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187th meeting

Tuesday, 7 December 1982, at 10.05 a.m.

President: Mr. T. T. B. KOH (Singapore)

Statements by delegations (*continued*)

1. Mr. KAUSHAL (India): First of all I should like to perform my pleasant duty of complimenting the Government of Jamaica for inviting the Conference to hold its final session here and for making such excellent arrangements both for the Conference and for its participants.

2. This is a memorable session indeed, since it brings to a successful conclusion the sustained and arduous efforts made by the world community as a whole in evolving an equitable legal régime for regulating and controlling the diverse uses of the seas. This Conference has been unique in many respects. It has been attended by almost all the States of the world, including some which are not yet members of the United Nations. It has reviewed the entire law of the sea and established an international régime and machinery for exploring and exploiting the resources of the international sea-bed area which are the common heritage of mankind. It has also given the coastal States protection of their legitimate interests in the seas around them, including the exploitation of their living and non-living resources. Thus the evolution of the concept of an exclusive economic zone has been its major contribution. It has ensured freedom of navigation through the seas and the straits used for international navigation. It has also regulated other uses of the sea in a comprehensive manner. In considering these diverse matters, the Conference has followed the procedures of open discussion, reconciliation of different interests, and arriving at conclusions by means of consensus.

3. The global composition of the Conference, the comprehensive scope of its work, and its working methods of reaching decisions by consensus as far as possible have accordingly delayed the conclusion of its work. The Conference has been in session since December 1973. But at the same time its working methods have ensured that the conclusions reached will have the widest support of the world community of States as a whole and, accordingly, will be durable.

4. I should like to acknowledge the spirit of compromise and fair-mindedness shown by all segments of the world community represented in this Conference, as well as the extraordinary guidance which the leadership of the Conference has given in bringing this work to a successful conclusion. In this respect, I should like to pay a special tribute to Mr. Hamilton Shirley Amerasinghe, President of this Conference between 1973 and 1980; and to you, Mr. President. We are particularly thankful to you for the understanding, skill and courage shown by you throughout this Conference and particularly at its eleventh session, held in New York in March and April 1982, and since. Please accept our heartiest congratulations on your achievement. We should also like to thank the other officers of the Conference and the members of the Secretariat who have worked steadfastly to assist you in your onerous task.

5. The United Nations Convention on the Law of the Sea was adopted on 30 April 1982 by a recorded vote of 130 to 4, with 17 abstentions. Many of those States which abstained have since announced their decision to sign the Convention. The Convention has thus received wide support from the world community of States as a whole. This is a matter of satisfaction to all of us because it augurs well for the working of the new law of the sea in future. In this context I should like to make a special appeal to the Government of the United States to join the other members of the world community of States in signing the Convention as soon as it is pos-

sible for it to do so. It is of course entitled to make its own appraisal of the Convention in relation to its national interests. I should simply like to mention that the Conference has over a period of time not only benefited by the specialized knowledge and experience of the United States in several aspects of the subject-matter of its work, but also tried to accommodate the essential interests of that country in a fair and reasonable manner.

6. My Government was especially grateful for the gracious manner in which the Conference acknowledged India's humble contribution to the development of knowledge about the resources of the deep sea-bed and in according India the status of a "pioneer investor". We have all the limitations of a developing country; yet our achievements will not only boost the morale and self-esteem of our own nation but will also make a contribution to the promotion of the interests of the developing countries. I trust that our experience may also be useful to the Enterprise, the business arm of the International Sea-Bed Authority, in its exploitation of the reserved mine sites, in step with the other States and entities. I am glad to report that my Government not only has expended by now the requisite amount referred to in the resolution on preparatory investment in pioneer activities relating to polymetallic nodules adopted by the Conference on 30 April 1982, but has also obtained useful and interesting data and samples from its intensive surveys in the Central Indian Basin of the Indian Ocean. We therefore look forward to the application of the international régime as soon as possible so that the Preparatory Commission will be established and will meet in Jamaica in March 1983. We look forward to submitting to the Commission the results of our surveys and other aspects of pioneer activities whenever it is in a position to entertain applications from pioneer investors.

7. My delegation is also satisfied with the broad framework of the Convention, which we intend to sign here in Jamaica on 10 December 1982. As a developing country with a large population making strides in providing them with a decent living as human beings, India is particularly satisfied with the new resources régime established in the Convention, especially that relating to the 200-mile exclusive economic zone and the outer limits of the continental shelf. Thus, in the exclusive economic zone, India as a coastal State has sovereign rights for exploiting its fishery resources, apart from exercising jurisdiction over other matters. It will determine the allowable catch of fisheries and develop its own harvesting capacity. While computing the surplus, if any, of these living resources, it will have the right to protect the interests of its fishing communities or fishing industries as well as the nutritional needs of its population. Being at present low in per capita fish consumption, India is making intensive efforts to develop its fishing capability for meeting its protein needs. The ultimate level of such capability will furnish the base for all relevant computations in this regard.

8. It is, however, also true that there are some disappointments for India in the Convention since India's legitimate interests have not been adequately covered and reflected in it. I referred to them specifically in my statement of 31 March 1981 in an informal plenary meeting in New York—namely, first, that the group of islands which is an integral part of the territory of a sovereign State should be entitled to the status of an archipelago and no distinction should be made between an archipelagic State and such a group of islands. Such a distinction is neither logical nor justified; and, secondly, that a

coastal State should be entitled to enclose a cluster of installations on its continental shelf or in its exclusive economic zone into a special area under its national jurisdiction in order to protect its living and mineral resources and to prevent any incidents that might cause hazards to its marine environment.

9. In conclusion, my Government wishes to join all other Governments represented in this Conference in celebrating the successful conclusion of its work by signing not only the Final Act of the Conference but also the United Nations Convention on the Law of the Sea.

10. Mr. THOMPSON-FLORES (Brazil): The decision taken by the Third United Nations Conference on the Law of the Sea to accept the offer proffered by Jamaica to act as host this closing session is a source of great satisfaction to the delegation of Brazil. It is just and meaningful that a developing country of the American region be the site of the session at which we formally conclude the work of the Conference and open to the signatures of the nations of the world the new Convention which will guide human activities in all sea and ocean spaces.

11. As a Latin American country, Brazil attaches special significance to this solemn act. This week, years of arduous negotiations among practically all the Governments of the world are coming to a conclusion. To a great extent, this negotiating effort was inspired by initiatives that sprang from this region, initiatives designed to further that which the Convention defines in its preamble as a "just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries . . .".

12. Fifteen years have gone by since Mr. Arvid Pardo delivered to the General Assembly of the United Nations the historic speech that gave the initial impulse to the long process of debate and intergovernmental consultations that is now drawing to a close on the shores of the Caribbean.

13. However, since the 1940s the nations of Latin America—and, subsequently, the other nations of the world—have been aware of the importance of the seas and oceans that roll up upon their shores. In a spirit of independence and conscious of the legitimacy of their actions, these countries not only laid claim to but effectively exercised their national rights in the sea up to a distance of 200 nautical miles from their coastlines.

14. In 1970, when Brazil decided to extend its sovereignty to that distance, only a few more than a dozen nations, mostly from Latin America, had adopted legislation broadening the narrow limits which had theretofore prevailed and which were patently insufficient to safeguard the legitimate interests of the State in the maritime areas adjacent to its coastline.

15. The expansion of Brazilian maritime jurisdiction was justified, both as a measure taken in defence of national interests and as a reflection of a practice which, though still adopted by only a minority in world terms, was spreading throughout Latin America and inspiring analogous actions in other parts of the third world. In juridical terms, no international norm then existed which set a maximum limit on national sovereignty or jurisdiction over the sea.

16. In March 1970 Brazil opted for the simple broadening of its territorial waters to a distance of 200 miles. This was the solution that then seemed most logical and should be seen in the light of the fact that at that time the process of elaborating innovative formulas to define the rights of the coastal State in wider areas of the adjacent sea was just beginning.

17. Since 1970 this process has followed a parallel path. Gradually the number of States that individually took the decision to anticipate the world consensus regarding the concept of 200 miles increased. In the Latin American region the right of the coastal State to extend its maritime jurisdiction or sovereignty was the subject of the final documents of the

Montevideo and Lima meetings in 1970 and of the Santo Domingo meeting in 1972. The theme was widely discussed at the meetings of the Afro-Asian Juridical Consultative Committee at Colombo in 1971 and at Lagos in 1972 and at the Regional Seminar of the African States on the Law of the Sea, held in Yaoundé in 1972. In the following year, the declaration adopted at the summit meeting of the Organization of African Unity in Addis Ababa consolidated the adherence of the African countries to the concept of an exclusive economic zone.

18. At the world level, the preparatory work for the Third United Nations Conference on the Law of the Sea noted, starting in 1971, an increasing adherence to the concept of 200 miles, almost wholly—but not exclusively—on the part of countries pertaining to the developing world. During the course of this work a number of proposals were presented which, in one way or another and normally with varying terminology, recognized the rights of the State to the adjacent sea up to a distance of 200 miles. Some expressed their preference for an expanded territorial sea in which free transit would be guaranteed to the ships of third nations. Others refused even to consider any broadening of national maritime areas beyond the 12-mile limit.

19. However, the majority was clearly inclined towards the creation of a new juridical régime which would apply to the area between the narrow limits of the traditional territorial sea and the point at which the high sea begins. This would be designated as the patrimonial sea or, in the version of the African countries, as an exclusive economic zone.

20. On the basis of these ideas, namely, a 12-mile territorial sea in the strict sense associated with an exclusive economic zone up to the distance of 200 miles, a consensus was gradually formed in the negotiating process of this Conference. In 1975 this formula for reconciling divergent interests was incorporated into the first of a series of basic negotiating documents prepared under the responsibility of the Bureau of the Conference. It was already evident at that time that international recognition of the rights of the coastal State to the waters of the sea up to the limit of 200 miles would be an essential element in the future convention on the law of the sea.

21. Today the Latin American countries that pioneered the adoption of measures in defence of legitimate national interests in the wider areas of the sea that bathes their coasts feel a sense of satisfaction at the universal acceptance of the system which, as a matter of practice, has already been in effect for a number of years.

22. As in the case of Brazil, they understand that during the course of negotiations among more than 150 Governments of sovereign States it would be impossible for any single State to attain the totality of its national claims. They understand that this was a process in which each of the participants would be called upon to make at least some concessions so as to permit the consolidation of a new international juridical régime, more just and equitable, for all areas of the oceans and seas.

23. The United Nations Convention on the Law of the Sea does not correspond to the national position of any one of the Governments represented at the Conference. However, when seen in its entirety, the Convention effectively reflects, in an objective and equitable manner, the result of many years of serious and careful negotiations among the States members of the international community with respect to the numerous and complex questions which constitute the new law of the sea. It is within this spirit that the Brazilian Government assesses the provisions of the new Convention.

24. During the course of the negotiations Brazil and numerous other coastal nations sought to ensure that the text of the Convention would contain provisions that would expressly safeguard the economic and security interests of a State in areas in the proximity of its coastline.

25. In the case of economic and connected interests, the efforts of these States were crowned with success, for those interests are as well protected in the new Convention as they were in the national legislation of the countries that had already taken the initiative of proclaiming their rights over the area of 200 miles. The régime for fisheries, for example, is based upon the recognition of the coastal State's sovereign rights over the living resources within the area of 200 miles and is analogous, in terms of practice, to the system implemented by the many countries that have already expanded their maritime jurisdiction up to that distance. Likewise, the régime of prior consent for the conduct of scientific research in the exclusive economic zone and on the continental shelf is essentially equivalent to that already adopted by the majority of those same countries. Emphasis should be given to the importance of the régime for the continental shelf as established by the new Convention, for that régime not only provides a multilateral juridical basis for the sovereign rights of the coastal State over the energy and mineral resources of the sea-bed to a distance of 200 miles from the coastline but also expressly recognizes the extension of those rights beyond this limit, up to the outer edge of the continental margin.

