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1973-1982

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elaborate an international régime and machinery to govern the area beyond the limits of national jurisdiction and to regulate, among other things, the deep sea-bed mining of manganese nodules. That régime was to be built on the cornerstone principle of the common heritage of mankind. That régime, which is contained in Part XI of the Convention before us, departs somewhat from the original conception and possibly from Mr. Pardo's philosophical approach in 1967. We have regretted that.

170. On the historic occasion of the signing of the United Nations Convention on the Law of the Sea, the Conference must—albeit belatedly—pay honour to Arvid Pardo for the significant contribution he has made to the evolution and development of the contemporary law of the sea. I would even dare to say that the main Assembly Hall of the International Sea-Bed Authority should be named the Arvid Pardo Hall—but that is not for me to suggest at this stage.

171. Trinidad and Tobago voted in favour of the Convention on 30 April 1982, although the Convention does not meet all its needs. At previous sessions of the Conference my delegation has placed on record its views on the Convention. It has pointed out its shortcomings and it did say that it would vote for the Convention despite those shortcomings. Surely, no convention can meet the needs of all States; nor can solutions for all current bilateral problems and disputes be found within the framework of its provisions.

172. The Convention does not properly accommodate the position of land-locked and geographically disadvantaged and some developing coastal States in respect of access to the living resources of the 200-mile exclusive economic zones of neighbouring States in the same region or sub-region. We feel that an accommodation should have been made for States which had traditionally and habitually fished in such areas prior to the declaration of exclusive economic zones. We supported the concept of the exclusive economic zone on the condition that States like Trinidad and Tobago would have continuing access to exclusive economic zones. We have experienced in recent times, particularly since the more powerful States adopted the exclusive economic zone of 200 miles, difficulties in gaining that traditional and habitual access. We hope, however—and I hope that we do not need to bridle our optimism in this respect—that the provisions of Part V of the Convention will in practice and good faith be interpreted in such a way as to permit continuing access to living resources of exclusive economic zones for developing land-locked and geographically disadvantaged States.

173. The Convention, in Parts XII and XIII, establishes satisfactory régimes for the protection and preservation of the marine environment and for the conduct of marine scientific research. Those parts of the Convention reflect a just and equitable balance of conflicting and divergent interests.

174. It has been in a spirit of compromise that my delegation has gone along with the parallel system of exploitation for the mining of deep sea-bed manganese nodules. We would have

preferred—and we did form part of the consensus to this effect in the group of Latin American States—a unitary joint venture system. We believe that only one limb, the private entity limb, of the parallel system will work. The Convention does not provide adequate guarantees—and we have fought to get such guarantees, but unsuccessfully—for the other limb of the parallel system, the Enterprise, to receive technology for deep-sea mining and to engage in mining activities under the parallel system on an equal footing with private entities. The fair and reasonable commercial terms on which the Enterprise is to purchase sea-bed technology may in fact turn out to be prohibitive.

175. My delegation agrees with those jurists—some of them in the United States—who state that, once the Convention on the Law of the Sea comes into force and effect, those States not parties to the Convention cannot lawfully mine manganese nodules under an internationally unrecognized treaty, or so-called mini-treaty. This will be particularly so if an overwhelming majority of the international community ratify or accede to the Convention. The terms of the Convention would be almost like a Charter of the United Nations provision and would be the law for all States—even those that are outside its framework.

176. Once more we wish to remind those that attempt to justify their actions—illegal as they may be—in seeking unilaterally to exploit the deep sea-beds that analogy is not a source of international law. The traditional freedoms of the high seas cannot therefore be extended by analogy to mean freedom for a few technologically advanced States and entities to exploit and appropriate the manganese nodules of the deep sea-beds. They cannot exploit those nodules outside the framework of Part XI of the Convention. Those nodules belong to all mankind and in perpetuity.

177. The provisions of the new Convention do not and cannot represent the optimum positions of all States represented here, but they do represent the best that could have been achieved in the circumstances. The Convention is, in our view, a finely textured compromise which has been painfully reached after some 14 years of difficult multilateral negotiations. Some of us are sorry that they have ended.

178. The international community has a choice. It has a choice between, on the one hand, order and predictability in ocean space, and, on the other, freedom of action which will bring back memories of the old days of colonial rivalries and conflicts and lead to chaos, disorder and confusion in the seas and oceans. We agree with you, Mr. President, that the Convention will indeed promote international peace and security. On balance, the Convention is satisfactory and progressively advances the law of the sea. The Government of Trinidad and Tobago has therefore decided to sign on Friday, 10 December 1982, the Final Act of the Conference on the Law of the Sea and the United Nations Convention on the Law of the Sea.

The meeting rose at 12.55 p.m.

186th meeting

Monday, 6 December 1982, at 3.05 p.m.

President: Mr. T. T. B. KOH (Singapore)

Statements by delegations (*continued*)

I. Mr. COLLINS (Ireland): At the outset I should like to pay a tribute to the officers of this Conference and to all those who have contributed to its success, in particular to you, Mr.

President, to Mr. Zuleta, the Special Representative of the Secretary-General and to his staff; to the present Chairmen of the Main Committees; to former Chairman, Mr. Galindo Pohl; to all those representatives who chaired informal groups during the many sessions; and to all the others who contri-

buted to the work of the Conference. I should also like to mention in particular Mr. Amerasinghe, who guided the Conference through many difficult negotiations. Not least I should like to thank the Government of Jamaica for providing such a fitting and beautiful setting for this historic occasion.

2. My delegation recalls that my country is a member of the European Economic Community and that it has transferred competence to the Community in certain matters governed by the Convention. Detailed declarations on the nature and extent of such competence will be made in due course in accordance with the provisions of annex IX of the Convention. Ireland, as a member of the Community, also endorses the statement which will be made on behalf of the Community by the representative of Denmark as President-in-Office.

3. This Conference has before it today the crystallization of its work over many years, a Convention whose achievement involved sacrifices and compromises on the vast majority of the issues involved. It is a complex package deal comprising many maxi- and mini-packages. It combines consolidation and codification with revision and innovation. It represents an enormous achievement in negotiation and diplomacy and furnishes the opportunity for one of the most significant advances ever achieved in the rule of international law.

4. It had always been my country's hope that this Conference would adopt by consensus a comprehensive convention which would subsequently be universally endorsed and thus become the charter for mankind's use of the seas. If we were disappointed in the first part of that hope, when the Convention was put to the vote for adoption we were encouraged by the huge majority in its favour and the very small number of delegations which voted against it. We continue to hope that the Convention will be universally accepted in due course. I am pleased to indicate that my country will be among those which will sign the Convention at this session, thus participating in the first step towards that universal acceptance.

5. Perhaps the most historic achievement of the Conference is the inclusion in the Convention of the régime for the international sea-bed area beyond the limits of national jurisdiction, an entirely new branch in the international law of the sea. Not surprisingly, this was one of the most controversial fields covered by the negotiations and is at the root of the misgivings of many of the countries hesitating to give their approval to the Convention. My country does not at this stage stand to benefit directly from the exploitation of the international area as we are neither among the countries having the technology to engage in and profit from exploitation nor among those that will be the primary beneficiaries of the wealth accruing to the International Authority from that exploitation. And, while our lack of technological expertise prevents us from making a detailed assessment of the scheme, our lack of direct interest probably enables us to take a more detached view of the broad features of the régime than many other countries can take. We accordingly think that it is worth making a general observation about it.

6. We doubt that any delegation at this Conference believes that the régime contained in the Convention is perfect. Indeed it would be unrealistic to expect that the international community, with inadequate experience of the practicalities of all the aspects of the exploitation which is envisaged, and faced with a multiplicity of conflicting national interests, could at the first attempt devise a perfect régime. It is clear that misgivings about the régime are not confined to any one group of countries, nor to those that are hesitating to give their approval to the Convention. The relatively tentative nature of the régime is recognized in the Convention itself by the provision for a review conference to deal with this part of the Convention only after the lapse of an interval sufficient to see how effective the régime is in practice. Bearing all this in mind, we believe that the sensible course for all countries is to put aside their misgivings and to join together in putting the régime into

practice. With the necessary goodwill and flexibility on all sides, this will be a successful venture despite any shortcomings that may be revealed by the practical operation of the scheme—shortcomings which may in the short term be met by adaptation and ultimately be remedied by the review conference. Both in the Preparatory Commission and later in the International Authority, my country's representatives will be guided by such considerations.

7. Ireland is of course an island State, and if we have no immediate direct interests affected by the international seabed régime, that is not the case in regard to the rest of the Convention. We have particular concern for the provisions dealing with the exclusive economic zone, the continental shelf, marine scientific research, protection of the environment, the delimitation of national zones of maritime jurisdiction and the peaceful settlement of disputes, and we played an active part in the negotiations on some of these issues. In all, the outcome was a compromise between the various interests, which usually resulted from many-sided and complex negotiations.

8. One of the clearest examples of the success of this process is the part of the Convention covering the exclusive economic zone, the development of a relatively new concept in international law. The provisions which have emerged represent a reconciliation of the interests of the coastal States and of other States through a careful combination of the jurisdiction of the former and balancing rights for the latter. Similarly the continental shelf provisions acknowledge the basic jurisdiction of the coastal State throughout its geographical continental margin, and this acknowledgment is balanced by the adoption of criteria and methods for identifying the coastal State's outer boundary, which in fact involve cutting off from national jurisdiction parts of the margin, and also by an obligation of the coastal State to share revenue from the outer shelf areas with the international community. In regard to marine scientific research, the Convention requires co-operation between States in promoting and encouraging research. Within this framework it safeguards the right of the coastal State to adequate control over research in its jurisdictional area while ensuring that research will not be unreasonably prevented or hampered in this area. All States are obliged by the Convention to protect the marine environment from pollution. The powers given to the coastal State to protect the environment in its zones of jurisdiction have been so framed as to balance adequacy for that purpose with the need to avoid unreasonable interference with navigation and other rights of other States.

9. The delimitation of maritime zones was one of the last issues to be resolved at the Conference, and the main difficulty arose in connection with setting out the criteria particularly for delimitation in the economic zone or on the continental shelf. And, while there was broad agreement that these should be as determined by relevant international law, several efforts to express that law in a provision failed to command support across the two groups representing most of the directly interested delegations. Finally, this statement was broken by abandoning efforts to express the relevant law substantively and the vast majority of the interested delegations, including the Irish delegation, endorsed the provision which now appears in the Convention.

