

# **Third United Nations Conference on the Law of the Sea**

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## **188<sup>th</sup> Plenary meeting**

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219. However, the Convention can be expected to have this beneficial effect only if it is in its entirety widely accepted by States and if it is regarded, at least in its main contents, as expressing the stand of contemporary international law in this field. From this point of view it was a disappointment to us when last April the Convention could not be adopted by consensus. We have also been disappointed to learn that a number of States, in view of their reservations or doubts in regard to certain parts of the Convention, will not find it possible to sign the Convention at this stage.

220. We sincerely hope that these States will find it possible to review their position. To accept certain rules which in a short-term perspective may not appear to be fully consistent with the national interest may in the long run prove to be a wise policy if it contributes to strengthening the universal legal order and co-operation between States.

221. As regards the provisions of the Convention regarding different maritime zones and the rights of the coastal States over those zones, the Convention is not likely to give rise to any important changes in the régime that is now in force in the maritime areas outside the Swedish coasts. In fact, Sweden has already, in different ways, adapted itself to the development of the law of the sea which is now reflected in the Convention. For instance, Sweden already extended its territorial sea to 12 nautical miles a few years ago.

222. As regards the special régime for straits established by the Convention, we note that passage through the two most important international straits outside our coasts—the strait between Sweden and Denmark and the strait between Sweden and the Finnish Åland Islands—is governed in whole or in part by long-standing international conventions. Consequently, the exception provided for in article 35 (c) of the Convention is applicable to these straits. In other straits outside our coasts, there is a route through the high seas which, according to article 36 of the Convention, makes these straits exempt from the general free transit régime.

223. As regards the passage of warships and other government-owned ships used for non-commercial purposes through the Swedish territorial sea, we consider that the régime at present applied is consistent with the requirements of the Convention and that consequently this régime can continue to be applied.

224. The Convention contains in article 311 an important provision regarding the relation to other conventions and international agreements. We are not convinced that this article will in practice solve all problems that may arise in this connection. Since Sweden pursues a policy aiming at neutrality in times of war, we have given special attention to the relationship between the Convention and the rules of neutrality in case of war. It is our understanding that the Convention does not affect the rights and duties of a neutral State provided for in the Convention of 18 October 1907 concerning the Rights and Duties of Neutral Powers in Case of Naval Warfare.

225. Some provisions in the Convention are optional in nature. In particular, article 287 of the Convention gives the contracting States the right to choose between one or more of a total of four different means for the settlement of disputes concerning the interpretation or application of the Convention. The Swedish Government will give very careful consideration to this matter. The final decision will be taken in the light of Sweden's traditionally held opinion that strong, compulsory machinery for third-party settlement of disputes is an important and desirable element in international agreements.

226. Like other delegations we are pleased to see that the long and tedious work to revise and codify the law of the sea has now come to an end. The Convention now before us is an impressive document. This is not to say, however, that all problems relating to the law of the sea have been solved. In some respects, for instance as regards the environmental problems, we feel that the work should continue at the world-wide as well as at the regional level.

227. There are also other aspects of the law of the sea which are not dealt with in the Convention but which are worthy of our attention. For instance, the rules of armed conflict at sea are clearly in need of revision. Indeed, some work still remains to be done before we have a complete and coherent system of international law relating to all uses of the sea.

228. Finally, I wish to express, on behalf of the Swedish Government and the Swedish delegation at this Conference, our sincere appreciation and gratitude to the Government of Jamaica for the magnificent hospitality it has extended to us in this beautiful part of its country.

*The meeting rose at 1.05 p.m.*

## 188th meeting

Tuesday, 7 December 1982, at 3 p.m.

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

### Statements by delegations (continued)

1. Mr. RIPHAGEN (Netherlands): On behalf of the Kingdom of the Netherlands I should like to stress the historic importance of this final session in Jamaica. The Kingdom has traditionally taken a great interest in the régime of the sea. Not only has the sea been the path along which traffic to and from other States has passed but also fisheries have always constituted an important part of our economy.

2. The results of scientific research, particularly in the last few decades, have brought about a radical change in a number of views concerning the various uses of the sea. At the same time, there has been a growing realization that not only the riches of the land but also those of the sea are finite. It is against that background that the Third United Nations Conference on the Law of the Sea started work. Its task, as we

all know, was far from simple, since it had been decided that its terms of reference should include every single use of the sea. The fact that the Conference has lasted so long has at the same time resulted in a definite interplay between national legislation on rights concerning the use of the sea and the establishment of internationally acceptable rules of law. As has been pointed out many times during the course of the Conference, the outcome of these protracted negotiations is a compromise with which only a very few States will be entirely satisfied.

3. At the beginning of these negotiations the Kingdom adopted the stand that a system should be devised for the international area that would be for the benefit of the international community and of mankind as a whole and that special account should be taken of the needs of developing countries.

Undeniably, the definition of what constitutes the international area has been radically reduced in the mean time as a result of the wishes of the coastal States concerning jurisdiction over coastal waters. In a comparatively short space of time the concept of economic zones has been incorporated into the domestic legislation of many States.

4. The great importance of the Convention is, however, that it formulates rules of law applicable to all the users of the sea. Each State can require other States to observe the rules contained in it, and we feel it to be of very great importance that the Convention provides procedures for resolving conflicts in a peaceful way should they unfortunately occur. We consider this to be of particular importance in preventing conflicts relating to the many different uses to which the sea can be put.

5. The Government also regards the establishment of the Convention to be a major contribution to the further development of North-South relations.

6. It is a special privilege for me to be able to announce that the Government of the Kingdom of the Netherlands has resolved to sign the Convention during this final session. This is a clear indication of the importance with which the Government of the Kingdom views the establishment of the Convention.

7. The decision to sign the Convention was not reached without difficulty, however. In particular, the provisions in the Convention concerning deep-sea mining are still subject to various objections. This includes those provisions concerning the mandatory transfer of technology. These objections are shared by other industrialized States and give rise to uncertainty as to whether the régime will function sufficiently effectively as to make it possible for sea-bed operations to be carried out by the companies concerned.

8. The Government of the Kingdom will therefore continue its efforts to implement these provisions during the preparatory stage in such a way as to remove those objections as far as possible. In our view, it is in the interests of the international community as a whole that the international sea-bed régime be implemented in such a way that all enterprises interested in deep-sea mining can regard the régime as a spur to continue their work. It is, after all, an experiment which has no precedent, and we hope therefore that it will be implemented with wisdom and that business-like arguments will continue to be decisive in the choices that still have to be made. It will therefore also be necessary to restrict the financial costs to a reasonable minimum. States which are still hesitating about whether or not to participate in the Convention must be given no pretext for refusing on the grounds that the financial costs are too high.

9. 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.

10. I should like to make clear that a decision to sign the Convention does not necessarily mean that the Government of the Kingdom has definitely decided to ratify it in due course. A separate decision will have to be taken concerning ratification. The outcome of the further negotiations, including the financial consequences and the overall acceptability of the régime in its final form, will play its part in taking the decision whether or not to ratify the Convention.

11. On behalf of the Netherlands delegation I should like to thank you, Mr. President, in particular for the indefatigable way in which you have presided over these negotiations, especially in the closing stages. You have acted as a sincere interpreter of the wishes of the international community, seeking

to do justice to the interests of both the developing countries and the industrialized world. You have shown concern for both the States which stand to gain much from the Convention and those which will gain less.

12. It is also fitting here to recall the work of your predecessor in office, Mr. Hamilton Shirley Amerasinghe of Sri Lanka, since it is because of his leadership that the foundations for the Convention were so solidly laid. I mention in particular his efforts in preparing the articles concerning dispute settlement in the Convention.

13. I regret that it is not possible in the time available to thank every member of the Bureau and of the secretariat personally. Suffice it to say that the Conference would never have succeeded without the unrelenting efforts and co-operation of everyone who was called on to shoulder particular responsibilities during the negotiations.

14. I should like to conclude by thanking our hosts, the Government and people of Jamaica, for their warm hospitality.

15. Mr. de FIGUEIREDO (Angola): The presence of the overwhelming majority of States Members of the United Nations is proof that mankind has a choice of the direction the world will take and that, if we are to exercise this choice intelligently and responsibly, then our solidarity must transcend our differences.