26. On the other hand, the Convention on the Law of the Sea is much less explicit concerning the security interests of the coastal State in the area between 12 and 200 miles. It was impossible to overcome the intransigence of the major naval Powers. As a result of the basic rule of consensus adopted by this Conference, gaps and ambiguities remain in the text of the Convention. However, these problems can be solved by resorting to the option defined in article 310 of the Convention, which allows formal declarations at the time of signature, ratification or adherence, "with a view, *inter alia*, to the harmonization of [national] laws and regulations with the provisions of this Convention".

27. In the case of Brazil, we deem it necessary to make clear our understanding in relation to certain aspects of the Convention that refer to legitimate security interests perfectly compatible with the text and spirit of the Convention.

28. In the first place, it is our understanding that the provisions of article 301, which prohibit the threat or use of force on the sea against the territorial integrity or independence of any State, apply particularly to the maritime areas under the sovereignty or jurisdiction of the coastal State. In other words, we understand that the navigation facilities accorded third world countries within the exclusive economic zone cannot in any way be utilized for activities that imply the threat or use of force against the coastal State. More specifically, it is Brazil's understanding that the provisions of the Convention do not authorize other States to carry out military exercises or manoeuvres within the exclusive economic zone, particularly when these activities involve the use of weapons or explosives, without the prior knowledge and consent of the coastal State. Furthermore, it is our understanding that in accordance with the Convention the coastal State has the exclusive right to construct and to authorize the construction, operation and use of all types of installations and structures within the maritime areas under its sovereignty or jurisdiction and that there are no exceptions to this right. In other words, no State has the right to place or to operate any type of installation or structure in the exclusive economic zone or on the continental shelf without the consent of the coastal State.

29. We believed it necessary to raise some of those points during the course of the Conference sessions and to reiterate them now that the Convention is open for signature. We recognize that there are certain terminological and conceptual differences between the Brazilian legislation that remains in force and the precise terms of the Convention. However, we understand that the régime which, as a matter of practice, has been applied for more than 12 years by the Brazilian Government in the maritime areas under its sovereignty and jurisdic-

tion is compatible with the provisions and objectives of the new Convention.

30. It is particularly fitting that the closing session of the Third United Nations Conference on the Law of the Sea is being held in the country that will have the responsibility of acting as host to the mechanism instituted to manage that which is most creative and innovative in the new Convention: the régime for the international area of the sea-bed and ocean floor.

31. In this case, innovation is the synonym for the creation of a new landmark in relations among nations, or, in other words, for the adoption of a new principle—a rare fact indeed in the slow evolution of international law.

32. Universal recognition of the principle of the common heritage of mankind is one of those events that few generations have the privilege of witnessing. The birth of a principle of international law assumes that for a specific objective nations agree to put aside their individual powers and channel their own interests through the path of the common interests of all. For a principle to come to life it is necessary that nations be convinced that their objectives can be better attained in a permanent manner within a global context supported by all.

33. The principle of the common heritage of mankind clearly fulfils these conditions. The application of this principle in the last 12 years has not demanded the signing of any international instrument. States declared that the sea-bed and ocean floor, the subsoil thereof and its resources constitute the common heritage of mankind. Today this principle is enshrined in the Convention we are to sign. The Convention does not establish the principle, for it already exists. The Convention simply utilizes the principle as a secure basis from which all the provisions that will regulate the sea-bed and ocean floor will flow. We are all aware that the scope and nature of this principle have been widely discussed.

34. The industrialized nations are well aware of the economic advantages involved in the exploitation of the sea-bed and the ocean floor. They also know that it is not in their best interest to enter into conflict as to title to the prime areas. The news that a small group of nations recently signed an agreement on deep sea-bed operations should be no cause for concern. On the one hand, the resolution on preparatory investments permits limited agreements with the objective of facilitating operations in the area. On the other, nothing can be done that threatens the Convention or infringes upon its clauses.

35. The PRESIDENT: I should be grateful if the representative of Brazil would try to sum up in one minute.

36. Mr. THOMPSON-FLORES (Brazil): It must always be recalled that the United Nations Convention on the Law of the Sea legislates on a space where no one can carry out activities outside its provisions.

37. No country could ever hope to convince world opinion that there has been any reluctance whatsoever to explore all possible channels of negotiation. At the end of August 1980 a consensus had already been achieved as to part XI of the Convention. The last two years were spent in the pursuit of means to accommodate a single country that had rejected the results of the negotiations in which it had actively and fully participated. Important new concessions that tended to upset the balance of the text were made in an attempt at accommodation. It would not be excessive to recall that the result attained two years ago consisted of a complex of concessions made by the great majority of nations to those few that, in the light of their economic and technological development, aspired to reap greater and more immediate benefits. This is the moment to state once more that the results of the negotiations do not reflect the position of any group. Two years ago the draft convention was the result of a conscious effort on

the part of all without exception to reach a point of convergence which, though not necessarily the most perfect or just, would represent the best attainable compromise between the application of a principle and the reality of the division of wealth and power existent on the planet.

38. The adoption of the Convention through recourse to voting—an unexpected and unfortunate event at the end of so many years of work—has, by the result of the voting, served to demonstrate that the state of international relations is not as sombre as may seem apparent from the tragic situations which still stand in opposition to mankind's desire to live in peace in economic and social conditions that are compatible with the dignity and equality of the human being.

39. Even more than the concessions permitted in the text, the resolution on the treatment of preparatory investments represents an effort to reach a compromise between the current reality and long-term juridical elaboration.

40. Many of the representatives in attendance here had taken part in the deliberations of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction since 1968. The continuity of our work was of fundamental importance to the results obtained, and it will be even more important in the near future, since, we are certain, the task of the organization of ocean space and its steadily increasing availability to human activity does not end here. On the contrary, this meeting marks the commencement of a long period of labour.

41. Although it is normal for international legislative activities in specific fields to come to a close upon the conclusion of a normative document, ours is a different case. We have constructed a framework, a mechanism that we will henceforward have to put into operation and improve.

42. By good fortune this extraordinary task was allotted to our generation. We have planned and regulated the utilization of the largest part of the earth's surface. From this point forward, ours is the task of ensuring that our intentions, as expressed in this United Nations Convention on the Law of the Sea, confer upon mankind the benefits that have motivated our efforts.

43. After a thorough process of examination and evaluation in which all interested authorities took part, the Brazilian Government has decided to sign the United Nations Convention on the Law of the Sea at the closing meeting of this Conference.

44. Mr. HENAR (Suriname): On behalf of the Government and delegation of the Republic of Suriname I have the honour to express sincere gratitude and deep appreciation to the Government of Jamaica for acting as host to the concluding session of the Conference for the signing of the Final Act and the opening for signature by Governments of the United Nations Convention on the Law of the Sea.

45. Mr. President, we thank you for your able and skilful guidance and we thank also the Vice-Presidents, the Chairmen of the Main Committees, the Chairman of the Drafting Committee, the Rapporteurs and the Rapporteur-General of the Conference for their tireless efforts over a great many years to find solutions to the problems confronting the Conference.

46. We also wish to pay a tribute to the memory of the first President of the Conference, Mr. Hamilton Shirley Amerasinghe, who devoted quite a number of years of his life to the success of the Conference.

47. The negotiations with regard to the law of the sea, which lasted almost 10 years, ended on 30 April of this year with the adoption of the most ambitious Convention in history, a charter for the world's oceans consisting of 320 articles and nine annexes.

48. The Third United Nations Conference on the Law of the Sea carried out an assignment given it by the General Assem-

bled in 1973—namely, to adopt a convention dealing with all matters relating to the law of the sea. This Convention, which is an attempt to uphold the United Nations resolution calling for the deep sea-bed to be regarded as the common heritage of mankind, is finally ready for signing here, at Montego Bay in Jamaica.

49. Under the concept of the common heritage of mankind, the vast mineral resources existing on the sea-bed and within the international sea-bed area of the great oceans would be made subject to a system of international equity. From the Convention we may expect legal security, confidence and reliability, which foreclose anarchy, *inter alia* in the international sea-bed area.

50. It is regrettable that the Conference failed to meet its goal of adopting the Convention unanimously. It is ironic that those who promoted the multilateral negotiating process and insisted that the Conference act by consensus abandoned their own principle in the end, only to reject the agreement.

51. Several developing and Western countries had hoped that major concessions made by the Group of 77, to which my country belongs, with regard to the sea-bed provisions together with the pioneer investment scheme would enable some major industrialized States to adopt the Convention.

52. The Group of 77 could not make more concessions without unravelling the entire package, which was intricately woven through many trade-offs; nor could it erode further the benefits the Group stood to gain. We caution the key pioneer mining nations against utilizing the reciprocating States Agreement as an alternative mining régime outside the Convention, a régime that would divide up the richest areas of the oceans among a handful of States. Specifically, we reject any special arrangement in which the major industrialized States would simply proceed to share the sea-bed among themselves. In this context we fully endorse the statement made by the President of the United Nations Conference on the Law of the Sea at a press conference on 3 May of this year indicating that the General Assembly would be requested to ask for an advisory opinion from the International Court of Justice on the legality of mining outside the Treaty if the mining companies proceeded to mine under unilateral legislation or a limited multilateral agreement. If they are to be taken seriously in future global negotiations, the major industrialized States cannot simply pick up their marbles and walk away just because they have not got everything they might have wanted.

53. The Convention is a compromise document prepared in the course of lengthy and arduous negotiations. All States had to make concessions during those negotiations. The States that fail to adopt the treaty should not entertain the misguided hope that the Convention will just evaporate.

54. However, the situation is that if many industrialized States fail to support the United Nations Convention on the Law of the Sea its validity and consequently its standing in international law will be undermined. We therefore urgently appeal to the States that have rejected the Convention or failed to commit themselves to it on account of rigid ideological considerations, or for other reasons, to be more pragmatic and become signatories to the Convention which should be considered a significant milestone in international lawmaking. In doing so they would join in the creation of a historic global organization, one which for the first time regulates, manages and produces globally shared resources.

55. We welcome the statements made by the representatives of the Union of Soviet Socialist Republics and Poland during the session of the Third United Nations Conference on the Law of the Sea held last September in New York that their Governments had decided, after careful consideration, to sign the Convention.

56. Before concluding, I should like to state that the Government of the Republic of Suriname reaffirms the right

of coastal States to adopt measures to safeguard their security interests in accordance with articles 19 and 25 of the Convention, as indicated in the statement made by the President of the Conference on the Law of the Sea on 26 April 1982.

57. In spite of all the problems involved, the Convention should be considered as the greatest forward step in international relations since the founding of the United Nations. In a spirit of mutual understanding and co-operation, and aware of the significance of this Convention as a great contribution to peace, justice and progress for all the peoples of the world, the Government of the Republic of Suriname has decided to sign this United Nations Convention on the Law of the Sea. We representatives of the developing countries consider the Convention to be a step towards a just and equitable international economic order that should take into account the interests and needs of mankind as a whole and, in particular, the special interests of the developing countries.

58. The new Convention should be considered as an effort of a specific, functional nature, designed to bring about systematic reforms, as well as revisions, in a system that no longer suits our needs. We therefore once again call for the goodwill and co-operation of the industrialized States and ask that they join the basis laid for a legal order for the oceans. In so doing they will help to establish the common heritage of mankind.

59. I conclude by saying that we firmly believe that the codification and progressive development of the law of the sea will contribute to the strengthening of peace, security and co-operation among all nations.

60. Mr. LARES (Finland): Finland considers that the United Nations Convention on the Law of the Sea may well become one of the most significant legal instruments of this century. It is also a great achievement by the United Nations, which has brought this vast undertaking to a successful conclusion under its auspices.