10. This provides that delimitation shall be effected on the basis of international law as referred to in Article 38 of the Statute of the International Court of Justice. We are satisfied that the relevant principles of international law thus referred to are as identified by the International Court of Justice in its decision on the North Sea cases in 1969¹ and as confirmed by subsequent judicial and arbitral decisions.

¹ *North Sea Continental Shelf, Judgment, I.C.J. Reports, 1969, p. 3.*

11. My country is pleased at the general acceptance that disputes arising under the provisions of the Convention must be settled by peaceful means. The actual establishment of procedures which would ensure peaceful settlement, including compulsory and binding procedures, naturally proved more difficult because of the differing views among States as to what is appropriate in this field. We believe that the solutions reached, which necessarily involved stages and choices of procedures and variations according to subjects in order to accommodate the various preoccupations, will prove adequate. We welcome this additional assurance that the Convention will eliminate a significant area of potential conflict from the world scene.

12. In its statement at the opening of the general debate at this Conference my delegation urged that the States participating in the Conference should pursue the legitimate interests of their peoples in an enlightened manner so as not to damage the international community and ultimately their own peoples. We identified as the objective of the Conference the creation of rules of law which would be binding, just and reasonable, and the establishment of adequate machinery to secure their implementation. We now believe that the adoption of the Convention was a major step towards fulfilling that objective and that accordingly it is essential in the interests of the international community that it enter into force as soon as possible and that all countries become parties to it in due course.

13. Mr. KUSUMAATMADJA (Indonesia): At the outset I wish to express on behalf of the Indonesian delegation and on my own behalf, our deep feeling of gratitude to the Government and people of Jamaica for the excellent arrangements made for this session of the Law of the Sea Conference, in this beautiful resort town of Montego Bay. Since we set foot on this beautiful island we have felt the warm welcome and hospitality extended to us by the Government and people of Jamaica, with which Indonesia has always maintained cordial and friendly relations.

14. On this occasion I wish also to express our deep appreciation to you, Mr. President, to the members of the Bureau of the Conference and to the members of the Secretariat who have worked so hard for the past nine years. Furthermore, as a member of the Association of South-East Asian Nations, Indonesia is proud to see a representative of another member of the Association presiding over this concluding session, and we are fully appreciative of your lasting contribution to this Conference. We should also like to pay a tribute to our former President, Mr. Hamilton Shirley Amerasinghe, for his tireless efforts in bringing the Conference closer to its objectives.

15. Exactly nine years ago, in December 1973, the Third United Nations Conference on the Law of the Sea, after lengthy preparations, began its first session in New York, to deal with procedural matters. Having personally participated in the First and Second United Nations Conferences on the Law of the Sea, in 1958 and 1960, respectively, it had been evident to me that there was a need to take the historic decision to convene this Third Conference.

16. The world has for years endeavoured to solve problems of ocean affairs for the purpose of establishing law and order on the use of ocean space, its resources and the marine environment. Various international conferences have been held for this purpose, but they have not succeeded in dealing with all the issues. They have failed to solve such fundamental questions as the limit of the territorial sea, while achievements in other areas have been overtaken by progress in science and technology and the emergence of newly independent States.

17. Indonesia has a great stake in this Conference. As a nation comprised of islands forming an archipelago, it has viewed the developments in ocean affairs since the seventeenth century with mixed feelings. The rivalry among the

European Powers for trade in spices during that period led to daring explorations by courageous individuals from Europe looking for access to the East Indies, especially after the siege of Constantinople towards the end of the fifteenth century. In fact, Columbus set sail in search of a sea route to the spice islands in what was then known as the East Indies and today is known as Indonesia. However, by a quirk of fate, he would up here in the West Indies. Subsequent efforts by others to reach the East Indies brought various explorers and others to our islands, resulting in the colonization of Indonesia for centuries by various European Powers. Indonesia endured great suffering throughout that long period of colonialism. The waters and passage routes between our islands which have been an essential factor in unifying our country were transformed by outside Powers into avenues for conquest. Thus, from our point of view, we have suffered from the consequences of the freedom of the seas expounded by Grotius. Therefore, since independence it has become an extremely important task of my country to restore its unity by returning the waters between the islands to their traditional unifying role. For an archipelagic country like Indonesia, it is contrary to its national interest to allow these waters to be used by outside Powers for conquest, thereby destroying its unity.

18. On this basis, the Indonesian Government promulgated the concept of the archipelagic State in 1957, and to this effect it enacted a law in 1960. We are gratified to see that this concept, with some modifications, has now been incorporated in the United Nations Law of the Sea Convention, thus obtaining universal recognition and acceptance in international law. We are confident that the countries with similar geographical characteristics and history will avail themselves of the provisions of the Convention relating to archipelagic States thus safeguarding their national unity, stability and development, without infringing upon the legitimate concerns and interests of others.

19. The progress of science and technology and the differences in the level of development of various States in the past have also led to the inequitable use of the ocean resources. Indonesia, like many other developing coastal countries, views with serious concern the increasing exploitation of the resources of the sea along its coast by distant advanced countries. We consider that this unfettered freedom of the sea, particularly relating to the exploitation of its resources, has given more advantages to those countries with advanced technological and scientific capability than it has to the developing countries, which have a greater and more urgent need for those resources. The emergence of newly independent States after the 1958 and 1960 Law of the Sea Conferences has accentuated these differences. It is therefore appropriate that the use of the resources of the sea should be made more equitable between the far-distant advanced States and the developing coastal countries. I believe that on the whole an equitable balance has been achieved in this Convention, as it has taken into account the legitimate interests of the coastal States without neglecting those of the far-distant and landlocked countries.

20. Perhaps it was the rapid developments in science and technology in deep sea-bed exploration and exploitation that prompted the need to devise new laws with regard to deep sea-bed mining as well as to clarify and redefine rules covering the outer limits of the continental shelf. I should like to express our satisfaction that the Conference has been able to solve these delicate problems, thus eliminating another possible source of confusion and conflict.

21. The problems relating to deep sea-bed mining have caused some anxiety. Indonesia, like many other developing countries, is dependent to a great extent on the export of its minerals for its economic development. The minerals to be produced from the Area would compete in the world market

with those produced in developing countries. Since the markets for these minerals are primarily in the highly industrialized countries, complete freedom to mine and market the sea-bed resources would create very serious dislocations in the already frail and fragile economies of the developing countries. It is therefore essential that the International Authority regulate the development and exploitation of sea-bed resources which, after all, have been declared the common heritage of mankind. The Conference has exerted tremendous efforts and long years of negotiations to achieve a balance that would protect the economies of the developing countries, bring benefits to the rest of the world and, at the same time, guarantee the industrialized countries access to the resources. In this endeavour, the developing countries have offered numerous concessions. We are hopeful that after all these concessions the industrialized countries will finally recognize that the present Convention would provide all States with the best legal framework for the exploitation of the resources of the deep sea-bed area. We are deeply disappointed, however, that after these efforts to reach a compromise, certain industrialized countries are still demanding more concessions which go beyond the limits of possible accommodation.

22. It is the sincere hope of the Indonesian Government that all States will become parties to this Convention. We believe that the present text is the maximum that could be achieved by the world community. Each and every one of us has made concessions to achieve a universally acceptable Convention. We further believe that, on the whole, this Convention is much better than no Convention at all. The failure to make the Convention effective would lead to incalculable chaos and confusion, to the detriment of the world community.

23. My delegation believes that the present text of the United Nations Convention on the Law of the Sea has significance for the orderly development of the international law of the sea in three aspects. First, it codifies the existing law of the sea which has developed either through customary or through conventional law. Many provisions dealing with the high seas fall under this category. For this reason, the provisions of the Convention in this category are applicable to non-party States by virtue of the fact that they are essentially a part of existing international law.

24. Secondly, there are provisions that clarify and redefine rules on issues that are the result of political, scientific and technological developments. These include provisions relating to archipelagic States, to exclusive economic zones, to the continental shelf and to protection and preservation of the marine environment. While the provisions of the Convention dealing with these issues are gaining universal acceptance as new law, it cannot be claimed that a country may benefit from them without being a party to the Convention. It should be recalled that the world community agreed in 1970 that the Convention should be comprehensive, covering all issues, to constitute a grand package. Acceptance of the compromise is, therefore, predicated upon the assumption that it will in the end be accepted and adhered to by all, in its entirety.

25. Thirdly, there are provisions which are completely and totally new in international law and without any precedent in State practice. The provisions dealing with deep sea-bed mining fall under this category and should be the only valid law applicable to these matters. The world community has agreed since 1970, that the exploration and exploitation of deep sea-bed resources beyond the limits of national jurisdiction can be undertaken only under an international régime yet to be established. Thus, there has never been any régime in international law dealing with deep sea-bed mining. Moreover, the world community has also declared on a number of occasions the illegality of unilateral national legislation on deep sea-bed mining and has declared reciprocal arrangements, such, for example, as the so-called mini-treaty among a few like-minded industrialized countries, to be illegal and unaccept-

able. It is therefore the conviction of my Government that the exploration and exploitation of deep sea-bed resources can be legally undertaken only under the régime established by this Convention.

26. My Government believes that after nine years of deliberations the Third United Nations Conference on the Law of the Sea has achieved a monumental success in formulating the present text of the new Convention. It is a tribute to the multilateral negotiating process through the United Nations. It is a tribute to men and women of good will who have been working hard to devise a system of law and order and to avoid chaos and confusion in ocean affairs. It is a tribute to States which participated in the negotiations in good faith and which see their national interests to be better protected through a multilateral co-operative effort than through unilateral nationalistic action. My Government believes that this Convention will contribute to the maintenance of world peace and security, the promotion of co-operation among States and the orderly and rational use of ocean space, resources and the environment.

27. My Government, therefore, will sign, and work for the speedy ratification of, the Convention.

28. Mr. SVOBODA (Czechoslovakia) (*interpretation from Spanish*): Czechoslovakia welcomes the successful conclusion of the 15 years of intensive work which were required to prepare the new Convention. The Government of Czechoslovakia always supported efforts aimed at the elaboration of an international convention which in a single document would regulate all aspects of the use of the sea. In this we felt that previous maritime law had been superseded not only because of the evolution of mankind's technological capabilities, but also, and especially, of the changes which had taken place on the political map of the world.

29. Had we accepted the existing legal arrangements, we would have virtually been allowing the riches of the sea and the oceans to be monopolized by a few States which were more developed industrially, consequently, the gap between the rich and the poor countries would have widened. Changes in the law of the sea were required also because of the need to ensure the prudent exploitation of the sea's resources, which are not inexhaustible, and because of the need to adopt measures to protect the sea against growing pollution which threatens to turn this common heritage of mankind into the refuse dump of mankind.

