

Third United Nations Conference on the Law of the Sea

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Document:-

A/CONF.62/WS/1

Statement by the delegation of Paraguay dated 2 April 1980

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

Chairman of the Drafting Committee draw the attention of the Chairmen of the Second and Third Committees to the fact that article 73, on fisheries enforcement, does not contain any provision requiring clear marking of enforcement vessels, such as that which appears in articles 107, 111 paragraph 5, and 224.

6. With respect to article 101, the co-ordinators of the language groups suggested that the reference to "subparagraphs (a) and (b)" should be changed to "subparagraphs (a) or (b)" to correspond with article 15 paragraph 3 of the 1958 Geneva Convention on the High Seas. It was recommended that this suggestion should be referred to the Chairman of the Second Committee.

7. Paragraph 1 of article 58 uses the phrase "other internationally lawful uses of the sea". It is recommended that the Chairman of the Drafting Committee consult with the Chairmen of the committees as to the possibility of redrafting paragraph 4 of article 194 ("activities in pursuance of the rights and duties of other States exercised in conformity with this Convention") and article 240 (c) ("other legitimate uses of the sea") in order to harmonize them with paragraph 1 of article 58. It is also recommended that the Chairman of the Drafting Committee should consult the Chairmen of the committees as to the harmonizing of paragraph 3 of article 155 ("various forms of activities in the Area and in the marine environment") with article 147 ("activities in the Area . . . other activities in the marine environment").

8. It is recommended that the Chairman of the Drafting Committee should consult the Chairman of the First Committee to determine firstly whether the term "ocean floor" in paragraph (c) (iii) of article 133 could be changed to "subsoil" to accord with usage in other portions of the convention; and secondly regarding the desirability of changing paragraph 1 of article 1 to read "sea-bed and subsoil", rather than "sea-bed and ocean floor and subsoil", in view of the language used in other articles of the Convention.

It is also recommended that the Chairman of the Drafting Committee should consult the chairmen of the relevant committees regarding the general relationship between paragraph 1 of article 1, and articles 57, 76 and 134.

9. It is recommended that the use of the words "flag" and "registry" in connexion with objects other than vessels in paragraph 2 of article 209, and (its effect on the scope of application of that article, be brought to the attention of the Chairman of the Third Committee.

10. There is a preference for the consistent use of the expression "marine scientific research" in Part XIII, except where it would be unnecessary and stylistically cumbersome (e.g. where the phrase "the research project" is clearly a cross reference to a marine scientific project). This preference was subject to consultation with the Chairman of the Third Committee.

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Statement by the delegation of Paraguay dated 2 April 1980

[Original: Spanish]
[10 April 1980]

1. The delegation of Paraguay to the Third United Nations Conference on the Law of the Sea wishes first of all to express its appreciation to the President and the other members of the General Committee for the efficient manner in which they have directed the work of the Conference.

2. It is making this statement to show its concern about certain developments which have marked the work of this Conference.

3. The delegation of Paraguay sees these developments as a further step in the process—which is still only a possibility—of appropriation of the sea by certain States. The stages in that process—which has continued throughout the entire Conference—have been the extension of the territorial sea, the establishment of new standards for its measurement, the establishment of a contiguous zone, the establishment of a so-called exclusive economic zone of 200 miles, the exclusive exploitation of the continental shelf beyond 200 miles and the granting of an economic zone and rights over its continental shelf to archipelagos of coastal States. If this tendency is not curbed in some way, what will become of the much-talked-about common heritage of mankind? Paraguay, which is a land-locked country, has had no part in that process—which has developed both within and outside the Conference—and its delegation has observed it with some perplexity and without approval.

4. The delegation of Paraguay also feels that these developments reflect a dangerous loss of confidence by some States in any effort at joint management of those resources of mankind which are not yet under their own sovereignty, since—as would be the result in our case—the intention is to restrict action by the international community as a whole to the point of robbing it of virtually all practical content.

5. The delegation of Paraguay believes that this sets a bad precedent. Will we do the same with the remaining resources of the universe that are not yet within man's reach?

6. This indicates, in addition, that the Conference has been made to serve the purposes of certain States, even though it was convened—let us not forget—for the benefit of all mankind and not to satisfy selfish interests. It lessens the credibility of this great undertaking by the international community and of the

organization which sponsored it, calling even its usefulness into question.

7. The delegation of Paraguay feels that the Conference must redouble its efforts to defend the integrity of the principle that was its motive force—the defence of the high seas as the common heritage of mankind, as enunciated in General Assembly resolution 2749 (XXV)—and not the legalized appropriation of the wealth of the seas by a very few.

8. Careful study of the various articles of the revised informal composite negotiating text (A/CONF.62/WP.10/Rev.1) leads to this disappointing conclusion: not much will be allocated to the common heritage, which, paradoxically, is being seriously diminished in relation to the potential wealth of the sea as a result of this Conference, whose objective had been to enhance and protect it.

9. In an effort to have the Conference strike a more equitable balance in apportioning resources between certain coastal States and the common heritage of mankind, a group of delegations has acted in an enlightened manner by introducing, in a series of amendments to articles 56 and 82 of the revised informal composite negotiating text, a proposal to establish a common heritage fund for the benefit of mankind—supplementing the meagre sea-bed resources currently exploitable—which would be financed with part of the proceeds from the exploitation of both the continental shelf beyond 200 miles and the so-called exclusive economic zones of the most advantaged coastal States.

