

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

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

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## 189th meeting

Wednesday, 8 December 1982, at 10 a.m.

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

### Statements by delegations (*continued*)

1. Mr. ZEGERS (Chile) (*interpretation from Spanish*): The Government of Chile wished to express its deep satisfaction at the fact that this solemn meeting is taking place in Jamaica, a sister country of the Latin American region, which has made an important contribution to the new law of the sea.
2. The presence of more than 120 States in this session to sign the Final Act and the Convention reflects 15 years of negotiations, culminating in the adoption of one of the most important instruments in the history of multilateral negotiations and of international law.
3. The Convention embodies the legal and political unity of the seas and oceans and their uses. It is designed to regulate man's activities in two thirds of the world's surface in one of the greatest diplomatic efforts ever known.
4. The process and the results are remarkable; there is not a single article in this universal treaty, its annexes and related resolutions that has not been negotiated by consensus. This has been possible owing to the general desire to create an instrument inspired by the greatness and the common good of mankind. Neither the power possessed by some States nor the force of the majority and the vote were misused, the prevailing rule was harmonization of interests and co-operative work in the creation of lasting work.
5. Along this long road which is today arriving at a decisive phase, we should recall that great man who was President of the Committee for the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, the Preparatory Commission for the Conference and, for many years, the Conference itself, Mr. Hamilton Shirley Amerasinghe, to whose memory we should all pay our respects; the representative of the Secretary-General, Mr. Bernardo Zuleta, whose activities, like those of the Secretariat, have been so decisive in the success of the Conference; as well as his predecessor, Mr. Stravopoulos; you, Mr. President, who have served the Conference so ably and have led it to a successful conclusion; the Chairmen of the Committees; the Rapporteur-General, who is present; the Chairman of the Drafting Committee; the other great figures of the Conference, among whom I would single out, because of his important co-operation in the preparation of the central chapters, Mr. Jens Evensen; and our marvellous Secretary—a symbol of the spirit of service that has motivated us all—the Executive Secretary, David Hall.
6. The negotiation by consensus of an instrument of this scope—one of the most important in the history of the United Nations, as has been said by the Secretary-General himself—has great implications for the law of the sea, international law in general, the future style and the fate of international co-operation and, finally, the United Nations and international organizations as a whole.
7. Indeed, from such negotiation has emerged a modern, strong and balanced law of the sea fashioned from tradition and renewal and from harmony and realism.
8. This negotiation has demonstrated a form of the progressive development of international law, which will serve as a precedent in other negotiations such as the North-South dialogue and similarly important talks. Finally, there can be no doubt that the machinery of international co-operation will be strengthened by it. The moment when this instrument is to be signed will represent a transition between that admirable

process now reaching its culmination and the initiation and implementation of the new law of the sea and a horizon between the old and the new, a time of renewal and possibilities, a historic and providential crossroads.

9. I am confident that we shall largely exceed the 50 signatures necessary to set in motion the Preparatory Commission for the International Sea-Bed Authority. These signatures will come from all continents and from all levels of development and political systems. In this beautiful city we shall turn a new page of decisive importance.

10. The future of the Convention and the new law of the sea will in great measure depend on what we do and how we proceed in the Preparatory Commission, whose work is about to begin, with regard to its constitution, its style, its methods of work and its work itself. In the first place, it will be necessary to maintain and perfect the method and, in fact, the style of consensus and on that basis to prepare the regulations and the provisions relating to the régime for the sea-bed in such a way as to make them effective and facilitate universal participation, which is so desired.

11. We shall also have to proceed with judgement, vigour and realism, so as to promote support from international public opinion.

12. At the same time, we should encourage the greatest possible number of signatures and quickly obtain the 60 ratifications required to bring the Convention into force, thus creating the impetus necessary for the implementation of this constitution of the oceans.

13. In the implementation of this new law of the sea, we must take into consideration not only the sea-bed régime but also the many important chapters comprising the law of the sea in general.

14. The legal order of the oceans and, most especially, the interests of the developing countries require the special attention of all States in this implementation. The fisheries-management régime, the properly regulated prevention of pollution, the promotion of scientific research, the acquisition of marine technology and the registration of baselines and geographical co-ordinates, among many other matters, are fundamental and should be dealt with in the legislation and activities of States, give rise to bilateral and regional agreements and govern action by the United Nations, its specialized agencies and the regional commissions.

15. To assist the international community in the implementation of the new law of the sea in order to co-ordinate the various efforts of international organizations and, most especially, to promote the Convention as an instrument of development and equity on a world scale, we trust that we shall be able to continue to rely on the permanent division for law-of-the-sea matters. Its assistance—so essential in the work that has been accomplished—will remain equally important in the phase now beginning, for the signing of the Convention on the Law of the Sea is not only a culmination but also the beginning of a new process of incalculable implications.

16. For Chile, a maritime country engaged in fishing, with nearly 7,000 kilometers of coastline along its continental, island and Antarctic territory, the Convention has enormous importance. Chile's interests are involved in most of the Convention's institutions, which, in general, are acceptable to us. It is with a sense of deep satisfaction that my country will sign the Convention, basing itself fundamentally on the fact

that the Convention fosters the primacy of law, co-operation among States and international order and justice.

17. In addition to an efficient and a balanced set of rules, for the first time in history the Convention establishes a comprehensive system for the settlement of disputes characterized both by its flexibility and by its generally binding nature. In exercise of the right conferred by article 310 of the Convention, the delegation of Chile wishes in the first place to confirm in its entirety the statement we made at the 164 meeting on 1 April 1982,<sup>1</sup> when this instrument was adopted.

18. In particular, I wish to refer to the essential legal concept of the Convention—the 200-mile exclusive economic zone—to whose drafting my country was able to make an important contribution. For we were the first to declare such a zone, in 1947, 35 years ago, and subsequently we contributed to defining and ensuring success internationally for the concept that the exclusive economic zone should have a *sui generis* legal nature, as distinct from the territorial sea and the high seas. It is an area under national jurisdiction in which the coastal State exercises economic sovereignty and in which third States enjoy freedom of navigation and overflight and rights pertaining to international communications.

19. The Convention defines it as a space of coastal jurisdiction, linked to territorial sovereignty and to the territory itself, in terms similar to the other maritime spaces, namely, the territorial sea and the continental shelf. With respect to straits used for international navigation, the delegation of Chile wishes to reaffirm and confirm in its entirety the statement made in April of this year and contained in the record I have already mentioned, as well as the contents of the additional written statement dated 7 April 1982, contained in document A/CONF.62/WS.19.<sup>1</sup>

20. With respect to the international régime of the sea-bed, I wish to reiterate the statement made by the Group of 77 at the session last April, pertaining to the legal concept of the common heritage of mankind, the pre-existing reality of which was solemnly confirmed by the Declaration of Principles adopted by the General Assembly in 1970<sup>2</sup> and which is characterized as *jus cogens* by the present Convention. Any acts that may be carried out contrary to that principle and outside that régime would, as has been demonstrated in this debate, lack any legal validity or content.

21. I should not like to conclude my statement without referring to the role that has fallen to Latin America in the development of the new law of the sea. Our region made a decisive contribution to shaping the new trends that have prevailed in this Convention.

22. Special mention should be made of the member countries from the South Pacific—Ecuador, Chile, Peru, and later Colombia—which began the evolution of the new law of the sea with the Santiago Declaration pertaining to the 200-mile limit that was formulated in 1952.<sup>3</sup> For these countries and the organization uniting them, the Standing Commission of the South Pacific, the result of the Conference is a political success and the consecration and international recognition of the zone that they incorporated into their national heritage and jurisdiction 30 years ago. In this respect my delegation wishes to recall the statement made by our delegations on 28 April last, contained in document A/CONF.62/L.143.<sup>1</sup> For a united Latin America, this is an impressive legal and political achievement which demonstrates what the region can do when it acts by consensus and with clear objectives. This Convention, opened for signature in a Latin American country, is a good omen for other achievements.

23. At this especially moving moment for those of us who have had the privilege of participating in the decade and a half of intense work and negotiation behind the new order of the oceans, I should like to say that this has been a road paved with satisfaction and lessons embodied in the dedication and effort of great diplomats and jurists, most of them present among us. The United Nations Conference on the Law of the Sea was prepared by consensus, harmonizing interests, bearing in mind always the good of mankind and looking to the future, which is the essential nature of any lasting work. Its implementation should turn so many expectations and so noble an effort into reality and it should encourage as far as possible the involvement of all the participants in the implementation of this universal law the birth of which we are witnessing.

