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

PROVISIONAL SUMMARY RECORD OF THE NINETY-NINTH MEETING^{*/}

held at the Palais des Nations, Geneva,
on Monday, 6 August 1973, at 11 a.m.

<u>Chairman:</u>	Mr. AMERASINGHE	Sri Lanka
<u>Rapporteur:</u>	Mr. VELLA	Malta

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^{*/} 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.

ORGANIZATION OF WORK: Consideration of a proposal for the re-establishment of a contact group

The CHAIRMAN said it had been decided at a meeting of the Bureau on 2 August 1973 that the contact group which had been engaged in drawing up a list of subjects and issues might be re-established at the suggestion of the Chairman of the Committee, in consultation with the chairmen of the subsidiary bodies dealing with the questions to be taken up by the group. As a result of that decision, he had consulted the Chairmen of Sub-Committee II and its Working Group and had agreed with them that the contact group would be responsible for taking decisions on substantive issues such as the establishment of an economic zone, the nature and extent of the zone, the régime to be applied to it and the rights of coastal and other States over the zone. The contact group would have to try to reconcile the divergencies that existed on those issues. It might also deal with the questions of the territorial sea and of straits. It would take up the question of fisheries in connexion with the question of the economic zone.

He suggested that, for the purpose of re-establishing the contact group, the geographical groups should each nominate three to six members. The groups should inform the Chairman if they encountered any problems in that respect. While there was no need for a strictly proportional geographical distribution, no group should propose an excessive number of members. Members of the Committee who wished to take part in the contact group's work in a personal capacity should so inform the Chairman.

Lastly, he said that the final composition of the group might be left open; it might be increased as its work progressed, as had been done when the list of subjects and issues was being prepared.

Sir Roger JACKLING (United Kingdom) said that the proposal which the Chairman had just made had not been discussed in the geographical group to which the United Kingdom belonged. His delegation would like to have some time to consider what the objectives and composition of the contact group should be; it would reserve its position until its geographical group had considered the proposal.

The CHAIRMAN said that the contact group would discuss substantive issues and not matters of procedure or the preparations for the Santiago Conference. Delegations would have until 8 August 1973 to consider the matter: the group would hold its first meeting on Thursday, 9 August 1973, at 9.30 a.m.

Mr. TUNCEL (Turkey) said that his delegation was not opposed to consultations being held with a view to speeding up the work. It had supported the steps taken for that purpose at earlier sessions. Those steps had, however, been concerned with procedure; the consultations in the present case would relate to various substantive issues enumerated by the Chairman. Turkey had not so far taken a position on those issues because, in its view, the sponsors of proposals should first meet and suggest a limited number of variants. It considered that the present session should mainly be used to formulate texts of draft articles reflecting the differing viewpoints; it did not intend to take its final position until the time of the Santiago Conference.

If it was intended to engage in immediate political consultations, his delegation would reserve its position on their outcome. It would not consider that they reflected the views of delegations as a whole, and certainly not those of its own delegation. It would maintain its own views and express them at the Santiago Conference.

The CHAIRMAN assured the Turkish representative that no delegation would be bound by the results of the contact group's negotiations.

Mr. LEIFER (Austria) said that his delegation was among those which had expressed concern at the progress of the Committee's work. Consultations on a regional basis appeared to be a good means of speeding it up. Austria considered, however, that such consultations should relate to the organization of the Conference; that had also been the understanding of the regional group to which his country belonged. Difficulties would arise if the contact group was now to begin consultations on substantive issues, since there were differences of opinion within one and the same geographical group. For the purpose of such consultations, it would be better for the sponsors of proposals to reach agreement on a certain number of texts.

The CHAIRMAN said that the problem of differing opinions within a geographical group could be met by the nomination of several representatives to the contact group.

Mr. STEVENSON (United States of America) said that there was too great a tendency to separate substantive and procedural matters. What had to be done was the lawyer's job of reducing alternative texts that Governments would have to examine.