61. It should be remembered that this Convention is not a mere codification of existing customary or conventional international law, but that it constitutes in many fields a progressive development of the law, the benefits of which can be enjoyed only by those States that adhere to the Convention. A satisfactory order governing the world's oceans will reduce the possibilities of inter-State conflicts and consolidate the role of the United Nations in the codification and development of international law in other fields of human endeavour as well.

62. It is understandable that the text of the United Nations Convention on the Law of the Sea, comprehensive and complex as it is and dealing as it does with subjects of exceptional economic and political importance, causes difficulties to various groups of States with differing interests. My Government, too, finds that some provisions or solutions do not wholly correspond to its wishes. However, the Convention is a package deal, the result of numerous compromises reached in striving for a delicate balance between divergent opinions and interests. The Convention does not represent the views of any one group of States, either industrialized or developing. It is a joint achievement by all States participating in the Conference. It is therefore of the utmost importance that the Convention on the Law of the Sea gain the widest possible adherence in order to serve its functions in a global context and put into effect the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction of 1970.¹

63. Finland belongs to the overwhelming majority of States that voted in favour of the United Nations Convention on the Law of the Sea when it was adopted by the Conference last April. My delegation has noted with satisfaction that many of the delegations that abstained on the final vote have since

indicated their intention of signing the Convention. We regret, however, that full consensus could not be reached. Now that we stand at the end of the long and arduous road upon which we embarked more than a decade ago in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, it is our sincere hope that those States that have so far not been able to approve of the contents of the Convention in their entirety will, at a later stage, find it is to their benefit also to have as wide adherence to this Convention as possible.

64. In its general statement at the session of the Conference held at Caracas in 1974, the delegation of Finland explained its position with regard to the work of the Conference by stating, *inter alia*, that Finland had always emphasized the importance of the progressive development of international law as one of the main objectives of the United Nations. Finland is one of the few States to have ratified all the four 1958 Geneva Conventions as well as the Optional Protocol. With reference to the geographical position of Finland as one of the coastal States of the Baltic Sea, my delegation pointed out that the situation prevailing within that sea area was satisfactorily regulated under existing treaty provisions and expressed the hope that the results of the Conference would not entail any radical changes in those arrangements. My delegation further stated that it was impossible to ignore the fact that the extension of the jurisdiction of coastal States beyond territorial waters would widen the already existing gap between the economic advances enjoyed by the coastal States, on the one hand, and the limited benefits of States without direct access to the ocean, on the other. It was therefore necessary to recognize the special needs and interests of the land-locked and other geographically disadvantaged States. The relationship between the extension of coastal State jurisdiction and the exploitation of the deep sea-bed resources as part of the common heritage of mankind must be taken into account, and the new international régime for the sea-bed beyond the limits of coastal State jurisdiction needed to be as effective as possible. My delegation was, to a great extent, guided by these principles throughout the Conference.

65. With regard to the deep sea-bed part of the Convention, a totally new concept of international law—the common heritage of mankind—has been defined. My Government is of the view that the deep sea-bed régime created represents the best possible balance that could be achieved. In the words of the President of the Conference, the outcome of the negotiations demonstrated that “it is possible for North and South, East and West, to co-operate with one another to acknowledge one another's interests and to seek mutually acceptable solutions”.

66. Our immediate task is to breathe life into the Sea-Bed Authority in order to make it a viable international organization. In our view, it is extremely important that all the rules, regulations and procedures that will have to be worked out by the Preparatory Commission be drafted in an equitable and pragmatic manner. In this way we could overcome the hesitation shown by some industrialized countries to accept the Convention at this stage.

67. Because of its geographical location, Finland is heavily dependent on maritime transport. The preservation of freedom of navigation in the United Nations Convention on the Law of the Sea forms, for my country, an essential part of the overall package deal. Compared to existing customary international law and to the 1958 Geneva Conventions, the new Convention on the Law of the Sea introduces the new legal régimes of transit passage, to be applied in straits used for international navigation, and of archipelagic sea-lanes passage, to be applied to passage through or over archipelagic waters. My delegation believes that these régimes as set out in the provisions of the Convention will secure appropriate protection of the interests of international navigation while at the

¹ General Assembly resolution 2749 (XXV).

same time recognizing the safety and environmental concerns of the respective coastal States.

68. With regard to the legal régime of innocent passage through the territorial sea, the new Convention is more specific than the relevant 1958 Geneva Convention in its enumeration of the instances where the coastal State may make laws and regulations relating to innocent passage through the territorial sea. These are extremely important for a coastal State like Finland. The new provisions in the Convention are compatible with our present national legislation.

69. My delegation took a close interest in the drafting of the provisions concerning the protection and preservation of the marine environment. As initiator of and party to the first regional arrangement of similar scope, the 1974 Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area, we take note with particular satisfaction of the provisions of the Law of the Sea Convention providing for the first conventional régime to cover on a global basis all types and sources of marine pollution. We find that the text strikes a well-founded balance between the various interests involved, especially those of the coastal and maritime States on the crucial issue of vessel source pollution. Taking into account the framework nature of the articles, it must, however, be emphasized that their true value may be realized only through further regulation to be effected at both the national and the international levels.

70. Mr. President, before concluding I should like to pay a tribute to you personally for your skill, patience and determination not only in conducting our sessions, but also in merging opposing positions during numerous unofficial consultations. I should like further to express my delegation's thanks to the able Chairmen of the three main committees, Mr. Engo, Mr. Aguilar and Mr. Yankov, as well as to Mr. Beesley, Chairman of the Drafting Committee. Nor would we want to forget all those who worked so hard in various official and unofficial positions to weave together the various provisions into what finally became the United Nations Convention on the Law of the Sea. My delegation would also like to take this opportunity to express its special gratitude to the Government and people of Jamaica for their organization of the Conference and for the warm hospitality extended to us.

71. My Government believes that the United Nations Convention on the Law of the Sea will contribute to peace and security in the world by reducing the potential for conflict in the competing issues of the oceans. It is, in our view, of utmost importance that all States refrain from undertaking measures which could undermine the prospects for implementing the Convention on the Law of the Sea. The final test of the Convention's acceptability will come only when States are faced with the decision of whether or not to ratify it. The Government of Finland sincerely hopes that the United Nations Convention on the Law of the Sea will be respected and upheld throughout the world.

72. Mr. NANDAN (Fiji): Last April, when the United Nations Convention on the Law of the Sea was adopted by this Conference, my Prime Minister described the event as an important milestone in the history of international law and in multilateral negotiations.

73. My Government recognized early that the Convention is not an abstract document. Its consequences are real, and it has far-reaching law-making effects. This can easily be appreciated by looking at a world map and visualizing how the Convention will transform the juridical nature of the ocean space.

74. It is difficult to conceive how countries which were once separated by large expanses of sea have suddenly become close neighbours, often with overlapping jurisdictions. The rights of passage through territorial seas, through straits used for international navigation and through archipelagic waters

and sea lanes are now subject to elaborate rules and regulations which prescribe the rights and duties of the littoral States as well as those of user States and their vessels. Ocean resources which were previously unregulated are now subject to detailed régimes. There are now international guidelines for the conduct of marine scientific research and for the prevention of marine pollution in areas where no such framework existed.

75. Old concepts which served the interests of the few have been revised or replaced. New concepts have been devised and introduced so that international law may be better able to respond to the aspirations of all nations and to reflect the new realities of our ever-evolving world.

76. It is remarkable that, given the complexity and the diversity of the subject-matter, the Conference found so much common ground as to be able to forge the comprehensive package that is contained in the Convention. It goes without saying that each chapter of the Convention is an integral part of the whole. To attempt to rationalize that parts of the Convention are simply customary international law, and thereby to separate them from others, is to ignore the fact that what was customary international law has been clarified or modified and that if such provisions were preserved it was done as a *quid pro quo* for other provisions. Any selective use of the Convention, therefore, will be not only inappropriate but also unacceptable.

77. It is difficult to overstate the importance of the new Convention. In our own region of the South Pacific, we find that the once ample Pacific Ocean, the largest ocean in the world, has contracted, and many countries of the region have become zone-locked as national jurisdictions have been extended.

78. For the peoples and countries of the South Pacific the United Nations Convention on the Law of the Sea is of critical importance and real interest. We live by the sea. It has been the means of communication between our islands, it has been the source of our sustenance, and we look to it for the development of our future well-being. Already, in Fiji's case, marine resources have become an important component in our export earnings and there are plans for further expansion.

79. It is for those reasons that my Government has encouraged and actively participated in the elaboration of a comprehensive Convention that would meet our national aspirations and those of our neighbours and provide for an orderly and equitable use of the ocean and its resources for the benefit of the international community as a whole.

80. Like Fiji, many other countries of the South Pacific have already declared their 200-mile exclusive economic zone, consistent with the provisions of the Convention and in anticipation of it.

81. Further, the South Pacific countries have been the first to establish a new regional fisheries organization—known as the South Pacific Forum Fisheries Agency—based solely on the exclusive economic zone concept. This is an example of the regional co-operation called for in the Convention and an illustration of the real importance that we attach to the new law of the sea.

82. Island nations of our region have limited land territories with little or no land-based resources. It is therefore gratifying that the Convention has provided for those developing countries to exercise exclusive economic zone and continental-shelf jurisdictions also.

83. Similarly, it is gratifying to note that the Convention has given timely recognition to the concept of the archipelagic State. The concept of archipelagoes has existed in a geographical sense since time immemorial. It has now been given a precise juridical character. We in Fiji have always looked upon the seas between our islands as uniting our nation rather than dividing it. Accordingly, consistent with the provisions

of the Convention, my Government has already incorporated the archipelagic State concept into our national legislation. We are therefore especially pleased that the concept of the archipelagic State has now won universal recognition through the Convention.

84. I mentioned at the beginning that the adoption of the Convention was also an important milestone in multilateral negotiations. In the President's opening statement yesterday he also drew attention to the unique nature of the negotiating process which led to the adoption of the Convention. The vastness and the intricacies of the subject-matter were such as to require a very fluid process which enabled us to go beyond the formal and informal framework of the Conference.

85. The personal interrelationship which developed during the course of our work resulted in an atmosphere of mutual trust that allowed individuals and groups of individuals to make their contributions. We must pay a tribute to those who led us in the negotiations, but our gratitude can be no less to the many delegations which participated in the various negotiations and accepted solutions in a spirit of compromise and accommodation. For it is they who through their express, or more often implicit, acquiescence really allowed our work to go forward. And among them there were individuals who were of critical importance to the process.

86. I believe that we can properly characterize the achievement of the Convention as a world community effort. Delegations from all regional and interest groups have made their contributions to the achievement of the Convention. It is somewhat ironic, however, that one delegation which has decided not to support the Convention has itself made many constructive contributions to our work and many of the compromises in our Convention bear the imprint of that delegation. We therefore hope that the position of that delegation is only a temporary aberration from its traditional policy of support for international law and for the rule of law in relations among men and among nations.

87. I have much pleasure in informing the Conference that my Government has decided that Fiji will sign the Final Act and the Convention later this week. My Government has also decided upon an early ratification of the Convention.

88. I take this opportunity to express my Government's appreciation and gratitude to the Government and people of Jamaica for providing us with these fine facilities for the final session of the Conference. I hope that my Jamaican friends—especially Ken Rattray—will forgive me if I say that I know of only one other place which can better the warm hospitality of Jamaica and offer such fine weather, lovely beaches and beautiful seas.

89. Mr. BRENNAN (Australia): It is a great pleasure for me and the members of my delegation to find ourselves meeting under your presidency, Sir, on this historic occasion. May I speak again of the gratitude and the admiration we have for your work and for the enormous contribution you have made to the successful outcome of the Conference.

90. I also express the gratitude of the Australian Government to the Government of Jamaica for its hospitality to us all and for the excellent arrangements that have been made for our meetings here. We salute the Special Representative of the Secretary-General, Mr. Zuleta, and we thank him. We salute the Executive Secretary of the Conference and his staff. My delegation shares the universal regret that our friend and colleague Hamilton Shirley Amerasinghe is not here to see the conclusion of the work to which he contributed so much.