24. Mr. VRATUŠA (Yugoslavia): I should like to begin my statement by saying that it gives me much personal pleasure to be here in Jamaica, a country to which I was accredited as the first Ambassador of the Socialist Federal Republic of Yugoslavia in 1968. I am happy to note that since then our two non-aligned countries have maintained friendly relations. This is reflected in our successful bilateral co-operation and is also evidenced in our co-operation at the Third United Nations Conference on the Law of the Sea.

25. The Yugoslav delegation therefore welcomed with pleasure the offer by the Government of Jamaica, the country which will be the seat of the Preparatory Commission and of the International Sea-Bed Authority, to act as host to the Conference for the signing of the Final Act and the opening of the Convention for signature. I wish to thank the Government and the people of Jamaica for the warm hospitality extended to us.

26. This Conference has traversed an arduous road since the first substantive negotiations held in Caracas in 1974. Thanks to patient and persistent negotiations we have, in our opinion, concluded our task successfully, being fully conscious of the significance of mutual concessions and compromises made for the sake of a viable global legal order applicable to the world's seas and oceans and, we trust, for the benefit of the world community as a whole.

27. The Yugoslav delegation has from the very outset supported the concept of the common heritage of mankind. It has taken an active part in the negotiations for legal regulation of that principle and for the establishment of an international régime for the sea-bed and ocean floor beyond the limits of national jurisdiction, including appropriate international machinery. Thus, for the first time in the history of international law, relations between States and the area beyond national jurisdiction are based on the principle of the common heritage of mankind. The developing countries, desirous of ensuring the broadest co-operation on the basis of a new convention, have agreed to the establishment of the so-called parallel system for the exploitation of resources in the international area. Another unilateral concession has been made by the developing countries in resolution II, governing preparatory investments in pioneer activities relating to polymetallic nodules.

28. The Yugoslav delegation shares the position of the Group of 77 that this is the upper limit of concessions; otherwise, the very essence of the principle of the common heritage of mankind would become meaningless. Consequently, although no one is fully satisfied, the solution achieved has opened the possibility for co-operation between developed and developing countries. For these reasons I wish to join those delegations that have appealed to States which have not yet found it possible to join the consensus to do so as soon as possible. I also share the view that all tendencies and actions aimed at bypassing, through unilateral actions, the provisions of the Convention concerning deep-sea mining in the Area are illegal.

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

<sup>2</sup>General Assembly resolution 2749 (XXV).

<sup>3</sup>See *Yearbook of the International Law Commission*, 1956, vol. I.

29. The provisions on the transfer of technology to the Enterprise under fair and reasonable conditions and the provisions on the initial financing of the Enterprise are in fact the essence of the parallel system. Furthermore it is obvious that the International Sea-Bed Authority must efficiently manage the common heritage of mankind, if we do not wish to bring that very concept into question.

30. From the very beginning Yugoslavia has supported the principle of exercise of full and permanent sovereignty by all States over their national resources and has taken a firm stand that this principle should be applied in the progressive development of the international law of the sea. As a matter of fact, the exclusive economic zone, up to 200 nautical miles, has already become an institution of customary international law that is widely applied by coastal States in practice, and it constitutes a significant result of this Conference.

31. Yugoslavia is situated on the coast of a narrow and semi-enclosed sea, and due to its geographical position it has limited possibilities in establishing its exclusive economic zone. Open to international co-operation, Yugoslavia will continue to promote such co-operation with all the neighbouring countries bordering on the Adriatic Sea and with countries in the Mediterranean region as well.

32. The Yugoslav delegation supports the provisions of the Convention according to which within the exclusive economic zone there shall be freedom of navigation and overflight and freedom to lay submarine cables and pipelines, as well as other freedoms of the high seas which the coastal State shall respect in exercising the rights and jurisdiction in that zone with respect to other States. Yugoslavia attaches special significance to freedom of navigation in and flights over routes through the high seas or through the exclusive economic zone in straits used for international navigation which are wider than the territorial seas of the States bordering the strait to which the provisions of article 36 of the Convention refer.

33. We have accepted the present solution contained in the Convention recognizing the right of land-locked and geographically disadvantaged States to share the surplus of the allowable catch established by the coastal State in its exclusive economic zone. Yugoslavia recognizes the priority of the demands of the developing countries concerning surpluses over the allowable catches in the exclusive economic zones of the coastal States in the region and sub-region. This does not, however, exclude bilateral co-operation between developing coastal States of different regions and sub-regions in this field.

34. The Yugoslav delegation has reluctantly accepted the provisions on the breadth of the continental shelf beyond 200 nautical miles, considering, like many other countries, that such an extension is detrimental to the principle of the common heritage of mankind. We have accepted the compromise that coastal States with extensive continental shelves shall, in good faith, make payments or contributions in kind from the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles through the Authority to the States parties to this Convention, taking into account the interests and needs of the developing States.

35. The Yugoslav delegation considers that the inclusion in the Convention of the section on the settlement of disputes constitutes an important achievement in the development of international law reflecting the reality of prevailing international relations. In this connection it is important to emphasize the fact that throughout the entire period the Conference adopted decisions on essential questions by consensus. A vote was, as we know, requested only at the time of the adoption of the Convention and resolutions I to IV. In the preparation of the Convention, and in its adoption, mutual understanding developed among the developed and developing countries. This, *inter alia*, suggests a possibility for the establishment of fruitful co-operation in the implementation

of the Convention as well. Certain specific interests did not hamper action-oriented unity aimed at realization of basic common economic-political objectives. This particularly applies to the Group of 77, which throughout the Conference maintained its unity and initiative on all essential questions on the agenda.

36. Analysis of the provisions of the Convention, its annexes and resolutions adopted on 30 April 1982 show that they comply with the national interests and constitutional principles of Yugoslavia and the basic lines of its international policy as a non-aligned and developing country. It is true that some solutions differ to a certain degree from its initial position. This is an unavoidable result of negotiations and compromises made in search of consensus. We share the expressed determination of the widest majority that the Convention should as soon as possible become an effective international code of the legal order governing the international seas. Consequently the Yugoslav delegation has been authorized to sign the Convention as soon as it is opened for signature. In the same spirit the Federal Executive Council will initiate the procedure for ratification in conformity with the Constitution and laws of Yugoslavia.

37. The Yugoslav delegation attaches particular importance to the preparations for the implementation of the Convention, particularly those parts related to the international régime and the system of exploitation of the Area which constitutes the common heritage of mankind. All organs of the United Nations system, as well as national and regional institutions, should make an effort to prepare for the implementation of the Convention and realization of its objectives when it enters into force. In this connection we also support the numerous activities aimed in that direction, and especially programmes concerning financing, the transfer of technology and the training of required experts, for the exploitation and management of marine resources.

38. In conclusion, I wish whole-heartedly to join preceding speakers who have recalled with gratitude the dedication and outstanding contribution on the first President of the Third United Nations Conference on the Law of the Sea, Hamilton Shirley Amerasinghe. At the same time, the Yugoslav delegation would like to express to you, Mr. President, its sincere appreciation of the efforts made and wisdom manifested in ensuring a successful outcome for this highly significant codification project of the United Nations. It also thanks the Collegium. This success is twofold. It constitutes an important achievement of international law in one of the most complex and broadest fields of relations among States and peoples, and it is a reaffirmation of the role of the United Nations, which is so needed in the present-day world.

39. Finally, the Yugoslav delegation wishes to thank all the officials of the Conference, particularly the Special Representative of the Secretary-General, Ambassador Zuleta, and the secretariat of the Conference for their efforts, co-operation and diligence throughout this long period of negotiations, which has culminated in the successful and solemn conclusion of a highly important undertaking.

40. Mr. TOLÉNTINO (Philippines): I shall begin by conveying to the Government and people of this beautiful island country of Jamaica the appreciation of my Government for the warm hospitality and cordial attention that we have received here since our arrival. I also congratulate you, Mr. President, for the success of this Conference and for a job well done. Because of your diplomatic skill, your absolute dedication and your untiring efforts in guiding the course of this Conference in its most difficult period, we will now be able to sign the Final Act and the United Nations Convention on the Law of the Sea.

41. We remember too with gratitude the able leadership of Mr. Amerasinghe during the first part of this Conference. We

are also indebted to the Chairmen of the Committees, the working groups and the negotiating groups for the progress in the work of this Conference over the nine-year period.

42. Lastly, but not least, we must acknowledge the efficient and admirable assistance given to us by Mr. Zuleta, by Mr. David Hall and by the staff of the Secretariat.

43. We are happy that we have reached the conclusion of our labours. In utmost candour, however, I must say that my Government and my delegation are not fully satisfied with the text of the Convention that we have approved. In the course of our negotiations during this long period we put forth some proposals dictated by peculiar circumstances relating to my country. We attached—and we still attach—great importance to those proposals in the light of my Government's concerns. Some of them, which we considered very vital to us, were not accepted by the Conference.