16. "We have not inherited the earth from our fathers, we are borrowing it from our children." Each generation therefore has the moral obligation to treat this trust with respect and not to overuse, misuse or abuse the earth's bounty and the earth's resources, but to use them for the good of all and not just of a few.

17. No longer are the seas and oceans merely adjuncts to life on land, used only for navigation and fishing. They are becoming more and more important for their vast resources of energy, food, minerals and even space. As the demands of the peoples of the earth mushroom, we will turn more and more to the water mass to answer increasing demands.

18. Science and technology have enabled the world to harness the resources of the sea-bed and ocean floor. It should be obligatory on us all to ensure that the riches which technology and science have placed within man's reach do not become a source of further conflict.

19. The land mass has seen conflict and violence for thousands of years, violence whose origins lie in the concept of personal property attained by birth and by acquisition. While the seas have remained free of this concept, some imperialist Powers with their advanced technology have attempted to transplant economic imperialism to the seas by treating them as their national preserve. Their chauvinistic policies have resulted in the extension to the high seas of the colonialism, imperialism and expansionism which have already victimized the land mass of the third world.

20. This economic exploitation is backed by muscle and military might. My delegation hopes that the ocean-based activities generated by military pacts will be controlled by the coming into force of the Convention and that it will act as a deterrent to the formation of new military pacts such as the proposed South Atlantic treaty organization.

21. This Convention and its application will have far-reaching consequences in the way the international community works together. It is an attempt that is called a globalization of policies, an attempt to find a global answer to a global problem. The draft convention may not fully answer all our concerns and needs, but it is at least an attempt to work out a system, if not on the principle of identical interests, then on the principle of parallel interests.

22. Building on these parallel interests between developed and developing countries, between North and South, is the

essence of the new international economic order. The draft convention is the product of years of arduous negotiation, compromises and consensus. It is regrettable, indeed, that those for whom the most compromises were made to enable this Convention to be formulated have now reneged on their earlier commitment.

23. The Convention is not a perfect document. While I am directed to express the intention of my Government to sign both the Final Act and the Convention, I am also directed to place on record the right reserved by the People's Republic of Angola to interpret certain articles in the Convention in the context of Angola's sovereignty and territorial integrity. We intend to refer to our interpretation of certain articles of the Convention at a later date, at the time of ratification.

24. However, we will be signing the Convention with good will and sincerity, with due regard to the norms and the principles of international law. We expect no less from others, in particular on those issues which deal with State sovereignty.

25. We are signing the Convention but we are not signing away our sovereignty. Certain issues with which the Convention deals, such as the right of transit and access to the sea and its resources, are matters to be negotiated in good faith between the States involved and will be considered by my Government on the basis of solidarity, co-operation and friendship, and not as another State's inherent right, under either this or any other convention.

26. Someone once wrote that 30 years was the life of most great treaties, while Hall Fisher in his *Political Prophecies* said that if a treaty served its turn for 10 or 20 years the wisdom of its framers was sufficiently justified. The Angolan delegation hopes that this Convention which we are gathered here to sign will prove to be both just and durable.

27. In conclusion, on behalf of my delegation I wish to thank the Government and people of Jamaica for acting as hosts for such a historic Conference. Mr. President, I should like to pay a tribute to you, to the Secretary-General of the Conference and to the secretariat, whose hard work through all these years has contributed much to the drafting of this Convention.

28. Mr. MARTYNYENKO (Ukrainian Soviet Socialist Republics) (*interpretation from Russian*): The delegation of the Ukrainian SSR notes with satisfaction that the United Nations Conference on the Law of the Sea has approached, thanks to the combined efforts of its participants, the final stage of its work after completing the tremendous task of drafting the Law of the Sea Convention.

29. This document embodies in a very special way international legal principles and rules governing the uses of the seas and the exploitation of the resources of the oceans of the world. The great majority of the participants in the Conference have shown their firm conviction to work out a Convention based on the principles of equality and mutual benefit, and a high sense of responsibility with regard to the situation on the world oceans, and they have demonstrated a great deal of moderation and patience. All this has made possible a gradual accommodation of the positions of individual States and has helped to overcome unilateral trends.

30. It is particularly important also to stress the fact that the majority of the participants in the Conference have persistently tried by the adoption of the Law of the Sea Convention to establish a legal régime on the seas and oceans that would contribute to the development of international co-operation which would promote the uses of the ocean space and its resources in the interests of all States, taking into special account the interests of the developing countries.

31. Our delegation believes that the Convention can and must be regarded not only as an outstanding legal act but also as an extremely important political document aimed at the strengthening of peace and security and co-operation among

States with different social and economic systems in using the wealth of the world oceans for the benefit of their peoples and for the interests of mankind as a whole.

32. The fact that compromise agreements have been achieved at the Conference is a direct consequence of the deep changes in the whole system of international relations which came about in the 1970s under the impact of the relaxation of international tension. The United Nations Convention on the Law of the Sea has come into being as a result of the efforts made for so many years. It reflects objectively the needs of the world's political and economic development and is testimony to the victory of a reasonable and realistic approach to the solution of international problems. We believe that the main merit of the Convention consists in the fact that the principles of mutual respect and sovereign equality of States underlie its provisions.

33. However, we cannot say the same thing concerning resolution II, which contains unequal requirements with respect to different groups of States as far as the preparatory investments in the pioneer activities for the exploration of polymetallic nodules are concerned.

34. The delegation of the Ukrainian SSR would like to express, as it did at previous sessions, its regrets with regard to the open refusal of the United States to uphold the agreements reached on the question of exploiting the mineral resources of the sea-bed. It must be noted that these agreements were reached with the active participation of the United States delegation. The United States stand in relation to the new Convention on the Law of the Sea has been condemned by the absolute majority of States from the rostrum of the Conference and in the General Assembly. The statements of many participants in the Conference have quite rightly taken note of the refusal of the United States to uphold the agreements previously reached, which is in contradiction with the generally accepted principle of continuity in inter-State relations and pursues the goal of obtaining unilateral benefits for transnational corporations to the detriment of the interests of other countries and peoples.

35. Starting with the consideration of law-of-the-sea questions in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and throughout all eleven sessions of the Conference, the delegation of the Ukrainian SSR, as well as most other participants in the Conference, made every effort to seek mutually acceptable compromise decisions which would contribute to a speedy adoption of a convention and make it possible for most delegations to adhere to it. It is obvious that not all the problems have been solved in the Convention text in a way which would be suitable to each individual delegation, including that of the Ukrainian SSR. But we took account of the fact that the Convention represented a complex package of compromise decisions and abstained from attempts to introduce any amendments in the text of the Convention. We acted in this way in order to preserve the Convention as a whole, for the sake of maintaining a balanced agreement. Therefore, we shall object categorically to proposals aimed at amending, under any pretext, the provisions of the Convention and related resolutions of the Conference.

36. We shall also oppose in the most resolute manner attempts to obtain unilateral advantages from the Convention. The Convention is indivisible, and those who do not want to enter into commitments in this international document cannot count on enjoying the rights granted to the Convention's participants.

37. The delegation of the Ukrainian SSR would like to take this opportunity to state that the Government of the Ukrainian SSR has decided to sign the United Nations Convention on the Law of the Sea at this closing session of the Conference.

38. Our delegation would like at the same time to note that, in signing the Convention, the Ukrainian SSR will abstain from making the declarations provided for in article 310 of the Convention. We expect the same approach from other delegations. We proceed from the assumption here that this kind of interpretative declarations would inevitably provoke many responses from States having a different viewpoint on each question involved and that this might aggravate and complicate the situation at the session and affect the Convention itself. If such declarations are made, the Ukrainian SSR reserves the right to determine its attitude on them at a later stage.

39. As to the option of determining the means for the settlement of disputes provided for in articles 287, 292 and 298 of the Convention, the delegation of the Ukrainian SSR will, in signing the Convention, declare that it opts for arbitration, as set forth in annex VII, as the main means of settling disputes concerning the interpretation and the application of the Convention. To consider disputes concerning fisheries, navigation, marine scientific research and the protection and preservation of the marine environment, including pollution from vessels and by dumping, the Ukrainian SSR opts for special arbitration, as set forth in annex VIII.

