph 59 should end with the words "was also stressed" and that the following new paragraph 59A should be inserted: "Reference was made to the need for promoting marine scientific research, particularly in the developing countries, and also the need to transfer marine technology from developed to developing States directly or through appropriate international organizations."

Mr. ABDEL-HAMID (Egypt), Rapporteur, accepted the United States and Kenyan amendment, in addition to those he had accepted earlier.

Paragraph 59, as amended, was adopted.

The new paragraph 59A was adopted.

#### Paragraph 60

Mr. NANDAN (Fiji) suggested that the end of the first sentence should be altered to read: "determine whether or not a group of islands constituted an archipelago", since the discussion of the relevant proposals (A/AC.138/SC.II/L.15 and L.48) had mainly centred on that question. He also suggested that the last sentence should be deleted, since he had been unable to find any reference to the subject in the summary records.

Mr. YTURRIAGA (Spain) proposed the addition of a new paragraph 60A reading "It was also stated that the special régime for archipelagic States should be equally applicable to archipelagos which are an integral part of a State".

Mr. ANDERSON (United Kingdom) said that his delegation's position on the question of archipelagic States was not reflected in paragraph 60 and proposed that the following text should be added at the end of the paragraph: "It was also suggested that the concept of the archipelagic State was not accepted under existing international law and that if the concept were to be included in a new convention on the law of the sea a precise definition would be needed, as well as safeguards for international navigation and a satisfactory procedure for the settlement of disputes".

Mr. PARDO (Malta) agreed with the representative of Fiji that the last sentence was obscure and should be deleted. With regard to the United Kingdom amendment, he suggested that the following sentence should be added after that text: "In this connexion, it was also stated that the interests of archipelagic States might be fully covered by the concept of the exclusive economic zone or by that of national ocean space". Finally, he supported the Spanish representative's suggestion.

Mr. TUNCEL (Turkey) said that if the Spanish representative insisted on the inclusion of the text he had proposed, the Turkish delegation would be obliged to oppose it and to explain its position at length. The Rapporteur had submitted a well-balanced text on the question of archipelagos, referring to the special position of archipelagic States and to the criteria determining whether or not a group of islands constituted an archipelago. The idea implicit in the new paragraph proposed by the Spanish representative was thus covered by the first sentence of paragraph 60.

Mr. MENDOZA (Philippines) supported the amendments proposed by the representative of Fiji. He had no objection to the inclusion of the amendments proposed by the United Kingdom and Malta, on condition that the following sentence was added after those amendments: "On the other hand, the view was also expressed that the special status of the waters of an archipelago is an existing and accepted concept now seeking recognition in a positive and explicit manner as indispensable to the preservation of the security, integrity and unity of the archipelago." If the Spanish amendment was accepted, it should be inserted as a separate paragraph.

Mr. VOLKOV (Union of Soviet Socialist Republics) said that paragraph 60 related only to archipelagic States. If the Spanish delegation insisted on introducing a new paragraph concerning ordinary archipelagos, his delegation would wish the following sentence to be inserted in that paragraph: "In this connexion, it was stated that the regime of archipelagic States must not be extended to the ordinary archipelagos of coastal States."

Mr. YTURRIAGA (Spain) said that his delegation's proposal was not a new proposal but merely reflected the proposals and statements made by his delegation during the Sub-Committee's discussion on the subject of archipelagos. He had no objection to the suggestion that it should be made a separate paragraph. Neither had he any objection to the amendment proposed by the Soviet representative.

Mr. KUSUMAATMADJA (Indonesia) supported the amendments proposed by the representatives of Fiji and the Philippines.

Mr. McKERNAN (United States of America) considered that the same point should not be made twice in the report. The sentence proposed by the Philippines representative and the first sentence of the paragraph were concerned with the same issue. Either one might be retained, but not both.

Mr. TUNCEL (Turkey) said that statements made by delegations during the Sub-Committee's discussions were reflected in the summary records. The fact that a delegation had made a statement did not necessarily give that delegation the right to have its statement reflected in the report. The Sub-Committee had not discussed the question of archipelagos in sufficient depth. His delegation had made no statement on the subject, but that did not necessarily mean that it shared the views expressed by other delegations. If the Spanish delegation insisted that its views should be reflected in the report, he would request that his delegation's opposing views should be reflected too.

Mr. NANDAN (Fiji) suggested that the problem might be solved by inserting the following text: "A suggestion was made that the special regime for archipelagic States should apply equally to coastal archipelagos. Other delegations, however, expressed a contrary view."

Mr. YTURRIAGA (Spain) said that the proposal by the Fiji representative was acceptable to his delegation on condition that the text proposed by the Spanish delegation was adopted. The notion of a "coastal archipelago" was unclear to his delegation, although the difference between an archipelago forming part of a State and archipelagic State was clear. He had no objection to the second part of the sentence, nor to the incorporation of the text proposed by the Soviet representative.

Mr. BARABOLIA (Union of Soviet Socialist Republics) suggested that the difficulty might be overcome simply by arranging for the respective positions of the Spanish and Soviet delegations to be explained in the summary record.

Mr. YTURRIAGA (Spain) pointed out that his delegation's views were already reflected in the summary records. Moreover, specific proposals along the same lines as his delegation's text had been submitted in a number of documents. In particular, he wished to draw the Sub-Committee's attention to the Chinese delegation's proposal contained in paragraph 1(6) of document A/AC.138/SC.II/L.34, which the Spanish delegation had supported.

Mr. MENDOZA (Philippines) said that his delegation had been perfectly satisfied with the amendments proposed by the Fiji representative and had itself proposed no addition or amendment to paragraph 60 until the United Kingdom and Maltese representatives had proposed their respective amendments. The Philippine delegation's amendment had merely been designed to balance the text. The first sentence of paragraph 60, as originally drafted, was neutral and referred only to the special position of archipelagic States, without stating what kind of special position that was. He therefore regretted that his delegation could not agree to the United States suggestion that its amendment should not be taken into account if the first sentence was retained.

He now wished to make an alternative proposal, namely that the first and second sentences should remain as they were, with the amendments proposed by the Fiji representative; that the third sentence should be included in a separate paragraph, with additional material reflecting the amendments proposed by the United Kingdom, Maltese and Philippine representatives; and that the amendments proposed by the Spanish, Soviet Union and Turkish representatives, which dealt with another aspect, should be included in a further separate paragraph.

Mr. RAMIREZ (Ecuador) proposed the addition of a new sentence to be added at the end of the paragraph, to read as follows: "Moreover, reference was made to archipelagos that form part of a State and to the method of measuring the base lines." That idea was contained in a number of proposals, including an alternative submitted by his delegation.

Mr. BARABOLIA (Union of Soviet Socialist Republics) proposed that the report should contain two separate paragraphs containing the amendments submitted by the Spanish delegation and his own.

The CHAIRMAN said that further discussion of paragraph 60 would be postponed until the following meeting.

The meeting rose at 1.10 a.m. on Thursday, 23 August.