44. This notwithstanding, impelled by a spirit of compromise and accommodation and in the interest of ensuring the rule of law and international order in the seas and oceans of the world, my Government, after deliberation and consideration at the highest levels, has decided and has accordingly instructed my delegation to sign the United Nations Convention on the Law of the Sea.

45. We regard this Convention as a triumph of the conscience of mankind in the field of international law. It represents the collective decision of an overwhelming number of members of the family of nations, as shown by the vote on 30 April 1982, when we approved it with 130 votes in favour, 4 against and 17 abstentions.

46. In the past the rules of international law were framed and dictated by the big Powers, to be observed by the rest of the nations of the world. For the first time in the history of international law we shall have in the present Convention a set of rules formulated by the combined will of the great majority of States, regardless of size or power, in an assembly where equality and freedom in the making of decisions prevailed as a guiding principle.

47. This Convention therefore is a historic milestone in the progressive development of international law, a monumental achievement of co-operation and goodwill among nations. Its provisions, many of them introducing new concepts, will govern the seas and the resources of the world for generations to come, even long after the individuals who participated in this Conference are long gone and forgotten. Any State acting outside or in defiance of the terms of this Convention would be doing so without any legal basis for its actions.

48. Among the new concepts of the Convention is that of the archipelago. The Philippines advanced the archipelago principle as early as 1956, and we have established it in our national legislation. We are therefore happy that the principle has finally been recognized and accepted as part of public international law. Although we would have been much happier if our proposed amendments in this area had gained general acceptance, we are satisfied, principally because of the inclusion of two basic considerations on archipelagos in the text of the Convention.

49. The first of these is the recognition of the concept that an archipelago is an integrated unit in which the islands, waters and other natural features form an intrinsic geographical, economic and political entity. No longer will the various islands of an archipelago be regarded as separate units, each with its own individual maritime areas, and the waters between them as distinct from the land territory.

50. The second welcome basic consideration that gives us satisfaction is the recognition of the sovereignty of the archipelagic State over the archipelagic waters, the air space above them, the sea-bed and subsoil below them and the resources contained therein. The text states explicitly in clear terms the

only qualification to this sovereignty by providing that this sovereignty is to be exercised "subject to this Part"—referring to Part IV of the Convention, on "archipelagic States". No qualification or limitation, therefore, outside of Part IV, on the exercise of sovereignty by the archipelagic States over the archipelagic waters would be valid. To make provisions outside of Part IV applicable to the archipelagic waters, the Convention expressly so provides in several of its parts.

51. One consequence of this is that the archipelagic waters are subject only to two kinds of passage by foreign ships, provided in Part IV of the Convention, namely, innocent passage and archipelagic sea-lanes passage. This refers to all archipelagic waters or waters inside the archipelagic baselines, wherever located, whether around or between islands, and whatever their breadth or dimensions. Transit passage therefore, available to foreign ships in straits used for international navigation under Part III of the Convention, would not be available to them in these national or domestic straits entirely within the archipelagic baselines.

52. Such national straits could be subject to sea-lanes passage if the archipelagic State so decided. Of course the elements of sea-lanes passage are practically the same as those of transit passage. But while transit passage is imposed by the Convention on the waters of the coastal States concerned, sea-lanes passage can be exercised by foreign ships in archipelagic waters only in such sea lanes as the archipelagic State may designate and establish.

53. Sea-lanes passage does not impair the sovereignty of the archipelagic State over the waters of the sea lanes. Incident to this sovereignty, the archipelagic State could validly enact legislation to ensure compliance of ships exercising sea-lanes passage with the obligations and duties imposed on them by the Convention. Among these duties is that of refraining from any threat or use of force against the sovereignty, territorial integrity or political independence of the archipelagic State.

54. I beg representatives' indulgence for dwelling at length on this matter of sovereignty of the archipelagic State over the archipelagic waters, their air space, sea-bed and sub-soil, and resources. In one way, my emphasis indicates that this matter of sovereignty was the weightiest consideration leading to the decision of my Government to sign the United Nations Convention on the Law of the Sea.

55. But I must state that we have some problem with the Convention's provisions on the limits of the territorial sea. During the sessions of the Conference my delegation, on various occasions, explained the unique nature and configuration of our territorial sea and tried to claim an exception for it. We claim these waters under historic and legal title. Their outer limits were set forth in the Treaty of Paris between Spain and the United States of 10 December 1898 and the Treaty of Washington between the United States and Great Britain of 2 January 1930. These limits were expressly acknowledged by the United States in our Mutual Defence Treaty with that country of 20 August 1951 and its related interpretative documents. We have existing legislation, both of a constitutional and of a statutory character, confirming those limits. At one point—to show the peculiar character and configuration of our territorial sea—the outer limit of these historic waters is over 200 miles from the shore, but at several other points it is less than three miles.

56. One can readily see from that that we would really have some problem with the 12-mile limit on breadth of the territorial sea provided in the Convention. My Government has studied the problem; it is a very difficult one for us. But that notwithstanding, my Government decided that it will sign the Convention.

57. The determining factor in arriving at that decision, as we have repeatedly stated, has been the sovereignty of the archipelagic State over the archipelagic waters, their air space,

sea-bed and sub-soil, and their resources—because that sovereignty will bind together, in the eyes of international law, the islands, waters and other natural features of the Philippines as an intrinsic geographical, economic and political entity.

58. Our problem on the matter of our territorial sea is a difficult one indeed, but, in the opinion of our delegation and our Government, it is not insurmountable. Somewhat lightening this problem is the new concept of the exclusive economic zone provided as a new concept in the Convention. In the 200-mile belt of water around our archipelago the Philippines will have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed, the sub-soil and the superjacent waters. In addition, the Philippines would have sovereign rights in the exclusive economic zone in regard to other activities of economic exploitation and exploration—such as the production of energy from the waters, current and winds—as well as sovereign jurisdiction over such matters as scientific research and the protection of the marine environment.

59. Our satisfaction with the exclusive economic zone may be better appreciated when we consider that the Philippine exclusive economic zone is more than 132,000 square nautical miles bigger than our historic territorial sea and, therefore, almost compensates for that territorial sea. This net gain in resources by virtue of the exclusive economic zone has contributed to the affirmative decision of my Government to sign the United Nations Convention on the Law of the Sea, which we shall do on Friday, 10 December.

60. In closing, may I state that when we sign the Convention we shall submit also a declaration in exercise of the right granted under article 310.

61. Mr. JACOVIDES (Cyprus): This historic session marks the culmination of what has been rightly described as the most significant multilateral law-making undertaking since the drafting of the Charter of the United Nations.

62. Cyprus, an island State located in the Mediterranean Sea between three continents—Europe, Asia and Africa—is vitally concerned with the legal regulation of the uses of the sea in a just and orderly manner, ensuring fairness and predictability.

63. According to legend, it was off the coast of Cyprus that Aphrodite, the goddess of love and beauty, rose from the foam of the glittering sea. According to history, our sea-faring tradition and involvement with the sea go back more than 3,000 years. Our past, present and future are inexorably meshed with the sea and its uses.

64. It is right and fitting that this historic occasion take place in Jamaica, another island State, with which we are related by bonds of close friendship and co-operation. We take particular satisfaction in the fact that we are among the first to have supported our host country's claim to be the site of the International Sea-Bed Authority. May I take this opportunity, in the dual capacity as leader of the Cyprus delegation to the Conference and my country's representative to Jamaica since 1973, to say how very pleased I am at this felicitous turn of events and sincerely to thank the Government and the people of Jamaica for the warm hospitality and excellent facilities they have provided for our work.

65. Those of us who have actively participated in the Third United Nations Conference on the Law of the Sea from its beginning might be permitted by way of stocktaking to look back, because of sentiment as well as of reason, and to view in broad perspective what our aims and objectives were then and to what extent they have been met by the finished product now about to be finally signed. In terms of the substantive part of the Convention, these aims and objectives—following in the wake of the extensive preparatory work carried out in the Committee on the Peaceful Uses of the Sea-Bed and the

Ocean Floor beyond the Limits of National Jurisdiction—were outlined in our statement in the general debate at the Caracas session in 1974;<sup>4</sup> and in terms of the peaceful settlement of disputes arising out of the substantive provisions of the Convention, our position was set out in our statement at a plenary meeting in New York in 1976.<sup>5</sup>

66. Looking back to these positions we can say with conviction, and perhaps with a certain degree of justified satisfaction, that these aims and objectives have been to a large extent met, both from the point of view of our national interests and from the point of view of the broader interests of the international community as a whole. For that reason I am pleased to be able to state that Cyprus will sign both the Final Act and the Convention itself.