40. The Ukrainian SSR intends also to declare that it accepts the competence of the International Tribunal for the Law of the Sea, under article 292, related to questions of prompt release of vessels or their crews.

41. In accordance with article 298, the Ukrainian SSR will state that it will not accept the binding procedures envisaged in paragraph 1 of this article, which entails a binding decision on disputes relating to the delimitation of marine boundaries, disputes concerning military activities and disputes in respect of which the Security Council is exercising the function assigned to it by the United Nations Charter.

42. Our delegation would like to confirm once again the position of the Ukrainian SSR on the question of participation in the Convention. As we have previously done, we firmly uphold the position that the United Nations Convention should be signed by the authorized representatives of the People's Republic of Kampuchea. The bloody Pol Pot régime, which has been discredited by the Kampuchean people, does not have and cannot have any such credentials because it does not really represent anyone.

43. As to the question of participation in the Convention by "self-governing associated States", the delegation of the Ukrainian SSR would like to state the following. If the strategic Trust Territory of the Pacific Islands—Micronesia—which is under the trusteeship of the United States, or any part thereof desires to participate in the Convention, we shall proceed from the fact that under the United Nations Charter any change in the status of a strategic Trust Territory or the conditions of the Trusteeship Agreement can be made only by a decision of the Security Council in accordance with Article 83 of the United Nations Charter.

44. The United Nations Convention on the Law of the Sea should be open for full participation by the Palestine Liberation Organization and other national liberation movements recognized by the United Nations. We consider that the declaration of the resources of the subsoil of the seas and oceans beyond the limits of national jurisdiction as the common heritage of mankind would be deprived of some of its sense and meaning if the peoples struggling for national liberation could not enjoy their rightful part of this heritage.

45. In conclusion, the delegation of the Ukrainian SSR expresses sincere gratitude and best wishes to the Government and the people of Jamaica for their cordiality and hospitality and thanks you, Mr. President, and the Bureau for your efforts.

46. Mr. GAYAN (Mauritius): The Mauritius delegation has gladly accepted the invitation of the Government of Jamaica to come to Montego Bay in order to conclude the work of the final session of the Third United Nations Conference on the Law of the Sea. We are grateful to the Jamaican Government for having offered at short notice to act as host to this large Conference and for the excellent arrangements that have been made to ensure the success of our work here. This augurs well for the Preparatory Commission, which is scheduled to meet in March 1983 in Jamaica, and later, when the Convention on the Law of the Sea has entered into force, for the International Sea-Bed Authority.

47. As we hold in our hands the United Nations Convention on the Law of the Sea, we cannot escape the sentiment that this Convention is much more than a legal instrument: it is a monument to peace and order in the oceans. We are all fortunate in having a part to play in the historic moment when the Convention becomes a living instrument. This is a moment which all of us here have been waiting for, and it is fitting that we should have come back to the Caribbean, where the new law of the sea was initiated, to see the work of the Third United Nations Conference on the Law of the Sea crowned with success.

48. More than 150 sovereign States, as well as Territories not yet independent, have actively participated in the shaping and drawing up of the provisions of this landmark Convention. This Convention is unique not only for what it has achieved in the progressive development of the international law of the sea but also and more so for the promises it holds for the poorer members of the international community. This Convention has also been able to ensure in one text that the interests of all States, big and small, have been taken care of to the maximum degree possible. It has a claim to universality as no other convention has ever had in the history of mankind.

49. Although a convention of this magnitude cannot satisfy every State fully, it is still important to note that this Convention represents the best possible compromise which human effort could have achieved.

50. The Third United Nations Conference on the Law of the Sea set out to establish a legal order for the seas and oceans which would facilitate international communication and promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources and the study, protection and preservation of the marine environment. This has been done in a Convention which contains 320 articles and nine annexes. This is no small achievement. Much time was spent on each one of the articles, and compromises were reached after long and painful negotiations. The legitimate interests of States were fully gone into before an article was included in the Convention. The Conference has had to innovate constantly with negotiating techniques and mechanisms. At no time during all these years of negotiations did we despair of one day succeeding in our efforts to draft a universally acceptable convention. The text of the Convention is by no means a perfect text—it cannot be by the nature of things—but it does represent a political compromise, indeed the best political compromise possible in the circumstances.

51. We look upon this Convention as a package, the contents of which have to be taken as a whole. It contains various mini-packages and it is not possible to open a package without unleashing the danger that all other packages could fall apart. It is on account of this fact that we as a delegation do not compute our gains and our losses in the Convention. We realize that somebody's gains must result in somebody else's losses.

52. When we assess the articles in the Convention individually we cannot but conclude that developing countries have had a raw deal on the whole. The benefits from the exploitation of the exclusive economic zone and the continental shelf

which the developed countries are likely to derive far exceed the benefits which the developing countries can ever hope to derive from their own exclusive economic zones and continental shelves. States like the United Kingdom, Canada, Australia, the Soviet Union have much more to gain from the Convention than other States, especially those in the developing world.

53. The same comment can be justifiably made with regard to sea-bed mining. The system of exploration and exploitation which is enshrined in the Convention is the embodiment of the preference of the industrialized countries for the parallel system, to the detriment of the unitary system. It is good to note that this compromise on the system was made possible by the undertaking given by industrialized countries to give the means, both financial and technological, to the Enterprise, the operational arm of the International Sea-Bed Authority, to make it viable. We may rightly ask ourselves the question whether this undertaking has been fulfilled. We all know the answer to that question.

54. We can also ask the question whether the interests of those developing States that are producers of minerals to be mined from the Area have been adequately protected. These are pertinent questions and the answers, unfortunately, will have to be postponed for a while. What is definite, however, is that Part XI of the Convention represents the ultimate compromise. Any further tampering with it will result in making a mockery of the common heritage of mankind.

55. We do not, however, believe in dissecting the articles in the Convention individually; we prefer to look at the Convention as a whole as a gigantic package.

56. A large part of the Convention is merely a codification of existing customary international law and as such does not pose any problem. Certain matters which were considered as notions during the 1974 session of the Conference held at Caracas have now been translated into international law as a result of widespread State practice. These matters relate to a territorial sea of 12 nautical miles, for example.

57. This Convention confirms the existence in international law of the common heritage of mankind and it has also progressively developed international ocean law. It has recognized the existence of archipelagic States and the rights of land-locked States. This is a matter of special concern to us in Africa because the African continent alone has the largest number of land-locked States.

58. We are particularly gratified to see reflected in the Convention a basically African idea which permits land-locked States to have access to the surplus of living resources.

59. By its insistence on sharing equitably the benefits of the oceans, with regard both to living and to non-living resources, in relation not only to resources lying within the limits of national jurisdiction but also to those lying outside those limits, the United Nations Convention on the Law of the Sea has started preparing the stage for a new international economic order.

60. This Convention has received extensive support from the world community; this indicates that the work of the Conference has been worth while. The Convention has paid particular attention to the needs and interests of the major maritime Powers, particularly to those of the United States and the Soviet Union. We can only express the hope that the reports one hears from the United States to the effect that it is out to kill the treaty because it smacks of world government are not accurate and that at a future date the United States will decide to become a party to the Convention.

61. There can be no possible or viable alternative to this United Nations Convention on the Law of the Sea. Any other arrangement, by whatever name it is called, will be outside the framework of legality. By even contemplating a mini-treaty, States sponsoring such a move are seriously undermin-

ing the fabric of international co-operation on which the peace and security of the world depend. A mini-treaty would effectively result in the carving up of the international sea-bed area in a manner reminiscent of the way in which the continent I come from was carved up in the last century. Such steps will be in flagrant violation of the agreed notions in the United Nations Convention on the Law of the Sea.

62. As the Conference winds up its business here this week we shall then set the stage for the Preparatory Commission to start fulfilling its mandate. The mandate of the Preparatory Commission is to deal with technical matters, to put flesh on some of the bones of the Convention, to prepare draft rules, regulations and procedures. It will have to clarify certain articles in order to ensure that there are no ambiguities. On the work and reports of that Commission will largely depend whether or not those States that experience difficulties with the Convention today will eventually become parties to it.