It was precisely in the fields listed by the Chairman that the largest number of proposals had been formulated. The contact group would fill a real need if it could help to reduce the number of texts submitted.

Mr. JEANNEL (France) said that he, too, was in favour of procedural arrangements for speeding up the Committee's work. His delegation had understood, however, that the contact group would deal with organizational questions. If substantive issues were to be referred to it, he doubted whether its composition could best be established on a geographical basis. Even if such a basis was accepted, account had to be taken of the fact that, within each regional group, there were differing opinions which had to be represented. Groups of three or six members would be sufficient for that purpose, since they would not ensure that all schools of thought were reflected.

The CHAIRMAN agreed that it would be unsatisfactory to base the membership of the contact group solely on the principle of geographical representation; that idea would have to be combined with others. He would consult the regional groups on that point.

Mr. ZEGERS (Chile) reminded the Committee that two proposals had been made at its preceding meeting for speeding up its work: the first was the proposal to reduce the alternative texts to a minimum; the second was the Chairman's proposal for preparing an outline political plan of international solutions.

His delegation considered that the Bureau's decision, reported to the Committee by the Chairman, was justified from the standpoint of examining such a plan. Three to six members from each geographical group would have to be appointed to the contact group. The informal negotiations which would take place in the group should not commit any delegation; moreover, the results of those negotiations should be made known in plenary. His delegation shared the Chairman's view that, if there were divergent views within any geographical group, that group should nominate members to represent those views in the contact group.

Mr. BAKULA (Peru) said that, at the preceding meeting, a number of delegations, including his own, had urged that all possible steps should be taken to further negotiations. Peru, which supported the Chairman's suggestion with regard to the contact group, hoped to have the opportunity of considering that suggestion in its regional group. The regional groups would have to take account of views which had not yet been expressed and to consider arrangements for ensuring that all interests were protected.

Mr. JAYAKUMAR (Singapore) said he was in favour of informal negotiations among the various geographical groups as a means of speeding up the work. Care must be taken, however, to ensure that the contact group was representative of a variety of interests, so that the texts it produced might be acceptable to most members of the Committee. In particular, the various interests within a single group must be well protected.

Mr. RIPACHEN (Netherlands), speaking as Chairman of the western European group, said it would be difficult to take account of all the interests within that group, if its representation in the contact group was limited to three to six members. The geographical groups should be given greater latitude in that respect.

The CHAIRMAN reiterated that the various positions within a single geographical group must be represented; the figure of six had been suggested purely as a guide.

Mr. HARRY (Australia) supported the Chairman's suggestion, but thought that it should be adopted on a trial basis. If the contact group proved unable to formulate satisfactory texts, that fact should be frankly admitted. There should be no commitment to follow that procedure right to the end of the session, particularly as meetings of existing bodies might be hampered by the contact group meeting every day at 9.30 a.m.

Mr. KOLESNIK (Union of Soviet Socialist Republics) recalled that, at the previous meeting, his delegation had urged that additional measures should be taken to speed up the work, in view of the magnitude of the task still to be accomplished. The Soviet Union therefore welcomed the Chairman's suggestion; agreement was essential on the questions he had listed if the Conference was to be able to draw up the new régime of the seas.

Where membership of the contact group was concerned, the Soviet Union considered that geographical representation should be supplemented by representation of the sponsors of proposals, particularly in the case of divergent proposals.

Secondly, the work of the contact group should not hamper the Committee and its Sub-Committees and Working Groups in their work; the latter, although proceeding too slowly, was indispensable.

Lastly, the contact group must not be too large; 3 to 6 members per geographical group would seem to be the maximum. Nor should it have plenary powers, since that would hold back political agreement on important issues.