67. That this universal legal régime, this veritable constitution for the seas and oceans, has been successfully concluded is as much a tribute to the many dedicated individuals—too many to mention by name and several of whom are present at this historic session, as is only right and fitting—as to the collective wisdom and moderation of the international community. It is a tangible example that the newly independent States and the developing countries are fully capable of making a constructive contribution and exhibiting the proper sense of responsibility for the common good. It has been a victory not of individual States or of any particular group of States, but for reason, the rule of law and mankind as a whole. It has been demonstrated that through a process of compromise and consensus the Conference in most instances did strike a judicious balance between, on the one hand, the new and even revolutionary approach required by the technological, political and economic changes and trends of our times and, on the other, the retention of those positive rules of traditional international law which have stood the test of time and have served well the needs of the international community. The concept that the resources of the sea-bed beyond the limits of national jurisdiction are the common heritage of mankind and the creation of the appropriate machinery for administering them for the benefit of mankind as a whole are an example of the former. The principle that islands are entitled to the same rights as continental territories in terms of their entitlement to the zones of maritime jurisdiction is an example of the latter. The elements of progressive development and codification of the international law of the sea are evident throughout the Convention.

68. Obviously it is impossible during the limited time allocated here to address the enormous range of subjects and issues which are regulated in the Convention's 320 articles and nine annexes, and I shall restrict myself to touching upon only a very few

69. Cyprus, which extended its territorial waters to 12 miles in 1964, is particularly pleased that such an extension has been entrenched in article 3 as the generally applicable rule.

70. As an island State, in common with other island States and States which consist of continental and insular territory, we have argued strenuously against the attempt to discriminate against and diminish the position of islands by creating artificially novel distinctions based on legally untenable considerations such as size, population, geographical location, and so forth. Therefore we are fully satisfied with the Convention's provision under Part VIII, régime of islands, that "the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory." [A/CONF.62/122, art. 121, para. 2]

<sup>4</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. I, 40th plenary meeting.

<sup>5</sup> *Ibid.*, vol. V, 60th plenary meeting.

71. Similarly we note with satisfaction that the delimitation of the territorial sea between States with opposite or adjacent coasts is, in the ordinary case, based as in the past on the principle of equidistance and that in the absence of a specific provision in the present Convention it can be presumed that this principle is also the rule for the delimitation of the contiguous zone as prescribed in the 1958 Convention. While we would have preferred a more clear-cut formulation of the delimitation of the exclusive economic zone and of the continental shelf between States with opposite or adjacent coasts, we understand the reasons for the present formulation, especially since it has been our position all along that the overall objective should be to reach an equitable result in accordance with international law by applying the median line, where appropriate.

72. Similarly, my delegation is satisfied with the present text in Part IX, enclosed or semi-enclosed seas, since our consistent position has been that the States bordering such seas should co-operate with each other in the exercise of their rights and in the performance of their duties under the Convention in such matters as combating pollution, fisheries protection and scientific research; but we are opposed to the attempt to create particular rules for such seas in derogation of the universal rules of the Convention.

73. My delegation particularly welcomes the provisions in Part XII for the protection and preservation of the marine environment, as well as the general provision in Part XVI for the protection of and jurisdiction over archaeological and historical objects found at sea and, more specifically, within the contiguous zone.

74. There can be no doubt that the system for the peaceful settlement of disputes that may arise regarding the interpretation and application of the United Nations Convention on the Law of the Sea is one of the important accomplishments of this Conference. In the large majority of cases, the possibility exists, as between the parties to the Convention, for an effective dispute-settlement system, thus providing for stability, certainty and predictability, which would have been lacking if the parties to the Convention had retained the right of unilateral interpretation. We now have a significant advance from the 1958 situation with an ineffectual optional protocol, which very few States ratified.

75. Our own position on this subject during the formative stages of the Conference was that the general principle of equal justice under the law required an effective, comprehensive, expeditious and viable dispute settlement system entailing a binding decision regarding all disputes arising out of the substantive provisions of the Convention. We considered such a system to be the necessary corollary to the substantive rules of the Convention and that it should form an integral part of the Convention.

76. This position, which was shared by many other delegations, has been met only to a certain extent. Much ingenuity and hard bargaining have gone into devising the present system and in the end, while the principle for which we stood was upheld, it was made subject to a series of exceptions so complex in certain respects as to require Ariadne to find one's way out of the resulting labyrinth. These exceptions, and more particularly as far as my delegation is concerned that in article 298, paragraph 1 (a), were the outcome of protracted debate and negotiation. It became increasingly clear that a substantial number of States were unwilling to submit issues affecting their national sovereignty to third-party settlement entailing a binding decision, and this view prevailed in so far as it concerned sea-boundary-delimitation disputes. The compromise has been to apply the non-binding procedure of compulsory resort to conciliation. This has been the concession to political reality and the price paid for consensus. The hope has been expressed that in sensitive issues of sea-boundary-delimitation disputes the compulsory recourse to the conciliation procedure may, in practical terms, serve the

same purpose. It remains to be seen whether this will in fact prove to be so.

77. To conclude, I would say that in evaluating the result of so many years of work we must view it in the proper perspective. Like most other delegations, we cannot say that we are fully satisfied with each and every provision of the Convention. Undoubtedly there exist imperfections and shortcomings. We can detect ambiguities where there should have been clarity, complexities where there could have been streamlining, and exceptions where there should have been a general rule. But we fully realize that this is the price that had to be paid in working out a complicated and ambitious undertaking, through compromises necessitated by the objective of reaching an overall agreement by consensus. "Politics is the art of the possible", it has been rightly said and this applies equally to multilateral law-making within the United Nations. By definition, order is preferable to chaos and anarchy and, as current events in many parts of the globe harshly remind us, there is dire need for international legal order. The United Nations Law of the Sea Convention is a veritable constitution for the seas and oceans and in an imperfect world goes a long way towards meeting that need. On balance, the net result is a monumental achievement and deserves general support.

78. Mr. MARINESCU (Romania) (*interpretation from French*): The United Nations Convention on the Law of the Sea we shall be signing at this session is of particular importance for the development of international maritime relations. The Convention's provisions are designed to facilitate international communications and promote the peaceful uses of maritime space, the equitable and efficient use of its resources and the protection of marine flora and fauna.

79. We should like to express the hope that the implementation of these objectives will contribute to the establishment of a just and equitable new economic order reflecting the interests of all States, developing States in particular.

80. By contributing to the codification and progressive development of the law of the sea, the new Convention should ensure the strengthening and further development of co-operation among nations, in keeping with the principles of equal rights for all States, respect for national sovereignty and independence, non-interference in internal affairs and mutual advantage.

81. None of the provisions of the Convention could or should be contrary to the purposes and principles of the United Nations as embodied in its Charter or to the generally accepted norms of contemporary international law. The implementation of the Convention must lead to the strengthening of peace and security throughout the world, the prevention of international disputes and differences and the settlement of those already existing, exclusively by peaceful means, and the elimination of acts of force and the threat they pose to international life.

82. Any interpretation contrary to these purposes and principles would be likely to endanger the application of the Convention and the attainment of its basic objective relating to the restructuring and establishment of maritime relations on a new, just and equitable basis.

83. We cannot accept the idea that some States which will not be signatories to the Convention could benefit from all the rights granted in its provisions while having no obligations. The new legal regulations embody all the rights and obligations of States in the complex process of the peaceful uses of the seas and oceans of the world; they stipulate that all questions relating to the oceans are closely interrelated and must be approached as a whole. This concept, which pervades all the regulations enshrined in the Convention, is contrary to the trend in some States to structure their maritime relations according to the advantages they may derive and without taking into account the obligations stated in the Convention con-

cerning national zones of jurisdiction and the international area of the sea-bed, as well as scientific research, transfer of technology and prevention and control of pollution of maritime flora and fauna.

84. Including as it does several provisions relating to access by other States to the living resources of the economic zones, the new Convention gives expression to the concept of promoting international co-operation in this area.

85. Furthermore, the right recognized to geographically disadvantaged countries to have access to the living resources of the economic zones of other States is at the same time limited to the regions or sub-regions in which these States are located. That does not take appropriate account of the circumstances of some countries in this category which, like Romania, are located in a region or sub-region that is poor in living resources and, consequently, should have access to the living resources of the economic zones of other regions or sub-regions.

86. As a geographically disadvantaged country bordering on a sea poor in living resources, Romania reaffirms the need for development of international co-operation in the sphere of exploitation of the living resources of economic zones on the basis of just and equitable agreements ensuring access by countries of this category to the living resources of the economic zones of other regions or sub-regions.