30. In our view, the new Convention responds to present needs. In general, it is a well-balanced document which takes into account the needs and legitimate interests of all groups of States. The coastal States are given the right to the resources of the exclusive economic zone and of the continental shelf. To less developed countries it offers the hope of obtaining a just share of the riches of the sea-bed through membership of a new international organization. It ensures preservation of the conditions for maritime navigation, which is of interest to States with their own fleets. To land-locked States it clearly grants the right of access to the sea through the territory of transit States. Despite the fact that the granting of this right is largely of a symbolic nature, it is the end result of 50 years of efforts to codify that law in a universal international convention, and as such is of great political and moral significance for the entire group of 30 land-locked States.

31. The delegation of Czechoslovakia therefore supports and warmly welcomes the present Convention in the spirit in which it was prepared in the course of previous sessions of this Conference. My delegation is authorized by the President and the Government of the Czechoslovak Socialist Republic to sign the present Convention. Through its participation in the Conference and its signing of the Convention Czechoslovakia is pursuing political objectives: it hopes that the elaboration and implementation of the Convention will elim-

inate causes of the conflict and tension which have existed in the past in various parts of the world. We are convinced that this Convention will become an instrument for peaceful cooperation among all countries, large and small, rich and poor, land-locked and coastal, in the exploitation of the resources of the sea, in which mankind is increasingly interested in order to meet its needs.

32. The present Convention will eliminate past chaos and the old system based on taking advantage of economic supremacy and, at times, military supremacy, replacing an unjust system with a new system, one offering possibilities to all States.

33. Previous experience has shown us that the law of the sea must be codified into a single legal document. The new Convention is one and indivisible; it should be considered as an integral whole. All the parts of the Convention are interrelated and have the same legal value. As such, the Convention represents a well-balanced compromise. For that reason it would be unacceptable for some countries to make use of some articles of the Convention and deny the validity of others, thereby trying to obtain certain unjust advantages. Such behavior would have negative consequences for the rights of other States and would undermine the importance of this Convention.

34. At the same time, our delegation wishes to appeal to other delegations not to misuse article 310 in order to make declarations in contradiction with the spirit and the objectives of this Convention.

35. On this occasion I wish to express the conviction that those States which for the moment do not consider it possible to sign the present Convention will reassess their position. The new Convention is by its very nature a universal document. Its entry into force and its implementation by all States of the world respond to the interests of the international community.

36. In conclusion, I wish to echo previous speakers and express our gratitude to the Government and the people of Jamaica for the warm welcome given the Conference and delegations. I thank the officials working at the Conference; they deserve the greater credit for the success of our common work. I am referring to the President, the Chairmen of the Main Committees, the Chairman of the Drafting Committee, the General Rapporteur and the officials of the United Nations Secretariat who, in demanding conditions, have ensured progress in the work of the Conference.

37. Mr. EVENSEN (Norway): We are gathered here in Jamaica for a ceremony of truly historic proportions. Its importance for the United Nations, the Organization's Member States and all peoples of the world is apparent. The Government of Norway will sign the Convention on this unique occasion.

38. I have been allowed to participate in this endeavour from its very outset. I am fully aware of the privilege that I enjoy in being allowed to take part in this crowning event of the Third United Nations Conference on the Law of the Sea. We have had dreams fulfilled, but also frustrations. However, viewed in a historic perspective, the Third United Nations Conference on the Law of the Sea and the Convention which has emerged from our efforts will stand as a monument to mankind's struggle to create a unified and peaceful world through the United Nations and thus realize our aspirations to the true brotherhood of men.

39. We must not be unduly discouraged by the fact that consensus eluded us in the final stage of our Conference. Admittedly it was a severe disappointment, but our accomplishments have been enormous and we must not abandon our efforts to obtain a universal convention.

40. On 17 December 1970, at the end of the twenty-fifth session of the General Assembly, under the presidency of the late Mr. Hambro, the United Nations adopted the Declara-

tion of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction,² in itself a unique accomplishment. No votes were cast against that resolution; as a matter of fact, all the main Western industrialized countries voted in favour of it. The Declaration proclaimed among its main tenets that the international sea-bed area was thereby established; that that area and its resources were the common heritage of mankind; and that no State, juridical or natural persons could appropriate any part of that area or exercise sovereignty or sovereign rights therein. Thus the main principles in the Convention pertaining to the international area, in Part XI, have a significant historical background which we must not lose sight of.

41. During the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, it became apparent that, owing to the technological revolution and the fundamental international political evolution stemming from the dissolution of the colonial empires, a number of time-honoured principles governing the law of the sea had become obsolete and inadequate. The United Nations therefore decided to proceed with the elaboration of a comprehensive and universal convention on the law of the sea.

42. The Convention produced by the United Nations and adopted on 30 April 1982 by an overwhelming majority is nothing less than a modern and comprehensive constitution covering five sevenths of the surface of our globe. It is the greatest international legislative effort undertaken by the United Nations and probably the greatest ever undertaken in the annals of international law as a whole.

43. At the same time our Convention possesses crucial and universal peace-promoting aspects, both in providing detailed provisions with regard to all main peaceful activities in ocean space and in enhancing the prestige and effectiveness of the United Nations as the universal international peace-building Organization of our troubled globe. Also, the Convention is in reality the first concrete attempt to implement the new economic world order.

44. During our deliberations in 1973 and 1974 a special decision-making procedure was adopted by the Law of the Sea Conference, summed up as "the gentleman's agreement". It contained certain innovations, and expectations were high in regard to its beneficial effectiveness. As we are all aware, the three pillars of the gentleman's agreement were first, the consensus principle; secondly, no voting until all reasonable possibilities of consensus had been exhausted; and, thirdly, the package deal. These three elements were of equal validity and importance.

45. It was a disappointment that we were not able to arrive at a consensus last April. The risk of conflicts inherent in the present situation is obvious. Those of us who have participated in the work of the Conference in its various stages realize the extent to which our Convention is permeated by and based on compromises regarded as a comprehensive package deal. This is an indisputable reality and the potential conflicts arising therefrom may be legion. It must be assumed that a majority of States will accede to the Convention, while a certain minority has expressed its preference for remaining outside for the time being. How can a package deal function justly in such a situation?

46. Consequently, we must not cease our efforts to make our Convention a universal, international instrument. The work of the Preparatory Commission may be crucial in these efforts. We must strive to establish rules and regulations for the exploration and exploitation of the riches of the area that are sufficiently impartial and wise to inspire general confidence.

² General Assembly resolution 2749 (XXV).

In order to create such propitious conditions, participation in the work of the Preparatory Commission is essential not only by States that sign the Convention proper but also by States that may participate as observers in their capacity of signatories of the Final Act. Indeed, it is especially important that this latter category of States participate in good faith in the work of the Preparatory Commission. At this present stage the Preparatory Commission is the only viable instrument we now possess to achieve a convention which is as universal as possible.

47. The Norwegian Government reserves its right to revert in due time to the question of the optional exceptions under article 298 of the Convention.

48. In concluding, the Government of Norway takes this opportunity to express its sincere thanks to you, Sir, for the unique manner in which you have performed your tremendous task as President of our Conference and for the wisdom, tact and skill with which you filled the deplorable void created by the sudden demise of our friend and colleague, Mr. Hamilton Shirley Amerasinghe. We extend our thanks also to the Special Representative of the Secretary-General and to his excellent staff, which has worked so untiringly for these many years.

49. Miss TAN POH CHOO (Singapore): I should like first of all to thank our gracious host, the Government of Jamaica, for having spared no effort to ensure that our stay in Montego Bay will be a fruitful one.

50. My delegation is pleased to participate in this historic final session of the Third United Nations Conference on the Law of the Sea to sign the Final Act and to open the United Nations Convention on the Law of the Sea for signature. It is the culmination of the most ambitious and comprehensive international law-making effort in history, a convention seeking to regulate almost every aspect of human activity on and beneath the ocean.

51. This Conference was the brainchild of Mr. Arvid Pardo of Malta. Some of us still remember the historic speech he made at the 1516th meeting of the First Committee of the United Nations General Assembly on 1 November 1967.³ He enunciated the principle that the sea-bed and subsoil beyond the limits of national jurisdiction and the resources therein should be declared the common heritage of mankind. He warned of the danger of unrestrained extension of national jurisdiction by coastal States. Mr. Pardo was a visionary; he was ahead of his time. Although he is critical of the Convention we have produced, we should nevertheless acknowledge our debt to him.

52. The concept of the common heritage of mankind has been the guiding light of this Conference. In my delegation's view, the concept of the common heritage of mankind is a seminal contribution of the twentieth century to political theory and international law.

53. The adoption of the United Nations Convention on the Law of the Sea is a historic landmark. Its significance to the international community in general and for developing countries in particular cannot be overemphasized. The Convention will promote peace and minimize conflict among nations; it will lead to the more rational and equitable use of the sea and its resources; and it has created novel concepts of international law. What are some of these concepts?

54. The first and perhaps the most significant contribution, to which I have already referred, is the concept of the common heritage of mankind. The second is the concept of a public international institution—the International Sea-Bed Authority—which is capable of generating revenue, imposing international taxation and ensuring the equitable distribution

of technology among developed and developing States. The third is the concept of the exclusive economic zone. Coastal States would have sovereign rights in a 200-mile-wide zone with respect to natural resources and certain economic activities. The fourth is the concept of international environmental law. States would be bound to use the best practical means at their disposal to prevent and control marine pollution from all sources. Other new concepts include archipelagic States, transit passage through straits used for international navigation and archipelagic sea lanes passage.

55. The Convention that we are signing at this final session will not completely satisfy any States present here. This is because the Convention, after a nine-year gestation period, is the result of countless political compromises made in the spirit of give-and-take. These compromises are reflected, sometimes glaringly, sometimes subtly, in the ambiguities, the loopholes and even the contradictions in the text.

56. On 30 April this year at the eleventh session, the United Nations Conference on the Law of the Sea adopted the text of the United Nations Convention on the Law of the Sea by a recorded vote of 130 in favour, 4 against and 17 abstentions. The final result was not what we had worked so hard for. The Conference had striven for a convention by consensus. Notwithstanding the negative votes and the abstentions, the achievement cannot be described otherwise than as monumental. After 11 sessions since December 1973, in all 93 weeks of meetings and thousands of hours of private consultations, a broad agreement was reached on all matters relating to the law of the sea.

