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/32

Statement by the delegation of Colombia 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)*

require safeguards in the form of rules and machinery in order to confront the risks of exploiting the resources of the seas and the sea-bed.

Like the vast majority of the members of the Group of 77, we have no possibility of becoming a "pioneer", protected by what has been termed "PIP" or preparatory investment protection, and our analysis of that system is based on the following considerations, which we would like to make known.

In the Group of 77, we commented, at the appropriate time, on the strategy to be followed in discussing amendments to Part XI of the convention and to the preparatory investment protection. The latter constitutes an incentive to the developed countries, aimed at facilitating the signature and ratification of the convention, on the understanding that no unilateral concessions but only reciprocal ones are admissible and that in any case the provisions may be invoked only by parties to the Convention or, in other words, no one may validly take advantage of those provisions, directly or indirectly, outside the framework of the convention.

We consider that the industrialized countries should become parties to the convention, the viability of which would otherwise be limited. We need the technological contributions of the developed countries and their financial contributions to the Authority, in the interests of a pragmatic universality based on the principles which inspired this Conference and especially that of the common heritage of mankind.

It is in light of the network of reciprocal interests embodied in the Convention that we can accept the compromises reached in the aforementioned documents.

We observe that a closed club of pioneer investors is being created which will have the authority to "corner" the mining sites in the seas. As regards paragraph 9 (*d*) of annex IV, we are concerned because such pioneers may apportion the tonnage of mineral production among themselves and may, if they wish, establish an order of priority, yet in neither case does the Authority have the power of decision.

The pioneers number nine in all the Enterprise, operating in the name of the international community, will be left in that initial stage with only one mining site; i.e., there will be a ratio of 1 to 9 between the Authority and the pioneers.

Discussion of the size of the areas has been particularly complex. We understand that it has dealt principally with the risks, since no provision has been made for a change in the tonnage of polymetallic nodules or an increase in payment commensurate with an increase of size.

At first glance, 150,000 square kilometres would appear a vast area, being larger than most of the countries members of the Conference.

The delegation of Colombia can accept the compromise reached by the negotiators representing the Group of 77 on the understanding that article 151 is maintained intact.

The provisions of article 151, in conjunction with those of article 150, i.e., the control of marine mineral production and its effective limitation taking into account the legitimate interests of developing countries producers of land-based minerals, such as Colombia, together with the safeguards stipulated in other provisions, are what make us able to accept the protection of preparatory investment.

The delegation of Colombia can accept the modifications proposed in annex V (A/CONF.62/L.132). This position is in keeping with its steadfast resolve not to hamper progress towards the final consensus and its respect for the principles of unity, universality and integrity of the convention.

In article 150 we note some changes which can be described as drafting changes and do not prejudice land-based producers and potential producers of nickel, copper, manganese and cobalt. I repeat that article 150 is untouchable for our delegation and article 151 is closely associated with it.

Article 155 bears a close relationship with the course of the so-called parallel system and implies in the proposed modification that the review conference will be governed by a procedure very similar to that of the current Conference. We would have preferred the procedure to be changed, but it appears that we will have to resign ourselves to its application again. Probably, in countries like ours, an amendment to the convention will be approved by Congress more readily if it is adopted by the same procedure as the convention itself.

The change whereby the largest consumer would be added to the Council (article 161) is acceptable to us. We regret that it has not been possible to provide for greater participation by medium-sized industrialized countries, which have played a moderating and conciliating role and could do the same in the Council.

Finally, we are prepared to support improvements regarding transfer of technology, processing of applications and work plans, or any other improvements which strengthen consensus without undermining the basic principles of our position and which accord with our resolve to secure the approval of the text by consensus.

DOCUMENT A/CONF.62/WS/32

Statement by the delegation of Colombia dated 30 April 1982

[*Original: Spanish*]
[*4 June 1982*]

The United Nations Convention on the Law of the Sea today became part of history. It codifies the new law of the sea which will govern the seas and oceans under a unitary and integral concept according to which all problems relating to maritime space are inseparably linked and concern the international community as a whole, and have to be solved in that spirit.

In our capacity as members of the Permanent Commission of the South Pacific we hereby reiterate the terms of the document transmitted jointly with the delegations of Chile, Ecuador and Peru on 28 April (A/CONF.62/L.143).

We believe that universal recognition of the rights of sovereignty and jurisdiction of the coastal State within a 200-mile limit is a fundamental achievement of the countries members of the Permanent Commission of the South Pacific, in accordance with the basic objectives of the Santiago Declaration of 1952,[45] to which Colombia subsequently acceded.

Those objectives have been compiled and developed in the United Nations Convention on the Law of the Sea, which incorporates into international law principles and institutions essential for a more appropriate and fair exploitation of the resources contained in coastal waters, to the benefit of the over-all development of the peoples concerned, on the basis of the duty and the right to protect those resources and to conserve and guarantee that natural wealth for those peoples.

[45] See *Yearbook of the International Law Commission*, 1956, vol. I.

The delegation of Colombia repeats the substance of its statements made at the 165th and 172nd plenary meetings, on 1 and 16 April and its belief that the adoption of the United Nations Convention on the Law of the Sea constitutes a historic act of paramount importance and strengthens the role which the United Nations should rightfully play in the world.

DOCUMENT A/CONF.62/WS/33*

Statement by the delegation of Israel dated 15 September 1982

[Original: English]
[17 September 1982]

In accordance with the reservation contained in the statement of the delegation of Israel at the 182nd plenary meeting of the Conference on 30 April 1982, the following additional written statement is submitted.

In our statement at the 163rd plenary meeting, on 31 March 1982, the only one we made in the series of short general statements that were made during the ninth and tenth sessions, we indicated some of our major objections to and preoccupations with the draft convention and the additional documents which were then before the Conference, and we indicated further objections in our statement at the 177th plenary meeting, on 2 April 1982. Subsequent developments have done nothing to dispel our preoccupations or our objections, and reference is made specifically to what we said regarding the maintenance of the freedom of the seas in respect of navigation and overflight and as regards straits. The inclusion since of the amendments contained in document A/CONF.62/L.101 has even strengthened our belief that the Conference has gone too far in introducing alien elements that have nothing to do with the law of the sea. This refers particularly to the amendments that have been made in that respect in articles 140, 156, 160, 161, 162 and 319 in so far as they purport to go beyond the law of the sea and are related to the topic of the amendments contained in document A/CONF.62/L.101.

To be brief, we cannot support the provisions to which our statement of 31 March last referred directly or indirectly or by incorporation. In addition, in connection with articles 19, 21 and 25, we have taken careful note of the President's statement at the opening of the 176th plenary meeting on 26 April 1982, when certain amendments were not pressed to a vote. Similarly, we have difficulties with articles 208 to 211, 220 and 221 as they now stand and, as far as the latter is concerned, our statements at the 38th and 39th meetings of the Third Committee, held on 12 May and 13 September 1978, respectively, are recalled.[46]

Naturally, our competent authorities will study the draft convention with all the attention it deserves, and will make their final position known in due course in the appropriate manner. In the meantime, the Government of Israel can recognize only those changes in the existing international law which are embodied in an appropriate international instrument duly accepted by it.

We reserve the right to supplement these observations at a later stage if necessary.

We wish to conclude with this expression of our appreciation to the President of the Conference and his colleagues, and to the Special Representative of the Secretary-General and all his colleagues in the Secretariat for their great efforts throughout this Conference.

*Incorporating document A/CONF.62/WS/33/Corr.1, of 12 January 1983.

[46] See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IX (United Nations publication, Sales No. E.79.V.3).