

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/86

Letter dated 22 August 1979 from the Chairman of the group of Islamic States to the President of the Conference

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

gressive intentions, that they fully reserve their rights and that anyone seeking to trespass on the maritime zones where they exercise their sovereignty and jurisdiction rightfully, peacefully and without prejudice to the freedom of communication would be answerable for any violation of those rights.

"This protest by the countries of the South Pacific group is voiced as yet another expression of the solidarity existing among its members in the defence of the rights and interests of their peoples and as a proclamation of their decision to reject any type of pressure or threats impeding or obstructing the negotiations taking place in the Conference on the Law of the Sea, through which the developing countries hope to establish a more just, equitable and effective legal régime of the sea.

"Accordingly, the countries of the South Pacific group appeal to the peoples who support concordant maritime policies to associate themselves with this just protest, with a view to joining their forces to ensure that this Conference achieves its noble goals for the development of peoples and the safeguarding of peace.

"This declaration is issued in identical terms at Bogota, Quito, Santiago and Lima on 18 August 1979, the twenty-seventh anniversary of the Santiago Declaration."

We should be grateful if you would have the text of this declaration circulated as an official document of the Third United Nations Conference on the Law of the Sea.

(Signed) H. CHARRY-SAMPER
Head of the delegation of Colombia
to the Third United Nations Conference
on the Law of the Sea

(Signed) L. VALENCIA-RODRIGUEZ
Head of the delegation of Ecuador
to the Third United Nations Conference
on the Law of the Sea

(Signed) F. ORRERO VICUÑA
Head of the delegation of Chile
to the Third United Nations Conference
on the Law of the Sea

(Signed) A. ARIAS SCHREIBER
Head of the delegation of Peru
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/86

Letter dated 22 August 1979 from the Chairman of the group of Islamic States to the President of the Conference [Original: English] [22 August 1979]

In accordance with the decision taken at the meeting of the group of Islamic States I have the honour to submit herewith the following documents: the recommendations of the experts on the law of the sea of the member States of the Islamic Conference adopted at the meeting held at Istanbul from 6 to 9 March 1979 (IS/LEG/11); and resolution 17/10-P on the law of the sea, adopted at the Tenth Islamic Conference of Foreign Ministers held at Fez from 8 to 12 May 1979.

I would like to request that these documents be circulated as official Conference documents.

(Signed) N. YOLGA
Chairman of the group
of Islamic States

A

RECOMMENDATIONS OF THE EXPERTS ON THE LAW OF THE SEA OF THE MEMBER STATES OF THE ISLAMIC CONFERENCE TO THE TENTH CONFERENCE OF FOREIGN MINISTERS

INTRODUCTION

The experts on the law of the sea from the member States of the Islamic Conference met at Istanbul from 6 to 9 March 1979 pursuant to resolution No. 17/8-P of the Eighth Conference of Foreign Ministers of the Islamic Conference and resolution No. 1/9-P of the Ninth Conference and have decided to recommend a draft declaration for adoption by the Tenth Conference of Foreign Ministers.

I. FIRST COMMITTEE MATTERS

1. The Islamic States reaffirm their belief in the Declaration of Principles embodied in resolution 2749 (XXV) and in the principles contained in resolutions 2750 (XXV) and 3029 (XXVII) of the United Nations General Assembly.

2. They reiterate in particular their attachment to the principle stipulating that the resources of the sea-bed beyond national jurisdiction are the common heritage of mankind.

3. The Islamic States believe that the activities in the international area shall be carried out for the benefit of mankind as a whole, taking into account the needs and interests of the developing countries, and in particular, those of the peoples that have not attained full independence.

4. They further declare that the international Authority shall conduct the activities in the area on behalf of mankind as a whole, taking into consideration the objective of contributing to the strengthening of all efforts towards the realization of a new world economic order.

5. The Islamic States reiterate their deep concern regarding any unilateral action that may be taken in the field of sea-bed mining activities before the conclusion of the convention on the law of the sea. Such unilateral action shall be unacceptable and in violation of the moratorium contained in General Assembly resolution 2574 (XXIV).

6. The Islamic States are of the opinion that substantial progress has been made towards achieving a consensus and finding generally acceptable solutions to most of the issues related to the area, including the question of resource policy. They affirm their determination to continue the negotiations to solve the remaining issues, particularly:

(a) Financial arrangements of contracts for exploration and exploitation of resources;

(b) Contractual arrangements between the contractors and the Authority;

(c) Composition, powers and functions of the Council and the Assembly;

(d) Fair and just representation and equal voting rights in the Council;

(e) A viable enterprise which can begin to carry out activities in the area at the same time with other entities.

