

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

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-  
**A/CONF.62/90**

## **Letter dated 22 August 1979 from the Vice-Chairman of the group of coastal 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)*

lates this exploration and exploitation of the resources of the international sea-bed area. These are not covered by the freedoms of the high seas.

(2) The international sea-bed area beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind.

No State shall claim or exercise sovereignty or sovereign rights over any part of the international sea-bed area or its resources, nor shall any State or person, natural or juridical, appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights, nor such appropriation, shall be recognized. All rights in the resources of the area are vested in mankind as a whole. The exploitation of minerals from these resources shall be organized, regulated and controlled by an international machinery, such as the proposed International Sea-Bed Authority.

The above principles are imperative rules of international law, the derogation of which is allowed neither by unilateral

legislation nor by restricted treaties. Any unilateral legislation adopted while these negotiations are going on will not only violate the rule of good faith in negotiations but, as I said on 19 March 1979, may also have wider impact on economic co-operation between developing and developed States.

(3) Unilateral mining legislation not only will not be recognized by the international community, but also will entail international responsibility to other States.

In view of the grave consequences which such unilateral mining legislation may entail for the enacting States and their contractors, for the future of the Conference, and for peace, co-operation and orderly economic development of the world community as a whole, the Group of 77 reiterates its request and urges all States to make every effort to bring this Conference to an early and successful conclusion and to the adoption of a Convention which is fair and acceptable to all sections of the world community.

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### Letter dated 22 August 1979 from the Vice-Chairman of the group of coastal States to the President of the Conference

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

In my capacity as Vice-Chairman of the group of coastal States, I have the honour to transmit to you herewith a declaration by the group and to request that it be circulated as soon as possible as an official Conference document.

(Signed) A. CABRERA (Mexico)  
Vice-Chairman of the group of coastal States

#### DECLARATION BY THE GROUP OF COASTAL STATES

The group of coastal States noted with surprise and concern recent media reports that the Government of the United States of America had "ordered its Navy and Air Force to undertake a policy of deliberately sending ships and planes into or over the disputed waters of nations that claim a territorial limit of more than three miles".

In the view of the group of coastal States, such a policy, which in its essentials has been confirmed by officials of the United States Government, is highly regrettable and unacceptable, being contrary to customary international law, whereby a great majority of States exercise full sovereignty in their territorial seas up to a limit of 12 nautical miles, subject to the right of innocent passage. That policy is also

inconsistent with the prevailing understanding at the United Nations Conference on the Law of the Sea which has recognized the validity of such a practice.

The group has taken note of the clarification which was later made by officials of the United States Government to the effect that there has been no order to challenge in an aggressive way the claims of other nations. However, the group considers the statement that the régime of high seas commences beyond three miles is clearly an anachronism.

The group has also taken note of the reassurances given by the same official source that the position of the United States of America in the Third United Nations Conference on the Law of the Sea has not changed as well as of the elements which, according to that source, should be combined within the context of an over-all package deal.

The group reaffirms its determination to continue working towards the early adoption of a generally acceptable, comprehensive convention on the law of the sea and, in the meantime, expresses its hope that every State will refrain from undertaking any actions that may adversely affect its relations with other States or the success of the Conference.

## DOCUMENT A/CONF.62/91\*

### Reports to the plenary Conference

[Original: English]  
[19 September 1979]

#### Memorandum by the President

This document contains the reports to the Conference of the Committees, the two groups of legal experts on the settlement of disputes relating to part XI of the revised informal composite negotiating text (A/CONF.62/WP.10/Rev.1) and on final clauses, respectively, and of the Drafting Committee and the informal plenary meeting on the settlement of disputes (part XV of the negotiating text), as well as of negotiat-

\* Incorporating document A/CONF.62/91/Corr.1 of 15 October 1979.

ing groups 6 and 7, on their work during the resumed eighth session held in New York from 19 July to 24 August 1979.

The Conference had originally decided to effect the second revision of the informal composite negotiating text before the adjournment of the eighth session or immediately thereafter, as on the occasion of the first revision. Time and circumstances did not, however, permit the attainment of this objective and the Conference was unable to proceed beyond receiving the reports contained herein. It must be emphasized that the Conference did not have the time to discuss these results in such a manner as to permit assessment in