63. The Commission will have to ensure that the same spirit of understanding and mutual accommodation which inspired the work of this Conference to arrive at a universally acceptable Convention on the Law of the Sea is present throughout the deliberations of the Preparatory Commission. In its desire to be realistic and business-like the Preparatory Commission must shed all ideological inferences; it must be in position to call for and accept independent advice and suggestions. It must also avail itself of the powers it will have to make use of outside sources of expertise in accordance with United Nations practice to facilitate its work. It must also ensure that the Enterprise is brought into effective operation as soon as possible.

64. Every State which has been at the forefront of the negotiations and which has fully participated in the drafting of many of the controversial articles of the Convention, and which is thinking of staying out of the Convention, must in my submission think again. It must be in a position to demonstrate its ability to overcome short-term national preoccupations in order to prepare for long-term universal agreement. At a time in the history of the world when mankind needs above all to strengthen international structures and ideals, it is sad to witness the revival of nationalism in some parts of the world.

65. As the curtain is about to fall on the Third United Nations Conference on the Law of the Sea, after so many years of arduous and lengthy negotiations, it is my pleasant duty today to pay a tribute to the invaluable contributions to this Convention made by Mr. Shirley Amerasinghe, the late President of the Conference, and by Mr. Arvid Pardo. Without their contributions and their inspired guidance we should not be here today celebrating the success of the Convention.

66. It is also my pleasant duty to pay a tribute to you, Mr. President, to the other leaders of the Conference—particularly the Collegium—the Secretariat and the non-governmental organizations, especially the International Ocean Institute and the Neptune group, which helped many representatives from the third world to understand the intricacies of certain vital issues in the Convention.

67. In conclusion I should like to say that as we enter the virgin territory of the United Nations Convention on the Law of the Sea we can understand the apprehensions of some people when they are about to do it for the first time. We can only hope that these apprehensions will be short-lived and that those people can enjoy the benefits of the Convention while helping us to share some of the burdens.

68. As far as Mauritius is concerned, we believe that we can live with the United Nations Convention on the Law of the Sea. Faced with the choice between a legal régime for the oceans, which only a few years ago was acceptable even to the United States, and a situation which promotes chaos in the

oceans, we have decided to opt for the legal régime. On Friday, 10 December 1982, Mauritius will sign the Final Act of the Conference and the United Nations Convention on the Law of the Sea.

69. Sir Thomas DAVIS (Cook Islands): I am delighted to be here today in Jamaica to participate in this special session of the Law of the Sea Conference. My representative to the various sessions of this Conference has reported to me in glowing terms your personal active and most positive role in these negotiations, Mr. President. In this respect we are most grateful for your efforts and the efforts of all those who have worked so hard to achieve this milestone in international co-operation.

70. I should also like to express my deepest thanks to our hosts for the excellent facilities provided and for the generous courtesies they have kindly extended.

71. When we first decided to accede to this Convention we did so because we felt very strongly that it would serve the long-term interests of our country in particular and the small island States of the South Pacific region in general.

72. It is my understanding that at one of the plenary meetings of the Conference the question of participation in the Convention by self-governing and Associated States was discussed. I am grateful that the Conference has recognized our right to sign this Convention and thereby receive the benefits and protection of its provisions. On the same note I should like to add that the international community must view the position of small island States realistically. It must accept that there now exists a new breed of State whose dreams and expectations are no different from those of States defined under international law.

73. To this end I should like briefly to review the situation of the Cook Islands, which I believe is representative of many other scattered small island States in the South Pacific, to indicate how important the effect of this Convention will be to a large number of us.

74. The exclusive economic zone of the Cook Islands covers an area of 1,360,000 square kilometres in the centre of the Pacific Ocean. It is one of the larger zones claimed by any country. The Cook Islands comprises 15 small islands spanning a distance of 800 miles from north to south and 400 miles from east to west. Half of these are atolls relying on traditional atoll economies. The islands in the southern group depend upon agriculture and tourism, while those in the northern group depend on copra production, pearling and fishing. The total land mass of the Cook Islands is only 94 square miles. Therefore the importance of the resources of the zone cannot be underestimated.

75. Although the Cook Islands has no commercial fleet of its own, we have entered into agreements with Taiwan and South Korea to fish in the zone. We are now negotiating with other countries to develop the resources of the zone through partnership agreements.

76. Because of its limited resources, the Cook Islands is unable to patrol the zone within its own capabilities. Accordingly, assistance has been given by New Zealand and offered by Australia for air surveillance, and by France for any surface-surveillance requirements.

77. Possessing, as we do, the rights and responsibilities of all nations, we have enacted laws having extraterritorial effect. In particular, in 1977 the Parliament of the Cook Islands enacted the Territorial Sea and Exclusive Economic Zone Act. In 1979 we declared our zone.

78. The Cook Islands Parliament makes its own laws. No other parliament can make laws for the Cook Islands. Only the Cook Islands Government and legislature can take the steps necessary to give effect to obligations under the Convention within the Cook Islands.

79. Following our accession to this Convention, we will be placing before our Parliament the appropriate statutory instruments of ratification.

80. This brief description is representative of many other Pacific nations. We, like others here, are of course disappointed that some large and important countries have chosen not to sign the Convention at this time. Naturally there were questions of principles involved.

81. For our part, we would like to assure these countries that they will be welcome to utilize their much greater technological capabilities in our zone and to exploit the resources in partnership with us and to the benefit of all. It is only a matter of simple negotiation to our mutual benefit.

82. There is in some quarters a distressing and perhaps capricious reluctance to accept some of us as members of the international community. As a result, our problems and those of our neighbouring countries in the Pacific are likely to be overlooked. That is why this Convention, preserving as it does the common heritage of mankind, is so important to us. What is now needed is for some countries that are unfamiliar with the problems of small developing island countries to accept this. In the final analysis, the status of a community depends upon and is a result of the readiness of other States to deal with that community as possessing international personality.

83. I, as Prime Minister of the Cook Islands, have journeyed to sign this Convention because of its economic importance to us. It is my sincere hope that the document before us will indeed assist us and other scattered island nations with a limited land mass but a generous exclusive economic zone. It is also my sincere hope that larger and more fortunate nations than our own will be sympathetic to our future hopes for both the utilization and the nurturing of this resource so that it will be of mutual benefit to us and to those who wish to share it with us.

84. Mr. HAMOUD (Iraq) (*interpretation from Arabic*): I wish at the outset to extend to the people and Government of Jamaica a cordial greeting on behalf of the Government and people of Iraq and on my own behalf. We express to them our thanks and appreciation for the generous hospitality extended to us and for the fine facilities and preparation of the Conference, notwithstanding the short amount of time that has passed since the Government of Jamaica assumed responsibility for acting as host to this Conference.

85. My delegation is also pleased to express its appreciation to you, Mr. President, for the important role you have assumed in the service of this Conference and for bringing it to a successful conclusion from the moment you assumed the duties that fell to you at the death of Hamilton Shirley Amerasinghe, who carried out his responsibilities with great ability and with distinction. Our thanks go also to the other officers of the Conference as well, all of whom have played a most worthy role in ensuring the success of its work.

86. At a time when the Conference is drawing to a close, my country's delegation must also express its thanks and appreciation to the Secretariat and the Secretary-General's Special Representative, Mr. Zuleta, the Executive Secretary, Mr. David Hall, and the other members of the Conference, for having played their important roles so skilfully and with such dedication. We must also pay a tribute to the translation and interpretation services, notably the Arabic interpretation and translation services for the excellent assistance they have provided in spite of the fact that the use of the Arabic language is a recent innovation in United Nations deliberations.

87. The United Nations Convention on the Law of the Sea, which we are about to sign, represents an important development in international law. It is an instrument comprising a delicate balance and compromise among all the peoples of the world: it does not confine itself to protecting the interests of a given group to the exclusion of other groups. All the States

here have sacrificed a part of their interests, and they have done so in order to preserve the vital and noble interests of the international community.