II. SECOND COMMITTEE MATTERS

1. *The status of islands*

Islands which, by their geographical situation, constitute a source of disagreement in the delimitation of maritime boundaries between adjacent and opposite countries will only share sea space according to equitable principles and taking into account all relevant circumstances.

2. *Semi-enclosed seas*

1. Semi-enclosed seas are those seas with particular characteristics which consist entirely of exclusive economic zones of two or more States.

2. States bordering enclosed or semi-enclosed seas shall co-operate with each other on the following:

(a) Management, conservation, exploration and exploitation of the living resources of the sea;

(b) Preservation of the marine environment;

(c) Undertaking of scientific research policies and appropriate joint programmes of scientific research in the area.

3. The delimitation of the territorial seas, exclusive economic zones and continental shelves between adjacent and/or opposite States bordering semi-enclosed seas shall be effected in accordance with the respective provisions of this convention and taking into account all the relevant circumstances in such areas.

4. The presence of islands, artificial islands, structures or installations in semi-enclosed seas shall not affect the régime of unimpeded navigation contained in the relevant provisions of this convention.

3. *Delimitation of maritime boundaries*

In the delimitation process between adjacent and opposite States, the States shall engage in good faith in negotiations to reach a mutually acceptable agreement applying equitable principles based on objective criteria emanating from all circumstances related to the zones to be delimited, resorting either to a combination of delimitation lines or to one line drawn according to any method of delimitation, including the median line or that of equidistance whenever it leads to an equitable solution.

Provisional measures

Pending a final solution, the States concerned shall exert all efforts to reach provisional arrangements avoiding any measures of a nature which may prejudice the final solution.

During this transitional period, the States concerned shall seek in particular to establish among themselves fruitful co-operation for the exploitation of resources in the disputed areas.

Settlement of disputes

The States concerned shall resort to the procedures of settlement of disputes provided for in part XV of the Convention or such other procedures agreed upon in accordance with Article 33 of the Charter of the United Nations.

4. *Outer limit of the continental shelf*

The Islamic States support the Arab formula that the outer limit of the natural prolongation of the continental shelf should not exceed 200 miles.²⁷

5. *Land-locked and geographically disadvantaged States*

The Islamic States invite the Third United Nations Conference on the Law of the Sea to take into consideration the

interests and needs of the land-locked and geographically disadvantaged States to have access to a fair share of the living resources of the economic zone of the neighbouring States.²⁸

6. *Straight baselines*

The Islamic States adopted the following formulation for the delineation of straight baselines.

Where most part of a coastline of a State is constituted by a continuous process of sedimentation of fluvial deposit rendering the low-water line highly unstable, the method of straight baselines joining appropriate joints may be employed along the farthest seaward extent of submerged sedimentary delta in drawing the baseline from which the breadth of the territorial sea is measured.²⁹

III. PREAMBLE AND FINAL CLAUSES

The group of experts of the Islamic Conference has studied the preamble and the final clauses. They shall exert further efforts to study these questions during the coming eighth session of the Third Conference on the Law of the Sea to be held at Geneva.

B

RESOLUTION ON THE LAW OF THE SEA ADOPTED BY THE TENTH ISLAMIC CONFERENCE OF FOREIGN MINISTERS

(Palestine and Al Quds Al Sharif session)

The Tenth Islamic Conference of Foreign Ministers, held at Fez, Kingdom of Morocco, from 8 to 12 May 1979 (10-14 Jamad Al Thani 1399H),

Recalling resolution No. 17/8-P of the Eighth Conference of Foreign Ministers of the Islamic Conference and resolution No. 1/9-P of the Ninth Conference regarding the Third United Nations Conference on the Law of the Sea,

Reaffirming the importance it attaches to the Third United Nations Conference on the Law of the Sea,

Believing that the traditional spirit of understanding and co-operation existing among Islamic nations is a fundamental element for the maintenance of Islamic solidarity within the framework of the Third United Nations Conference on the Law of the Sea,

Convinced that the members of the Islamic Conference can make a significant contribution to the development of the law of the sea and the establishment of a more equitable, legal and economic order,

Welcoming the first meeting of the experts on the law of the sea from the member States of the Islamic Conference, which was held at Istanbul from 6 to 9 March 1979,

1. *Expresses* its conviction that the meeting held at Istanbul has demonstrated that consultation and co-operation among the Islamic countries regarding questions of common interest on the law of the sea prove to be very useful;

2. *Takes note of* the report and declaration by the experts on the law of the sea;

3. *Decides* to circulate the report and declaration to the member States in order to help them formulate their policies in the forthcoming sessions of the Third United Nations Conference on the Law of the Sea;

4. *Calls upon* member States to continue their consultation and co-operation before and during the forthcoming sessions of the Third United Nations Conference on the Law of the Sea;

²⁸ Three representatives reserved the position of their Governments.