87. With regard to the delimitation of maritime space, the Convention provides that in the case of the continental shelf that will be done by means of agreements among interested parties, on the basis of international law, with a view of reaching an equitable solution.

88. The principles and the criteria embodied in the text of the Convention form a general framework that must be applied in keeping with international law, the jurisprudence in the matter and the practice of States. In this sense, reaching an equitable solution presupposes taking into account all the factors relevant to the zone being delimited, including the fact that small and uninhabited islands lacking their own economic life cannot in any way influence the delimitation of the maritime space belonging to the main coastlines of the coastal States.

89. Concerning passage of foreign warships through territorial seas, Romania reaffirms the right of coastal States to adopt measures to protect their security interests, including the right to adopt national regulations concerning passage of such ships through the territorial sea.

90. The right to adopt such measures is fully in keeping with the provisions of articles 19 and 25, and this is clear also from the statement made by the President of the United Nations Conference on the Law of the Sea at the 176th meeting of the Conference on 26 April 1982,<sup>1</sup> as well as from other provisions on the status of the territorial sea. Under these regulations, the territorial sea is an integral part of the national territory and is under the full sovereignty of the coastal State. That is why nothing could prevent the coastal State from adopting national regulations to protect its security interests.

91. On the question of the international sea-bed zone, my delegation reaffirms that the implementation of the resolution relating to preliminary investments must be fully in keeping with Part XI of the Convention and 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 United Nations General Assembly on 17 December 1970.<sup>2</sup> The application of the provisions of that resolution should in no way violate the principle that the resources of that area should be exploited for the benefit of all mankind, account being taken of the needs of all States and, first and foremost, of developing countries. The Convention embodies and develops the principles stipulated in the Declaration adopted by the United Nations General Assem-

bly in December 1970, in which the sea-bed beyond the limits of national jurisdiction and its resources are proclaimed to be the common heritage of mankind. The drafting of this concept is one of the major results of the Conference. In keeping with these principles, the exploration and exploitation of the resources of that zone must be undertaken for the benefit of all peoples.

92. Unilateral measures of exploration and exploitation of the resources of the sea-bed are contrary to the provisions of the Convention and to the concept of the common heritage of mankind. That is precisely why all States must ensure that all provisions of the Convention are respected and applied in the national areas of jurisdiction and in the international areas of the sea-bed.

93. At the same time, we believe that the need to use the seas and oceans in the interests and with the participation of all peoples entails the development of international co-operation in this field through the implementation of scientific research programmes and the achievement of the requirements of the Convention with regard to the development and transfer of marine technology. On that basis it will be possible to increase participation by all States, and primarily by the developing States, in the exploitation and the just and equitable utilization of the resources of the world's oceans.

94. The implementation of the Convention presupposes the creation of the Preparatory Commission, and then of the International Sea-Bed Authority. In keeping with the provisions of the Convention some organs are to be set up to facilitate the development of international co-operation in the field of marine scientific research and the struggle against pollution, and to resolve differences. The Romanian delegation would like once again to stress, as it has done before along with other delegations during Conference debates, that all useless expenditure should be avoided both in setting up those organs and in their operation. Those organs and the services they entail should accomplish their tasks efficiently, with minimum expenditure, which presupposes a responsible attitude with respect to any decision taken regarding the size of the organs and the use of funds allocated for their operation. The Romanian delegation is opposed to any irrational use of funds allocated by States and believes that the utmost care and responsibility should be demonstrated in regard to the use of those funds.

95. The Romanian delegation expresses the hope that all the Convention's provisions, as well as the arrangements and agreements reached throughout the Third United Nations Conference on the Law of the Sea, will be implemented in good faith, since that is a test of the Conference as a whole and the credibility of the Convention.

96. Such complete implementation in good faith and the development of broad international maritime co-operation would be a major contribution to the promotion of just and equitable relations in the complex process of the use of the seas and oceans of the world, in accordance with the demands for the setting up of a new international economic order, and to the strengthening of international peace and security.

97. In conclusion, the Romanian delegation expresses its heartfelt gratitude to the President of the Conference, Mr. Tommy Koh of Singapore, for his personal contribution to the successful completion of the work of the Conference, and to all those who have contributed to the drawing up of this Convention.

98. My delegation joins other delegations which have expressed thanks to the Government of Jamaica for having provided such an appropriate setting for the work of this session of the Conference, for the special hospitality we have received and for the efforts undertaken to ensure that the work of the Preparatory Commission will begin under the best auspices.

99. Mr. GURINOVICH (Byelorussian Soviet Socialist Republic) (*interpretation from Russian*): The delegation of the Byelorussian Soviet Socialist Republic wishes to express its appreciation to the Government and the people of Jamaica for making it possible for the closing session of the Third United Nations Conference on the Law of the Sea to take place here, in order to sign the Convention drawn up by the United Nations, and we thank them as well for their warm hospitality.

100. We are all participating in a remarkable event—the successful conclusion of 15 years of activity within the framework of the United Nations with a view to strengthening and developing co-operation in the field of the law of the sea, and we shall shortly be witnessing the signature of the Final Act of the United Nations Conference and the Convention on the Law of the Sea. In the broadest forum of the international community and with the participation of all sovereign States of the world, representatives of national liberation movements and international organizations concerned, a universal agreement has been developed which governs practically all the essential aspects of the utilization of the ocean spaces and their riches for peaceful purposes and for the benefit of all peoples and all mankind. This document inaugurates a new and just legal order for the use of ocean spaces, the sea-bed and their resources. This Convention contains new rules of international law reflecting the realities of our day. At the same time, it codifies and extends rules that were developed earlier and that demonstrated the success of human endeavour in the field of the law of the sea. These were contained in documents already in force in international law.

101. A remarkable fact is that in the drafting of the Convention an important role was played by the principle of consensus. It was on that basis that it was possible to reconcile frequently contradictory interests of various groups of States and to find language which in general establishes a balance between concessions and advantages, so that on the whole no one is the loser and everyone is the winner. It is quite clear that the method of compromise, by its very nature, means that no one's requirements are fully satisfied; no group of States and, in particular, no single State can be entirely satisfied.

102. The delegation of the Byelorussian Soviet Socialist Republic does not intend to engage in a detailed analysis of the pros and cons of this Convention. We wish only to stress that in this document of universal, international law we have clearly and unequivocally formulated rules which defend perhaps not all the interests but certainly the most vital ones of a large group of States, that is, land-locked geographically disadvantaged States. In the course of many years we and other members of that group of countries have, modestly and without seeking to damage the interests of other States, endeavoured to insist on the need to have the interests and needs of that large group of States taken into consideration. We feel it necessary, indeed indispensable, to maintain the unity of that group of States in future activities for the implementation of the Convention as a whole and we are prepared to co-operate to that end.

103. As is well stated in the preamble to the 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.”

It is also pointed out that:

“... the achievement of [the] goals [of the Conference] will contribute to the realization of a just and equitable interna-

tional economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or land-locked.”

104. My delegation notes with satisfaction that the great majority of previous speakers have expressed support for the Convention and have declared that their Governments were prepared to sign it. It is our view that the Convention is a document of international policy and law of great importance, one which will not only contribute to the well-being of peoples but eliminate sources of international conflict and dispute pertaining to the maritime activities of States.

105. That is why we oppose any attempt at a selective approach to the international obligations deriving from the Convention and any unilateral activity aimed at countervailing or getting around the provisions of the new Convention. No one has the right to take advantage of the benefits of the Convention without recognizing the provisions which place certain restrictions upon them. In this respect let me recall operative paragraph 3 of resolution 37/66, adopted by the General Assembly on 3 December 1982, in which it appeals “to the Governments of all States to refrain from taking any action directed at undermining the Convention or defeating its object and purpose”. That is why my delegation categorically rejects the unilateral interpretations of certain provisions of the Convention we have heard in certain statements. We also associate ourselves with the firm condemnation of the position taken by the present Administration of the United States on this Convention and the separate agreement concluded on 2 September of this year between the United States and three countries of Western Europe concerning the exploration and exploitation of mining resources in the Area. That agreement contravenes the provisions of the United Nations Convention on the Law of the Sea and the resolutions of the Conference. Its goal is clear: to seize to the detriment of other States, the most promising sectors for the mining of minerals in the international mining area proclaimed by the United Nations as the common heritage of mankind. This policy amounts to illegal propagation of the American doctrine of so-called vital interests. The extension of that concept to maritime space and the subsoil thereof pursues selfish unilateral interests and is aimed at being first to lay hands on the mining riches of the sea-bed belonging to all mankind.

106. That is why, like many other delegations, my delegation declares that the aforementioned agreement among the four Western Powers and all similar separate accords and actions that infringe upon the United Nations Convention on the Law of the Sea with regard to the resources of the international area are without legal value. All other countries have the right to oppose and not to recognize this type of illegal action, which will have the due consequences for those who engage in such violations.

