

Third United Nations Conference on the Law of the Sea

1973-1982

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A/CONF.62/WS/28

Statement by the delegation of the Dominican Republic dated 5 May 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)*

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

communicate to him its explanation in respect of the vote which it cast at the 182nd plenary meeting, held on 30 April, when the Conference adopted the text of the United Nations Convention on the Law of the Sea.

The delegation of the Dominican Republic voted in favour of the draft convention on the law of the sea, but since the Convention was not adopted by consensus, that vote shall not be taken to prejudge in any way the position of the Government of the Dominican Republic at the time of the signing, ratification or accession to the Convention, as the case may be.

The delegation of the Dominican Republic requests that this statement be duly recorded and included in the summary record, and at the same time wishes to renew to the President of the Third United Nations Conference on the Law of the Sea the assurances of its highest consideration.

DOCUMENT A/CONF.62/WS/29

Statement by the delegation of Senegal dated 30 April 1982

[Original: French]
[2 June 1982]

My delegation spoke at the 179th plenary meeting held on 29 April 1982 on the issues dealt with in the report of the President of the Conference in document A/CONF.62/L.132 and Add.1.

We then expressed the hope of being able to adopt the new convention on the law of the sea by consensus. But, alas, the trend of events culminated in a vote the results of which—130 in favour, 4 against and 17 abstentions—in no way diminish our faith in and our commitment to realizing the objectives on which the Third Conference on the Law of the Sea was founded. That is why my delegation voted in favour of the adoption of the Convention.

Indeed, while one of the objectives of the Third United Nations Conference on the Law of the Sea has its origin in the inadequacies of the 1958 Conventions on the law of the sea, which were in any event obsolete because they no longer satisfied the principle of universality, its immense economic and technological scope provides the principal reason for its impact on the contemporary problems of world development.

Obviously, the solutions that the Conference offers to so many complex problems represent so many acid tests of the declared intentions of and the professions of faith made by all participating countries.

In that regard, the Conference can be said to be one of the most significant undertakings of the international community with a view to ushering in a new legal order of the sea.

To be sure, the sea, which constitutes the "sixth continent", covering more than 75 per cent of the surface of the globe, has become an area which everyone agrees to consider vital because of the unfathomed riches it holds, ranging from living resources to polymetallic nodules, apart from the sources of energy it may yield.

From that point of view, the Convention that we have just adopted provides us with a body of law which is truly consistent with the realities of our time and the measure of our common hopes.

In our view, the characteristic of modern international law should be its striving to reflect reality and to avoid becoming a vain monument glorifying its makers.

Of course, that truism was naturally taken for granted by the Conference, at which the principles of equality and sovereignty, justice and co-operation among nations found their full expression in an area hitherto governed by the concept of freedom of the seas which thinly disguised the triumph of relationships of force or domination.

Ocean space and its resources therefore provided a vast field to which it would be possible to apply the cardinal principles of the new international economic order which we so ardently desire.

In fact, the real function and place of the new law of the sea will draw their strength from the political will of the participating States to apply the norms of which it is made up by giving their application a universal dimension.

Moreover, to a very large extent the new law of the sea has tried to take account of the aspirations and legitimate interest of all members of the international community.

Because it could not represent progress, in its essential function of assigning rights and competences with regard to the resources and other marine activities, with particular reference to the parallel exploitation system, the viability of the Enterprise, the effectiveness of the Authority, if all these were to favour the most affluent and technically advanced States to the detriment of others, especially the developing countries.

Obviously, while to expect this new law to correct all natural inequalities, would be self-deception, it can at least be said that such should be its fundamental orientation as regards both principles and its implementation in practice.

Our Conference has certainly drawn up principles and norms which enrich the concepts of international law. Among them, the principle of the common heritage of mankind is part of the movement of progress which is the soul of modern international law and which must be linked with the other elements of the new legal order which we have just devised.

Finally, although we did not secure consensus, the adoption of the Convention by a large majority is undoubtedly an important achievement inasmuch as everyone knows that the new Convention is definitely not just a patched up or remodelled version of the 1958 Conventions.

On the contrary, the new law of the sea is in line with the spirit of innovation that has marked international relations in recent decades. In a nutshell, it is the product of the forces of progress in the world, and we hope that it will give new impetus to international co-operation and the North-South dialogue.

To conclude, I should like to pay a tribute to Mr. Koh, President of the Conference, Mr. Engo, Chairman of the First Committee, and all members of the Collegium for the effective role they have played in the negotiations which have culminated in the adoption of the United Nations Convention on the Law of the Sea.