88. Iraq has decided to sign this Convention, in spite of the fact that it does not meet all of Iraq's needs as a geographically disadvantaged State. The Convention gives some rights to such States, but it imposes some restrictions upon them. We have, however, accepted the Convention, in spite of the exclusive economic zone, which we find unacceptable. We continue to believe that that shortcoming can be redressed with good faith on the part of the countries of the region concerned, notably the coastal States on semi-enclosed seas. The Convention has left to those States the possibility of concluding additional, regional conventions to ensure the optimum exploitation of the biological riches of the sea and to provide protection against the risks of pollution, as well as to promote joint scientific research efforts.

89. We would have wished to see the Convention confer upon national liberation movements the status of full-fledged parties, and not merely the status of observers. We base that view on the principle of the rights of peoples to self-determination and to ensure the protection of their national riches. Indeed, that is a principle that has already been approved and recognized by the United Nations. We have, nevertheless, accepted the Convention because we are convinced that victory for those movements is inevitable and that, after that victory, once they have shaken off the yoke of colonialism and foreign occupation, they will adhere to the Convention as full-fledged members.

90. We would also have liked to see a régime set up for the exploration and exploitation of the international zone beyond the limits of national jurisdiction, a régime that would have been immune from exploitation by monopolies belonging to a handful of States. Nevertheless, the nature of the negotiations and the results we have achieved have led us to accept the régime provided for in the Convention, in spite of its many shortcomings.

91. In spite of the criticisms that can be made of the Convention, we believe that it provides us with an excellent régime for the seas and oceans and that it contains a great many positive points. The Convention constitutes a true framework for peace on the seas and the appropriate implementation of its provisions would be a true guarantee for the protection of the interests of peoples and for overcoming all negative factors. For example, the application in good faith of the régime of navigation in international straits, and the extension of that régime to access to straits and their islands, could make of such straits a channel for co-operation and for peace among nations.

92. Iraq's pragmatic policy is based on the principles of non-alignment and peaceful coexistence and on the concern to establish international relations on the basis of mutual respect for the rights of all peoples. That policy has led Iraq to take the decision to sign this Convention. We view the Convention as constituting a codification of the existing rules of international law. It is the sole international instrument that will in the future govern the seas, be it a codification of the existing rules of actual international law currently obtaining between States or the reflection of the will of the overwhelming majority of the international community, as expressed in the vote that took place on 30 April this year. It is our view that any domestic legislation or international convention among a few States that runs counter to this Convention should be considered as lacking any legal validity. We repeat here what has been said by the Chairman of the Group of 77, namely, that any agreement concluded outside the framework of this Convention should be considered as having no legal value and would give States the right to take any measures they deemed necessary to ensure the protection of their rights. The abstention of certain States from signing the Convention

is most regrettable, and we address an urgent appeal to those States to reconsider their position and to join us as soon as possible.

93. Finally, I extend my delegation's greetings and thanks to all those who have contributed so wholeheartedly and devotedly to the success of this Conference.

94. Mr. LUSAKA (President of the United Nations Council for Namibia): On behalf of the delegation of the United Nations Council for Namibia, I should first like to express our gratitude for the warm and generous hospitality extended to us by the Government and the people of Jamaica as the host of this historic final session of the Third United Nations Conference on the Law of the Sea, which will culminate in the signing of the Final Act of the Conference and the United Nations Convention on the Law of the Sea.

95. I should also like to pay a tribute to you, Mr. President, for the skill and wisdom with which you have conducted the conclusion of the historic task of preparing this Convention, and to the memory of your predecessor, Mr. Hamilton Shirley Amerasinghe, who for years played a leading role in guiding the work of this Conference.

96. It is a long way from 1609. In that year the Dutch jurist Hugo Grotius published a treatise, *Mare Liberum*, which held that the oceans beyond a narrow belt of territorial waters were open to all nations. As is well known, this concept gradually won widespread acceptance, and the doctrine of the freedom of the seas served well for nearly three centuries. However, the accelerating pace of technology and economic and social progress in recent years have led to the global efforts of which this Conference is a part.

97. The United Nations Council for Namibia as the legal Administering Authority for that Territory until independence has participated in the United Nations Conference on the Law of the Sea since 1977 with a view to ensuring that Namibia's interests are protected. It was a source of great satisfaction to the Council when Namibia became a full member of the Conference in 1980 and later attained the right to sign and ratify the United Nations Convention on the Law of the Sea.

98. Namibia has a vast littoral and sea, rich in fisheries and mineral resources that are a potential source of great wealth for the Namibian people. However, at the present time these resources are being ruthlessly exploited by the illegal occupation régime of South Africa and by foreign economic interests which operate with no regard whatsoever for the welfare of the Namibian people or the integrity of a future independent Namibia. The Council denounces and condemns such activities and reiterates that the exploitation of the resources of Namibia by foreign economic interests under the protection of the illegal South African régime is illegal and contributes to the continuation of the illegal occupation of that Territory.

99. As the legal Administering Authority for Namibia until independence, the Council for Namibia is fully conscious of its responsibility to protect the natural resources of the Territory, which are the inviolable heritage of the Namibian people. To that end the Council has enacted Decree No. 1 for the Protection of the Natural Resources of Namibia and has actively promoted its implementation. The Council has also defended and promoted the interests of the Namibians by holding consultations with Governments, by representing the Territory in international conferences and by encouraging wider public support for Namibia's struggle for independence under the leadership of the South West Africa People's Organization, the sole and authentic representative of the Namibian people.

100. Since it began participating in the Third United Nations Conference on the Law of the Sea on behalf of Namibia, the Council has worked in close consultation with the Group of 77 in matters of particular importance to Namibia,

such as the basic conditions of prospecting, exploration and exploitation of marine resources, and the transfer of technology.

101. In this and other forums, the Council has solemnly declared that Namibia must accede to independence with its territorial integrity intact, including Walvis Bay and the offshore islands, and has unequivocally reaffirmed the relevant resolutions and decisions of the General Assembly to the effect that Walvis Bay and the offshore islands are an integral part of Namibia and that any action by South Africa to separate them from the Territory is illegal and null and void.

102. In signing the Final Act and the Convention on the Law of the Sea, the United Nations Council undertakes to ensure the rights of Namibia over its territorial sea and its exclusive economic zone in accordance with the Council's mandate and the decisions that it adopted in its Arusha Declaration and Programme of Action on Namibia of 13 May 1982. In this connection the Council strongly condemns South Africa's attempts to extend in its own name Namibia's territorial sea and to proclaim an exclusive zone for Namibia, and therefore declares such acts to be null and void.

103. The United Nations Council for Namibia, which on behalf of Namibia now joins in the celebration of this historic occasion, wishes to take this opportunity strongly to reaffirm that it will continue to intensify its efforts to end the illegal occupation of the Territory by South Africa so that the Namibian people may freely exercise its inalienable right to self-determination and independence.

104. Mr. TORRAS de la LUZ (Cuba) (*interpretation from Spanish*): My delegation would like first to express publicly its gratitude to the delegation of Jamaica for the exemplary way in which it has shouldered its responsibilities in preparing for this session, which will enable us successfully to conclude it by 10 December here.

105. I should like also to pay a tribute to the late President of the Conference, Hamilton Shirley Amerasinghe, who among his many contributions undoubtedly rescued it from failure at the second session, when, with his characteristic energy, he ensured that the rules of procedure would be adopted in the envisaged time-limit. We pay a tribute, too, to Mr. Tommy Koh, whose intelligence and negotiating and diplomatic skill made it possible for us to achieve what many delegations, including my own, had thought we could not achieve. Like previous speakers, I would stress the services rendered to the Conference by the Special Representative of the Secretary-General, Mr. Bernardo Zuleta, a tireless and skilful negotiator. Finally, justice demands that we also thank Mr. David Hall, the irreplaceable Executive Secretary of our Conference, and all the personnel of the secretariat, as well as the three vice-chairmen of the main committees, who were the co-architects of our Convention. The efforts of everyone were necessary to achieve the goals that we had set for ourselves.