107. Taking a positive view on the Convention on the Law of the Sea as a whole, and maintaining the comments we made in April with regard to resolution II, the Government of the Byelorussian Soviet Socialist Republic has authorized me to sign the Convention and the Final Act when those documents are opened for signature. We call upon other States also to sign the Convention as promptly as possible so that we can begin to undertake the preparatory work for the establishment of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea to give full effect in due time to the international rules contained in the United Nations Convention on the Law of the Sea.

108. The delegation of the Byelorussian SSR is also of the view that only the representative of the People's Republic of Kampuchea, and no one else, has the right to sign the Convention on behalf of the people of Kampuchea.

109. We recognize the right of national liberation movements such as the Palestine Liberation Organization to participate fully in the Convention. Moreover we consider it intolerable that unwarranted modifications should be made, contrary to the role of the United Nations Security Council as provided in the United Nations Charter, in the status of the strategic islands of the South Pacific under the trusteeship of the United States. We base ourselves on article 309 of the Convention, which permits no reservations to it.

110. The Byelorussian SSR intends at the present stage to refrain from making declarations and statements of the kind provided for in article 310 of the Convention if other States show similar goodwill and refrain from attempting arbitrarily to interpret in one way or another certain of the provisions of the new Convention.

111. We wish to choose our procedures for the settlement of disputes, in conformity with article 298 of the Convention. The Byelorussian SSR chooses arbitration as the means for settlement of disputes, in accordance with annex VII of the Convention. With respect to navigation, fisheries, scientific research, defence and protection of the marine environment, it chooses special arbitration, in accordance with annex VIII.

112. With respect to questions regarding the immediate release of detained vessels and crews, in conformity with article 292 we recognize the competence of the International Tribunal for the Law of the Sea.

113. In conformity with article 298, the Byelorussian SSR declares that it does not recognize binding procedures leading to binding rulings concerning disputes on the delimitation of maritime boundaries, disputes on military activities and disputes regarding which, according to the United Nations Charter, the Security Council is competent.

114. Written declarations on these points will be submitted by the delegation of the Byelorussian SSR when the Convention is signed.

115. The practical application of the United Nations Convention on the Law of the Sea, which is of universal scope, obviously requires corresponding efforts and resources from the United Nations Secretariat and the future secretariats of the Enterprise and the Authority. We wish to emphasize that, with respect to the functions of the United Nations Secretary-General vis-à-vis implementation of the Convention, it would be desirable to base ourselves only on the relevant provisions of the United Nations Charter, which clearly define the Secretary-General's prerogatives as the chief administrative officer of the Organization.

116. We wish also to emphasize the necessity of creating rational structures so that the secretariat of the Enterprise can choose personnel at all levels in conformity with the principle of equitable geographical distribution of posts. It is also important that activities pertaining to the signature of the Convention should be efficient and economical to ensure that the expenditures will not be too great a burden on States.

117. In conclusion, on behalf of the Byelorussian delegation we once again express our confidence that the Convention will make an important contribution to strengthening peace and security, to relaxing international tensions and to fostering fruitful co-operation and friendly relations among all countries and peoples.

118. We should like before leaving the rostrum to congratulate you, Mr. President, and all the participants in the Third United Nations Conference on the Law of the Sea, for all the work you have accomplished. As our work draws to a close, we would like to thank and congratulate the tireless personnel of the United Nations Secretariat, and we must not forget those who have assisted in our multilingual world to understand each other and who have found the right words in the various languages in which the Convention is drafted.

119. Mr. NAMALIU (Papua New Guinea): My country is an island archipelagic State. Although small, Papua New Guinea has significant interests in the successful conclusion of this Convention. For that reason we became involved with the Conference, by virtue of General Assembly resolution 3334 (XXIX), at a time when we were not yet a sovereign nation. We accept that the Convention is not perfect. My Government believes, however, that this Convention is the best that can be negotiated given the diverse interests involved. And since the advantages of the Convention far outweigh its disadvantages, my Government has decided to authorize me to sign it. I am also pleased to announce that I will be signing the Final Act on behalf of my Government.

120. My signing of the Convention signifies my Government's general support of the Convention adopted. It is also an indication to other States of my country's commitment to a balanced and harmonious universal régime that will govern the uses of the sea and its resources for the benefit of mankind as a whole. Activities to be undertaken by any country outside the sphere of this Convention in relation to deep-sea mining cannot, in my Government's view, be justified and would be illegal in international law.

121. Throughout the span of the Conference, my Government has at all times kept abreast of its work and has offered constructive contributions to the deliberations of its Committees and of its working groups. It has always been our firm belief that it is better for us to have a single, universally accepted body of laws dealing with the ocean space than to have a situation in which no single body of laws apply. Our meeting now is really the peak of all the years of negotiations—some of the most difficult and arduous in the history of mankind.

122. Indeed, my delegation shares with previous speakers the opinion that it is a momentous occasion of historic proportions for members of the international community to gather here during this week to sign the United Nations Convention on the Law of the Sea, an event many sceptics thought impossible. The Convention represents the most monumental achievement in the development of international law and order since the adoption of the United Nations Charter in 1945. The Convention is also a significant step towards the realization of the new international economic order.

123. We consider the Convention timely at a period when greater co-operation by the world community is called for in all aspects of international relations. In particular, a greater need now exists for the sharing of benefits derived from the exploitation of resources found in areas beyond the national jurisdiction of States. The Convention indeed offers the practical means for achieving that end.

124. Like other countries, Papua New Guinea finds in the Convention many provisions of significant interest to it and to the island States in the South Pacific. In particular, we have benefited from relevant provisions in the Convention dealing with the matters of fisheries by concluding fishery agreements with our neighbouring countries. Other interests include a general exercise of extended jurisdiction by the coastal States over certain maritime zones, the provisions dealing with the protection and preservation of the marine environment, the creation of the new régime for archipelagos, the recognition of the exclusive jurisdiction of coastal States over economic resources in certain parts of the maritime zones, the recognition given to mankind as a whole to benefit from the exploitation of resources found in areas beyond national jurisdiction and the possibility given to non-independent entities to participate in the operation of the Convention when it enters into force. Those are only some of the many benefits small coastal States like Papua New Guinea stand to gain from this Convention.

125. During the negotiations our delegation, while supporting parts of the Convention, including those mentioned earlier, also expressed misgivings on some parts of the Convention which are equally important to sovereign countries, including mine. Among those matters, we expressed concern with regard to the following: first, the free movement of inherently dangerous warships through the territorial waters under the guise of freedom of navigation; secondly, the provision in article 53 of the Convention dealing with the newly created right of navigation by submarines below the surface through territorial waters in areas designated as archipelagic sea lanes; thirdly, the inadequacy of provisions made for the representation of the Council of the Sea-Bed Authority by developing countries which are land-based producers of minerals to be mined from the area. Finally, we expressed our belief that some general production policies, particularly the estimated 3 per cent growth rate in the nickel consumption, is unrealistically high. Our objections to the production policies were made with the best of intentions for the sake of land-based production of the related mineral commodities. My country, like others, is heavily dependent on the export earnings of those minerals. Consequently, we will be interested in the workings of the Preparatory Commission and the Sea-Bed Council. Papua New Guinea, as an archipelagic State, has followed closely the developments throughout the Conference on the archipelagic concept. As early as 1974 my country's delegation, in its first statement, expressed the general desire to see the world community accept the archipelagic régime. In fact, in 1977 my Government and the national Parliament enacted legislation outlining our archipelagic status. While we are conscious of the right of freedom of navigation through certain parts of archipelagic waters, it has always been our view that this freedom must be consistent with considerations of security risks, national unity and a coastal State's resource jurisdiction. The problems of national unity and security are particularly significant since, by their very nature, archipelagic States are normally associated with small, populated islands situated far out from the main centres. Any freedom of navigation envisaged within the enclosed archipelagic waters must, in our view, always be weighed against the security risks to the archipelagic State concerned. We are, however, pleased to see the archipelagic régime now being specifically provided for under Part IV of the Convention.

126. We note that the objections expressed by Papua New Guinea and other countries are not satisfactorily taken care of in the Convention. However, in a spirit of compromise and goodwill, my delegation, like others, has refrained from pursuing those misgivings further in the Third United Nations Conference on the Law of the Sea. The position taken, although not in any way diminishing our concerns, served nevertheless to enhance the chances of having the United Nations Convention on the Law of the Sea adopted. The importance of this Convention to the world community is fully recognized and understood, at the regional as well as the international level. This was evidenced in the recent meeting of the South Pacific Forum, of which Papua New Guinea is a member. That meeting, in a resolution, urged member States to sign the Convention at this session of the Conference. More recently, in Fiji, at the regional meeting of Commonwealth Heads of Government of Asia and the Pacific, all States were strongly urged to sign the Convention and to proceed with the ratification process without unnecessary delay.