91. It is with great satisfaction that I am able to inform this meeting that Australia not only will be signing the Final Act of the Conference but will also be signing the Convention itself.

92. Our presence here today represents the culmination of years of work spread over 16 sessions of this Conference to

which must be added the meetings of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction which preceded it.

93. In the late 1960s serious disorder threatened the oceans of the world because of the inequities and the inadequacies of the traditional law of the sea: fishing grounds were faced with depletion; the rules governing fishing unfairly favoured the rich and disadvantaged the poor; archipelagic States believed that the integrity of their nations was jeopardized by the doctrine that the waters surrounding their islands were high seas; pollution control laws were proving to be inadequate to meet the risks presented by super-tankers; the enforcement of pollution control standards by flag States was proving to be unsatisfactory; uncertainty surrounded the extent of coastal States' rights over the resources of the continental shelf; land-locked States had inadequate access to the sea; in increasing numbers States were unilaterally declaring wide territorial seas or other forms of jurisdiction over parts of the high seas; these declarations were perceived by others as threatening their high seas rights; there were fears of a resources grab in the sea-bed beyond the limits of national jurisdiction; and there was, finally, a growing perception of the need to establish a legal basis for the grant of exclusive title to mine sites in the sea-bed beyond national jurisdiction.

94. As an island continent heavily dependent on trade, Australia had a vital interest in the resolution of the doubts and uncertainties that existed and in the development of new concepts to restore order and to rectify the shortcomings of the past. We were an original member of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. Successive Governments in Australia and all political parties at State and Federal level have thrown their weight behind efforts to draw up the text of a comprehensive convention that could be widely accepted. The importance that the Australian Parliament has attached to this objective was reflected in the unanimous adoption on 17 September 1981 of a motion recording Australia's vital interest in the negotiations and its hope for the early adoption by consensus of a convention text.

95. The achievements of the Third United Nations Conference on the Law of the Sea are historic. They reflect a renegotiation of the rules governing title to all the resources of the sea and the sea-bed and the rules governing most of the important uses of the sea, such as navigation, research and pollution control. The Conference has broken new ground in all the following directions, any one of which might have been a challenge for a separate conference: first, the establishment of the 200-mile exclusive economic zone; second, the recognition that coastal States' rights over the continental shelf extend to the outer edge of the continental margin; third, the creation of new obligations to protect the marine environment and the establishment of wider coastal State power to control pollution; fourth, the recognition that archipelagic States have rights of sovereignty over the waters inside the archipelago; fifth, agreement on the maximum breadth of the territorial sea; sixth, clarification of the rules of innocent passage through the territorial sea; seventh, the establishment or redefinition of rights of navigation and overflight of archipelagos, straits used for international navigation and the exclusive economic zone; eighth, the establishment of new rules governing marine scientific research in the exclusive economic zone and on the continental shelf; ninth, tighter rules governing the conservation of fisheries; tenth, assured access to the sea for land-locked States; eleventh, acceptance of the principle that the resources of the sea-bed beyond national jurisdiction are the common heritage of mankind; and twelfth, an extensive system for the peaceful settlement of disputes.

96. All those objectives were secured by a process of consensus negotiation. It is a matter of regret that at the moment

of adoption of the Convention the consensus which had operated so constructively over the years broke down. It is our sincere hope that in due course consensus will be restored. We are aware of the problems which confronted delegations that were not able to participate in the adoption of the Convention and its attendant resolutions and we understand their difficulties.

97. Although we will be signing the Convention, my own delegation would have liked to see some of the provisions of Part XI written differently. Our acceptance of the provisions of Part XI and its related annexes is without prejudice to the attitude we might take in the drafting of other conventions. We had other difficulties too, but the same could be said of all States which intend to sign the Convention. It is our hope that ways can be found to make the Convention acceptable to those countries which have particular problems.

98. My delegation continues to believe that order will be achieved on the oceans only through the medium of a widely ratified comprehensive convention. Whatever may be the limitations of the present text, it provides the only secure and comprehensive basis on which the resources of the oceans can be exploited, ships and aircraft can enjoy rights of navigation and overflight, research can be pursued and the environment can be protected in a satisfactory way.

99. If there is any radical departure by States from the provisions of this Convention, the disorders of the 1960s will return in aggravated form to plague us again. Specifically, I might recall that it has long been acknowledged that the doctrine of the freedom of the high seas does not provide a basis for the grant of exclusive title over a specific site for the purpose of mining the deep sea-bed. No contrary view has ever been seriously argued or is now seriously argued. But the situation has changed in recent years. The great majority of States now recognize the resources of the sea-bed beyond national jurisdiction as the common heritage of mankind. Even if individual States question the majority view, it is beyond doubt that any attempt to exploit the resources of the sea-bed beyond national jurisdiction outside the Convention would give rise to the most serious political and legal consequences.

100. The signing of the Final Act and the opening of the Convention for signature mark the end of the work of the Conference, but they also mark the beginning of a new phase.

101. It is gratifying that enough States will sign the Convention on Friday to make it possible for the Preparatory Commission, established by resolution I of the Conference, to begin its work at the earliest date the resolution permits. The work that has been assigned to the Preparatory Commission is of great importance. We must now ensure that the Preparatory Commission works in an efficient and practical manner to complete this work so that the Authority may be able to function effectively as soon as the Convention enters into force.

102. The Australian Government attaches importance to and has a continuing interest in ensuring that the frequency and costs of meetings to be held under the auspices of the Convention and the costs and bureaucratic structures of the institutions to be established be kept to a minimum. For its part Australia considers it essential that participants in the Preparatory Commission bear these objectives very much in mind and demonstrate a clear recognition of the need for financial restraint.

103. Until the Preparatory Commission has completed its work the conditions of access to the sea-bed will remain incomplete. A particular responsibility will rest on those who at the appropriate time will, in accordance with the terms of resolution I, be eligible to participate in the taking of decisions by the Commission. It will be essential that those States act with statesmanship at that time. They will have to consult the interests not of themselves alone, but also of those who

may sign or accede to the Convention at a later date. It proved possible to construct this Convention by consulting the interests of all and the Preparatory Commission should, in its formulation of the rules, regulations and procedures, take account of the interests of those who may sign or accede as well as of those who have already signed or acceded.

104. Finally, I should like to presume on traditional friendships and address an appeal to any Governments which may be contemplating any exploration or exploitation of the seabed outside the terms of the Convention. I hope that before any final decision in that sense is made an assessment will be undertaken at the highest national level of the political consequences of any such action. Mining the sea-bed outside the Convention would be highly divisive and the country concerned would incur the hostility of the bulk of the world. Whatever may be said about the other provisions of Part XI and its related annexes, it has to be recognized that from this point onwards the doctrine embodied in article 137 that no State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources has the same sanctity as the doctrine similarly embodied in the Convention on the freedom of navigation.

105. Mr. NEUGEBAUER (German Democratic Republic): The delegation of the German Democratic Republic welcomes the conclusion of the Third United Nations Conference on the Law of the Sea. I should first of all like to express to the Government of Jamaica the gratitude of my delegation for the invitation to meet in this peace-loving country washed by the sea. The relationship to the subject of this Conference catches the eye.

106. The conclusion of this universal Conference testifies to the fact that it is possible even in the present complicated international situation to resolve global issues which are of vital interest to all States and to open up new areas for peaceful international co-operation. This fact is no doubt of great value at this very juncture and, in our view, signifies a clear rebuff to the imperialist policies of confrontation and super-arms. The elaboration of the United Nations Convention on the Law of the Sea under the aegis of the United Nations illustrates at the same time what a weighty contribution the world Organization is capable of making to the solution of complex world-wide problems.

107. The United Nations Convention on the Law of the Sea greatly contributes to the development of peaceful international co-operation between States having different social systems and to the avoidance of international conflicts in that it regulates the freedom of navigation for all ships, the rational utilization of marine resources, the protection and the preservation of the marine environment, peaceful marine scientific research and other rights and obligations of all States with regard to the seas and oceans.

108. It is therefore fully justified for the preamble to the United Nations Convention on the Law of the Sea to reflect the conviction that the codification and progressive development of the law of the sea achieved in this Convention will contribute to the strengthening of peace, security, co-operation and friendly relations among all nations, in conformity with the principles of justice and equal rights, and will promote the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations.

109. In negotiating the new Convention, the States involved could not help making what were often far-reaching concessions. This is true of all universal legal instruments. It is also in the nature of things that not all the demands could be met. I wish to note at this point that in the interest of world-wide co-operation, especially for the benefit of the newly emergent nations and the developing countries, my country accepted compromise arrangements entailing substantial economic

losses for our geographically disadvantaged State, which is capable of establishing only a small economic zone with comparatively scarce resources and therefore, now as before, is dependent for the nutritional needs of its population on distant-water fishing, especially in the North Atlantic. The German Democratic Republic is among those States whose deep-sea fisheries have had to shoulder considerable additional burdens since the introduction of economic zones. The effective exercise of its rights as a geographically disadvantaged State as laid down in the Convention is therefore a matter of immediate economic importance to the German Democratic Republic. The viability of the new Convention will depend not least on the manner in which the principles of justice and equal rights are implemented in the exploitation of marine resources.

110. It is in conformity with the nature and goals of socialist peace policy and of international co-operation for the German Democratic Republic to give its consent to the United Nations Convention on the Law of the Sea. This distinguishes my country from other States which, without regard for the interests of the developing countries and bent on profit-seeking and imperialist advantage, deny the Convention their signatures on the assumption that they will be able to feather their nests in a different manner.

111. In the view of the German Democratic Republic the new legal order for the world's oceans represents, on the whole, a balanced compromise accommodating the rights and interests of all States, both individually and as groups. In making this assessment the German Democratic Republic notes in particular that the Convention's provisions on the exploitation of the natural resources of the ocean floor, and also its other stipulations, contribute to the implementation of a just and equitable international economic order which meets, above all, the interests and needs of the developing countries. However, I must qualify this favourable view of the overall result of the Conference with regard to some provisions of resolution II governing preparatory investment in pioneer activities relating to polymetallic nodules. The delegation of the German Democratic Republic reaffirms its stand that it cannot accept those provisions of that resolution which discriminate against a number of States, among them socialist countries.

112. Our delegation is resolutely opposed to activities by which certain States seek to exploit the seas and their resources contrary to and in violation of the provisions of the United Nations Convention on the Law of the Sea. Jointly with the overwhelming majority of States, the German Democratic Republic strongly condemns the attempts being made by a few States to exploit the resources of the ocean floor, which are the common heritage of mankind, in contravention of the Convention, in the profit-seeking interests of imperialist corporations. Separate agreements concluded or unilateral measures taken in violation of the legal order established in the new Convention are unlawful and have no legal effect. In the view of the German Democratic Republic activities for the exploitation of the international sea-bed area are permissible only if undertaken in compliance with the United Nations Convention on the Law of the Sea. Since rights and obligations under international law are inseparable, no State refusing to become a party to the Convention can claim rights or privileges which the Convention grants to those who are also prepared to assume the obligations it imposes.

113. It is the position of the German Democratic Republic that in connection with the signing or ratification of the Convention or accession to it States should refrain from making such declarations as are designed subsequently to alter substantive provisions of the Convention in a one-sided manner.

114. The German Democratic Republic reserves the right if necessary to make declarations or statements pursuant to article 310 in connection with the ratification of or accession to

the Convention and to present its views on declarations and statements made by other States when signing, ratifying or acceding to the Convention.

115. The German Democratic Republic will sign the Final Act of the Conference and the new Convention on 10 December this year. It voices the expectation that all other States will do so also. My country will work to ensure—as, certainly, will the great majority of States—that the necessary prerequisites for the earliest possible entry into force of the Convention will be created.

