

GENEVA

28 June 1977

Mr. President,

On behalf of the Group of Land-locked and Geographically Disadvantaged States I have the honour to transmit to you a set of proposals with the request that adequate account be taken of these texts in the preparation of the "Composite Informal Single Negotiating Text".

Accept, Mr. President, etc.

(Signed) Karl Wolf
Ambassador
Chairman of the Group of Land-locked
and Geographically Disadvantaged
States

Enclosures

H.E. Ambassador Hamilton Shirley Amerasinghe
President of the Third United Nations
Conference on the Law of the Sea
New York

77-76512

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Committee I:

Article 9, paragraph 1 (b)

(b) Ensuring equitable sharing of financial and other economic benefits derived from activities in the Area, taking into particular consideration the interests and needs of the developing countries and peoples, particularly the land-locked and geographically disadvantaged among them, in accordance with the relevant provisions of this Part of the Convention. 1/

Article 9, paragraph 1 (f)

(f) Enhancing opportunities for all States Parties, irrespective of their social and economic systems or geographical location, to participate in the development of the resources of the Area and preventing monopolization of the exploration and exploitation of the resources of the Area.

Article 18 bis*

"Access of Land-Locked and Geographically Disadvantaged States To and From the Area and Their Participation in Activities in the Area."

1. Land-locked and geographically disadvantaged States shall have the right of free access to and from the area in order to enable them to participate in activities in the area, in accordance with the provisions of this part of the Convention.

2. Participation of land-locked and geographically disadvantaged States in activities in the area shall be promoted and protected, having due regard to the special needs and interests of these States in overcoming obstacles arising from their disadvantaged location, including remoteness from the sea.

Article 26, paragraph 2 (x)

In case the present wording of this provision should be retained the words "particularly the Land-locked and Geographically Disadvantaged States among them" shall be added.

* Article 18 bis is meant as an additional provision following the present article 18 of the RSNT.

1/ The question of including a specific provision on the distribution of benefits to be derived from the international sea-bed area will have to be considered. Many countries hold the view that a provision to that effect should be included in the Convention itself and the Group of Land-locked and Geographically Disadvantaged States has also submitted a proposal in relation thereto.

Article 26, paragraph 2 (xi)

(xi) Consideration of problems of a general nature arising for States in connexion with activities in the Area resulting from their land-locked and otherwise geographically disadvantaged location;

Article 27, paragraph 1 bis

1 bis. In electing the members of the Council in accordance with paragraph 1 above, the Assembly shall ensure that land-locked and geographically disadvantaged States are represented proportionately to their representation in the Assembly.

Annex II, paragraph 5 (b) (ii)

The Governing Board shall be composed of ...* qualified and competent members elected by the Assembly. Election of these members shall be based on the same criteria as contained in article 27 of this Part of the Convention for election of the members of the Council.

Article 65, paragraph 3

(To include in the second sentence of Mr. Evensen's Suggested Compromise Formula after the words "rights of coastal States" the following phrase):

Access of Land-locked and Geographically Disadvantaged States To and From the Area and Their Participation in Activities in the Area,

Committee II:

Article 44

Establishment and definition of the economic zone

1. Every coastal State has the right to establish an economic zone in accordance with the provisions of this chapter.
2. The term "economic zone" as used in the present Convention refers to those parts of the sea which extend from the seaward limit of the territorial sea of a coastal State up to a maximum breadth of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.
3. The provisions of section I of chapter V and other pertinent rules of international law shall apply to the economic zone in so far as they are not incompatible with this chapter.

* The Group would prefer a higher number of members of the Governing Board than 15 (for example 24).

Article 45

Rights, jurisdiction and duties of the coastal State in the economic zone

1. In the economic zone the coastal State shall have:

(a) (Sovereign) rights for the purpose of exploring and exploiting the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters;

(b) Rights and jurisdiction as provided for in the present Convention with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) scientific research;

(iii) the preservation of the marine environment, including pollution control and abatement; and

(iv) the conservation and management of the natural resources.

2. The rights set out in this article with respect to the sea-bed and subsoil shall be exercised in accordance with chapter IV.

3. In exercising its rights and performing its duties under the present Convention in the economic zone, the coastal State shall respect the rights and interests of the other States as provided for in the present Convention.

Article 46

Rights and duties of other States in the economic zone

1. In the economic zone, all States, whether coastal or land-locked, enjoy the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea.

2. In the economic zone land-locked and geographically disadvantaged States enjoy rights relating to the natural resources in accordance with articles 58 and 59.

3. In exercising their rights and performing their duties under the present Convention in the economic zone, States shall respect the rights and interests of the coastal State as provided for in the present Convention.

Article 47

Resolution of conflicts concerning the rights and duties in the economic zone

Conflicts concerning the rights and duties of States in the economic zone shall be resolved in accordance with the procedures laid down in chapter ... (compulsory settlement of disputes procedures).

An alternative to the establishment of coastal State economic zones would be the establishment of regional or subregional economic zones as proposed by some members of the Group and as it appears in L.95 of the official records of the Conference (p. 171, vol. 6, English version).

