

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/WS/25

Statement by the delegation of Mali dated 30 April 1982

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XVI (Summary Records, Plenary, First and Second Committees, as well as Documents of the Conference, Eleventh Session)*

cated a solution which would give expression to the right of sovereign States to make reservations to and declarations on multilateral international treaties.

The Romanian delegation believes that, by virtue of the general rules of international law which are reflected, *inter alia*, in the 1969 Vienna Convention on the Law of Treaties,⁴² States maintain their right to make reservations and declarations when they become parties to international treaties.

5. With regard to the international sea-bed area, the Romania delegation would like to reiterate that the application of the resolution governing preparatory investments should be in full conformity with resolution 2749 (XXV) of 17 December 1970 of the General Assembly and with Part XI of the Convention.

As the Romanian delegation already emphasized throughout the Conference, Romania is deeply attached to the concept of the common heritage of mankind proclaimed solemnly by the United Nations General Assembly in relation to the sea-bed situated beyond the limits of States' national jurisdiction, and amplified in the relevant provisions of the Convention. In the light of that position and in accordance

with the principles of equity and justice, the Romanian delegation considers it extremely important that the implementation of the relevant provisions of the Convention and of the resolution on the treatment of preliminary investment should in no way affect this heritage and that its resources should be explored and exploited for the benefit of all States, in particular the developing countries.

In this spirit, Romania cannot agree to any measure which, in implementing the Convention and the above-mentioned resolution, would depart from the fundamental principles governing the common heritage of mankind and its exploration and exploitation for the benefit of all the countries of the world.

6. Since the Romanian delegation, like many other delegations, agreed to the texts drafted in the course of the Conference and to the final draft convention in the expectation that the latter would be adopted by all States, my delegation expresses its regret that, despite the efforts and concessions made by the vast majority of participant countries, it was not possible to reach a consensus on the text of the Convention.

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Statement by the delegation of Mali dated 30 April 1982

[Original: French]
[4 May 1982]

Finally, we have just adopted the draft convention on the law of the sea in favour of which my delegation voted.

You have spared no effort—physical or intellectual—to bring safely into port the ship on which we all embarked to keep our rendezvous with history.

While the hour of that rendezvous is still striking, I feel I must express my delegation's appreciation for the results achieved thanks primarily to your talents, which are, moreover, no secret to any of us.

Your humanism, your high sense of duty well done, your great clear-mindedness when faced with the tidal waves which threatened to engulf us all, your exemplary courtesy so fortunately coupled with the necessary flexibility and essential firmness, in short, your availability at all times, which you consistently demonstrated, were all very important factors.

I should therefore like to extend to you once again the warm and sincere congratulations of the delegation of Mali for these universally recognized qualities.

I should like to include in these congratulations the thanks of the delegation of Mali to the entire Collegium, the entire Secretariat, and all those who contributed to our Conference their unflagging and daily efforts.

My delegation has been very much aware of the fruitful contribution of all delegations and their untiring efforts to ensure the success of our common endeavours.

We have now arrived at the end of our programme of work of which we were able to keep abreast, as anticipated, thanks to your own ingenuity and the goodwill of all.

Thus a highly instructive period has ended.

Thus a new period is beginning which will be marked by the implementation of unprecedented legal provisions, introducing fundamental elements of a more humane future and, to sum up, of our collective destiny.

Thus there is a hope that this period may—for the first time in the history of mankind—be one in which the universal will to share a common heritage among all peoples of the world will be expressed in practical terms.

Is not this concept, which defines both the political and legal elements of such a hope, a sign of a fundamental change in the thinking which has prevailed in an out-of-date, unjust, contradictory and profoundly unbalanced world?

But, does not wisdom also prompt us not to place too much trust in appearances, no matter how attractive they may seem? In that regard, I should like merely to point out that all human endeavour is subject to improvement and that nothing in the world is permanent—neither people nor things—since it is true that even the balances achieved in any context are vulnerable.

Nevertheless, the gaps which we have all noted, the weaknesses which appear here and there and the very frustrations encountered can be overcome and corrected, time being our best friend.

It is in this context that the interdependence of our interests, so particularly characteristic of our contemporary world, imposes its real constraints by means of rules, the breaking of which always leads to general disaster, as can be seen from daily experience.