116. Before I conclude, I wish to state that in the view of the German Democratic Republic the Government of the People's Republic of Kampuchea is the sole and legitimate Government of Kampuchea. It alone is authorized to act on behalf of Kampuchea in all matters, including the representation of its interests within the United Nations system and consequently also at this Conference.

117. In conclusion, our delegation wishes to avail itself of this opportunity to offer sincere thanks to you personally, Mr. President, to the Chairmen and Vice-Chairmen of the Committees and to the officers and members of the secretariat of the Conference for their great personal commitment to the achievement of the new Convention. The German Democratic Republic will contribute its due share in the efforts to carry out the tasks involved in the entry into force of the new legal order on the world's oceans.

118. Mr. NAKAGAWA (Japan): All of us gathered here at Montego Bay are deeply conscious of the importance of the task entrusted to us, that of establishing a new legal order for the world's oceans. All the countries represented here have worked hard for many years to attain the resulting crystallization of their efforts represented by the United Nations Convention on the Law of the Sea, now before us.

119. Permit me to express my delegation's profound admiration and thanks to you, Mr. President, to the Chairmen of the Committees and to the secretariat of the Conference for the untiring efforts that have finally brought us to the last session of the Law of the Sea Conference here in Jamaica. I wish also to take this opportunity to pay a tribute on behalf of my delegation to the former President, Mr. Amerasinghe, for his outstanding contribution to the Conference. Let me also express my delegation's very profound thanks to the Government of Jamaica for its generous hospitality in acting as host to this important Conference.

120. The Third United Nations Conference on the Law of the Sea has just established a new international legal order for the use of the world's oceans. This is a historic achievement. The Government of Japan and the Japanese delegation worked actively and constructively for the attainment of this prime objective of the Conference. It had always been a major objective of the Government of Japan, as of many other participating Governments, that a generally acceptable Convention should be adopted by consensus, and the Japanese delegation has done its utmost to ensure the attainment of that very important goal. Unfortunately the Conference did not end with the adoption of a convention by consensus on 30 April this year. Nevertheless my delegation, like many other delegations, feels that, though it had hoped that some provisions might be improved, the Convention before us as a whole represents the best possible compromise the Conference could have achieved.

121. The Convention's provisions represent either codification of the existing rules of international law applied to the various aspects of the use of the sea or rules newly established in order to regulate new problems relating to the use of the sea.

122. The Government of Japan is of the view that the United Nations Convention on the Law of the Sea will serve the long-term and comprehensive interests of the world com-

munity and the interests of Japan, a maritime State very much dependent upon the use of the ocean. We earnestly hope that the world community as a whole may benefit from the new legal order of the world's oceans soon to be born here in Jamaica.

123. It was on the basis of this global and long-term point of view that Japan voted in favour of the adoption of the draft convention on the law of the sea on 30 April this year.

124. Owing to the fact that a new cabinet was only recently formed in Japan, my Government was unable to complete the necessary review for signing the Convention at the present Conference. However, I should like to take this opportunity to reaffirm the basic position of my Government that the Convention as a whole merits its support and signature.

125. The adoption of the Convention does, of course, mark the end of the long and difficult negotiations in the Conference, but it is also—and more importantly—the beginning of a new era of working to consolidate the new stable order for the world's oceans it contains, an order from which the world community as a whole will certainly benefit for many generations to come. Japan will continue to do its utmost to help to attain this objective.

126. Mr. WABUGE (Kenya): It gives my delegation great pleasure to be in Montego Bay, Jamaica, today on this historic occasion of the signing of the Final Act of the Third United Nations Conference on the Law of the Sea and the opening for signature of the United Nations Convention on the Law of the Sea.

127. Before I proceed, I should like to extend to the Government and brotherly people of Jamaica our cordial and fraternal congratulations upon the successful way in which they have been serving as hosts of this huge Conference. I should also like to place on record my delegation's heartfelt appreciation of the excellent arrangements made for our work here and the characteristically warm hospitality that has been showered on us all during our stay here.

128. The adoption of the United Nations Convention on the Law of the Sea in New York on 30 April this year saw the culmination of the biggest undertaking by the United Nations since its inception in San Francisco 37 years ago.

129. The Conference grappled with complex and diverse issues, the resolution of which entailed both codification and progressive development of international law. It is therefore fitting that the Convention, which is the outcome of more than a decade of laborious and painstaking negotiations, should have been adopted with the affirmative votes of the overwhelming majority of States that participated in the Conference. Consequently, the Convention which will be opened for signature in Montego Bay is a compromise package deal which creates a new and comprehensive law of the sea from which no State can legitimately and unilaterally make an exception, let alone create a parallel régime.

130. If 30 April 1982 saw the culmination of many years of negotiations on the nature and content of the new régime for the oceans, the sea-bed and the ocean floor and the subsoil thereof, on Friday this week, with the signing of the Final Act of the Conference and of the United Nations Convention on the Law of the Sea, a new era of international co-operation in a vast and vital field will be ushered in. It will suffice to recall here that while the Convention codifies and reaffirms many conventional and customary rules of international law pertaining to the sea, a number of new rules of international law have also been created. The régime of innocent passage in the now-expanded internal waters, the extensive rights created for the coastal States in the hitherto unknown exclusive economic zone and the modalities for conducting scientific research therein, and the concept and régime of archipelagic States are but a few of these. All these and many more have been provided for in a multilateral convention for the first time.

131. However, perhaps the most significant aspect of the Convention from the point of view of the progressive development of international law is its Part XI, which lays down new rules of international law for the uses of the sea beyond the limits of national jurisdictions and, in particular, with respect to the orderly and rational exploration and exploitation of the resources of the international sea-bed area for the benefit of the whole of mankind. We congratulate the Conference for remaining faithful to the wishes of the international community which, in 1970, declared those resources of the sea-bed, the ocean floor and the subsoil thereof to be the common heritage of mankind. In this connection, my delegation wishes to reiterate its conviction of the inadmissibility of any unilateral deviation from or selective application of the new régime of the law of the sea.

132. Furthermore, I wish to underscore the importance that my country, both as a coastal and as a developing State, attaches to this Convention. This is a point of view that is shared by practically all developing countries. We are thus glad to see included in the Convention provisions that are specifically designed to protect the interests of, or otherwise benefit, developing countries. We therefore look forward to a timely entry into force of the Convention.

133. My delegation is mindful of the fact that technological advances and other changes of an economic and social nature may occur in the future, all of which may require taking another look at what we have before us today as the comprehensive United Nations Convention on the Law of the Sea.

134. We are particularly aware of the possibility of such changes with respect to the régime of Part XI as a whole, the importance of which I have underlined already. Thus, my delegation wholeheartedly welcomes the fact that provisions have been made in the appropriate articles of the Convention permitting the orderly review and amendment of the Convention, especially the régime of Part XI, to ascertain whether it has worked satisfactorily and to initiate the necessary adjustments, supported by experience in actual sea-bed exploration and exploitation.

135. In the meantime, we urge all States to participate in and support the work of the Preparatory Commission which is to begin its work 90 days after 50 or more States have signed the Convention. Once again, my delegation is pleased to know that the Government of Jamaica has, at great sacrifice, made the necessary facilities available to enable meetings of the Preparatory Commission to take place in Kingston, the future seat of the International Sea-Bed Authority. We salute it for its courage and commitment. We are confident that the international community will not let it down in this historic mission. Kenya pledges that it will continue to play its modest part to ensure that full effect is given to the provisions of the Convention for the benefit of the present and future generations of mankind as a whole.

136. Last, but by no means least, my delegation would not wish to let this truly historic occasion pass without saluting the men and women—too numerous to mention individually—who have done so much over the past years to make this Conference the landmark success it has been. Among them we wish to thank the dedicated members of the secretariat as a whole; the Chairmen of the Main Committees and the informal negotiating groups; the members of the Collegium; the first President of this Conference, that great son of Sri Lanka, Hamilton Shirley Amerasinghe; and you, Mr. President, whose transcendent sincerity, simplicity, modesty and good humour conceal your equally great qualities of a towering intellect, industry and skilful diplomacy.

137. In the light of what I have just said, I am pleased to inform the Conference that Kenya has decided to sign on Friday this week both the Final Act of the Third United Nations

Conference on the Law of the Sea and the United Nations Convention on the Law of the Sea.

138. Mr. POSPIESZYNSKI (Poland): Mr. President, I wish to congratulate you and the secretariat staff under the able leadership of Mr. Bernardo Zuleta upon having made such a valuable contribution to the successful result of the Conference.

139. It is an honour for me to address the Conference on this momentous occasion of the completion of work on the United Nations Convention on the Law of the Sea. Just as a ship reaches a port of safety after a voyage full of hardships and obstacles, so has our Conference found its safe berth.

140. From the beginning, my country has participated actively in negotiations connected with the drawing up of the Convention. As a result, we have achieved an instrument which, for years to come, will play a significant role in regulating international relations on the seas and oceans for the benefit of the whole of mankind. For that reason we believe that no State or group of States should act in a way contrary to the principles of the Convention, in particular the principle of the common heritage of mankind.

141. It is the position of my Government that the Convention, which we are going to sign, will contribute significantly to the maintenance and strengthening of international peace and security. Poland highly appreciates the Convention also as a valuable document which takes into account the legitimate interests of all States. The Convention is well balanced. It was agreed upon in difficult and lengthy negotiations in which every country had to make some concessions. As a result of our strenuous efforts we have formulated a document which constitutes an integral package.

142. All parts of the Convention are closely interrelated and should be fully applied. The successful implementation of the provisions of the Convention depends upon mutual co-operation. My country has made enormous efforts in the last 30 years to develop its maritime economy and its considerable technological and scientific capacity for the utilization of marine resources. We have accomplished this through co-operation with other States.

143. We may invoke as an example the mutually beneficial co-operation between Poland and its land-locked neighbours in the field of maritime economy and in safeguarding transit facilities based on long-term agreements. We are convinced that this co-operation will continue and develop in the future. It is our view that the Convention will be beneficial for the development of relations in the field of transit through the territories of transit States, as well as through those of land-locked States, based on the principle of reciprocity.

144. I wish at this juncture to add that my country has also developed fruitful co-operation in sea fishing with countries having an abundance of fish in their seas.

145. I am convinced that the new regulations provided for by the Convention will encourage international co-operation in all aspects of maritime economy and will at the same time remove causes of many international disputes and fill many legal loopholes in the law of the sea. The effectiveness of the legal provisions of the Convention which we shall sign in Montego Bay depends on our determination to abide by its principles in the interest of mankind.

146. My delegation fully shares the view, stated here also by other delegations, that the Government of the People's Republic of Kampuchea, as the sole representative of that country, has the right to be a party to the Convention.

147. We are fully convinced that the Convention will be the best contribution that we can make to all nations in accordance with the purposes and principles of the United Nations.

148. I express our gratitude to the Government and the people of Jamaica for their hospitality.

149. Mr. JAYEWARDENE (Sri Lanka): Today we celebrate with pleasure, but also with due solemnity, the stirring climax to an unheralded "Decade of the Oceans". It was on 18 December 1972, just 10 years ago, that the United Nations General Assembly at its twenty-seventh session adopted resolution 3029 (XXVII) requesting the Secretary-General of the United Nations to convene the first and second sessions of the Third United Nations Conference on the Law of the Sea. This decade of the oceans began without the fanfare that customarily attends such endeavors of intended historic significance; began, as many representatives will remember, with some hesitation and yet with a burgeoning sense of purpose and destiny. This endeavour must surely rank among the most important and most successful in all United Nations history; indeed, as one of the most significant ever undertaken by modern man.