106. We have travelled a long road, as has been said by a large number of speakers, and we are now at the point of signing the United Nations Convention on the Law of the Sea. There have been few events of such great historical importance. Indeed, this event, by its significance, is secondary only to the signature of the United Nations Charter itself. The Convention that we are about to sign establishes a legal régime for the use of the seas and the oceans and the exploitation of their resources. It is an extremely important step in the development of international law and a valuable contribution to the maintenance of international peace and security, and the elimination of the cause of many conflicts—namely, the refusal of some great Powers to recognize the needs of what is euphemistically called the countries of the third world in regard to the use of their seas and the resources thereof.

107. Our signature of the Convention is justified by the Convention's importance. Moreover, we have now seen that it is possible, if there is a will to negotiate, to achieve a document that can be accepted by an overwhelming majority of States—and at a time when so many negotiations that are important to a large number of States are failing because of the absence of the indispensable political will on the part of certain Powers; that is the case of the North-South dialogue in regard to the new international economic order.

108. All that highlights the historic importance of the Convention that we shall be signing on behalf of our countries. This is the first triumph in our struggle to establish the new international economic order—even if it is a limited triumph. We now have an international system for the exploitation of the polymetallic nodules of the sea-bed situated beyond the limits of national jurisdiction established by the Convention. The fact that the International Sea-Bed Authority, made up of all the Member States, will regulate the exploitation of these immense riches, in order to ensure so far as possible that in the contemporary world these resources will be used for the benefit of countries that are relatively less developed, heralds without any doubt the beginning of a new international economic order in this sphere, which is so important precisely because of its enormous wealth.

109. For all those reasons, which highlight the importance of the Convention, all developing countries and all socialist States that are struggling for social peace and a new international economic order, and even all capitalist countries that share our ideals, must sign the Convention. We cannot overlook the political importance of the Convention to the Group of 77.

110. Namibia is represented by the United Nations Council for Namibia and by the only legitimate representative of its oppressed people, the South West Africa People's Organization. Thus, the representation of Africa is now complete.

111. The Palestine Liberation Organization, which so courageously defended the city of Beirut against the Israeli aggression, thereby winning the admiration of the entire world, is also represented here as an observer. We wish that we could have welcomed it here as a full member, which would have constituted recognition of the sovereign rights of the Palestinian people. Nevertheless, its presence also constitutes an important precedent for other national liberation movements.

112. Despite all these decisive reasons for the Convention to be signed by the countries which voted for it and those which abstained, the United States Government—as has been reported in the international press—has been exerting pressure on some States not to sign the Convention. By acting in that way in regard to a treaty that is supported by the overwhelming majority of the international community, the United States is isolating itself and committing a grave error that will do harm to its own interests, as was stated by even the principal negotiator of the United States during the final period of the Conference. In an article published in the periodical *Foreign Affairs*, he indicated his disappointment about the inflexible attitude of the United States Government, which was preventing that Government from gaining further advantages through negotiations, and he stated:

“But this loss may seem less important if one compares it with the possibility of the United States deciding to remain on the sidelines of a new international instrument of negotiation and regulation which may count among its members all our allies, as well as the countries of the third world and the socialist countries. This new institution will safeguard the mining interests of our industrial competitors and will reject the claims of our companies with regard to their rights”.

113. Thus, this process which has been predicted by such an astute negotiator as the representative of the United States,

Mr. Ratiner, will begin with the signing of the Convention in Montego Bay.

114. This is very important, since when 50 signatures will have been collected, we will decide on the establishment of the Preparatory Commission of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea, which, among its duties, manages the exploration of the sea-bed by pioneer investors, who will only have the right to participate legally when they accede to the Convention. Some of those who advocate the non-signature of the Convention by the United States claim that that country will nevertheless gain certain advantages from the Convention. But, as Mr. Koh has said, the Convention is indivisible; one cannot accept one part of it and reject another part.

115. By signing the Convention, we shall be contributing to its entry into force, which cannot occur until it has been ratified by 60 States. Therefore, we call ardently upon all countries of the Group of 77 to do so as quickly as possible.

116. Mr. JESUS (Cape Verde): On behalf of my delegation, I should like at the outset to thank the Government and the people of Jamaica for acting as host to this final session of the Third United Nations Conference on the Law of the Sea and to say how honoured my delegation is to be in such a lovely country, where no effort has been spared to make our stay comfortable and pleasant.

117. After many years of patient and laborious negotiations, the Conference has succeeded in adopting the United Nations Convention on the Law of the Sea, which my delegation, along with the majority of countries represented at this session, will sign on 10 December.

118. With a view to accomplishing its complex task, the Conference has devoted many years to drafting hundreds of articles governing various uses of the oceans and seas and the exploitation of their resources.

119. Notwithstanding the many crises experienced by the Conference, especially over the past two years, in the final analysis the results are very positive. The Third United Nations Conference on the Law of the Sea has proved that understanding among nations can no longer be based on old-fashioned and outdated rules of conduct.

120. The active participation of developing countries in the Conference has clearly demonstrated that they are fully committed to the creation of a new concept of international law which protects not only the interests of the traditional Powers, on whose exclusive interests international law was founded in the past, but also the needs and legitimate aspirations of new partners in the international law-making process. In this context the United Nations Convention on the Law of the Sea is an instrument of utmost importance in contemporary international law in that it embodies customary international law and is a major achievement in the establishment of new rules and principles.

121. My delegation is confident that, as stated in the very preamble to our Convention,

“... the codification and progressive development of the law of the sea achieved in this Convention will contribute 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 of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter”.

122. This Convention does not fully protect the interests of any nation, since that is an impossible achievement in any kind of negotiation. In the prevailing circumstances, it does, however, represent the balance of the interests of each nation and all groups of countries that it has been possible to achieve. It is a matter of common sense that the Convention is

based on compromises and that its text was fixed by consensus. That is why my country sincerely hopes that the handful of countries which voted against the Convention will join the overwhelming majority of the international community in signing it, and ratifying it when the time comes.

123. My delegation shares the view of those delegations that maintain that no nation is entitled to any right under the Convention or any one of its parts without assuming the correlative obligations.

124. Over the years States came into conflict with each other on the breadth of the territorial sea. Fortunately, the United Nations Convention on the Law of the Sea which we are about to sign solved this problem by allowing the coastal State to extend its sovereignty up to 12 miles from the baseline. The rights that the coastal States are entitled to in that maritime zone coincide with those of its land territory—subject, however, to the right of innocent passage by foreign ships. While establishing this exception to coastal-State sovereignty by setting up rules for innocent passage of foreign ships through the territorial sea, the Convention recognizes to the coastal State the right to enact laws and regulations to safeguard its security interests in accordance with articles 19 and 25, as was clearly recorded in the 182nd meeting of 30 April 1982.<sup>1</sup>

125. My country is one of many that claim archipelagic status. That is why it considers that recognition by the Convention of the concept of archipelagic State is a major achievement for the protection of its legitimate interests in preserving the unity and integrity of its territory.

126. Since almost the beginning of its work the Third United Nations Conference on the Law of the Sea has achieved consensus on the establishment of a 200-mile exclusive economic zone as part of a widely accepted package deal. This consensus was achieved for the sake of compromise, in prejudice to the national interests of a group of countries—among which is my own—which had advocated or already had national legislation establishing a larger territorial sea. The legal nature of the exclusive economic zone as defined in the Convention and the scope of the rights recognized therein to the coastal State leave no doubt as to that zone's character of a *sui generis* zone of national jurisdiction different from the territorial sea and not a part of the high seas. The regulation of the uses or activities which are expressly provided for in this Convention but are related to the sovereign rights and the jurisdiction of the coastal State in its exclusive economic zone falls within the competence of that State, provided that such regulation does not hinder the enjoyment of freedom of international communication which is recognized to other States.

127. The legal régime of the exclusive economic zone under the United Nations Convention on the Law of the Sea also protects the conservation of straddling stocks. In accordance with all the relevant provisions of the Convention, where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the States fishing for such stocks in the adjacent area are duty-bound to enter into agreement with the coastal State upon the measures necessary for the conservation of such stock or stocks of associated species.

128. The Convention deals with other important matters I have not mentioned due to lack of time and sets forth rules and principles which constitute the foundation of the new law of the sea, namely, the principle of peaceful uses of the oceans and the principle of common heritage of mankind.