It is true, therefore, that we are in vital need of each other; our awareness of this phenomenon would seem to entail a serious commitment to the future that transcends current national or other contingencies.

The fact remains that each of us has assumed his responsibilities before history, at the same time as reciprocal obligations. These obligations were not only dictated by our own interests; they were also assumed at the cost of reciprocal concessions so that they might become commitments to all mankind.

There is therefore no need to repeat what has already been said. I should merely like to state that my delegation maintains its solidarity with the group of African States and the Group of 77, and with the Presidents and Chairmen to whom my delegation pays a well-deserved tribute because they addressed themselves to our concerns and common interests with intelligence and effectiveness. Similarly, my delegation expresses its solidarity with all the relevant positions that led

to an improvement of the legal instruments which we have just adopted, unfortunately by voting and not by consensus as was the wish of the overwhelming majority of delegations.

This is also an opportunity for my delegation to thank all delegations that supported the proposals we introduced in our statement at the 161st plenary meeting of 31 March 1982.

DOCUMENT A/CONF.62/WS/26

Statement by the delegation of Greece dated 30 April 1982

[Original: English]
[4 May 1982]

The present declaration concerns the provisions of Part III entitled "Straits used for international navigation" and more especially the application in practice of articles 36, 38, 41 and 42 of the draft convention on the law of the sea. In areas where there are numerous spread out islands that form a great number of alternative straits which serve in fact one and the same route of international navigation, it is the understanding of the Greek delegation that the coastal State concerned has the responsibility to designate the route or routes, in the said alternative straits, through which ships and aircraft of third countries could pass under the transit passage régime, in such a way that, on the one hand, the requirements of international navigation and overflight are satisfied and, on the other hand, the minimum security requirements of both the ships and aircraft in transit as well as those of the coastal State are fulfilled.

DOCUMENT A/CONF.62/WS/27

Statement by the delegation of Saint Lucia dated 30 April 1982

[Original: English]
[7 May 1982]

My delegation has studiously refrained from making any statement or seeking any amendments within the body of the negotiated text, not because we are pleased with every aspect of the said text, but because we recognized that, in the main, what lay before us was a monumental work of effort, negotiation and compromise. To say the least, it represents a proper base from which further developments may be projected.

Through the good offices of international maritime organizations and bilateral arrangements and through conversations with interested delegations, we sought to alleviate the impact of omissions or areas of little emphasis or pertinent thrust. In fact, we were most concerned with the provisions for pollution control and innocent passage in territorial waters. Moreover we considered that the régime of developing island States did not have adequate treatment in the body of the text and proper provision should have been made not unlike that concerning archipelagic States. This point is emphasized in that in 1958, when conventions on the law of the sea were adopted, only two island developing States participated whereas in 1982 approximately 30 similar States are represented in the Conference. To accommodate those States under the general label of "disadvantaged States" does not meet the peculiar circumstances of their maritime situation. It demands separate consideration.

We have not altogether succeeded in obtaining the maximum representation for our claims, since our late appearance

in the negotiations, through no omission on our part, has compromised most of our attempts in stating our case plausibly.

We have understood the spirit of the exercise, yet from the outset we had serious misgivings on the adopted methodology. This has crystallized to the point where we have been frustrated both in the timing of the statement of amendments and the procedures for tabling such amendments. Further we have a profound legal disagreement with the adoption by the Conference of a text without provision for reservations, as we feel that this is not in conformity with the jurisprudence embodied in the Vienna Convention on the Law of Treaties of 1969.⁴² Notwithstanding these observations, we are prepared to play our part in recognizing the accomplishment of the Conference.

We have voted in favour of the adoption of the Convention and ancillary resolutions but we are considering whether we will make certain declarations at the session devoted to signing the Convention. A great deal will depend on what has been accomplished relating to the accommodation of our interests in other forums outside the Conference. We will also have to consider the meaningfulness of the said Convention in the light of the stand taken by the leading maritime States and the reflection of their attitude on the significance of the Conference and its final adopted texts.

DOCUMENT A/CONF.62/WS/28

Statement by the delegation of the Dominican Republic dated 5 May 1982

[Original: Spanish]
[14 May 1982]

The delegation of the Dominican Republic to the Third United Nations Conference on the Law of the Sea presents its compliments to the President of the Conference and wishes to