Mr. YANKOV (Bulgaria) said that he also was in favour of re-establishing the contact group, since it had proved useful at the Committee's two preceding sessions. It should be a negotiating, not a drafting group. In many cases, it would not be possible to prepare agreed texts; on the other hand, negotiations on the major issues listed by the Chairman would clear the way for other bodies, official or unofficial. He agreed with the Soviet representative that the contact group should not hamper the other bodies in their work.

A flexible approach should be adopted to the group's membership; the combination of geographic representation with representation of the sponsors proposals appeared to be a good formula. The same practice had in fact been followed the previous year.

At the outset the group should be established on a trial basis, as requested by Australia. It would have to be seen how it worked; if it came up against difficulties, improvements would have to be made. The group could not be expected to be a perfect instrument immediately, but could be improved later.

Mr. NJENGA (Kenya) thought that the idea of re-establishing a contact group was a good one, but his delegation could not take any position on it until the proposal had been considered in its geographical group. Kenya belonged to two groups, the African Group and the Group of 77, and negotiations between delegations holding similar positions were taking place in both. It would therefore be difficult at the moment to entrust 3 to 6 persons with the task of representing the geographical group before it had defined its position as a group. He nevertheless wished to make it clear that his delegation was anxious to co-operate with the Bureau with a view to speeding up the Committee's work.

Mr. LAPOINTE (Canada) said that he had the same misgivings as the Kenyan representative. In his view the problem was not only to ensure adequate representation of the positions held within each geographical group but also to decide the basis for the contact group's discussions. If it was a matter of bringing positions nearer on certain texts, a group comprising some 30 representatives of geographical groups together with the sponsors of proposals would be somewhat unwieldy. If the group was not intended to negotiate on texts, it would be necessary to know the starting point for its work, i.e. its exact terms of reference.

Mr. CASTAÑEDA (Mexico) welcomed the Chairman's proposal on behalf of his delegation, which had been unsuccessful in making a similar proposal several weeks previously, aimed precisely at cutting down the number of proposals. His delegation was, however, fully aware of the disadvantages involved. It would, for example, be difficult to make progress in preparing a text or drawing up terms of reference in a group consisting of 30 representatives acting for the geographical groups. Secondly,

one important point should not be overlooked, namely, that the Preparatory Committee did its most useful work in informal meetings of delegations. For instance, Mexico was a member of an inter-regional group, whose member countries had a common substantive position although they belonged to different regions. What was needed now was for representatives who had made similar proposals but came from different regions to combine their texts in agreed form. His delegation had therefore no objection to the Chairman's suggestion that the geographical groups should meet together.

In conclusion, he would stress that Sub-Committee II was working on the basis of documents which were more of a hindrance than a help, because the text was so broken up and interspersed with phrases between brackets. In the circumstances it was impossible for a group of over 84 representatives to draft any text.

Mr. OGISO (Japan) said that, if the contact group was to be responsible for dealing with the more basic issues relating to preparations for the Conference, the interests of both regions and individual States would have to be covered within the group. He was accordingly in favour of the greatest possible flexibility in its membership.

Mr. SCHITTA BEY (Nigeria) pointed out that the discussion related to two types of question, each calling for a different method, the first being questions concerning the organization of the Conference, and the second, those concerning the conduct of negotiations on matters of substance, an area in which the working method based on geographical representation had not proved very helpful. He suggested that all geographical groups should consider the best method of conducting such negotiations. By 9 August 1973, the date proposed for the first meeting of the group, they would perhaps have arrived at a decision. With regard to the various suggestions regarding the group's membership, his delegation thought the main object should be to bring together the sponsors of the various proposals so that all interests were safeguarded.

Mr. FONSECA TRUQUE (Colombia) said that, in his delegation's opinion, the purpose of the contact group proposed by the Chairman should be to negotiate on political principles, or on an outline political plan of solutions, as Chile had put it, rather than to produce a text.