57. The longest part of the Convention, and the part to which the Conference devoted more of its energy and time than to any other, concerns the exploration and exploitation of the deep sea-bed, that area beyond the exclusive economic zone and the continental shelf. And it was precisely over this part that the Conference met with its greatest difficulties. The United States felt unable to accept that part of the Convention. Its refusal and that of a few other States to join in support of this Convention is a set-back to an otherwise very successful Conference.

58. There are few countries indeed that do not have serious objections of one kind or another to particular parts of the Convention. The Group of 77 tried, as far as it could, to meet the American concerns. It was only the good sense and responsible leadership of the Group of 77 which prevented the negotiating sessions held in 1981 and 1982 from being turned into forums of chaos. Very determined efforts were made to seek a compromise acceptable to all delegations, including the United States. It is therefore all the more regrettable that after so much effort the goal of a universally acceptable convention could not be achieved. This failure was certainly not due to the lack of trying. Singapore has objections to a number of articles in the Convention, particularly those relating to the exclusive economic zone and the continental shelf. They do not deal equitably with the resources of the sea. They give some States much too much and others little or nothing at all. Indeed the international community has lost a golden opportunity to give effect through this Convention to the new international economic order. The common heritage of mankind has been greatly diminished by the unilateral claims of coastal States. A more equitable sharing of the resources of the exclusive economic zones and the continental shelf would have been a more effective means of bringing about the new international economic order. Nevertheless, Singapore also strongly believes that it is in the interest of the international community that there should be law and order on the oceans.

59. This Convention, as stated before, contains many inadequacies. But it is the best that could be achieved. We must not allow the best to become the enemy of the good. Imperfect rules are certainly better than no rules at all where unilateral action is the order of the day. We would therefore urge

³See *Official Records of the General Assembly, Twenty-second Session, First Committee*, vol. 1.

all States which are committed to the observance of international law to rally round this Convention. It is for that reason that the Government of Singapore has empowered its delegation to sign the Convention.

60. During these four days we shall be hearing the statements of approximately 130 Governments outlining their positions with respect to the Convention and their intentions with regard to signing it. At the time of signing or ratification they may also make declarations or statements with a view to harmonizing their national laws and regulations with the provisions of this Convention. We would appeal to such Governments, however, not to use their declarations as a back-door method to express reservations concerning certain provisions or to interpret the provisions in a manner inconsistent with their letter and spirit. As article 310 of the Convention expressly stipulates, such declarations or statements must not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State party.

61. It is now logical to ask what the future holds for the new Convention. My delegation's view is that, while there may be a period of some initial hesitation, the Convention will, in a relatively short period, be widely accepted. Some of the provisions of the Convention have already become part of conventional international practice and have thus acquired the status of customary law. We are confident that a sufficient number of countries will shortly sign the Convention so as to activate the Preparatory Commission. The Convention, including Part XI, will in time become general international law. As for those countries that have either voted against or abstained, we would urge them to review their decision, for they include countries that are traditionally strong advocates of international law. We are confident that they will want to re-examine their positions on the Convention in the light of their specific interests in the law of the sea and their general position of support for the rule of law in relations between States. The Convention will be open for signature for two years. There is therefore time enough for those whose present position is negative or uncertain to come round and support this legal landmark.

62. We should be remiss if we did not express our appreciation to the late President, Mr. Hamilton Shirley Amerasinghe, for his immense contribution to the success of this Conference. He guided the Conference for the most part of its nine-year period and without his wisdom and wise counsel it could not be where it is today.

63. Finally, we should like to extend a well-deserved vote of thanks to the selfless dedication and hard work of the members of the United Nations Secretariat who have serviced the Conference. Without any doubt their co-operation and assistance have greatly facilitated the work of this Conference and helped bring it to a successful conclusion.

64. Mr. TSANOV (Bulgaria) (*interpretation from Russian*): The Government of the People's Republic of Bulgaria expresses its satisfaction with the successful conclusion of the work of the Third United Nations Conference on the Law of the Sea. As a result of long negotiations, this new comprehensive Convention on the Law of the Sea was elaborated and adopted. We regard this Convention as the first international code of its kind governing various areas of the sea and the régime for the utilization and preservation of its resources. The Convention represents the only possible compromise, taking into account existing conditions, for the solution of the whole complex of problems of the law of the sea. It takes into account the basic interests of all States and does not neglect the substantive interests of any group of States. As the text of the Convention provides in the seventh paragraph of the preamble, "... the codification and progressive development of the law of the sea achieved in this Convention will con-

tribute to the strengthening of peace, security, co-operation and friendly relations among all nations in conformity with the principles of justice and equal rights and will promote the economic and social advancement of all peoples...".

65. An undoubted contribution of the new Convention is the establishment of the maximum breadth of the territorial sea at 12 nautical miles as a general norm of international law, as also is the determination of maximum limits of those areas of the sea where respective coastal States exercise the jurisdiction envisaged in the Convention. The Bulgarian Government considers very positive also the provisions of the Convention which concern the delimitation of the areas of the sea between neighbouring States through an agreement between the countries concerned in accordance with international law and taking into account geographic features and special circumstances with a view to achieving a just solution.

66. The United Nations Convention on the Law of the Sea, as indicated in the fourth paragraph of the preamble, is aimed at establishing a legal order for the seas and oceans which would facilitate international communication and promote their peaceful uses, the equitable and efficient exploitation of their resources, the study, protection and preservation of the marine environment and the conservation of the living resources thereof. This complex approach is based on the desire to establish, and efforts to establish, the best possible harmony between the different uses of the areas of the sea, equitable consideration being given to the interests of all States. In this connection we should like to stress that, notwithstanding the establishment of the exclusive economic zone and certain expansion of the jurisdiction of coastal States, this new international legal régime strengthens freedom of navigation in the interest of the development of sea transport and communications, as a milestone in the overall global system of the law of the sea. We should view in the same light the basic provisions of the Convention concerning the régime of innocent passage of all kinds of ships through the territorial sea and the archipelagic waters, transit and unimpeded passage through straits used for international navigation and flights by aircraft over these areas. The freedom of the high seas has been confirmed, including the freedom of navigation on the high seas, overflights, the building of submarine cables and pipelines, the construction of artificial islands and installations, fishing, the conducting of scientific research and other uses recognized by international law.

67. The establishment of exclusive 200-mile economic zones by which coastal States are granted sovereign rights for the exploration and exploitation of living and non-living resources and the carrying out of economic activities, as well as certain rights relating to the establishment and use of artificial islands and installations, scientific research and the preservation of the marine environment, is one of the most essential innovations of the Convention. This régime should not, however, lead to any limitations of the freedoms on the high seas generally recognized by the Convention; more specifically, freedom of navigation, overflight and the building of submarine cables and pipelines—nor should it lead to unjustified limitation of the reasonable utilization of living resources and access by other interested countries; first of all countries which are geographically disadvantaged or have limited fishing resources and whose national economies depend largely on fishing and which have made considerable investments in the development of long-distance fishing. This is the position of the People's Republic of Bulgaria. We accept the establishment of the régime of the exclusive economic zone as an essential concession in favour of coastal countries, and we think that they, for their part, will stand by the application in good faith of the relevant provisions of the Convention and will thus avoid causing unjustified damage to

other interested States. We feel that they will thus promote international understanding and co-operation.

68. Another particularly significant innovation in the law of the sea is the establishment of an international régime for the exploration and exploitation of the sea-bed in the area beyond the limits of national jurisdiction of States. The Government of the People's Republic of Bulgaria considers that the declaration of the sea-bed and its subsoil and their mineral resources in the international area as the common heritage of mankind is a new principle of international law in general and of the law of the sea in particular which should be applied for the benefit of all the peoples of the world. In this connection we should like to emphasize the particular importance we attach to the provisions of article 150 (g) of the Convention, which explicitly states as one of the basic principles of the régime "the enhancement of opportunities for all States parties, irrespective of their social and economic systems or geographical location, to participate in the development of the resources of the Area and the prevention of the monopolization of activities in the Area". At the same time, the deriving of unilateral advantages from the international régime by States not parties to the Convention that do not wish to be bound by it should not be allowed. No State has the right to appropriate the mineral resources in the international area outside and against the provisions of the Convention. Such unilateral actions should be described as gross violations of the basic provisions of the United Nations Convention on the Law of the Sea and a challenge to the international community of States.

69. Unfortunately, there are sufficient grounds to express concern that such situations will arise, bearing in mind the claims of the United States for a privileged position and unilateral advantage in the exploitation of the sea-bed in the international area. With that in mind, efforts have been made to establish through separate deals a parallel and alternative régime in contradiction of the Convention. As is well known, in resolution 37/66 adopted at its thirty-seventh session, the United Nations General Assembly called upon the Governments of all States to refrain from undertaking actions which would be incompatible with the Convention or would frustrate its purposes.

70. The Government of Bulgaria has a positive attitude also towards the other basic provisions of the United Nations Convention on the Law of the Sea, pertaining to the protection and preservation of the marine environment, the carrying out of scientific oceanographic research and the promotion of scientific technological co-operation in the study and exploitation of the areas of the sea.

71. We also attach great importance to the provisions of the Convention concerning co-operation between States bordering enclosed or semi-enclosed seas for the solution of problems of general interest through mutually acceptable agreements. The Bulgarian Government will begin to apply the provisions of the Convention in co-operation with the neighbouring countries of the Black Sea.

72. The new Convention contains detailed provisions on the settlement of disputes, and our Government has always stood by the principle of the peaceful settlement of international disputes in accordance with the United Nations Charter. It is from this principled position that we regard the relevant regulations of the Convention and confirm the guiding principle contained in article 279 that "States parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the United Nations Charter", that is, through peaceful means chosen by the parties concerned. Hence, the Government of the People's Republic of Bulgaria will reserve its right to make the relevant declarations of non-recognition of the obligatory procedures envisaged in article 287 of the Convention and the optional

exceptions concerning the compulsory procedures entailing binding decisions envisaged in article 298 of the Convention.

73. As far as participation in the Convention is concerned, we think that the sole representative of Kampuchea is the lawful Government of the People's Republic of Kampuchea. We should also like to confirm our principled position on the rightful participation of national liberation movements such as the Palestine Liberation Organization, the South West Africa People's Organization and others.

74. In implementation of my mission for the Government of Bulgaria, I express our country's readiness to join its efforts with those of all other countries motivated by the common aim of establishing an equitable, efficient and stable legal order for the utilization of the areas of the sea and their natural resources for the benefit of all mankind. The new Convention could serve as a good legal basis for the establishment of this régime and for the conclusion of multilateral and bilateral treaties that would turn the régime into a viable reality and a reliable factor for the consolidation of peace and co-operation among peoples.