150. On behalf of the people and Government of Sri Lanka, I salute the officers of the Conference: you, Mr. President, and your close associates, the Chairmen of the Main Committees, the Chairman of the Drafting Committee and the Rapporteur-General. I salute you on this splendid legislative achievement, an achievement without parallel in the history of international legislation. Through you we wish to salute Arvid Pardo, whose epoch-making proposal in 1967 triggered and inspired the work we have accomplished; the Secretary-General of the United Nations and his outstanding staff, headed by the Special Representative, Mr. Bernardo Zuleta, and Executive Secretary, Mr. David Hall; and, indeed, those many, many others, inspired by high ideals, dedicated and resourceful, who have laboured so hard in these years to bring order to the world of the oceans and thus to bring order to the greater part of our planet. They have given much of themselves to this gigantic task. Some, indeed, have given their lives in bringing this work to a splendid conclusion.

151. I remember in particular one of Sri Lanka's noblest sons, Hamilton Shirley Amerasinghe, Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and President of this Conference until his untimely death two years ago. He was a man of superlative ability, insouciant wit and unaffected charm. From 1968 to 1980, at the height of his formidable capacities, he dedicated himself to the success of this endeavour and the adoption of a convention on the law of the sea to which all States could become parties. We remember him with pride, and with profound satisfaction recall that our country was able, through him, to contribute substantially to the success we celebrate today.

152. The Government of Sri Lanka and its delegation to this Conference would like to record their deep appreciation of the generous act of the Government and people of Jamaica in agreeing to be host to this meeting and providing so magnificent a setting for this historic occasion.

153. I should like now to address the Conference on just four of the matters which, in our opinion, are worthy of celebration today.

154. First, there is the United Nations Convention on the Law of the Sea. First and foremost we celebrate the adoption, through the informed, co-operative efforts of the entire community of States and not merely by the fiat of a few, of a new comprehensive law for the oceans. Given the extraordinary complexity of the issues involved, the highly political, even emotional, implications of many of them and the staggering diversity of language, culture and political posture among negotiators, the new law of the sea is a monument to human understanding, ingenuity and restraint. If no State finds all of its provisions entirely pleasing, it cannot be denied that at least it brings substantial benefits of some kind of all. A comprehensive range of substantive provisions on every aspect of the peaceful uses of the seas, together with more highly developed provisions on the settlement of disputes than

was thought to be possible in this context, give the Convention the highest potential of any instrument in history to serve as the foundation for the maintenance of peace, social justice and good order in the oceans. For those reasons Sri Lanka will sign the new Convention on the Law of the Sea.

155. As human beings we tend to think in terms of arbitrary divisions of time like “decades” and “centuries”. I say this as I recall that in a few months, early in April next year, lawyers around the world will celebrate the four hundredth anniversary of the birth of Hugo Grotius, that great son of Holland, often referred to as the father of international law and, in particular, of the law of the sea. Not since the work of Grotius, to whom all honour is due, will a text containing a comprehensive law of the sea wield such influence. *Mare liberum* was the result of one man’s genius, sense of justice and imagination. The Convention, by contrast, is the work of hundreds of men and women, representing many millions of others. It is our earnest hope that the new Convention, being the result of our own collective and collaborative efforts and not merely the bequest of an era that has passed, will be applied so as to bring order and predictability to our use of the oceans and, above all, to achieve a new distribution of the oceans’ wealth, not as economic aid or charity but as a matter of legal right.

156. Secondly, there is the new international economic order. This brings me to a matter which gives us cause for celebration today: the signing of the first legally binding multilateral instrument of universal scope to reflect and give effect to a wide range of principles of the new international economic order. The concept of the “common heritage of mankind” was placed before the General Assembly by Arvid Pardo of Malta in 1967 and was adopted without dissent by the world community in 1970 through the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, adopted by the General Assembly in its resolution 2749 (XXV). The idea of the “common heritage” was thus already more than three years old and its elaboration far advanced when the General Assembly at its sixth special session adopted resolution 3201 (S-VI), the Declaration on the Establishment of the New International Economic Order. Although the Declaration makes no mention of the “common heritage”, many of its provisions reflect ideas that had already been canvassed and become part of the emerging régime for the seabed beyond national jurisdiction. It is not surprising, therefore, that the Declaration became, and has remained, the inspiration and universal guide of all the developing countries at the Conference.

157. Even the most cursory review of the Convention will reveal, in particular in Part XI and its related annexes, the many provisions which give effect to the principles of the new international economic order, that is, full and effective participation on the basis of the equality of all countries in solving world economic problems. Regulation and supervision of the activities of transnational corporations; giving developing countries access to the achievements of science and technology; promoting the transfer of technology to the developing countries: these are but a few of the principles of the Declaration which find direct expression in provisions of the United Nations Convention on the Law of the Sea.

158. Thirdly, I come to the shift from adversative attitudes to co-operative problem-solving. This third matter for celebration that I should like to emphasize may appear subtle but to us seems of vital significance in the politics of interaction between North and South. It is this: the Third United Nations Conference on the Law of the Sea, despite the fact that its aim was the preparation of a technically complex and legally binding instrument, exemplified in the highest degree a remarkable shift in the spirit of international negotiation from “adversative” to “co-operative”. This is not to say that on many issues the Group of 77 did not see the industrialized

countries as their “adversaries” and vice versa, or that the climate of suspicion that has bedevilled every international forum had been banished from the negotiations. But in the growing confidence among the representatives at this longest running of the Conferences, in the comradeship of dedication to a common goal, in the willingness to share technical information of value in arriving at critical decisions, in the inventive spirit with which new negotiating techniques were developed and tried out, in the willingness to explain and explain again a point of view that had been difficult to accept, in the atmosphere of restraint which, with few exceptions, appeared to inspire Governments and individuals alike, there was clearly discernible a move to abandon adversative attitudes in favour of co-operation with one another in the solving of problems in a spirit of mutual accommodation. If there is a single feature that marks this Conference and its processes it is this, and it is a feature which augurs well for the future of international negotiations.

159. Fourthly, and lastly, there is the matter of the future. Today we celebrate the future—the future of the oceans and their resources under the new legal order. In the Convention to be opened for signature here in Montego Bay the word “co-operate” in its various forms and their equivalents in other languages occurs surely more often than in any previous international instrument, let alone in binding treaty provisions such as these. This signals another shift, a development in the maturity and efficacy of international law itself, expanding its domain from that of prohibitions of injurious acts to cover the positive injunction to co-operative and creative conduct in the cause of peace. It is now for those who have, to share, and those who have not, to prepare themselves to receive, a variety of benefits under the new order under mutually agreed terms.

160. Sri Lanka is conscious of the rights and obligations devolving upon it under the Convention and under customary international law, including its rights in respect of its continental shelf, specifically recognized by this Conference as evidenced in its Final Act. Sri Lanka is also conscious of the urgent need to augment its human and other resources in marine science and technology and in ocean services in order to exercise those rights and discharge those obligations. Accordingly, as a first step, Sri Lanka has set up a National Aquatic Resources Agency. This new autonomous statutory body will carry out, co-ordinate and promote research and development activities concerning resources in or beneath marine or fresh waters. It will act as a channel for the introduction of new technologies and scientific knowledge acquired or developed by it and will arrange for the training of personnel in relevant disciplines at all levels. This will be the body through which Sri Lanka intends to receive and indeed eventually to extend assistance and co-operation in the field of marine science and technology. Still in its formative stage, the National Aquatic Resources Agency is Sri Lanka’s response to the Convention’s call for the establishment and strengthening of national centres in order to stimulate and advance the conduct of marine scientific research and to enhance national capabilities to utilize and preserve a State’s marine resources for its economic benefit. We would welcome the establishment of partnerships between Sri Lanka’s Agency and any other national, regional or international organization with similar objectives and responsibilities. We also look forward to co-operating with other States of the Indian Ocean in promoting peaceful activities in the region aimed at the management and conservation of its resources, primarily for their benefit.

161. In conclusion I should like to make one final observation. Sri Lanka, whose people are imbued with the spirit of Buddhism, is well acquainted with the basic truth that nothing of this world is permanent, that change alone is certain. The great work that we complete in these historic days consoli-

dates and establishes the combined wisdom of our peoples as to how best to regulate activities with respect to the oceans at the present time and in the light of such current knowledge as we have been able to apply. Our rules are designed to promote stability with social justice. But it is in the nature of all things that they do not remain static, that there will be growth, that there will be decay. The march of technology and changing perceptions and aspirations will, in time, place pressures upon the régimes we establish today. The Convention has built into it the machinery for orderly change through procedures for interpretation, for amendment, for review and revision. It is for us who have fashioned this great new instrument to be vigilant, to detect obsolescence and to remedy it. If the ideals and the spirit which guided our representatives in the creation of this Convention continue to guide us in its operation, I have no doubt that it will become an instrument of vital significance in shaping the destiny of mankind as we enter the twenty-first century.

162. Mr. SALMAN (United Arab Emirates) (*interpretation from Arabic*): At the outset, I should like to express my sincere thanks to the Government and the people of Jamaica for the fine hospitality and facilities they have accorded this Conference.

163. I am particularly proud to have had an opportunity to come to this country on this occasion to represent my country. I consider it indeed a historic occasion, representing much more than the signature of the Final Act and the United Nations Convention on the Law of the Sea, the achievement of nine years of ceaseless effort. The credit for this goes to the combined endeavours of all the participants in the Conference, notably the President and the secretariat. There may also be some unknown soldiers to whom we should address our thanks, even if we do not mention them by name.

164. I take this opportunity also to pay a well-deserved tribute to the former President, Mr. Amerasinghe, who led the work of this Conference with such skill and such effectiveness.

165. The United Nations, in adopting this Convention, has taken a historic step. This is a significant and great achievement. It is based on General Assembly resolution 2749 (XXV), adopted in 1970, which provided that the codification of the law of the sea and its progressive development—which has been accomplished in this Convention—would contribute to the consolidation of peace and security and co-operation and the maintenance of friendly relations among States, in conformity with the principles of justice and equal rights. This same resolution also laid down the principle that the ocean and sea-bed and the subsoil thereof beyond the limits of national jurisdiction, with all the resources they contain, constitute the common heritage of mankind. Hence, the exploration and exploitation of those resources should occur in the interests of mankind as a whole.

166. According to the learned scholar Savigny, codification reflects a reality, be it good or bad, balanced or imbalanced, in terms of rights and obligations. On the basis of that concept the Convention clearly reflects the present international situation, as regards both the weak and the strong. But article 155 provides for the revision of the Convention with a view to introducing any necessary changes that would reflect changes in the world scene and in the balance of power in the future, in order to maintain the principles of equity and justice referred to in the aforementioned General Assembly resolution. The Convention contains certain satisfactory provisions, such as those relating to innocent passage. But in political practice they may not have any direct practical significance. Nevertheless, codification has become inevitable and it is now imperative to have a convention to serve as a framework within which mankind may proceed to widen the scope of its hopes and aspirations. To achieve this objective, we are gathered here to sign this Convention.

167. One of the important implications of this Convention is that it has intellectual and cultural aspects and aspects concerning peoples. Institutions concerned with education and information therefore have to stress its significance. Fortunately, I am the Minister of Education in my country and am among those who participate in decision-making in the field of education, and I am committed to do this. I shall also communicate this to my colleagues, the Ministers of Education of their countries, through the United Nations Educational, Scientific and Cultural Organization or the regional organizations. We must educate and guide future generations to assimilate the provisions of this Convention so that some scientific benefits can be derived from this Conference.

168. I wish to state before this Conference that the Convention will be covered in the educational programmes that we are developing. On the basis of the Convention we intend to introduce courses concerning the law of the sea. Lectures will be given by experts entrusted with the codification of laws or who have participated in the codification of the law of the sea. Furthering the role of education and information in this connection, the United Arab Emirates is willing to serve as host to various symposia and to hold meetings on the subject.

169. The Convention is viewed as a unique and remarkable example of the codification of the principles and provisions of contemporary international law. It also constitutes a direct act of sovereignty, and its implications go well beyond the provisions and the articles that have been formulated.