Mr. THOMPSON FLORES (Brazil) said that representation in the contact group on a geographical basis presupposed that the geographical groups had a common position on the question under consideration. But that was not so; there were distinct differences of position within the same group. He therefore proposed that delegations should be given time for reflection before a decision was taken.

The CHAIRMAN said he would like to clear up a number of misunderstandings about his proposal. He had proposed that the contact group should be re-established with the object, so to speak, of achieving a political "break-through" and of outlining a general or global solution to the problems of the law of the sea.

It would be pointless to discuss the organization of the Conference in the absence of progress on matters of substance. Before submitting his proposal to the plenary Committee, he had therefore consulted the members of Sub-Committee II and of that Committee's plenary Working Group because of their more direct concern with the conduct of negotiations.

Thirdly, the proposed consultations were not intended to replace other forms of consultation in present use. He had understood that consultations had already begun among the sponsors of proposals, whereas that was not in fact the case. It had never been his intention that the contact group would work on a specific text or that it should prepare one. The group would discuss ideas and examine positions with a view to narrowing political divergencies and facilitating agreement so that the number of alternative texts might be reduced.

Where the membership of the group was concerned, his idea was that the basic principle, that of geographical representation, should be applied, but that care should also be taken to provide for representation of sponsors of proposals and of delegations with special interests. There was no need for the geographical groups to hold a joint position as groups before consultations could be started.

In view of the request for time for reflection, he proposed that he should meet the chairmen of the geographical groups in order to discuss the question of representation in the contact group. The chairmen would then discuss the matter with their groups and subsequently meet with him again. He would suggest that the first meeting should take place the following day at 9.30 a.m. In the absence of any objection, he would take it that the Committee was agreeable to that proposal.

The Chairman's proposal was approved.

Mr. GALINDO POHL (El Salvador) thought that the Chairman's suggestion was timely, for it would enable delegations to negotiate at a higher level and thus facilitate the drafting of articles, which at present were so interspersed with phrases in brackets as to be almost unreadable. Whatever difficulties might arise from the setting up of the contact group, the experiment must be tried and all possibilities must be exhausted. The geographical groups suggested as a basis for the group's membership merely formed a general framework within which the existing diverse trends were expressed. He therefore regarded the Chairman's proposal as a constructive one.

PROGRESS REPORTS ON THE WORK OF THE SUB-COMMITTEES

The CHAIRMAN briefly summarized the work of Sub-Committee I, in the absence of the Chairman of that body. The Sub-Committee had held one meeting, during which it had heard a long statement by Mr. Pinto, Chairman of the Working Group, on the results of the Group's work and had discussed the Secretary-General's report. Sub-Committee I would meet the following Thursday to hear a report on the work of the Working Group.

Mr. GALINDO POHL (El Salvador), Chairman of Sub-Committee II, said that his report had more encouraging features than the preceding one. The Sub-Committee had not met, but its Working Group had held as many meetings as could be arranged to fit in with the negotiations within geographical groups and between sponsors of proposals, with a view to producing texts of the different variants indicating the points of disagreement. In that connexion, he stressed the spirit of genuine co-operation that had marked the work.

The Tunisian representative, who presided over the Working Group, had announced that two group Chairmen were prepared to arrange for the consultations proposed at the plenary meeting on the preceding Monday. Those consultations had not taken place, however, since the Canadian delegation, on behalf of the sponsors of the draft in document A/AC.138/SC.II/L.38, had invited interested delegations to hold consultations on that text.

He welcomed the open-mindedness shown by the sponsors of the draft and strongly urged them to persevere in that path; their initiative held out some hope of possible agreement on fishing in the economic zone. Those consultations would continue side by side with the normal activities of the Working Group and the Sub-Committee, and without hindering those activities.

Mr. Van der ESSEN (Belgium) said that Sub-Committee III, of which he was Chairman, had held no meetings, but had continued discussions in two Working Groups. Working Group 2, presided over by Mr. Vallarta, the Mexican representative, was pursuing the consideration of the delicate question of international or national standards for the prevention of pollution; there were several variants and the Group was now trying to reduce their number to an acceptable figure.

