

Third United Nations Conference on the Law of the Sea

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A/CONF.62/WS/29

Statement by the delegation of Senegal 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)*

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 prejudice 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.

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[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.