170. The interests and political aspirations of the United Arab Emirates make it necessary for us to disagree somewhat with some of the provisions of the Convention, especially those relating to the equal rights of innocent passage and transit passage through straits by warships and other vessels such as merchant, private or research vessels, as well as the delimitation of maritime boundaries between adjacent, opposite or neighbouring States in connection with the exclusive economic zone and the continental shelf, under articles 74 and 83 of the Convention. In this respect, the United Arab Emirates believes that we should apply the principle of the median line and that the delimitation of the continental shelf should be carried out in such a way as not to exceed 200 nautical miles.

171. It is noteworthy that the signing of this Convention will coincide with the anniversary of the adoption of the Universal Declaration on Human Rights, as a previous speaker also has emphasized.

172. Among the achievements of the Convention is that it accepts national liberation organizations as observers. In saying this, I refer specifically to the Palestine Liberation Organization. I hope that more organizations will enjoy this status in the future. We earnestly hope that these organizations will soon enjoy the rights of full-fledged members and exercise all the prerogatives of Member States.

173. Mr. President, before concluding, I should like to express my admiration for the efficient manner in which you have conducted our business and for your courtesy and your sense of humour, which comes so spontaneously. There can be serious and great achievements only through this kind of leadership and management.

174. I have made a brief speech today, Sir, in accordance with your instructions.

175. Mr. WARIOBA (United Republic of Tanzania): I wish first to join my colleagues in paying tribute to our host for making Montego Bay available for this event and in thanking the Government and people of Jamaica for the wonderful preparations, the warm reception and the hospitality. On behalf of my Government I take this opportunity also to commend the Government and people of Jamaica for the sacrifices they are making to provide the Sea-Bed Authority with a seat. In doing so Jamaica has put itself in the forefront

of the struggle for change in the world, for better international relations, for peace and for justice.

176. The greatness of an event, place or person is oftentimes the function of afterthought. Only on rare occasions is recognition of such greatness immediate. We have come to Montego Bay to witness one such rare event, and we shall leave Montego Bay one such rare place. When historians come to take stock of the world political developments of our time, no other event will be of such political and historical magnitude as this occasion, save, respectively, the signing of the United Nations Charter and San Francisco. From now on relations between States, big and small, will never be the same.

177. This is not the first time a law of the sea convention has been signed; we have three such Conventions signed under the auspices of the United Nations. No doubt those Conventions served some purpose at their particular time, in their own particular way. But 1958 is not anywhere near 1982—politically, technologically or otherwise. Then the United Nations had only about half the present membership. Half of our number had nothing to do with the negotiations on those Conventions. Even those few had only a partial knowledge of the sea compared to what has been revealed since then. And they did not even manage to agree on the issues they negotiated.

178. The mere fact that now almost the entire world has participated in the negotiating of a convention on the basis of fuller knowledge of the vast sea and its many uses, in the face of advanced technology, and has done so successfully, cannot but be unprecedentedly significant, cannot but be a commendable landmark towards world peace, cannot but be welcomed and embraced by all peace-loving nations.

179. That that agreement has been reached by the entire membership of the United Nations, and beyond it, with one or two exceptions for reasons best known elsewhere, bespeaks also the advantages each participating State may derive from the Convention, both in common with other States and individually, quite apart from an orderly and peaceful world environment.

180. Agreement on a uniform breadth of the territorial sea will reduce conflicts of jurisdiction and competence in the oceans. The régime of the exclusive economic zone does strike some balance between the resource interests of the coastal States and the international community, in that it distributes the resources fairly and, at the same time, institutes a system of management which is more rational. The principles of conservation and exploitation laid down in the Convention will well serve mankind as a whole, unlike the present system which favours only a few States.

181. Of special significance is the appropriation of the seabed and ocean floor beyond the limits of national jurisdiction to the ownership of mankind as a whole. This is the first time the international community has demonstrated the highest sense of unity and co-operation rather than individualism—an attitude which, if emulated in other spheres of life, will make the world a more just and peaceful place. The international sea-bed is decreed to be the common heritage of mankind, and a machinery is to be set up through which the whole of humanity will participate in and partake of the activities and benefits of the Area. For the first time, a common system of taxation has been instituted. Equally important is the example and encouragement the adoption of this Convention gives to similar collective endeavours in other international problems where there are corresponding issues and interests of a global nature, an example being the new international economic order.

182. The Convention is not a perfect instrument and we did not expect it to be perfect at this point in time. It has taken a great deal of give-and-take to reach agreement. It is natural therefore for all of us to find in the Convention something we like and something we do not like.

183. The United Republic of Tanzania does find shortcomings in the Convention. For example, we find it particularly unfortunate that the Convention does not include some important areas of the oceans, such as Antarctica. It is also unfortunate that the area known as the high seas is not included in the common heritage. The provisions on the territorial sea, particularly the definition of innocent passage, are not satisfactory in that they do not adequately protect the interests of the coastal State. The new concept of the régime of straits used for international navigation has very little to do with the peaceful uses of the seas since its main purpose, indeed, as we know, is military. The breadth of the territorial sea that has been agreed upon will cause serious problems of adjustment for a large number of States. The provisions on the exclusive economic zone leave much to be desired, especially those on marine scientific research and the preservation of the marine environment. We think the coastal States should have been given more responsibilities and the corresponding power to carry out those responsibilities.

184. Part XI is one of the most important areas of the Convention. In regard to an area and resources declared to be the common heritage of all mankind, it has been our belief that a system whereby all States would undertake all activities jointly would have been the best way of ensuring the equitable distributions of the benefits. At the insistence of the industrial Powers, however, we have compromised on a dual or parallel system. But, even then, the provisions in that part do not strike a particularly good balance to make the system work smoothly and effectively. On the one hand, private companies will have almost automatic access to the unreserved area. On the other hand, however, the provisions are full of loopholes which will impede the availability to the Enterprise of capital and technology to enable it to explore and exploit the resources of the reserved area. The international machinery created in the Convention does also contain aspects that may obstruct international co-operation. In particular, the composition and decision-making procedures of the important organs of the International Authority are plainly undemocratic, especially to the extent that notions of "permanent members" and "veto powers" masquerading under such euphemisms as "special interests" and "consensus" are accommodated.

185. The list is long, and we do not need to continue the enumeration. However, we accept the Convention as it is for two reasons. First, it is an instrument for peace in the oceans. There have been and there still are serious conflicts for ocean space, and an arrangement that promises to minimize those conflicts is worth while for mankind. Secondly, we do so in the hope that the process of negotiations will continue in the future in order to improve the distribution of the benefits of the seas, to achieve greater justice and to maintain peace and order. To achieve these goals many have accepted both the benefits and the sacrifices which this Convention entails. We cannot afford to choose what to take and what to reject, for that would simply mean undoing the treaty. We are going to sign this Convention on Friday with that understanding, and we appeal to those who are faced with a temptation to dissociate themselves from this momentous product of collective endeavour to resist that temptation. We call, in particular, upon the United States, to which all possible concessions have been made in the Convention, to reflect carefully once more on its action, for a wrong decision carries with it consequences of such proportions that it may be beyond our power, let alone the power of one nation, to control.

186. I should like to take this opportunity to pay a tribute to the many people who have greatly contributed to the successful completion of the work that was before us. Every representative has contributed a great deal, but we naturally wish to single out a few who have been very outstanding in the work of the Conference. First, we pay a tribute to Mr.

Pardo, thanks to whom the resource-rich territory now called the common heritage of mankind has been spared a colonial scramble and has been instead decreed to be the property of all mankind. In fact, this Conference has not quite lived up to the great mind of Mr. Pardo. History will not fail to place him in the line of those outstanding figures who have contributed the most to civilization.

187. We would also pay a tribute to Mr. Amerasinghe, who, until his death, guided the negotiations in this Conference, first as Chairman of the Sea-Bed Committee and then as Chairman of the Preparatory Committee, and finally as President of the Conference. The magnitude, complexity and duration of these negotiations are eloquent testimony to his capabilities and dedication.

188. We also wish to express our gratitude to you, Mr. President. You have worked diligently and with dedication as a member of your country's delegation as chairman of the negotiating group on financial arrangements, as chairman of various working groups and, above all, as President of the Conference. The circumstances under which you operated to prevent a threatened abortion of the Convention are there in the records. This Convention is testimony to your intellectual, diplomatic and political gifts.

189. We would also place on record our tribute and appreciation to the Chairmen of the Committees of the Conference. We salute Mr. Engo of the United Republic of Cameroon, Chairman of the Legal Sub-Committee of the Sea-Bed Committee and Chairman of the First Committee of the Conference. A sense of modesty inhibits me from praising a brother, but I cannot resist mentioning here his unwavering and courageous leadership in ensuring justice and impartiality. We would like to see more of us follow his example in this tough world.

190. I think it is fair to say that Mr. Aguilar of Venezuela, Chairman of the Economic and Technical Sub-Committee of the Sea-Bed Committee and of the Second Committee of the Conference, handled most of the issues in the Conference and faced most of the diversities of interests of States. That cannot but bespeak his rare diplomatic skill.

191. Mr. Yankov of Bulgaria, Chairman of the Third Committee, handled what I would call the problems of modern civilization: the marine environment, marine technology and marine scientific research. His contribution in these fields will be felt by all users of the sea, for a polluted sea is nothing but a health hazard. Without technology, little can be done to reap the benefits of marine resources and other uses; without scientific research, the sea would remain a mystery of legendary mermaids. But, on the other hand, unregulated scientific research and the application of technology would only perpetuate and widen the gap between the "haves" and the "have-nots".

192. Mr. Beesley of Canada, Chairman of the Drafting Committee, apart from his great contribution as a person and as a representative of his country, had the very difficult task of guiding the Drafting Committee in bringing order to the Convention in the face of formidable political problems. Thanks to him, we are going to sign a Convention which is consistent and logical.

193. The Conference has been meeting for eight years, and during each session there were, apart from the main committees, numerous negotiating groups and working groups. It is no easy task to co-ordinate all this work and to compile a report at each session. But that work was done, and done admirably. The person responsible is no other than our Rapporteur-General, Mr. Kenneth Rattray. Apart from his active involvement in the negotiations as a representative of his country, Jamaica, he worked very hard to produce order in our report and other documentation. He deserves our gratitude and the gratitude of the Conference . . .

194. The PRESIDENT: I am sorry to interrupt the representative of the United Republic of Tanzania, but he has exceeded his 15-minute time-limit. Could he please try to be more sparing in his praise of the other personalities?

195. Mr. WARIOBA (United Republic of Tanzania): I cannot leave this rostrum without mentioning two other people. I would single out the name of Mr. Christopher Pinto. Having ourselves been deeply involved in matters of the sea-bed from the beginning, we find it irresistible to mention his name as the brain that organized the thoughts of the First Committee, simplified the tangle of issues and revealed their basics, and led us to focus on the main problems.

196. At this Conference, the Group of 77 had an impact, and it is no secret that Mr. Alvaro de Soto was the custodian of the conscience of the Group of 77 in matters in the realm of the Conference's First Committee. In spite of the size of the Group, the novelty and complexity of the subject and the political and technical odds against success, he carried out his task with diligence, the utmost integrity and responsibility, and unequalled perseverance, and carried it out successfully. It is a pity that he is not here with us today, for he contributed much more than most of us to this Conference.

197. Finally, the role of the United Nations Secretariat and supporting staff, led by Mr. Zuleta, is too obvious to have to be explained. The burden they have borne in the technical preparation for and servicing of our numerous meetings has been so heavy that they cannot be thanked in mere words. The successful conclusion of the present Convention and the contribution it will make to mankind is a greater tribute and a more satisfying reward. I join other participants in the Conference in expressing our deep-felt gratitude to Mr. Zuleta and, through him, to his entire team.

198. Mr. SARRÉ (Senegal) (*interpretation from French*): In the course of these lengthy and difficult negotiations, my Government has stated its views, and I shall not repeat them now.