²⁹ Two representatives stated that they would like to study the question further.

²⁷ One representative stated that this subject needed further study.

5. *Affirms that the convention on the law of the sea to be finalized by the Third United Nations Conference on the Law of the Sea can be acceptable only if it can accommodate*

the interests of all the parties concerned and contain provisions which will ensure the exercise of rights and the fulfilment of obligations in good faith.

DOCUMENT A/CONF.62/87

Letter dated 22 August 1979 from the Chairman of the group of Islamic States to the President of the Conference

[Original: English]
[23 August 1979]

I have the honour to inform you that the group of Islamic States has decided to reiterate its support for the candidature of Malta for the seat of the International Sea-Bed Authority.

I would like to request that this letter be issued as an official document of the Conference.

(Signed) N. YOLGA
Chairman of the group
of Islamic States

DOCUMENT A/CONF.62/89

Letter dated 23 August 1979 from the Chairman of the Group of 77 to the President of the Conference

[Original: English/Spanish]
[24 August 1979]

I have the honour to write to ask you to arrange to have circulated as an official document of the Conference the attached statement which was prepared by the group of legal experts on unilateral legislation concerning mining of the sea-bed, the common heritage of mankind, of the Group of 77 and to which I referred in my capacity as Chairman of the group at the 120th plenary meeting of the Conference, on 24 August 1979.

(Signed) M. CARIAS
Head of the delegation of Honduras
to the Third United Nations Conference
on the Law of the Sea
and Chairman of the Group of 77

STATEMENT BY THE CHAIRMAN OF THE GROUP OF 77

The Group of 77 wishes to reiterate its firm position in assuring respect for the basic principles that govern the seabed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the exploration and exploitation of its resources for the benefit of mankind as a whole, which shall take particular due regard of the needs and interests of the developing countries.

The Group wishes to emphasize the consistency of its position and the coherence and unity of more than 119 States, expressed in several attitudes and actions undertaken since the adoption of the Declaration of Principles contained in resolution 2749 (XXV) by the General Assembly in 1970, and more recently in the letter prepared by the Group of 77's group of legal experts on unilateral legislation, which was sent to the President of the Conference on 25 April 1979,³⁰ as well as in the declarations of the States members of the Organization of African Unity (OAU) at the meeting of its Council of Ministers held at Monrovia, Liberia, in July 1979.

Our participation in the Third United Nations Conference on the Law of the Sea, convened in 1970, is a proof of our conviction for the need to develop the above-mentioned principles by the world community as a whole.

Those principles have been the basis for negotiations at the Conference since 1973, and considerable progress has been made in working out the details of the international régime and machinery.

While the Group of 77 has been broadly satisfied with these developments, it has also been perturbed over repeated reports that some industrialized States threaten to enact unilateral mining legislation, to make arrangements for its enforcement either singly or in small groups, and to conclude some form of mini-convention or other similar arrangements which provide for mutual recognition of such claims and their collective enforcement against the upholders of the common heritage of mankind and the universal principles of international law.

Such unilateral legislation and related arrangements are allegedly justified as being of a provisional nature, pending the conclusion and entry into force of the new convention on the Law of the Sea. They may also be supposedly defended on the ground of necessity for ensuring development of research and technology. Above all, it is stated that they are lawful and derive from the freedom of the high seas.

The Group of 77 has examined all these claims. Motivated by the interests of the world community as a whole, respect for international law and its peaceful and progressive development, and an early and successful conclusion of the current negotiations at the Third United Nations Conference on the Law of the Sea, the Group of 77 has rejected these claims.

The views expressed unequivocally in these matters may be summarized as follows:

(1) Neither the Geneva Convention on the High Seas, 1958,³¹ nor customary international law deals with or regu-

³⁰ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XI (United Nations publication, Sales No. E.80.V.6).

³¹ United Nations, *Treaty Series*, vol. 450, No. 6465, p. 82.