127. It is gratifying to see many nations assembled today for the signing of this Convention. However, the signing alone is not sufficient, since it is the ratification process that will bring this international treaty into force. In view of this, we urge all nations to sign the Convention and ratify it as soon as practicable.

128. My Government will do its utmost to study the Convention and take appropriate measures, as required by our

national Constitution and laws, before we can decide on ratifying the Convention.

129. Finally, on behalf of my Government and the people of Papua New Guinea I congratulate the Government and the people of Jamaica for the confidence the international community has shown in them by selecting Jamaica as host of not only the International Sea-Bed Authority but also the final session of the Third United Nations Conference on the Law of the Sea. The fine hospitality and organization already shown demonstrate Jamaica's capability as a worthy host.

130. I wish to pay a tribute to you, Mr. President, and to the late Mr. Amerasinghe for guiding the Third United Nations Conference on the Law of the Sea to its successful conclusion. It is unfortunate that Mr. Amerasinghe, who contributed so greatly to the negotiations at the Conference, is not here with us to witness the fruits of his labour. My Government compliments you, Mr. President, the chairmen of the committees, the rapporteurs and all delegations on the tremendous efforts and goodwill put into negotiating on the United Nations Convention on the Law of the Sea. Without goodwill, fortitude and compromise this all-encompassing single Convention on the Law of the Sea would not have been adopted earlier this year.

131. I wish to take this opportunity to thank also the Secretariat staff for the tireless efforts during all the years of negotiation. Without their co-operation and dedication the Third United Nations Conference on the Law of the Sea would not have progressed so expeditiously.

132. Msgr. CHELI (Holy See): The Holy See has actively participated in all sessions of the Third United Nations Conference on the Law of the Sea. Our interest in the development and codification of the law of the sea is neither purely legalistic nor tied to some particular political or economic benefit in the application of the new regulations in one or the other zone of the seas. We began and continued our participation in this Conference primarily to pursue and help in the achievement of the main idea at the foundation of this collective endeavour, namely, the principle that the riches of the sea-bed are and should remain the common heritage of mankind, to be used and exploited only in such a way that all mankind, especially the poorest developing countries, benefit.

133. The complexity of a thorough and all-inclusive regulation of all aspects of the emerging legal order of the seas dictated from the outset that only a comprehensive convention would be acceptable. For that reason the principle of consensus was adopted by the Assembly and by the Conference itself as the guiding procedural principle for the whole system of deliberations. This procedural principle helped the delegations participating in the work of the Conference to accomplish in eight long years a most complete new order of the law of the sea, incorporating the substantial provisions of traditional law and also progressively developing many aspects of law required by the new factual relationships. Unfortunately, the principle of consensus broke down in the very last hours of the negotiating meetings of the Conference over a few remaining issues that, we believe, with patience and goodwill can still be settled.

134. While the draft convention was accepted by an overwhelming vote, the negative votes of some delegations and the abstentions of others has put a severe strain on the possible effectiveness of the future international order of the seas.

135. Because of the breakdown of the consensus, the delegation of the Holy See did not participate in the final vote on the draft convention. We have now come to this beautiful and unique country, Jamaica, whose Government has offered us the finest and warmest hospitality, for the conclusion of the Conference. Our delegation will sign here the Final Act of the Conference, thus confirming our steady endeavour to further the development of the law and order of the seas and also

reaffirming again the basic principle of the common heritage of mankind, a principle that all participating countries continue to acknowledge.

136. The Holy See reserves the right eventually to sign and ratify the present Convention. It will be guided in this particularly by the future developments which may show that through some modicum of complex international negotiating processes an essential consensus may still be reached.

137. In conclusion, the delegation of the Holy See wants to congratulate and to thank you, Mr. President, the Collegium, Mr. Bernardo Zuleta and all members of the staff for the wonderful job they have done. May God reward all of you for your generous and tireless efforts to make of this Conference a historic and lasting achievement for all mankind.

138. Mr. KIRCA (Turkey): Turkey has actively participated in the Third United Nations Conference on the Law of the Sea since its preparatory stages and acted as the Vice-Chairman of the Second Committee of the Conference. Turkish delegations in the Conference have been guided by the sincere desire to establish a viable and equitable régime in the world's oceans and seas which would command the acceptance of all countries and thus serve the interest of all mankind.

139. During the deliberations of the Conference, Turkey always stressed that the diversity of geographical circumstances was one of the most important factors to be taken into consideration in the attainment of this objective. On every occasion Turkey expressed the need to establish a proper balance between different groups of interests stemming from different geographical situations. In our view the final outcome of the Conference, as reflected in the text of the United Nations Convention on the Law of the Sea, failed to achieve such a balance. To remedy this situation and to secure universal adherence to the Convention, Turkey at the final session of the Conference proposed an amendment to the Convention which, if adopted, would have permitted reservations to the Convention. The fact that 45 States either voted in favour of that proposal or abstained indicates that a considerable number of States had difficulties with the Convention. However, in view of the rejection of this amendment and in the absence of necessary safeguards for Turkey's vital and legitimate rights and interests, Turkey was compelled to vote against the Convention, although it agreed with provisions contained in Part XI, on the international area. Consequently Turkey finds itself unable to sign the Convention.

140. We had intended to sign the Final Act if it had not been drafted in its present language, which prejudices the position of Turkey on the Convention. The sentence added to paragraph 41, which reads, "Throughout the preceding eight years of its work the Conference had taken all decisions by consensus..." [A/CONF.62/121], not only creates a misleading impression of the proceedings of the Conference but also presents serious difficulties for us. It is a well-known fact that at both the formal and the informal meetings of the Conference the Turkish delegations expressly raised objections to a number of articles and submitted amendments thereto, and never gave their consent to those which did not accommodate the Turkish views.

141. Consequently, Turkey regrets that in view of the prejudicial wording contained in paragraph 41, it will not be able to sign the Final Act.

142. I should like to put on record our understanding with regard to some of the provisions of the Convention to which we attach considerable importance.

143. I turn first to article 2, on the legal status of the territorial sea. This article confirms a basic and traditional concept of customary international law, namely, the sovereignty of a coastal State over its territorial sea and the airspace above it. I should like to underline paragraph 2 of this article with regard

to the status of the airspace above the territorial sea, which is also a well-known and generally accepted principle of customary international law and which reads "This sovereignty extends to the airspace over the territorial sea..." [A/CONF.62/122].

144. The implication of this provision when read in conjunction with article 58, paragraph 1, and article 87 is clear and leaves no room for any interpretation as to the legal régime of the airspace above the territorial sea. The sovereignty of the coastal State over the airspace is limited by the breadth of its territorial sea, beyond which no claim of sovereignty could be adduced or entertained.

145. Next I turn to article 3, entitled "Breadth of the territorial sea". It should be noted that the 12-nautical-mile limit as envisaged in this article is neither a compulsory limit nor a limit to be applied automatically. The 12-mile limit is the maximum breadth that may be applied within the general limitation imposed by article 300 of the Convention, which in fact embodies a general principle of international law. It reads

"States parties [to the Convention undertake to] exercise the rights, jurisdictions and freedoms recognized in this Convention in a manner which would not constitute an abuse of right" [*ibid.*].

146. The doctrine of abuse of right has emerged in international law out of the necessity to modify rules to suit special circumstances.

147. In the narrow seas, such as enclosed and semi-enclosed seas, on which Turkey is bordered, the extension of the territorial sea in disregard of the special characteristics of these seas and in a manner which would deprive another littoral State of its existing rights and interests creates inequitable results which certainly call for the application of the doctrine of abuse of right.

148. Turkey is of the opinion that the 12-mile limit for territorial waters has not acquired the character of the rule of customary international law. Moreover, it is not possible to speak of a rule of customary international law in cases where the application of such a rule constitutes an abuse of right.

149. It should also be mentioned that international custom depends on the consent of States and it is a rule of international law that a State may contract out of a custom in the process of formation.

150. Turkey, in the course of the preparatory stages of the Conference as well as during the Conference, has been a persistent objector to the 12-mile limit. As far as the semi-enclosed seas are concerned, the amendments submitted and the statements made by the Turkish delegations manifest Turkey's consistent and unequivocal refusal to accept the 12-mile limit on such seas. In view of the foregoing considerations, the 12-mile limit cannot be claimed vis-à-vis Turkey.