75. In conclusion, I should like to express our gratitude to you, Mr. President, for presiding over our Conference, as well as to all others who have helped in achieving its success. We would also like to express our gratitude to the Government of Jamaica for its hospitality and for having ensured such good conditions for the work of the Conference. We hope that the sunny weather we are enjoying will continue throughout the session.

76. Mr. AMEGA (Togo) (*interpretation from French*): Twelve years ago, on 17 December 1970, the United Nations General Assembly adopted resolutions 2749 (XXV) and 2750 C (XXV), which set forth the precise parameters for the United Nations Conference on the Law of the Sea, and its effective work, which began in 1973, came to an end only this year.

77. During that same year of 1973, the General Assembly, in resolution 3067 (XXVIII) of 16 November, decided that the Conference should adopt a convention dealing with all matters relating to the law of the sea. In implementation of that resolution, the first session of the Conference was held in New York to deal with organizational matters. Afterwards, at the invitation of the Government of Venezuela, the Conference held its first substantive session in Caracas. Now, finally, the Convention and the Final Act will be signed here in Jamaica.

78. In recalling the important role played by Venezuela in the preparation of this Convention, it is a pleasure for me once again to greet and to thank the Government and the people of that country.

79. It was hoped that the new Convention would be ready for signature at the Caracas session. Unfortunately, however, that session became another link in a long chain stretching across nine years of discussions. Following Caracas, nine sessions were required, not to mention five resumptions of the seventh, eighth, ninth, tenth and eleventh sessions, to arrive at the adoption of the text of the Convention, the signing of which explains our presence here in Jamaica, this enchanted island, the pearl of the Caribbean.

80. I should like to take this opportunity to pay a warm tribute to the Government of Jamaica for the dynamic role it has played in the preparation of this Convention. In this connection, it is my pleasure to congratulate that Government and to thank it for its decision to act as host to this session, as well as for the warm, fraternal welcome my delegation has been accorded. Could we find a better place than this magnificent island, where land and sea blend into one harmonious whole, in which to sign our Convention on the Law of the Sea? It is to be hoped that work will not occupy all of the time of delegations so that their members will be able to

appreciate the beauties of this land that will be the headquarters of a very important body of our Convention.

81. On this formal occasion of the signing of the Final Act of our Conference, we cannot but feel some emotion as we look back over the past and over the path we have traversed, while looking ahead to the future as well.

82. The past recalls for us the presence of the agreeable and sympathetic Hamilton Shirley Amerasinghe of Sri Lanka, the well-liked and friendly man who presided with such dedication, conviction and selflessness over the work of the Conference. The present Convention evokes his name. It also brings to mind the long discussions and ups and downs of hopes, illusions and disillusiones that marked nine years of patience. Thanks, however, to our collective efforts and thanks to the political will of all States, the important source of law embodied in this new Convention has been adopted. It is a time for us to congratulate ourselves and to state that for the first time a good number of developing countries, particularly African countries, have decided on rules that will govern their relations with other States in the realm of maritime communications and the exploitation of undersea and fishery resources. It is with great satisfaction and hope, therefore, that my delegation is taking part in this historic session establishing a new law. It is impossible to envisage the future implementation of the provisions of this important instrument without recalling those who have made its adoption possible.

83. It is therefore fitting at this time to salute Mr. Tommy Koh, of Singapore, for the outstanding work he has done as President of the Conference. He has shown perspicacity, farsightedness and a great deal of the spirit of compromise in leading us to the final form of the 320 articles and nine annexes of the Convention. In accomplishing that task, Mr. Koh has had the co-operation and has enjoyed the support of the Vice-Presidents, Committee Chairmen, members of the Drafting Committee, Rapporteurs—in short, all the members of a very well-structured Bureau. I wish to thank them all. We should also recall those anonymous but efficient participants, the interpreters, secretaries and other members of the Secretariat.

84. It is a particular pleasure for me to stress the personal action of the Secretary-General, Mr. Javier Pérez de Cuéllar, who has always paid due attention to questions pertaining to preparations for this Convention. The delegation of Togo is convinced that he will devote the same attention and efforts to the implementation of its relevant provisions.

85. After the historic vote which led to the adoption of the text of the Convention, the President stated:

“Now that we have adopted the Convention, we must return to our respective countries and promote public understanding of its importance so that our Governments and our Parliaments will be persuaded to sign and ratify the Convention in a timely manner. I hope that those delegations that voted against the Convention or abstained in the voting will, after further reflection, find it possible to support the Convention.”

86. The presence of many delegations at this signing session is highly significant. It is to be hoped that the procedures for ratification will also be welcomed with enthusiasm in order that the Convention may enter into force as soon as possible. It is also to be hoped that this Convention, whose importance needs no further demonstration, will be supported by all, because for once, going beyond the interests of developing and industrialized countries, it is the interest of future generations that is here being protected. Indeed, the concept of the common heritage of mankind applied to the sea-bed and ocean floor beyond the limits of national jurisdiction has become a legal reality, requiring that the exploitation of the resources of that area be carried out in the interests of mankind as a whole. Future generations will therefore inherit a

marine environment that will be a source of life and not the seed of destruction or the source of conflicts among nations.

87. If only because of this concept of the common heritage of mankind, which has become an international legal entity, the Convention deserves to be supported by all States which cherish peace and justice.

88. In conclusion, the delegation of Togo would like to reaffirm that this Convention is the cornerstone on which States must endeavour to build a better world.

89. Consequently, the Republic of Togo will sign the Convention and all subsequent acts.

90. Mr. GHARBI (Morocco) (*interpretation from Arabic*): Mr. President, allow me at the outset on this lofty occasion to convey to you and to the Conference the greetings of the people and Government of the Kingdom of Morocco, as well as the deep regrets and apologies of the Foreign Minister of Morocco, for his inability to be present at this historic event in person. I am certain that you know that his absence is due to extremely important and urgent commitments on the Arab level in the Middle East.

91. I wish also to express my delegation's gratitude to the Government of Jamaica for its very warm welcome and the hospitality which we have enjoyed since our arrival in these splendid, warm surroundings overlooking one of the most beautiful beaches in the world, and our admiration and appreciation for the arrangements made so efficiently by the authorities of Jamaica in organizing this final session of the Conference at such relatively short notice.

92. At the outset of my statement, I must refer on behalf of my country to the invaluable services provided throughout the years by the Collegium and the skilled secretariat of the Conference, under the supervision of the Special Representatives of the Secretary-General, Mr. Constantin Stavropoulos and his successor, Mr. Bernardo Zuleta.

93. I would also pay a tribute to you, Mr. President, for the great services you have provided this Conference since that memorable day when it unanimously chose you to preside over it and when you thus undertook, with exemplary courage, to guide its work at that most critical stage when it was being sorely tested, in an atmosphere of terrible confusion, by the death of that great man who had contributed so much by leading it skilfully and with determination out of the initial labyrinth. His memory will always live in our hearts and in our minds. At that time, Mr. President, you found a Conference fraught with what seemed to be intractable problems and beset by the terrible risk of fragmentation and even collapse. You sought to rally the participants and, with an outstanding sense of responsibility, you persisted in moving the Conference forward along the right path. You have now discharged fully the responsibility entrusted to you, and you have done so thanks to your qualities: your brilliance; your sharp mind, which combines equally and uniquely a talent for analysis and a talent for synthesis; your gentleness and your sense of humour, derived from an abundant source of ancient Oriental wisdom.

94. Since gaining independence in the mid-1950s, Morocco has been extremely interested in the developments of the law of the sea. This interest stems naturally from its geographical location at the confluence of a sea and an ocean and also from its awareness, shared from an early time with many developing countries, that the resources and uses of the neighbouring seas or oceans have become a vital factor in the development strategy, whether from the point of view of economic security or from the more general point of view of national security. Thus, Morocco participated in the first United Nations Conference on the Law of the Sea, but it had to abstain from acceding to the Geneva Convention of 1958 because that Convention was limited, for the most part, to codifying the basic provisions of the conventional law of the sea and did not

set out the desired provisions in a comprehensive international law of the sea taking into account the subtleties and requirements of our time, and because of its conspicuous failure to establish a régime for the seas and the oceans on the basis of equity and interdependence that would ensure stability and wide acceptance.

95. Small wonder, then, that the first Conference was followed only two years later by the second Conference, in 1960. Moreover, it is no wonder the genie sprang out of the bottle a few years after the failure of that second Conference, which will no doubt remain a lesson in the history of multilateral international relations and the sociology of international law.

96. Despite the inevitable fragmentation that afflicted the legal régime for the seas in view of the wide gap separating it from the dictates of reality and the requirements of equity, Morocco displayed moderation when it undertook in 1973, after waiting patiently for a long time, to adopt national legislation claiming a 12-mile territorial sea and a 70-mile exclusive fishing limit. By confining itself to this limit, which was defined on the basis of objective oceanographic research with the assistance of the Food and Agriculture Organization of the United Nations, by confining itself to an exclusive fishing zone and by providing in its legislation that the extension of its jurisdiction over this contiguous maritime zone threatened with depletion did not preclude the application of the principles of international co-operation—subject to the maintenance of its national interests and respect for its sovereign rights—Morocco was in fact among the pioneers that adopted the compromise which was finally crystallized and given shape within the Conference.

97. In the same year, 1973, Morocco had the honour of being the Rapporteur of the Addis Ababa meeting of the African group which led to the Declaration of the Organization of African Unity on the law of the sea.⁴ That, in its term, had an indisputable effect on the progress of the subsequent negotiations in the Conference, especially concerning the areas of national jurisdiction, in the interest of striking a real balance between the rights of the coastal States and those of the land-locked States on the basis of that fundamental principle which Morocco has been advocating since the beginning of the review of the law of the sea in the late 1960s—that is, the right of all States in the region to have access to the sea and to use it and, as far as possible, its living resources to meet the needs of all the neighbouring States in the area of that sea.

98. It has been said about cultures that they do not die but merge into each other and that they are constantly inherited even if they seem to die out. In our time, this applies in the first place to the general principles of the law of the sea—the indispensable basis in establishing a universal culture. Thus, the achievements of the codification of the law of the sea in the 1958 Convention were not disregarded but were placed in the proper perspective, as they should have been, when the foundations for the new legal régime were laid, brick by brick. We retained the concept of the contiguous zone when we became convinced that it still had functional usefulness in view of the differing natures of the jurisdictions which may be exercised in the territorial sea and in the exclusive economic zone.