Article 58

Rights of land-locked States

1. Land-locked States shall have the right to participate on an equitable basis in the exploitation of the living resources of the economic zone of coastal States of the same region or subregion.

2. The modalities of such participation shall be determined by the States concerned through bilateral, subregional or regional agreements, in accordance with the provisions of this article.

3. In the conclusion of such agreements, the following factors shall be taken into account:

(a) The need to avoid effects detrimental to the living resources of the economic zone as well as to the economy of all the States concerned;

(b) The extent to which the land-locked State is participating in the exploitation of the economic zones of other coastal States; and

(c) The extent to which other land-locked States are exercising their rights of participation in the zone.

4. Developed land-locked States shall, however, be entitled to exercise their rights provided in this article only within the economic zones of developed coastal States of the same region or subregion.

5. Nothing in this article shall preclude any coastal State from granting to a land-locked State more favourable treatment than that provided for in this article, including treatment equal with that of the coastal State itself.

Article 59

Rights of geographically disadvantaged States

1. Geographically disadvantaged States shall have the right to participate on an equitable basis in the exploitation of the living resources in the economic zones of other States in the same region or subregion.

2. The modalities of such participation shall be determined by the States concerned through bilateral, subregional or regional agreements, taking into account the availability of living resources of any economic zone of the geographically disadvantaged State, and in accordance with the provisions of this article.

3. The rights to participate referred to in paragraphs 1 and 2 of this article relate to the surplus of the allowable catch, provided that the participation of the geographically disadvantaged States shall be on a preferential basis over third States other than land-locked States. In the event of there being no surplus of living resources in a particular zone, a developing geographically disadvantaged State may nevertheless participate in the exploitation of the living resources in such zone on an equitable basis which takes into account the following factors:

(a) The need to avoid effects detrimental to the living resources of the economic zone as well as to the economy of all the States concerned;

(b) The extent to which other geographically disadvantaged States and land-locked States are exercising their rights of participation in the zone; and

(c) The extent to which the geographically disadvantaged State is participating in the exploitation of the living resources of the economic zones of other coastal States.

4. Developed geographically disadvantaged States shall be entitled to exercise their rights provided in this article only in the economic zones of developed coastal States of the same region or subregion.

5. Nothing in this article shall preclude any coastal State from granting to a geographically disadvantaged State more favourable treatment than that provided for in this article.

6. For the purposes of this Convention, a geographically disadvantaged State is a coastal State:

(a) which, for geographic reasons, cannot claim an economic zone; or

(b) whose economic zone is less than 30 per cent of the area it could have claimed if it were able to extend the limit of its economic zone up to the maximum breadth permitted by this Convention; or

(c) which, for geographic, biological or ecological reasons, exclusively natural in character, derive no substantial economic advantage from exploiting the living resources of its economic zone and whose rights of access to the living resources are adversely affected by the establishment of economic zones by other States.

N.B.

Paragraph 6 of this article should in the final draft Convention appear as a provision in the article concerning definitions.

Article 59 (bis)

The provision of articles 58 and 59 shall not apply in the case of a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its economic zone.

Article 60

1. Rights provided under articles 58 and 59 to exploit living resources shall not be transferred to third States or their nationals by lease, licence, or by establishing joint collaboration ventures which have the effect of such transfer unless otherwise agreed upon by the States concerned.

2. Paragraph 1 does not preclude States from obtaining technical or financial assistance from third States or international organizations in order to facilitate the exercise of the rights provided under articles 58 and 59.

III

Chapter IV:

The Group of Land-locked and Geographically Disadvantaged States holds the view that coastal States rights to the continental shelf should not extend more than 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 75

The term "high seas" as used in the present Convention means all parts of the sea which are beyond the outer limit of the territorial sea of a State without prejudice to the rights of the coastal State provided for in chapters III and IV of this Part of the Convention.

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Article 109

1. Land-locked States shall have the right of free access to and from the sea for the purpose of exercising the rights provided for in the present Convention, including those relating to the freedoms of the seas and to the common heritage of mankind. To this end, land-locked States shall have the right of free transit through the territories of transit States by all means of transport.

2. For the purpose of implementing the right of free transit appropriate bilateral or multilateral agreements shall be concluded between the States concerned, in accordance with the provisions of the present Convention. However, absence of such agreements shall not be invoked by a transit State to deny the land-locked State the right of free access to and from the sea and the right of free transit through the territory of the transit State, as provided for in paragraph 1.

3. Transit States, in the exercise of their full sovereignty over their territory, shall have the right to take all indispensable measures to ensure that the rights provided for in this Part for land-locked States shall in no way infringe their legitimate interests.

Article 110

Provisions of the present Convention, as well as special agreements relating to the exercise of the right of free access to and from the sea, establishing rights and facilities on account of the special geographical position of land-locked States, are excluded from the application of the most-favoured-nation clause.

Committee III

As to the regulation of the marine scientific research, the Group of Land-locked and Geographically Disadvantaged States attaches great importance to the retention of article 66, Part III, Revised Single Negotiating Text, and hopes that this article will also be included in the Composite Informal Single Negotiating Text.
