

# **Third United Nations Conference on the Law of the Sea**

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-  
**A/CONF.62/87**

## **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)*

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 sea-bed 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,<sup>30</sup> 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,<sup>31</sup> nor customary international law deals with or regu-

<sup>30</sup> 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).

<sup>31</sup> United Nations, *Treaty Series*, vol. 450, No. 6465, p. 82.