129. It has been pointed out in the course of this session that one significant achievement of our Conference is the consecration of the principle of common heritage of mankind applicable to the resources of the sea-bed beyond the limits of

<sup>1</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVI.

national jurisdiction. The Convention establishes in its Part XI a balanced legal régime, thus enabling the orderly exploitation of the resources of the sea-bed for the benefit of mankind as a whole. We believe that the interests of all countries in the exploitation of these resources have been properly accommodated and, therefore, no one can justifiably deny it.

130. Before concluding, I should like to pay a tribute, on behalf of my delegation, to the late President of the Conference, Mr. Hamilton Shirley Amerasinghe, in memory of his great and valuable contribution to the development of the new rules of the law of the sea: and to you, Mr. President, for an equally valuable contribution in this regard.

131. Mr. WHITEMAN (Grenada): Every now and then, sometimes once in many decades, mankind takes a giant step forward to resolve a difficulty that faces humanity and to chart a course for the progressive opening up of socio-economic opportunities for the people of the world.

132. The delegation of Grenada believes that this is such a period. The imminent coming to fruition of the United Nations Law of the Sea Convention is such a genuinely historic event.

133. In the first place, the draft treaty before us gives recognition to the 12-mile territorial sea and to the 200-mile exclusive economic zone. These are important steps forward for the developmental prospects of many States world-wide.

134. Secondly, the creation of an international régime of the sea and ocean, as contemplated, is a shining example of mankind's ability creatively and jointly to use its talents, its energies and the resources of the world for development, with equitable benefits for all of humanity. It is significant to note, in this regard, that the peculiarities and interests of the landlocked States are also taken into account. In other words, this proposed Convention opens up new avenues and possibilities for nations throughout the world.

135. However, there is another aspect which is just as important if not more so. It is that the provisions of the Convention, by clarifying issues with respect to conflicting claims among neighbouring States, will actually help to enhance the cause of peace.

136. After nine years of effort, a comprehensive document covering all aspects of the use of the sea for peaceful purposes has now been realized. It is our duty to express our gratitude to all those who inspired, guided and laboured on several draft documents over the years, so much so that today we have before us a finished product with world-wide consensus.

137. The People's Revolutionary Government of Grenada has always taken the firm and clear position that our Caribbean Sea must be recognized and respected in practice as a zone of peace, independence and development. This proposed Convention is consistent with our Government's perspectives.

138. This Convention, the culmination of years of discussion, demonstrates once more that in reality our nations do have quite a great deal in common. It shows that it is possible to make progress in the North-South dialogue and in the quest for a new international economic order, along the lines indicated by the Brandt Commission. After all, in a certain sense one can see the creation of this very International Sea-Bed Authority as a step in the direction of a new international economic order, which is so vital to island States and other developing States.

139. The Government of Grenada fully supports this Convention. We see it as a positive step for the development of a brighter future for all mankind. We look forward enthusiastically to the signing of the document.

140. We are also pleased that the national liberation movements, including the South West Africa People's Organiza-

tion and the Palestine Liberation Organization, have participated in the discussions.

141. No nation, no matter how large and technologically powerful, could realistically have expected the Convention to meet all its objectives. It is, after all, an international effort to take into account the concerns and interests of all States. Therefore, we express the hope that all States will see their way to ensuring the full acceptance of the Convention. We find it highly inadvisable that even at this late stage, despite a clear world consensus, attempts are being made to put together a so-called mini-treaty. This will merely place the interests of the transnational companies above the interests of the people of the world. Such an attempt is, at the very least, divisive. It will also widen the socio-economic and technological gap between States and is of questionable legality.

142. At this point in time it is the duty of the entire world community to take the necessary practical steps to make the substance of this treaty a living reality.

143. In conclusion, my delegation wishes to express our appreciation to the United Nations staff for its dedicated work on this Convention. We also express our gratitude to the Government and the people of Jamaica for acting as host to such a historic and successful Conference. Grenada believes that future generations will be pleased with the work which is taking place here this week since it is so clearly in the interest of humanity.

144. Mr. ZUMBADO JIMÉNEZ (Costa Rica) (*interpretation from Spanish*): Mr. President, we are fortunate that a person of your ability and talent has taken up the torch in conducting the negotiating process, following a tradition of exemplary leadership. It is also most fortunate that we have the assistance of Mr. Bernardo Zuleta and an efficient secretariat in this effort.

145. My delegation shares the view of the Prime Minister of Jamaica, Mr. Edward Seaga, and other speakers regarding the great importance of the Convention to be signed on Friday, 10 December. It is the most important document to be signed since the signing of the United Nations Charter.

146. Indeed the Convention constitutes an important step in the implementation of the fundamental principles that inspired the Charter, especially the quest for greater equity in economic relations among States and the promotion of machinery to foster a climate of peace and security.

147. This Convention moreover comes at a time when the United Nations has as Members more than three times the number of States it had when it was founded. It is the product of a high level of consensus and the active participation of young nations and nations that have enjoyed a longer period of independence. It is therefore an agreement that looks to the future but is based on present political reality.

148. For that reason the now commonplace statement that the sea-bed is the common heritage of mankind is most fortunate in view of the number of sovereign citizens making up the universal consensus who are represented here.

149. For Costa Rica this is a special occasion: the adoption of a Convention that states that a frontier yet to be explored and exploited should be given special consideration as regards the rationality and equity of its exploitation. We are thus presented with an opportunity to put technology which is now available to a few to good use in the service of all, thus laying the foundations for the expansion of the limits of scarcity and more fully satisfying the urgent needs of all countries, especially those that are less developed.

150. If we hope in some way to close the gap separating the rich countries from the poor countries, we must spare no effort to make the technology available for the exploitation of the oceans' riches serve to close that gap, not widen it.

151. My country therefore considers it vital that we continue to give special attention to problems pertaining to the transfer of technology and issues of technical co-operation since we are attempting to ensure not only that those who have technology today will use it for the benefit of all but also that as many of us as possible are in a position to extract from the sea its many benefits.

152. My country also considers that one of the most positive achievements of this Convention is the strides it takes in universal understanding of the importance of the protection and preservation of the oceans and the conservation and sound management of ocean resources. The sea makes us realize how closely the fate of other peoples is related to our own, how fragile and how great is the potential of nature. This is an area in which international legislation is indispensable. In our judgement this Convention is an important step forward with respect to international legislation relating to the environment.

153. Our country takes special interest in the rational exploitation of highly migratory species, since tuna is one of the riches of our exclusive economic zone in the Pacific. For the Government of Costa Rica, the provisions of our national law requiring that foreign vessels pay for fishing permits to fish in our exclusive economic zone apply also to fishing for highly migratory species, which is in conformity with articles 62 and 64 of the Convention.

154. Costa Rica is a country whose security depends upon respect for international law. We could not be absent on this occasion. On 10 December we shall with our signature make our own small contribution to that new international economic order to which we aspire.

155. With all respect we wish to urge those States that have reservations about the Convention to take this step forward with us. Universal acceptance of this Convention is a necessary, though not in itself sufficient, condition for the reaching of that ultimate goal we have set for ourselves, that of ensuring that the sea will in fact be the heritage upon which we shall base a large part of our well-being. We are confident that ultimately goodwill, solidarity and indeed national interests themselves will ensure universal acceptance of the Convention.

156. Finally, we should not like this opportunity to pass without expressing our thanks to the Government of Jamaica, the worthy representative of its people, for the wonderful hospitality it has shown. It is a fortunate circumstance that our Atlantic coast is relatively close to this marvellous island, so that a great many of our own people see Jamaica as a second home. Knowing this country as we do, it comes as no surprise to us that, small though it is, Jamaica has shown itself to be more than equal to the task entrusted to it by the international community on this occasion.