99. Moreover, we introduced the concept of straits used for international navigation and the concept of archipelagic States. As a result of this, we arrived at and included separately—purely for reasons of methodology—the concept of the right of transit passage and the right of passage in the archipelagic sea lanes, without eliminating the concept of innocent passage in either of the two cases and without introducing an essential difference, which may be alien to sound legal logic, between the concept of transit passage and the

concept of passage in the archipelagic lanes, on the one hand, and the concept of innocent passage on the other, except as relating to the absence of any political control of passage on the part of the coastal State. If I have dwelt at some length on the right of transit passage and the right of passage in the archipelagic lanes—points which are related to the area defined for national jurisdiction—it is because these points have commanded priority in the concerns of my country in view of the central position they have occupied for the last 10 years in its national plans and foreign relations.

100. The Conference succeeded, after strenuous efforts in finding compromise solutions—felicitous at times, not so felicitous at other times—in reconciling the interests of the coastal State and those of other States, or the interests of the coastal State and those of the entire international community, whether in regard to participation in living resources, passage through straits used for international navigation, passage of warships through the territorial waters, delimitation of adjacent or opposite areas of national jurisdiction, the conduct of marine or archeological research activities or the limit of the continental shelf. The process of finding these compromise solutions was indeed, in most cases, by way of “squaring the circle”. So we can say that these complicated solutions all have one quality in common: they are dependent upon and subject to the complete good will of the parties concerned in their application. I would like to emphasize here that Morocco, which made a modest contribution to finding most of these solutions, is determined for its part to honour its commitment and to show complete good will.

101. “Do not feel embarrassed when you speak of the Sea”, the ancient Arabs used to say. With this wise proverb they succinctly described the scope of a subject which had fascinated men of letters, including poets, before commanding the attention of diplomats and jurists—that is, the generous sea which nurtures dreams and raises hopes with its glittering promise of flowing riches and hidden treasures, and the cruel sea which is a source of fear with its dark depths and violent storms. For years on end we have all been talking about the sea as though we had forgotten time, and that time has no mercy for those who forget it. But disaster followed on the heels of disaster, reminding us that the sea may not be generous forever if we exploit it without constraint or restriction and that protection of the marine environment is now at the forefront of our major concerns since it is the core of the maintenance of life on this blue planet, called by some knowledgeable geologist “the planet oceanis”.

102. Thus we may consider all the provisions adopted by the Conference on the protection and preservation of the marine environment and on marine scientific research the pride of the Conference, not only because of their outstanding technical content and the prospects they hold out for the evolution and advancement of the law of the sea, but also because they highlight the ability of the international community to rise above narrow, transient interests and to be convinced in the long range of the priority of the common good

103. If the noblest definition of law is that it is but reason in action, then the application of the concept of the common heritage of mankind to the sea-bed and the ocean floor beyond the limits of national jurisdiction was no doubt prompted by reason and not by emotion. Since the beginning of the review of the international law of the sea, this has been an indispensable basis for the new legal régime. It is no coincidence that the first Head of State who commended this concept publicly was the President of the United States, Lyndon B. Johnson, two or three years before the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction adopted by the General Assembly in resolution 2749 (XXV) of 17 December 1970. The strong belief in this principle since the days of the Committee on the Peaceful Uses of the Sea-

⁴ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. III, document A/CONF. 62/33.

Bed and the Ocean Floor beyond the Limits of National Jurisdiction was the greatest incentive for continuing constructive negotiations in the framework of a package deal, and at the same time was the greatest challenge to creative legal intelligence. Perhaps at times our imagination blurred the reality, when we were working to translate this lofty concept in detail into concrete terms, but finally we reached the greatest possible degree of consensus without sacrificing any factor guaranteeing, as is only fair and just, the greatest benefit for the largest number, and without compromising any acquired right.

104. It is no wonder that we call the comprehensive convention which was the fruit of the Third United Nations Conference on the Law of the Sea "The United Nations Convention on the Law of the Sea". This official designation summarizes in fact the significance of the comprehensive, universal approach which we have adopted since the inception of the Sea-Bed Committee, on the basis of our collective awareness that the problems of maritime space are closely related and must inevitably be considered as an integral whole, in contrast with the scattered, piecemeal approach adopted by the 1958 Convention. This designation also reveals the magnitude of the strenuous efforts exerted to obtain the widest consensus—and we deeply regret the fact that some States did not join in the consensus. We consider that the adoption of the draft Convention on 30 April last, by a majority vote unprecedented in any conference on the codification of international law, constitutes in itself a legal landmark at the international level and leaves no room for any legal challenge to the interrelated principles which are at the basis of the new and sole legal régime for the seas and oceans.

105. The United Nations Convention on the Law of the Sea, like every human endeavour, falls short of perfection. Indeed it only enjoys such wide and varied—and almost unanimous—support because it naturally does not satisfy anyone fully, even in its formulation. In its last three sessions the Conference accelerated its work, having proceeded slowly for years and then, thus suddenly, overburdening the Drafting Committee. In spite of that, the Committee has to its credit a great achievement. If there are still some minor errors in the concordance of the texts in all the official languages, we can depend on the correction of any such discrepancies in the future, following the example of the praiseworthy progress made by the International Law Commission during its recent thirty-fourth session, when it adopted the draft articles on the law of treaties between States and international organizations or between international organizations. Among these articles, article 33—on the interpretation of treaties originally drafted in two or more languages—states in paragraph 3 that it is assumed that the terms of a treaty have the same meaning in the various original texts.

106. In conclusion, I should like to say the following: The preparation of an international convention in which various interests of major significance are of necessity interwoven, as is the case in the United Nations Convention on the Law of the Sea, has tested at every moment the ability of the international community to curb the selfish tendencies inherent in national chauvinism, and the sincerity of this competing community in its adherence to the principles of interdependence and co-operation and in its commitment to the objectives of the Charter of the United Nations. But the hour of the real test will surely come, as we are all aware in view of the deterioration of the international economic and political situation, in the implementation of the Convention, in putting it into effect, and especially in the establishment of the international bodies provided for in the Convention. We are certain that the numerous signatures to be affixed to the Convention on Friday, 10 December—which through a happy coincidence is the anniversary of the adoption of the Universal Declaration of Human Rights—will be not only a traditional diplomatic commitment but also will be an expression of a

firm belief that reason will prevail, that hopes will not be dashed and that this comprehensive, universal Convention will belong to the future of mankind, as a basic, necessary element of an organized, civilized international life in which the law reigns supreme.

107. Mr. FADIKA (Ivory Coast) (*interpretation from French*): I am both happy and moved to be representing the Government and people of the Ivory Coast at this solemn ceremony.

108. First of all, on behalf of the Ivory Coast I should like to turn to our Jamaican friends and brothers and express sincere thanks to the Government and people of Jamaica, which have offered us hospitality whose warmth and generosity we appreciate all the more since the holding of this session in this country was decided on at a very late date and very quickly prepared.

109. The Ivory Coast feels that there could be no place more appropriate than Jamaica to sign our new Convention and then to harbour the future International Sea-Bed Authority. It is surrounded on all sides by the ocean; it contributes in a very decisive way to the dynamism and coherence of our Group of 77; it has always been active and effective in the negotiations on the law of the sea; it is in a privileged geographic location where North and South meet; it harbours a marvelous blend of cultures and has a great respect for differences. Jamaica thus offers every possible chance for the success of our Convention by serving as the headquarters for its bodies and instruments. I am pleased to recall here that since 1974 the Ivory Coast, with the group of African States, has been rightly supporting the candidacy of this beautiful country as the seat of the International Sea-Bed Authority.

110. That is why, dear friends and brothers of Jamaica, we are happy to congratulate you on the wise choice of your country and at the same time fraternally to salute you.

111. In expressing my joy at being here among all these friends and brothers, I must say that I feel deep emotion about this event we are all experiencing today. I fear that words cannot express the solemn importance of the ceremony that will be held in a few days, when we shall be signing the Final Act of the Third United Nations Conference on the Law of the Sea, as well as the new Convention on the Law of the Sea, adopted in New York on 30 April 1982.

112. This is one of those exceptional events which offer a rare opportunity to live intensely a great historic moment. This is one of those great times when we stand face to face with history and see the rich prospect of a future of solidarity, a future that will be better for everyone and that the people of our own time will have the immense honour of leaving as a legacy to future generations.

113. May the hope for this reconciliation of man with other men and with himself and for this regained solidarity and fraternity soon replace the terrifying images that the world presents at the end of the twentieth century.

114. Even if we wish to be resolutely optimistic about the world of today, our attention must focus on the deteriorating condition of life on our planet. We see the spectre of generalized crisis that seems to be incapable of solution with its retinue of harm and mutilation to man. With each day that passes the tragedy continues and amplifies till the world is asphyxiating and the crisis, far from being resolved, feeds on itself. At the end of the chain there are to be found, of course, the poorest States, that is, the overwhelming majority of the States in the world. It is they that are the most affected. Thus, it is obvious that a deep and tragic effect of the crisis is that each day the independence of the developing countries, already fragile, becomes even more fragile, as does the quality of life everywhere in the world.

115. The French philosopher La Bruyère said, "There is a kind of shame in being happy in the presence of misery".

What would that great writer say if providence made it possible for him to cast his penetrating gaze on the misery of our time? Is it not perhaps time to prevent man's world from dying? The remedies that have been proposed, tried out and applied by the great of our planet, even if they have seemed reasonable, indeed indispensable in certain cases, have in no way been able to cure the evils they have been supposed to cure. Mankind, since the establishment in 1945 of the present world economic order, has shown itself truly incapable of meeting the challenges of this fabulous shrinking of the globe and the corresponding interrelationship of the world's political, economic, social and human problems.

116. But everything is not so gloomy; we need not despair. The sea is pointing the way for us; there is light at the end of the tunnel because of the new law of the sea and its new maritime order, of which our Convention on the Law of the Sea is the focal point. There are good reasons to hope that a new world order, more just, more humane and more fraternal, is coming.

117. The President of the Republic of the Ivory Coast, Mr. Félix Houphouët-Boigny, stated this clearly on 7 October last in the message he addressed to the nation on the occasion of the fifth International Day of the Sea. He said: "I am happy that this message, which sums up the actions taken towards a new international maritime order, allows us to entertain some hope for a brighter future, despite the grayness of the present world".