Working Group 3, on scientific research and transfer of technology, had set up drafting and working sub-groups to help it in its work. It had succeeded in producing a definition of marine scientific research in a single text, although three footnotes detracted from that apparent unanimity. Working Group 3 had also prepared

two alternative texts dealing with the point that scientific research could not form the legal basis for any claim to any part of the marine environment or of the sea beyond the limits of national jurisdiction. It was in the interests of the Sub-Committee III for those two Working Groups to pursue their work to its conclusion.

DRAFT ARTICLES RELATING TO LAND-LOCKED STATES (A/AC.138/93)

Mr. UPADHYAY (Nepal) introduced the draft articles relating to land-locked States submitted by Afghanistan, Bolivia, Czechoslovakia, Hungary, Mali, Nepal and Zambia (A/AC.138/93). He pointed out that those countries were situated in different continents and, apart from the problem which was common to them all, they faced many difficulties which varied according to their degree of development, the characteristics of their territory and the nature of their relations with neighbouring countries. In the context of the important principle that ocean space was the common heritage of mankind, the sponsors of the draft articles had tried to take into account both the common interests of land-locked States, developed or developing, and the many problems with which they were faced.

The right of free access to and from the sea, the subject of article II of the draft, had been universally recognized and had already been proclaimed in a number of agreements concluded bilaterally or under the auspices of international organizations. Many organs, such as UNCTAD and ECAFE, had often emphasized the need to conclude multilateral agreements on the subject. The Secretary-General's report (A/AC.138/37) contained a clear analysis of the problems confronting land-locked States.

The draft included articles on freedom of transit, on exemption from Customs duties and on transportation, handling and storage of goods in transit, all questions of particular importance for promoting and diversifying the international trade of those States. The interests of transit States were also taken into account: those States were entitled to take all the necessary measures to protect their legitimate national interests, and temporary deviations from the provisions of the draft articles were even authorized in exceptional cases (article XV).

The document had been drafted in a spirit of conciliation and co-operation, and its sponsors would willingly accept any constructive suggestions that might be made. It should also be borne in mind that the draft articles were intended, not to be viewed in isolation, but to be included in a general convention on the law of the sea.

Mr. GUEVARA ARCE (Bolivia) reminded The Committee that his delegation had prepared a draft article which had been distributed unofficially at the Committee's preceding session in New York. Since then, the Bolivian delegation had noted with satisfaction that some Asian and African countries had submitted a further text which had many points in common with the Bolivian draft. Moreover, during the current session, the Czechoslovak delegation had submitted, also unofficially, another draft which took some of the ideas introduced by the Bolivian delegation into account. Accordingly, the latter had decided to submit its draft article formally (document A/AC.138/92).

His delegation had nevertheless realized that although it had wide experience of the special problems of land-locked States, its knowledge was more particular than general and that its draft could hardly cover all the problems confronting other land-locked States situated in Europe, Asia and Africa. It had therefore thought it appropriate to engage in negotiations with other land-locked States, with a view to submitting a single document to the Committee, taking into account the varying interests and views of all those countries.

The draft articles in document A/AC.138/93 had been prepared by a small working group presided over by the representative of Nepal. All the members of that group were to be congratulated on the good will with which they had sought to take the Bolivian delegation's views into consideration. As a result, and since the principles which it regarded as fundamental had been allowed for in the draft, his delegation had decided to become a sponsor of the new text. Nevertheless, it believed that certain questions called for more detailed examination, particularly those concerning the jurisdiction of the legal authorities of the transit State over persons and goods in transit, and it therefore intended to continue the negotiations.