10. The delegation of Paraguay, believing that this proposal meets the requirements of the most elementary justice, supports it without reservation. In taking this position, the delegation of Paraguay is not actuated solely by its own interests, since it will be able to derive very little benefit from such a fund, which, according to its proponents, will be used primarily to further the development of land-locked States and of the least advantaged coastal States.

11. The delegation of Paraguay also notes with concern that, at this stage of the work, discussion of the proposal has not received the attention it deserves and that there is merely a veiled reference to the matter in the report of the Chairman of the Second Committee (A/CONF.62/L.51).

12. The delegation of Paraguay considers the matter to be of the utmost importance and therefore requests the General Committee to take the necessary steps to ensure that the same thing will not happen at the resumption of this session.

13. It is the understanding of the delegation of Paraguay that the Conference operates on the principle that full consideration will be given to every proposal and that none will be put aside under the pretext of new procedures or the existence of other priorities.

14. In conclusion, the delegation of Paraguay wishes to recall that the purpose of this international gathering is to enact laws for the future. Its outcome, everyone hopes, will radically change the course of development of many of the institutions of international law. Therefore, let us not permit ourselves to be swept along by haste or by drastic decisions which our generation and, in particular, future generations may have reason to regret.

DOCUMENT A/CONF.62/WS/2*

Statement by the delegation of Romania dated 2 April 1980

[Original: English]
[10 April 1980]

1. With regard to the negotiations and the reports submitted at the end of the first part of the ninth session of the Third United Nations Conference on the Law of the Sea, the Romanian delegation would like to reaffirm its position concerning the particular importance of the Conference for the establishment of a new type of relations among States in this field. Such relations should reflect the increasing role of seas and oceans in the economies of all countries and in particular the developing ones. At the same time, they should contribute to a genuine solution of some fundamental problems of the world economy, namely to the establishment of a new political and economic order. The future convention should create better conditions for the development of all countries and a better climate of understanding and co-operation among all peoples, in the interest of world peace and security.

2. In our epoch, when an increasing number of States consider the utilization of the marine resources as being of paramount importance in their development strategies, Romania—a socialist and developing country—has an experience of its own in this area. Romania has made great economic efforts to develop a fishing fleet and technological and scientific capacities for the exploitation of marine resources: it actively participates in international co-operation in this field.

3. In the light of the above-mentioned principles and realities, Romania, together with other States, has acted to ensure that the provisions of the future convention on the law of the sea will be based on the fundamental principles of international law and, in particular, on the strict observance of national sovereignty of all countries, the equal rights of access in equitable terms to marine resources and the right to participate in the activities relating to the rational use of the ocean space. At the same time, Romania has insisted that the principles of common heritage of mankind—recognized for the seabed area beyond national jurisdiction—should be fully and correctly reflected in the provisions concerning the system of exploration and exploitation of those resources. These principles should also be reflected in democratic institutional arrangements which should ensure the participation of all States in the new organization to be established for promoting international co-operation in this area.

4. We have constantly proceeded from the need to use the seas and ocean space exclusively for peaceful purposes and thus to contribute to rapprochement among peoples providing in such a way a wide area for co-operation among all countries to the benefit of development and prosperity of the whole world.

5. From the point of view of these requirements, the results of the present session of the Conference, as reflected in the reports submitted to the plenary, mark a certain progress as they shape a wide framework of rules which should govern international maritime relations. At the same time, one cannot ignore the fact that not all the basic objectives and principles which we have referred to are fully and correctly reflected in

the reports. Moreover, these principles have not been entirely followed even in the process of negotiations. The reports do not take into account, in an appropriate manner, certain vital interests of States in this respect and the diversity of situations of various countries, as evident from the negotiations.

6. This does not conform, obviously, either with the principles of consensus which were accepted by the Conference as a basic norm for the elaboration and adoption of decisions, or with the unanimously accepted rule of solving the main issues before the Conference as a package deal. There should be a reasonable balance of rights and obligations of all parties to the future convention. The present negotiating text does not reflect fully this requirement and the negotiations at this session failed to ensure such a balance.

7. Under these circumstances, the Romanian delegation is of the opinion that, in regard to a series of problems, the reports are not satisfactory because they do not reflect appropriately the proposals made during the session relating to vital interests of certain States. This is even more regrettable as a number of countries spoke in support of such proposals. New efforts aimed at finding generally acceptable solutions are needed. We refer particularly to the access of geographically disadvantaged States and of countries situated in regions or subregions poor in biological resources, to fisheries in the economic zones, to the delimitation of the maritime spaces between States, to innocent passage through the territorial sea, to the outer limit of the continental shelf and certain aspects relating to the final clauses.

(a) We believe that the right of access to the living resources of the geographically disadvantaged States situated in the regions or subregions poor in biological resources is not reflected in an appropriate manner in the revised informal composite negotiating text, namely in article 70 (A/CONF.62/WP.10/Rev.1). That is why my delegation made several proposals during the last sessions in order to find a generally acceptable formula. As it is shown in the report of the Chairman of the Second Committee (A/CONF.62/L.51), the Romanian delegation proposed a new paragraph 1 bis in article 70, which reads as follows:

"If the region or subregion where States with special geographical characteristics are situated is poor in living resources, the rights of those States under paragraph 1 shall apply to the neighbouring regions or subregions." (C.2/Informal Meeting/51.)

This amendment was supported by an important number of delegations, which proves that new efforts are necessary in order to elaborate a just and equitable solution to this matter. Pending the settlement of this question, my delegation considers that there is no consensus on provisions concerning fisheries.

*Incorporating document A/CONF.62/WS/2/Corr.1 of 19 May 1980.