118. What regenerative and pure air we breathe from those words. We are here at last proposing a remedy that seems to respond to the ills from which mankind is suffering and that suggests a comprehensive world-wide solution—the only kind that can be envisaged in a world crisis of such magnitude. And this remedy is being proposed to mankind by the united third world and all the peoples of goodwill. It presages the advent of an era of peace, of new solidarity, of restored fraternity among men, in regard to the sea, and above all thanks to the sea.

119. What a tremendous transformation has taken place. Only a short while ago the sea that today offers such great hope for the future was above all a source of conflict among the Powers. In this respect we need only recall the Phoenicians, the Greeks, the Carthaginians and the Romans, for whom domination of the seas and of maritime trade was the source of power and prosperity. Following the Arab epoch, the Christian West in its turn based its power and economic development on the domination of the seas—in particular the Hanseatic League of the Baltic region and the maritime republics of Genoa and Venice. And then, beginning in the fifteenth century, the great discoveries gave even further importance to domination of the sea, because of the extraordinary developments in navigation.

120. This search for maritime supremacy led, in its turn, to a situation of constant conflict on the sea. Out of this was born a law of the sea based on the principle of the freedom of the seas, which was to govern international maritime relations from the seventeenth century to our day. Its first theoretician was the Dutchman Hugo Grotius, in the sixteenth century.

121. In fact, from the beginning this doctrine was an instrument for the maintenance of the predominance of the most powerful maritime nations. Great Britain in the seventeenth century understood this, and, in 1651, through Cromwell's Navigation Act, rejected this principle of the freedom of the seas.

122. Thus it comes as no surprise that the new nations, discovering the considerable role of the sea in their development process, rejected, like England in the seventeenth century, this pseudo-freedom of the seas which really served only to maintain their dependence. As the third world saw itself deprived of its freedom of action, first by the unjust application of the

mare liberum doctrine to the sea as a vector of world trade, it was in the field of maritime transport that the first stage of the international community's historic action took place, at the prodding of the third world, with the establishment of the empire of justice and peace on the seas, for the benefit of all nations.

123. Hence, in April 1974 in Geneva, under the auspices of the United Nations Conference on Trade and Development [UNCTAD], a code of conduct for maritime conferences was adopted. Although this is still not applicable as an international instrument with the force of law, its essential principles have been introduced since 1974 into the maritime legislation of many third-world countries, particularly in West and Central Africa.

124. Need I recall here the very positive results achieved in the implementation of the norms of the UNCTAD code in our harmonized global maritime policies without failing to draw attention to the indispensable measures accompanying this process; namely, a more rational use of maritime resources, technical training, agreement on the distribution of sea traffic in accordance with the 40/40/20 formula? And what can we say about the difficult path we have all followed together, within UNCTAD, towards ensuring an equitable distribution between developing and industrialized countries of world bulk traffic, which constitutes almost 80 per cent of world cargo tonnage and in which the third world, the main generating force of the flow of trade, has an insufficient share?

125. The new law of the sea, whose universal and irreversible advent we are going to enshrine here in Jamaica, was born precisely to strengthen the already large legal arsenal of our maritime policies. This has been made possible with the movement towards a reconquest of the seas which has been gathering force from the 1960s to the 1980s thanks to the genius and the courage of men who from now on are going to use, explore and exploit the oceans in all their dimensions, and not just for international trade. This will be done on the surface of the oceans, in deep water, on the sea-bed and in the subsoil thereof. Thus the oceans will be made the necessary and decisive element in the approach to the major problems facing men, all men, in the North and in the South, in the coming centuries—food, energy, mineral resources, life-style—against a background of the insistent problem of inequality in the present distribution of the riches of the planet between North and South.

126. We should add to this the efforts carried on at the same time and under United Nations auspices by the third world and the international community to give concrete form to the concept of the sea for all people and for peace and to achieve the objective of better and greater maritime well-being for each nation. The sea had to become the privileged field for the reconciliation of man with himself, particularly by introducing the concept of the common heritage of mankind, under which the *res nullius* of conflicts and of squatters is resolutely rejected. We had to banish for ever the idea of the sea as an area of conflict and as private property for the exclusive profit of some maritime Powers, and finally open the way to the concept of the sea as something to be shared and developed for all, in peace and solidarity. We had to completely remodel the legal framework inherited from Grotius which had governed the ocean spaces for almost four centuries, as well as the treaties resulting from the first two United Nations conferences on the law of the sea.

127. Thus we have the four objectives that the third world and all peoples of good will have tried to pursue in the particular field of the renewal of the law of the sea through the Third United Nations Conference on the Law of the Sea. The first objective is to build a new law that really meets the general interest, that is, attentive to the concerns of the great Powers as well as to those of the developing nations, which

constitute the vast majority of the States in the world, particularly since the 1960s. The second objective is to build a new law of the sea rejecting power as a basis and laying the bases of the empire of justice and law, recognized by all or the majority of nations. The third objective is to build a definitive law, going beyond the abstract notion of the sovereign equality of States and taking into account that the affirmation and specific establishment of an objective, real equality among States must be based on precise rules and well-defined machinery and must constitute the essential prerequisite for the advent of the ideal represented by sovereign equality. The fourth objective is to instil deeply, everywhere, the spirit of genuine fraternity into the new law of the sea, so as to allow for the effective establishment among States of the new terms of trustful, dynamic, fruitful and mutually beneficial co-operation that would guarantee that the interests of each country would be taken into consideration. The new law of the sea that we are going to enshrine at the end of this session meets these concerns very well.

128. President Houphouët-Boigny was not mistaken when he stated on 7 October last:

“By approving this Convention at the United Nations in New York on 30 April 1982, the international community wished, in the sphere of the sea, so vital for the future of all nations and especially the developing ones, to replace the law of the strongest by the practice of lawful solutions in the settlement of disputes. It wished to set up a new and more balanced global order instead of the outdated, unsuitable and unjust norms, thus conferring upon the oceans the role of a real future bastion of world peace, if I may express myself in this way.”

This places us right at the heart of this rendezvous with history that we previously mentioned.

129. Because it has made it possible, in a single legal document, to deal with the oceans, which cover 71 per cent of the globe's surface, and to incorporate all their aspects and their dimensions; because it challenges four centuries of unfair maritime legal practices, well rooted in custom; because it involves the entire international community through all political systems, all regions of the world and all types of States, capitalist or socialist, industrialized or developing, coastal or land-locked, this colossal undertaking has no parallel in history. For that reason alone, it will remain for ever one of the glories of the men of our time.

130. This historic dimension of the new law of the sea is not merely formalistic; it derives not only from the context that we have just described; it is the product above all of the contents of the new treaty, which replaces pseudo-freedom by equitable sharing, ingrained selfishness by fraternity and solidarity, and gives all this concrete form through precise machinery.

131. The new Convention is also historic in its contents because, in opposition to the hegemony of the strongest, it calls for joint progress towards more and better well-being for all men and all peoples and because it makes it possible, through regained fraternity, to restore glory to the principles of freedom and equality.

132. And if our new Convention is historic because of its new style—I would even say because of the new morality that it establishes—it is historic also because of the almost complete unanimity that it met with in the human community. For the first time since the establishment of the United Nations, almost all the peoples of the world came together to draw up this immense, beneficial, concrete draft. Only the sea has been able to achieve this true miracle, this source of so much hope.

133. Finally, the historic nature of the new Convention is the result of the style of the initiatives that led to its adoption, initiatives in which consensus and a balance of interests were constantly sought. If, despite everything, some States—I would

even say all States—have not been satisfied, it is nevertheless true that everything has been done to harmonize the various interests. That made it possible to conceive of innovative solutions, such as the concept of the exclusive economic zone and the pragmatic measures benefiting pioneer investments. On the whole, the treaty, although it has not achieved perfection, meets the aspirations of the entire international community. Nothing on the seas will ever be the same. A fantastic future awaits all the States of the planet.

134. To conclude on this subject, we can say that only the States of the North and the South can master that future—and only if they are motivated by the true political will to give their development processes a maritime dimension, to carry out development strategies with a clear view of the prospects offered by the oceans; if they show that they are capable of transcending the selfishness that comes from technological power and are prepared to work hand in hand with all other nations in order to avoid catastrophe for mankind; if they avoid widening the gap dangerously separating them, on the seas as elsewhere, from the third world—that is, from three fourths of the globe.

135. Before I conclude, I wish to pay a tribute to all those who have enabled the international community to achieve these results, and first and foremost to the third world, which has affirmed its consistency and solidarity here, not against any group of States but in order to attain a positive goal.

136. I wish to pay a tribute also to the first President of the Conference, Mr. Amerasinghe, for the work he did. Having devoted all his time and strength to this cause, he may today, in his eternal rest, contemplate this colossal task to which he contributed so powerfully.

137. I pay a tribute, too, to President Koh, who helped us to achieve success by his qualities as a diplomat, which we have all been able to appreciate, particularly during the discussions on the question of pioneer investments.

138. I remain convinced that the appeal made by the President of the Ivory Coast to the countries that still do not intend to ratify this Convention will be heeded. We ask those countries to reconsider their position, because our work will only have impact if it is global, and there will be a true spirit of fraternity only if all the peoples of the earth are united behind that work.

139. I call on all countries to adhere without reservations to the new Convention, for it is the only significant, successful, universal example of North-South dialogue and thereby should be the moving force of a more humane and just world order. All of us together must heed the call of the seas to replace force by true law; conflicts by peaceful agreement; selfishness by fraternity; and a policy made for all mankind, in the service of what Aristotle called the noblest goals, for a short-sighted policy defined by André Soares as the art of living with the help and at the expense of others.

140. The final solution—and this is my conclusion—to the North-South dispute will, as the President of the Ivory Coast said, come from settlements reached in friendship and equality and in the common interest. He added that the sea is the true hearth of this dialogue and this harmony.

141. May our new Convention be the repository of all the hopes of the African countries, the developing countries—indeed, the entire international community.

142. Mr. YONDON (Mongolia) (*interpretation from Russian*): First, I should like to join previous speakers in expressing the deep satisfaction of the Mongolian delegation at the successful conclusion of the Third United Nations Conference on the Law of the Sea. The documents we are to sign are the culmination of many years of determined work by the participants in the Conference.

143. The Government of the People's Republic of Mongolia attaches great importance to the signing of the United

Nations Convention on the Law of the Sea. This new charter of the seas is indeed a comprehensive document that will regulate all issues relating to the activities of States in the utilization of the seas and oceans and their tremendous resources and riches for the benefit of mankind. This Convention is distinguished by the fact that it has been worked out with the direct participation of more than 150 States as well as the representatives of peoples fighting for their independence and that account has been taken of the changes that have resulted from the scientific and technological revolution.