157. Mr. BOUSSE (Belgium) (*interpretation from French*): Mr. President, on behalf of Belgium I have the pleasure and honour of congratulating you and the members of the United Nations Secretariat and all your associates and co-workers on the efforts that have so significantly contributed to the success of this Conference. I also wish fully to associate myself with the heartfelt expressions of gratitude that other delegations have addressed to those eminent persons that have been the principal promoters and actors in this long and sometimes difficult process of negotiation. I myself have for some three years been an inhabitant of this wonderful island of Jamaica, where we are meeting today. It is therefore with full knowledge of the facts and special affection that I wish most especially to thank our friends and hosts in Jamaica for their warm hospitality. I also hope that the establishment of the headquarters of the International Sea-Bed Authority, the crowning of the tireless efforts of the Jamaican delegation at this Conference, will be completely successful, benefiting the Authority as well as the host country.

158. Belgium fully understands the importance of the Convention before us for signature by the States participating in this Conference. We are aware of its economic and political implications. My country believes that, as other speakers have stated, the Convention is based on the quest for a global compromise and that it attains that objective in the majority of issues it addresses through the adoption of texts that are the result of real compromises among all the points of view upheld during the debate.

159. Questions such as the status of the territorial sea, the exclusive economic zone, passage through straits, the circulation of warships and so on have been solved to the satisfaction of practically everyone.

160. However, with respect to the régime of exploitation of ocean mineral resources, Belgium takes the view that the spirit of compromise was not maintained to the same degree. As a result, the provisions of Part XI of the Convention give rise to concerns on the part of my Government that, in our view, justify its making a more exhaustive study of the matter. On the basis of that study, which is currently being conducted, the Government of Belgium will reach a definitive decision as to whether or not it will sign the Convention.

161. The signing of the Final Act of this Conference by Belgium, which my delegation has been authorized to do, confirms my Government's sincere desire to see the work of this Conference achieve success in arriving at a consistent and equitable world maritime law.

162. The reservations I have expressed do not, therefore, constitute a definite decision but are inspired, rather, by an understanding of the great importance and profound consequences of the provisions of the Convention.

163. Mr. GONZÁLEZ ARIAS (Paraguay) (*interpretation from Spanish*): When the Third United Nations Conference on the Law of the Sea was convened in 1973, my country participated in it with enthusiasm and hope. The stated objective of the Conference was to establish a new order with regard to the oceans that would replace the system hitherto in force, one that had given rise to recognized injustices.

164. I need not enumerate here all the serious difficulties for our development that the land-locked situation of my country has created since the seventeenth century. As examples, I need only mention the difficulty of transit to and from the sea, the additional cost this imposes on our trade, and our scant or complete lack of participation in the exploitation of the vast resources of the oceans.

165. My country, from the earliest period of its independent life, attempted to end the oppression with which it was afflicted as a result of its being unable to enjoy a sea coast. To that end, it negotiated with its neighbours for free access to the seas, and in the middle of the last century ships flying our flag were navigating the seas, extending our trade, and linking us with friendly nations in the most distant parts of the world and thereby stimulating a tremendous development in our trade throughout that period.

166. Unfortunately, although the seas had been recognized as being free for the navigation of all States since the very dawn of the modern era, their navigation and exploitation were, in practice, for long the privilege of those nations most favoured geographically, or those whose resources, technology or naval power enabled them to take advantage of it. Most nations, upon emerging from the sorry status now known as colonialism, lacked such means for competing on an equal standing in the use of the seas.

167. Therefore, my country enthusiastically supported the idea that began to emerge in recent decades that a new beginning, based on new principles, should be made to supplement and extend the scope of the principle of the freedom of the seas: the principle that the oceans are the common heritage of mankind. The seas, like outer space and the heavenly bodies,

are potentially within the reach of all mankind, and their benefits should therefore be equally distributed among all human beings. By the same token, only an equitable distribution, free of selfishness and greed, can enable the international community to enjoy those resources effectively and in a peaceful manner, for where injustices exist, there violence exists also, and where there is violence, peace is not possible.

168. Inspired by those principles, my delegation actively participated, in so far as it was able, in the Third United Nations Conference on the Law of the Sea for the establishment of a new international order that would be more just and equitable than the one heretofore in force, one that would ensure to all mankind and, in particular, to those engaged in the harsh struggle against underdevelopment, the benefits of the exploitation of the seas. We therefore set out to achieve at this Conference a new order that would serve as an effective instrument for the progress of mankind.

169. After eight years of intensive negotiations, we today find ourselves with a final text of a Convention that satisfies our expectations only in part. We have a legal instrument that is still imperfect, but one that reflects a great advance over former documents. That is why my Government has decided to sign it on this solemn occasion.

170. We are very pleased at the fact that the Convention establishes for the first time a legal framework to ensure adequate participation for land-locked countries in the utilization of the oceans in all its aspects. We would like in particular to express our satisfaction at the fact that it ensures our full participation in the exploitation of the resources of the high seas and sea-bed. This, of course, is an area of the sea where the principle of the common heritage of mankind has been fully implemented.

171. We would also like to express our satisfaction at the fact that article 69 of the Convention sets forth the right of land-locked States to participate in the exploitation of the living resources of the so-called exclusive economic zone. We interpret that right in the most extensive possible way, and we firmly believe that in the future, when the potential of land-locked States is demonstrated in practice in this area, the severe limitations established in subparagraphs 2 to 4 of that article may be reviewed and revised.

172. We cannot, however, express the same degree of satisfaction with the present drafting of article 125, which refers to what we consider to be a basic and fundamental right of States in the same geographical situation as our own. In that article, the right of access to and from the sea and freedom of transit of such States is set forth, and we can only interpret this right in its broadest possible meaning under international law at present in force.

173. We also regret the serious erosion of the principle that has been mentioned so often, that of the common heritage, resulting from the granting to coastal States of a right over the continental shelf beyond the 200-mile limit, as in article 77, even when that loss is partially compensated by the establishment of payments and contributions with regard to the exploitation of non-living resources to be made by the Authority under article 82. As we understand it, the formula set up for the determination of those payments is the best that could be achieved in present circumstances. We believe, however, that it will also be possible to revise this in the future so that its

essential objective, that of providing a new and important source of resources for mankind's development, may be safeguarded.

174. In pointing out those areas of dissatisfaction—and I could mention others—my delegation does not wish to appear unaware of reality. We know, as does everyone else, that we now have before us the best text which the nature of the conflicting interests during the Conference permitted us to expect. We are fully convinced that all representatives here have deployed their best efforts to obtain the best possible advantages to satisfy our national interests. But we also know that any agreement is born precisely of reciprocal concessions. In deciding to sign the Convention, my country is fully aware of the advantages and sacrifices that this may bring with it; but we prefer the order which this Convention will provide for our relations on the seas to the disorder which could result from maintaining the *status quo*.

175. For those reasons my delegation, I repeat, joins in supporting this historic Convention which is before us and requests that all participants in the Conference do the same, so that all States of the world together may now make this order of which we have spoken so often a genuine and effective one.

176. Finally, I should like to take this opportunity to express my delegation's gratitude to the Government of Jamaica for its generous and splendid hospitality, as well as to the Conference secretariat for the effective and efficient way in which it has been carrying out its tasks.

177. Mr. ALI (Oman) (*interpretation from Arabic*): In keeping with the President's recommendation, I shall be brief. I shall confine myself to stressing what previous speakers have said in expressing their thanks to the people and Government of Jamaica for serving as host to this Conference and for the hospitality that has been showered upon us.

178. I wish also to join previous speakers who have expressed their thanks to the Conference secretariat, as represented by Mr. Zuleta; the Executive Secretary, Mr. David Hall; and the other members of the Secretariat.

179. I must pay a tribute, too, to the memory of former President Hamilton Shirley Amerasinghe.

180. Allow me to thank you, Mr. President, for your wise guidance of the Third United Nations Conference on the Law of the Sea.

181. The Sultanate of Oman is convinced of the necessity to find a legal régime governing the use of the seas and the oceans and has contributed actively to all the sessions of the Third United Nations Conference on the Law of the Sea. My delegation has made specific suggestions on certain parts of the Convention and, within the framework of the Group of 77, has made concessions on other parts. As all the problems pertaining to the seas and the oceans are closely interdependent, it is necessary for Oman to study the provisions of the Convention scrupulously before reaching a final decision on it. We hope that that study will take place in the near future.

182. The delegation of Oman will sign the Final Act of the Third Conference on the Law of the Sea.

*The meeting rose at 5.10 p.m.*