The Bolivian delegation hoped that certain concepts which were basic and valid for all States, whether or not they were land-locked, would be taken into account. The concepts of the freedom of the sea and of the common heritage of mankind would have no meaning for land-locked States unless their right of free access to the sea was also recognized. That right should not depend on the good will of transit States. To enable the land-locked countries to enjoy the right of free access to the sea, the treaty must contain detailed provisions on the subject, since there again, questions of detail should not depend on the good will of the transit State. The right of free access to the sea was of concern not

only to the land-locked States, but to the entire international community. The right of transit had special characteristics differing from those of the general right of free access, particularly where the principle of reciprocity was concerned. During debates on the question of free access to the sea, mention was often made of the threat to the sovereignty of the transit country which the right of free access might entail. The question should be examined more closely, case by case, to show that such a fear was unfounded. There was a clear difference between the rules concerning the right of free access to the sea and the possibility of exercising that right. Indeed, means of communication were necessary to transport persons and goods, and it was essential that the transit States should accord land-locked countries the possibility of improving their means of communication. Some of the existing treaties contained fairly liberal provisions for facilitating the transit operations of land-locked countries, but those provisions very often seemed inapplicable and useless to the developing land-locked countries, which represented the majority of the group. To have any practical meaning, those provisions should be supplemented by principles and standards drawn up by agreement with the transit States. With regard to the participation of land-locked States in the common heritage of mankind, it was important to determine the position of those States with regard to such concepts as those of the exclusive economic zone and the territorial sea, since it was obviously in the interest of land-locked States to participate in the utilization of both the biological and the non-renewable resources of those maritime areas.

Although the situation of the land-locked States clearly represented only a small fraction of the vast problems to be examined by the Committee and the Conference, all States should nevertheless realise that land-locked countries accounted for one quarter of the States Members of the United Nations and had a total of 100 million inhabitants.

Mr. KOPAL (Czechoslovakia) stressed the importance to the land-locked countries of the provisions which the Conference would adopt with regard to free access to and from the sea and participation in the international régime. It was understandable that a group of delegations representing land-locked countries should have submitted draft articles which could serve as a basis for that part of the future Convention on the Law of the Sea which dealt with the problems of such

countries. His delegation was convinced, moreover, that a just solution to those problems was of interest to the international community as a whole. In its view, the right of free access to and from the sea was a firmly established principle of international law which must be confirmed in any instrument seeking to codify the law of the sea. If land-locked States were to share with coastal States the right of free access to the sea on an equal footing they must be given legal guarantees and means to ensure free access to and from the sea.

The question of land-locked countries had already been dealt with in a number of instruments such as the Barcelona Convention of 1921, the Geneva Conventions on the Law of the Sea, 1958 and the New York Convention on the Transit Trade of Land-Locked States, 1965. The sponsors of the draft articles (A/AC.138/93), in drawing up their proposals, had carefully analysed a series of earlier documents relating to that topic, including in particular the principles set forth by the Preliminary Conference of Land-Locked States in 1958 and the principles relating to the transit trade of land-locked countries adopted by the first United Nations Conference on Trade and Development in 1964, as inscribed in the Preamble to the New York Convention.

The draft articles now submitted confirmed those principles and rights. But the draft also brought a number of new elements into play. It should be noted that the sponsors had endeavoured to take account of the practice followed in each of the various continents and to seek a common denominator acceptable to all States.

The various delegations which had participated in preparing the draft, including his own delegation, had held differing views concerning certain specific questions. Each had nevertheless taken note of its colleagues' arguments before agreeing on a common text. The latter could not, of course, take account of the diversity of conditions and needs arising from differences in situation, degree of development and state of relations with the respective neighbouring coastal countries. Such matters would have to be dealt with by means of bilateral or regional agreements between the States concerned, dealing in particular with problems such as road construction, use of various means of transport or reciprocity. In principle, however, his delegation took the view that freedom of transit for land-locked States followed from their right of free access to and from

the sea, which itself stemmed from their particular geographical situation, and that transit States should not demand reciprocity when concluding special agreements with their land-locked partners.