144. As we see it, the Convention draws its authority and force from the fact that all its provisions have been adopted as a package and by general agreement and constitute a carefully balanced compromise. We can say with complete justification that the Convention not only codifies contemporary international maritime law but was progressively developed in accordance with the realities of today's world. It takes into account the interests of all groups of States regardless of their social and economic systems, their size or geographical locations.

145. We feel it is of enormous political and legal importance to solve the difficult issues relating to the activities of States on the broad expanses of the seas and oceans. Thus, for instance, the breadth of the territorial waters to which the sovereignty of coastal States extends is established up to a limit of not more than 12 nautical miles. During lengthy negotiations clear criteria were worked out for a precise and definite definition of the outer boundary of the continental shelf.

146. The most important freedoms of the high seas have been consolidated in the Convention. For example, unobstructed overflight by aircraft and passage for all vessels through international straits, as well as the carrying out of scientific research and protection of the maritime environment from pollution, are provided for, as is the right of land-locked States to access to the sea. The Convention also creates and elaborates the legal status of the exclusive economic zone of coastal States as a progressive development of the law of the sea. Another new feature is the establishment of the international sea-bed area and the solemn declaration that its resources are the common heritage of mankind as stated by the General Assembly in 1970.² According to the Convention, no State can claim sovereignty or sovereign rights or implement such rights with regard to any part of the international area or its resources, and no State or physical or legal entity may arrogate to itself any part of that area. No such claims or exercise of sovereignty or sovereign rights, and no such arrogation or acquisition, are recognized. Activities in the area should be carried out for the benefit of all mankind and exclusively for peaceful purposes, without any discrimination whatsoever.

147. The international body that will be established in accordance with the provisions of Part XI of the Convention is assigned an important role in organizing and implementing the exercise of control over activities in the international sea-bed area. The parallel activities for the exploration and exploitation of the sea-bed resources is a flexible compromise that takes into account the interests of various groups of countries. Also of great importance is the inclusion in the Convention of provisions to prevent the monopolization of activities with regard to the exploration and exploitation of the sea-bed resources and on the inadmissibility of discrimination against any States or social-economic systems. The establishment of production limits of metals, taken from the sea-bed, is to protect the interests of land-based producers of nickel, manganese, cobalt and copper, as well as to respond to the ever-growing demand for metals.

148. The text of the Convention as prepared is the product of compromise and it naturally cannot therefore completely satisfy each and every participant in the Conference. Like some other States, the People's Republic of Mongolia is not

satisfied with certain of the Convention's provisions, particularly those on the rights of land-locked States. We feel that some provisions do not fully protect the rights and interests of that group of States. For example, under the Convention a land-locked State has only very limited rights vis-à-vis the exclusive economic zone of a coastal State. The People's Republic of Mongolia feels that the provisions of resolution II, which regulates the preparatory investments in initial activities relating to polymetallic resources, discriminates, by its nature, against socialist States. The view of the Mongolian delegation on this issue was put forward in detail on 30 April of this year at the Conference's 182nd meeting.⁵ It is that discriminatory provision of the resolution that has forced our delegation to abstain from voting on the entire package of documents.

149. In spite of the foregoing comments, which are by no means exhaustive, the Mongolian People's Republic feels that the Convention is on the whole an important instrument for regulating the multifarious activities of States on the seas and oceans and on the sea-bed and the depths of the world's oceans, as well as for the development of broad international co-operation in accordance with the principles of justice and of the sovereign equality of States. The United Nations Convention on the Law of the Sea can erect a safe barrier against the unilateral claims of the imperialist Powers and their monopolies to the expanses and resources of the world oceans and can promote the establishment of a new, just international economic order and the strengthening of international peace and security.

150. The Third United Nations Conference on the Law of the Sea is one of the major international forums of our times. During the sessions of the Conference a vast amount of experience was accumulated in carrying out complex negotiations. The Conference has clearly shown that, given the political will of States, the most complicated global problems can be solved around the negotiating table in a mutually acceptable way and that objective difficulties and artificially created obstacles can be overcome. The Conference has once again demonstrated that any attempts to impose narrow and selfish interests upon the international community or to conduct negotiations from a position of force are doomed to failure. In this connection, the Mongolian delegation would like to state that the provisions of the Convention should be regarded as a unified whole, and that any attempts to take unilateral, separate actions to circumvent or contradict the Convention on the Law of the Sea will constitute a gross violation of the principles and rules of contemporary international law. We also feel that States that have not signed the Convention and undertaken commitments may not enjoy the rights and privileges accorded States under the Convention.

151. The Mongolian delegation fully supports the appeals made by preceding speakers to all States to sign and ratify the Convention quickly. This would be in the interests of maintaining, supporting and strengthening international peace and security and of developing comprehensive, mutually beneficial co-operation among States.

152. In conclusion, I should like to express the sincere gratitude of the delegation of the People's Republic of Mongolia to the Government of Jamaica for its invitation to hold the final session of the Conference in this beautiful and hospitable Caribbean country, an event that makes the ceremony of signing the Convention and the Final Act a twofold pleasure.

153. Mr. SAHNOUN (Algeria) (*interpretation from French*): The Third United Nations Conference on the Law of the Sea has travelled a very long road, and today, at last, we find ourselves here on the soil of the generous and hospitable country of Jamaica.

⁵ *Ibid.*, vol. XVI.

154. In choosing Jamaica to act as host to this final session, the international community has honoured a country and a delegation that have contributed to a high degree to the emergence of a new law of the sea. Through Jamaica, we pay a deserved tribute to the countries of the Caribbean region which, from the very outset, have been in the vanguard of the struggle of the third world to restore to the seas and oceans their vocation as a link between different civilizations and a haven for an equitably shared well-being.

155. I wish to pay a tribute, Mr. President, to your personal activities in leading the work of the Conference towards this successful conclusion since the death of the lamented Hamilton Shirley Amerasinghe, and I wish also to express the Algerian delegation's great appreciation to the members of the Collegium, to the members of the Bureau, to the Secretary-General and his Special Representative, and to all the Secretariat staff, as well as to the successive chairmen of the Group of 77, all of whom have shown such outstanding devotion, the best reward for which is the event which brings us together here. I wish also to pay tribute to Mr. Arvid Pardo, whose contribution has already been highlighted along with his important concept of the sea as the common heritage of mankind.

156. It redounds to the honour of the Third United Nations Conference on the Law of the Sea that it willingly placed its work in the perspective of the link between international law and the social and economic development of the peoples of the third world. It also redounds to its honour that it used the liberation of creative imagination and a persevering quest for agreement as the essential tools in particularly difficult negotiations which will have earned their letters patent as a model of an exacting search for agreed solutions to other major problems of our times. This is all the more praiseworthy since our Conference has been innovative in undertaking a vast joint task of codification, with the participation of all States concerned. That is one significant outcome of the implementation of the principle of the democratization of international relations, a principle we should like to see implemented in other bodies, especially in that serving as the framework for the North-South dialogue.

157. The birth of a new legal régime for the maritime and ocean spaces and their resources, imbued but imperfectly it is true with the principle of equity, opens up the way for the establishment of a legal and economic order likely to promote relations of friendship and co-operation among States and to strengthen the fabric of effective solidarity among nations. Recognition of the specific interests of developing countries in general, and those of geographically disadvantaged countries; the embodiment of the inalienable rights of the peoples of Non-Self-Governing Territories extended by the signature of the Final Act by national liberation movements—which I warmly welcome to this room; the provisions of the Convention relative to the transfer of technology: these are a few of the positive features of this new régime. Like other geographically disadvantaged countries, Algeria is highly aware of certain inadequacies and inequities, which my delegation and others of the Group of 77 have on several occasions pointed out.

158. Without attempting to be exhaustive in this statement, which is subject to a time-limit, I wish to mention the serious distortion of the principle of equity regarding the régime of islands, especially those in enclosed or semi-enclosed seas, and the extension of the continental shelf of certain coastal States beyond the limits of the exclusive economic zone. In

this connection, I might also mention the régime of the right of innocent passage of warships in territorial seas, which, in view of the work of our Conference, must bring relief concerning the sovereignty and security of the States concerned. My delegation wishes also to stress that developing countries have gone very far to meet the position of their negotiating partners in determining the régime of the sea-bed and of spaces, beyond national jurisdiction. Whether it is a matter of the parallel system, of the protection of preparatory investments, or, to a lesser extent, of the composition and functioning of the organs of the International Sea-Bed Authority, the provisions which have been agreed upon grant to developed countries advantages which are at times quite far removed from the principles and objectives of the new international economic order which the Group of 77 would like to see enshrined in the new law of the sea.

159. In these negotiations, among the longest and hardest of modern times, developing countries have shown a high sense of their national and international responsibilities. Desirous of an equitable organization of the maritime and ocean spaces and of breaking with a history built on take-overs and confrontation, our countries have lent themselves to the drafting of compromises which have not always been consonant with the interests of some among us; but concessions were necessary if the United Nations Convention on the Law of the Sea was to be an instrument for development and peace.

160. In these negotiations, developing countries have been able, to paraphrase a well-known quotation, to have the serenity to accept that which they could not change, the courage to change that which they could change, and the wisdom to know the difference. Their massive support for the Convention shown on 30 April 1982, when it had proved impossible to achieve consensus despite all the concessions they had made, will live on in our annals as concrete testimony to their attachment to the purposes and principles of the United Nations Charter.

161. The commitment of third-world countries today to preserve the Convention along with its goals and objectives, and their condemnation of all arrangements and actions which violate the Convention, are another illustration of their respect for international legality. Any attitude aimed at undermining the universality of this Convention can only reflect a narrow vision of the balance of interests within the international community. Any initiative contrary to the Convention and, specifically, to the régime of the common heritage of mankind, is, we are convinced, doomed to failure.

162. While reserving for the competent authorities of the People's Democratic Republic of Algeria the possibility of availing themselves of the opportunities recognized in the relevant provisions of the Convention regarding any declaration or interpretation they may deem it appropriate to make as they proceed to ratification, I have the honour to announce that the Algerian Government, through me, will sign the United Nations Convention on the Law of the Sea. By so doing, Algeria affirms its readiness to participate as a full member in the work of the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal of the Law of the Sea, and to continue to make its contribution towards the establishment of the rule of law over the maritime and ocean spaces, over their utilization and over the exploitation of their resources.

The meeting rose at 5.40 p.m.