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A/CONF.62/WS/30

Statement by the delegation of Zaire dated 30 April 1982

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DOCUMENT A/CONF.62/WS/30

Statement by the delegation of Zaire dated 30 April 1982

[Original: French]
[2 June 1982]

The Zairian delegation, in a spirit of compromise and solidarity, felt compelled to join those delegations which, on 30 April, voted in favour of the United Nations Convention on the Law of the Sea, including its annexes. Nevertheless, for reasons connected, on the one hand, with the manner in which the principle of the common heritage of mankind, as set forth in resolution 2749 (XXV) of 17 December 1970, has been sacrificed in many provisions of the Convention, and, on the other hand, with the fact that it was not always borne in mind during the negotiations that the new law of the sea is intended to form an integral part of the new international economic order, the Zairian delegation could well have abstained in the vote.

We note that the objectives of the provisions of articles 21, 62, 69, 70, 71 and 151, and of those contained in the resolution on preparatory investment protection in annex IV of document A/CONF.62/L.132, are far removed from the spirit and letter of the principle of the common heritage of mankind, and thus upset the balance of the Convention.

The substance of Zaire's amendments to articles 21, 62, 69, 70 and 71 represents our interpretation of the articles in question.

It has been my delegation's understanding since the start of the Conference that, for progress to be made, negotiations were, wherever possible, to be accompanied by reasonable concessions, the burden of which would be equitably shared among all the interested parties. We were thus extremely concerned to find that most of the concessions made, particularly with regard to Part XI, have been at the expense of the land-based developing producers. We have in mind, in particular, the production formula contained in article 151, paragraph 2, and the compensation formula referred to in paragraph 4 of that article. Rather than abiding by the spirit of article 150, which provides that:

"Activities in the Area shall, as specifically provided in this Part, be carried out in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to promote international co-operation for the over-all development of all countries, especially the developing States and with a view to ensuring:

...

"(g) the protection of developing countries from adverse effects on their economies on or their export earnings resulting from a reduction in the price of an affected mineral, or in the volume of that mineral exported, ..."

article 151, in paragraphs 2 and 4, states the contrary. Evidence of the wholly negative impact of this article on the economies

of the countries involved has been provided by a series of studies on the subject prepared by the Secretary-General at the request of the Conference. Insufficient account was taken of all the proposals submitted by the land-based producers, in the light of those studies, to redress the shortcomings of this article and of Part XI and thus make the Convention more balanced and more acceptable. At the same time we have witnessed a new demand by the industrialized countries aimed at safeguarding preparatory investments.

While this demand was well-founded in principle, we found its substance excessive, from the point of view of both the size of the area allocated for preliminary activities and the number of mining sites available for the pioneer producers. The famous "compromise" represented by annex IV of document A/CONF.62/L.132, on the protection of preparatory investments, merely worsened the position of the land-based developing producer countries inasmuch as all will certainly affect the production ceiling indicated in article 151, paragraph 2.

As you know, the present production limitation formula, based on nickel, will basically limit only nickel production, while for other metals—cobalt, copper, manganese, etc.—the formula provides little, if any, real protection. If the protection of preparatory investments system, as it stands, is to be superimposed on such shaky machinery, we can expect that not only will the production ceiling laid down in article 151 be exceeded to a most alarming extent but economic strangulation will affect the developing land-based producer countries, such as Zaire, which gets most of its income from exports of those minerals, particularly copper and cobalt, of which it is the world's leading producer.

Such is our concern, particularly since formulas which we believed were compromise solutions, such as those on compensation contained in article 151, paragraph 4, are in fact no solution at all.

Nevertheless, we continue to believe that the active solidarity and understanding which we have displayed throughout the negotiations and which has led us to associate ourselves with the majority in support of the "package" will not have been in vain, and that the Authority, through its rules, regulations and procedures, will ensure that the principle of the common heritage of mankind is restored to its rightful place, so that a new, more just and more equitable order may replace the old, unjust and discriminatory order in international relations.

We trust that you will safeguard the legitimate interests of land-based producers and geographically disadvantaged countries in the formulation of viable law at the service of mankind, genuine co-operation, peace and equity.

DOCUMENT A/CONF.62/WS/31

Statement by the delegation of Colombia dated 29 April 1982

[Original: Spanish]
[4 June 1982]

We can accept the President's proposal (A/CONF.62/L.132 and Add.1) with a view to contributing to the final consensus, progress towards which has been facilitated by the exertions of those who have negotiated it under the President's expert guidance.

Colombia supports and, in general, endorses the statement by the Group of 77 at the 177th plenary meeting of the Conference. Our primary concern is to afford protection to the developing countries which, like Colombia, are producers and potential producers of land-based minerals and which