The draft also set out a number of principles dealing with new problems not previously examined, such as the position of land-locked countries in the international régime relating to the sea-bed zone and their participation in the machinery to be established. The land-locked countries must have authority to take an effective part in the exploration and exploitation of sea-bed resources. On that subject the draft contained only a few guidelines. It was to be hoped that those principles would appear in that part of the Convention which dealt with the régime and machinery relating to the zone, and his delegation was ready for that purpose to present proposals more precise than those hitherto submitted.

It was interesting to note that the States in the group which had prepared the joint draft were drawn from four continents and from different economic and social systems, were at varying stages of development and were faced with varying and in some cases very special problems. The sponsors of the draft articles had nevertheless succeeded in reaching common ground. His delegation's aim, in taking part in that task, had been to contribute to the formulation of a general agreement relating to the law of the sea, acceptable to all States, large and small, coastal and land-locked, developed and developing - an agreement which would strengthen peace and co-operation throughout the world.

Mr. MHLANGA (Zambia) said that his delegation had been associated with the sponsors of the draft articles relating to land-locked States (A/AC.138/93), since there were a number of land-locked States on the African continent and he considered it essential that any future convention on the law of the sea should recognize the right of those States to free access to and from the sea. The question of land-locked countries had already been taken up in various conventions dating as far back as 1921. The 1964 United Nations Conference on Trade and Development had also emphasized, in its Principle 4, the need to grant land-locked States the right to "free and unrestricted transit". Since the need to take measures on behalf of land-locked States had been recognized by the international community, it should be possible to include articles relating to those countries in the future convention.

His delegation had read with interest the report by the Secretariat entitled "Economic significance, in terms of sea-bed mineral resources, of the various limits proposed for national jurisdiction" (A/AC.138/87). As a co-sponsor of the resolution that had requested that study, he would like to express his thanks to the Secretariat.

Mr. ARYUBI (Afghanistan) associated himself with the remarks made by the previous speakers. The question of the right of land-locked countries to free access to the sea was one of fundamental importance for his own country. His delegation had long been endeavouring to draw attention to the serious problems confronting such countries, problems which arose from the fact that the international community had hitherto failed to recognize their rights and interests. Afghanistan had not chosen to be a land-locked country; its situation was a consequence of the domination of the colonial powers. In his delegation's view, it was fully time that the international community came to recognise the rights and interests of land-locked States; for if they continued to be ignored, dangerous consequences might ensue.

If the 1958 Geneva Conventions had not taken the rights and interests of those countries into account, the reason was probably that there were only very few independent land-locked States in existence at that time. That situation had changed, and there was now a large number of land-locked States, particularly on the African continent. Now that the cold war had ended and that there was a relaxation of tension in international relations, the time had come to remedy that defect, and it was to be hoped that the draft articles contained in document A/AC.138/93 would have the support of the majority of delegations.

Mr. MBAYA (Cameroon) thought that the international community should take into consideration the legitimate interests of the land-locked States. The declaration by the Organization of African Unity and the draft articles submitted by certain African countries had sought to take as full account as possible of the interests of those countries, though without mentioning their right to participate in the exploitation of non-renewable mineral resources. The African Heads of State had taken that action voluntarily. They had considered that although the present situation called for changes, there was nevertheless no reason to grant those countries the right to exploit the non-renewable resources of the sea-bed. The draft articles in document A/AC.138/93 envisaged, however, the participation of those countries in the exploration and exploitation of the sea-bed and its resources. Until fuller information became available, and until it had been proved beyond doubt that existing international law should be amended, his delegation associated itself with the OAU declaration on the matter; in other words, it recognized the right of land-locked countries to participate on an equal footing with coastal States in the exploitation of biological resources, but not in the exploitation of non-renewable resources.

The meeting rose at 1.20 p.m.