199. With the signing of the Convention on the Law of the Sea and the Final Act, we can say that at last the dream of several decades ago has come true. It was a dream in which we saw all the States of the international community, all their viewpoints merged and all their differences silenced, agreeing to sign a convention governing the use and exploitation of the sea—which, as we all know, covers a greater part of our planet. This positive and historic act will be a major contribution to mankind in its ceaseless quest for peace and stability.

200. Since this Convention covers all aspects of the use of the sea while safeguarding the responsibilities and the sovereignty of coastal States, my country, which is a coastal State and a member of the developing world, can only welcome this event. I am thinking in particular of the formulation of article 15, on the delimitation of maritime borders on the basis of equity, and of the reference to Article 38 of the Statute of the International Court of Justice in connection with implementation of article 74 of our Convention, with which my country agrees. My country welcomes this occasion and is ready to sign the Convention on the Law of the Sea and the Final Act of the Conference.

201. In recent years much has been said of the need to establish a new economic, cultural and political order; that need is indisputable. But, in my delegation's view there are some preconditions for the attainment of that noble objective. It has become imperative, first of all, to arrive at an international consensus on the law of the sea. The sea is the essential linkage between continents and a repository of vast resources of which mankind has such need, and its use deserves rules and procedures to foster understanding and co-operation among nations and peoples. On the basis of these considerations, my country—whose very name "Senegal" is taken from our word for the pirogue, a canoe which is a basic requisite of

sea travel—has done its best actively to participate in the drawing up of this Convention. Also in this connection the Head of State of Senegal, Mr. Abdou Diouf, set up a national committee on the law of the sea, whose foremost task it is to make a greater contribution to the codification of this Convention that we shall soon be signing.

202. Because of the Convention's impact on international peace and security, my country is convinced that certain States Members of the United Nations which have stated their reservations concerning several provisions of the Convention will not fail, considering their responsibilities for the safeguarding of peace, to reconsider their reservations and join in the international consensus.

203. At the time of this historic event, I wish to pay a tribute to all the States which made a contribution to the achievement of this great task. We should all be proud of the spirit of co-operation and understanding shown by all those States throughout the lengthy and difficult negotiations.

204. The skippers of these negotiations also deserve our appreciation and gratitude. I am thinking especially of that illustrious son of Sri Lanka, Hamilton Shirley Amerasinghe, of Mr. Pardo of Malta, of the various committee Chairmen, and of you yourself, Mr. President. With discretion, understanding and effectiveness, you have made a major contribution to the success of the event which we shall be celebrating in a few days here in Montego Bay, Jamaica. Jamaica is an enchanted isle, needless to say, but it is also a crucible of all the races and beliefs of our earth, and we are convinced that it is symbolic that we are signing the Convention in Montego Bay: it is a sign of understanding among men.

205. Therefore, we take this opportunity to thank the people and the Government of Jamaica for their warm and fraternal welcome. I wish also to thank the Secretary-General, Mr. Javier Pérez de Cuéllar, and his competent staff, which has shown its devotion to its vocation of the law of the sea.

206. The Convention which we are to sign is an invaluable supplement to the Charter of the United Nations. For that reason, we hope that everything will be done to ensure that it will bring mankind closer together in its common struggle for the establishment of a new era of peace, stability and understanding. It is in that spirit that I reaffirm that my country will sign the Convention on the Law of the Sea and the Final Act of the Conference.

207. Mr. PINTO (Portugal) (*interpretation from French*): After 15 years of discussions and negotiations in which all the arguments have been adduced on the questions raised at the Conference, we think that we can and must be extremely brief in our statement today.

208. It is thus my honour to inform the Conference, on behalf of Portugal, that my country will sign not only the Final Act but also the Convention on the Law of the Sea. Our maritime tradition, our solidarity with the Portuguese-speaking countries which have contributed so much to the Convention, and a realistic analysis of present-day circumstances in the maritime world are at the root of this decision.

209. My Foreign Minister regrets not being with us today—he had to remain in Lisbon owing to other very important duties—but he sends his best wishes for the Convention's future.

210. I conclude by paying a tribute to Mr. Amerasinghe and all those who worked with him; the Secretariat, represented here by Mr. Zuleta; and you, Mr. President. You have all made a decisive contribution to the achievement of this Convention.

211. I take this opportunity to thank the indefatigable Mr. Kenneth Rattray and all the authorities and the people of this charming country, Jamaica, for the marvellous welcome that they have extended to us in Montego Bay.

212. Mr. DANIELIUS (Sweden): I wish to start my statement by expressing the satisfaction of the Swedish Government at the fact that we have now reached the end of a long and complicated negotiating process. As a result of our efforts we have before us a treaty which, as regards its scope, its volume and its varied and complex subject-matter, cannot be compared with any previous treaty adopted under the auspices of the United Nations.

213. During the last few months many States have had to consider and decide whether or not they should sign the Convention on the Law of the Sea when it is opened for signature on 10 December. Those States have had to make a general assessment of the Convention and its advantages and drawbacks from a global perspective, as well as from the point of view of the individual States concerned. Sweden is one of the countries which has made such an assessment. In doing that, we have had to conclude, to our regret, that the general development of the law of the sea during the last decades, the culmination of which was the adoption of the Convention, has not been beneficial to Sweden.

214. As a result of its geographical location, Sweden has only to a very limited extent been able to avail itself of the right to an enlarged coastal-State jurisdiction which is one of the main characteristics of the new law of the sea. On the contrary, Sweden has suffered serious drawbacks, in particular as a result of the extension of the fishery zones of other States. I may recall here that during the Conference on the Law of the Sea Sweden joined the group of land-locked and geographically disadvantaged States, the members of which are the losers in the hard competition for the riches of the sea.

215. There are also a number of other aspects of the Convention which do not satisfy the national interests of Sweden. On many occasions during the negotiations we pointed out that the provisions of the Convention regarding the composition of the Council of the International Sea-Bed Authority are in fact discriminatory against small and medium-sized industrialized countries such as Sweden, since those countries will have a much smaller chance than others of ever being represented on the Council. We worked hard to remedy that state of affairs but, unfortunately, without success. The unsatisfactory provisions remain in the Convention.

216. In regard to the protection of the marine environment, we regret that the provisions of the Convention are not in all respects as far-reaching as we would have liked them to be. In our view, the rules contained in that part of the Convention should have given the coastal States the right to take more effective measures to protect their marine environment.

217. While we think that in that respect the interests of coastal States should have been safeguarded more adequately, we consider that in regard to another matter—that is, marine research—the coastal States have been given too extensive rights to exercise control. Indeed, we would have wished the Convention to put stronger emphasis on the principle of freedom of research, which, in our view, is a fundamental prerequisite for development and progress for the benefit of mankind as a whole.

218. I have mentioned a few areas in which the Swedish Government finds that the solutions arrived at in the Convention do not fully correspond to the national interests or the national policies of Sweden. But despite the misgivings which these elements have created in our mind, the Swedish Government has decided to sign the Convention at the end of this week. In taking that decision, the Swedish Government felt that the overriding consideration should be the desire and the duty to contribute to creating an international legal order for the sea. Such a legal order would serve to prevent conflicts and disputes and to improve international relations and co-operation.

219. However, the Convention can be expected to have this beneficial effect only if it is in its entirety widely accepted by States and if it is regarded, at least in its main contents, as expressing the stand of contemporary international law in this field. From this point of view it was a disappointment to us when last April the Convention could not be adopted by consensus. We have also been disappointed to learn that a number of States, in view of their reservations or doubts in regard to certain parts of the Convention, will not find it possible to sign the Convention at this stage.

220. We sincerely hope that these States will find it possible to review their position. To accept certain rules which in a short-term perspective may not appear to be fully consistent with the national interest may in the long run prove to be a wise policy if it contributes to strengthening the universal legal order and co-operation between States.

221. As regards the provisions of the Convention regarding different maritime zones and the rights of the coastal States over those zones, the Convention is not likely to give rise to any important changes in the régime that is now in force in the maritime areas outside the Swedish coasts. In fact, Sweden has already, in different ways, adapted itself to the development of the law of the sea which is now reflected in the Convention. For instance, Sweden already extended its territorial sea to 12 nautical miles a few years ago.

222. As regards the special régime for straits established by the Convention, we note that passage through the two most important international straits outside our coasts—the strait between Sweden and Denmark and the strait between Sweden and the Finnish Aland Islands—is governed in whole or in part by long-standing international conventions. Consequently, the exception provided for in article 35 (c) of the Convention is applicable to these straits. In other straits outside our coasts, there is a route through the high seas which, according to article 36 of the Convention, makes these straits exempt from the general free transit régime.

223. As regards the passage of warships and other government-owned ships used for non-commercial purposes through the Swedish territorial sea, we consider that the régime at present applied is consistent with the requirements of the Convention and that consequently this régime can continue to be applied.

224. The Convention contains in article 311 an important provision regarding the relation to other conventions and international agreements. We are not convinced that this article will in practice solve all problems that may arise in this connection. Since Sweden pursues a policy aiming at neutrality in times of war, we have given special attention to the relationship between the Convention and the rules of neutrality in case of war. It is our understanding that the Convention does not affect the rights and duties of a neutral State provided for in the Convention of 18 October 1907 concerning the Rights and Duties of Neutral Powers in Case of Naval Warfare.

225. Some provisions in the Convention are optional in nature. In particular, article 287 of the Convention gives the contracting States the right to choose between one or more of a total of four different means for the settlement of disputes concerning the interpretation or application of the Convention. The Swedish Government will give very careful consideration to this matter. The final decision will be taken in the light of Sweden's traditionally held opinion that strong, compulsory machinery for third-party settlement of disputes is an important and desirable element in international agreements.

226. Like other delegations we are pleased to see that the long and tedious work to revise and codify the law of the sea has now come to an end. The Convention now before us is an impressive document. This is not to say, however, that all problems relating to the law of the sea have been solved. In some respects, for instance as regards the environmental problems, we feel that the work should continue at the world-wide as well as at the regional level.

227. There are also other aspects of the law of the sea which are not dealt with in the Convention but which are worthy of our attention. For instance, the rules of armed conflict at sea are clearly in need of revision. Indeed, some work still remains to be done before we have a complete and coherent system of international law relating to all uses of the sea.

228. Finally, I wish to express, on behalf of the Swedish Government and the Swedish delegation at this Conference, our sincere appreciation and gratitude to the Government of Jamaica for the magnificent hospitality it has extended to us in this beautiful part of its country.

The meeting rose at 1.05 p.m.

188th meeting

Tuesday, 7 December 1982, at 3 p.m.

President: Mr. T. T. B. KOH (Singapore)

Statements by delegations (continued)

1. Mr. RIPHAGEN (Netherlands): On behalf of the Kingdom of the Netherlands I should like to stress the historic importance of this final session in Jamaica. The Kingdom has traditionally taken a great interest in the régime of the sea. Not only has the sea been the path along which traffic to and from other States has passed but also fisheries have always constituted an important part of our economy.

2. The results of scientific research, particularly in the last few decades, have brought about a radical change in a number of views concerning the various uses of the sea. At the same time, there has been a growing realization that not only the riches of the land but also those of the sea are finite. It is against that background that the Third United Nations Conference on the Law of the Sea started work. Its task, as we

all know, was far from simple, since it had been decided that its terms of reference should include every single use of the sea. The fact that the Conference has lasted so long has at the same time resulted in a definite interplay between national legislation on rights concerning the use of the sea and the establishment of internationally acceptable rules of law. As has been pointed out many times during the course of the Conference, the outcome of these protracted negotiations is a compromise with which only a very few States will be entirely satisfied.

3. At the beginning of these negotiations the Kingdom adopted the stand that a system should be devised for the international area that would be for the benefit of the international community and of mankind as a whole and that special account should be taken of the needs of developing countries.