151. I come next to article 15, entitled "Delimitation of the territorial sea between States with opposite or adjacent coasts". As the International Court of Justice stated in the fisheries case: "The delimitation of sea areas has always an international aspect. It cannot depend merely upon the will of the coastal State as expressed in its municipal law". Article 15, by accepting negotiations and agreement as the principal method of delimitation, concurs with the view expressed by the Court. Therefore, attempts to establish maritime boundaries regardless of the legal position of other States is contrary to recognized principles of international law.

152. Although the wording of article 15 is different from that of articles 74 and 83 concerning the delimitation of the economic zone and the continental shelf, the principle of equity is also the guiding principle in the delimitation of territorial waters, since it is inadmissible to think that the intention of the authors of this article was to permit an inequitable delimitation. The reference in the article to special

circumstances, which is a means to arrive at an equitable result, also confirms this view.

153. The reference in the article to the median line does not give the median-line method prominence over other methods. The median line can be applied only if it produces an equitable delimitation.

154. Articles 74 and 83, on the delimitation of the exclusive economic zone and continental shelf between States with opposite or adjacent coasts, are the result of prolonged negotiations and reflect a compromise between the divergent positions of the States. As such they should be interpreted in the light of developments in international law with regard to the delimitation of the continental shelf or economic zone. Articles 74 and 83 confirm the generally accepted view that the delimitation should be effected by agreement between States with opposite or adjacent coasts. The only concrete guidance provided in those articles is that the ultimate goal of the negotiations between the parties should be "to achieve an equitable solution".

155. The Court's judgment of 1982 on the continental shelf case between Tunisia and the Libyan Arab Jamahiriya clarifies the concept of "equitable solution" as follows:

"The result of the application of equitable principles must be equitable . . . It is, however, the result which is predominant. The principles are subordinate to the goal."

The Court also indicates how, in practice, the equitable principles should be applied. The application of equitable principles involves, according to the Court, action "to balance up the various considerations which it [the Court] regards as relevant in order to produce an equitable result." The Court then examines the relevant circumstances which are to be taken into account in the application of equitable principles. In the Court's opinion, "It is virtually impossible to achieve an equitable solution in any delimitation without taking into account the particular relevant circumstances of the area."

156. It is thus clear that the term "equitable solution" in articles 74 and 83 comprises the idea of applying equitable principles by taking into account all relevant circumstances with a view to arriving at an equitable result. As stated in the same judgement, the existence and position of the islands in the area to be delimited is certainly one of the most significant and relevant factors to be taken into consideration. That judgment of the Court is of particular importance since the Court took into full consideration the relevant articles of the Convention and, *inter alia*, articles 74 and 83.

157. The phrase in articles 74 and 83 "on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice" is the product of a last-minute compromise and, in fact, does not have a different connotation from the concepts of "equitable principles" or "equitable solution".

158. It is now generally recognized that equity is the rule of international law to be applied to the delimitation of the continental shelf or the exclusive economic zone. This principle is reflected in the 1969 North Sea continental shelf case,<sup>6</sup> in the Arbitral Tribunal's decision in 1977 on the delimitation of the continental shelf between France and the United Kingdom and in the case concerning the continental shelf between Tunisia and the Libyan Arab Jamahiriya,<sup>7</sup> of 1982.

159. In the North Sea continental shelf case of 1969, the Court provides that "in this field it [equity] is precisely a rule of law that calls for the application of equitable principles."

160. In the Tunisia-Libyan Arab Jamahiriya case, the Court stipulates that "the legal concept of equity is a general principle directly applicable as law." Furthermore, the Court rules:

"The principles and rules of international law applicable for the delimitation . . . are as follows: The delimitation is to be effected in accordance with equitable principles and taking account of all relevant circumstances."

161. Therefore, it is to be concluded that the words "on the basis of international law" do not add any new element to articles 74 and 83 since, in the delimitation context, equity or equitable solution, which already exists in the articles, is the rule of law.

162. On the other hand, the reference to international law does not leave the door open to introducing the equidistance method or the median-line method as a rule of international law, nor does it lead to a presumption in favour of equidistance or median line in relation to other methods.

163. In the Tunisia-Libyan Arab Jamahiriya case, the Court provides that "Treaty practice, as well as the history of article 83 of the draft convention on the law of the sea, leads to the conclusion that equidistance may be applied if it leads to an equitable solution. If not, other methods should be employed . . . since equidistance is not, in the view of the Court, either a mandatory legal principle or a method having some privileged status in relation to other methods."

164. The same thinking is embodied in the North Sea continental shelf case and in the decision of the Court of Arbitration on the delimitation of the continental shelf between France and the United Kingdom.

165. Article 121, on the régime of islands, is in our opinion an article of a general nature which does not predetermine the maritime space to be allocated to the islands in delimitation. The presence of islands in the area to be delimited is, as I have already mentioned, one of the relevant circumstances to be taken into account in order to arrive at an equitable solution.

166. The maritime spaces of the islands situated in the areas to be delimited are determined by the application of equitable principles. Hence article 121 is not applicable to the islands located in the maritime areas which are subject to delimitation.

The PRESIDENT: I would point out to the representative of Turkey that he has exceeded the time-limit.

Mr. KIRCA (Turkey): I shall soon be concluding this statement, Mr. President.

167. As I was saying, that view is also confirmed in the Arbitral Tribunal's decision on the continental shelf delimitation between France and the United Kingdom, in which islands are given partial effect and channel islands belonging to the United Kingdom are enclaved by the French continental shelf, as well as in the Tunisia-Libyan Arab Jamahiriya case, in which one Tunisian island is completely disregarded and another is given half effect.

168. With regard to article 33, "Contiguous zone", in view of the newly emerging concept of exclusive economic zone, the "contiguous zone" has lost its significance and has already become obsolete. Nevertheless, it should be stressed that the rights of the coastal State in such a zone are limited and do not amount to sovereignty, and thus cannot affect the rights of States over the high seas. Moreover, a contiguous zone may be established only by a proclamation.

169. The remarks I have made with regard to the breadth of the territorial sea in narrow seas are also valid for the establishment and breadth of contiguous zones.

170. The Convention is silent on the delimitation of contiguous zones between States with opposite or adjacent coasts. By analogy, the provisions on the delimitation of exclusive economic zones and continental shelves should also be applicable to the delimitation of contiguous zones.

<sup>6</sup> *North Sea Continental Shelf Judgment*, I.C.J. Reports, 1969, p. 3.

<sup>7</sup> *Continental Shelf (Tunisia/Libyan Arab Jamahiriya) Judgment*, I.C.J. Reports, 1982, p. 18.

171. Furthermore, we should like to refer to and confirm our written statement contained in document A/CONF.62/WS/34 of 15 November 1982.

172. Finally, though an objective interpretation of the above-mentioned provisions of the United Nations Convention on the Law of the Sea can only be made as stated, we solemnly declare that this treaty can in no way be applied against Turkey, nor would Turkey be bound by any one of its provisions, since such claims would have no juridical validity.

173. As I have already stated, Turkey is of the opinion that the 12-mile limit for territorial waters has not acquired the character of rule of customary international law. Moreover, it is not possible to speak of a rule of customary international law in cases where the application of such a rule constitutes an abuse of right.

174. We should like further to reiterate that the delimitation of the economic zone and of the continental shelf in such semi-enclosed seas can be settled only through agreements to be reached directly between the parties concerned on the basis of equity.

175. In conclusion, I should like to thank the Government and the people of Jamaica for their generous and gracious hospitality in such a wonderful environment.

176. Mr. SLIM (Tunisia) (*interpretation from French*): Mr. President, I am pleased to see you presiding over this final, historic session of our Conference, thus bringing to a successful conclusion the tireless efforts of all States during the past years.

177. I am all the more pleased that it will be under your wise and dynamic presidency, in this wonderful environment of Montego Bay, that I shall have the happy duty of signing, on behalf of the Tunisian Government, the Final Act of our Conference and the United Nations Convention on the Law of the Sea.

178. After slow, patient and detailed work the Third United Nations Conference on the Law of the Sea, despite its ups and downs, has finally prepared a historic document which, without exaggeration, constitutes the greatest achievement of codification and the progressive development of international law in an area that is particularly sensitive and of high priority.

179. Remarkable progress, even if at times it may have appeared imperfect, has been made since the General Assembly decided in resolution 2750 C (XXV) to convene in 1973 a conference on the law of the sea which would deal with the establishment of an equitable international régime—including an international machinery—for the area and the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction.

180. This achievement is due in great measure to the wisdom, lucidity and vast experience of the two Presidents who successively led the Conference throughout its many sessions, the late Hamilton Shirley Amerasinghe of Sri Lanka and you, Sir, Mr. Tommy Koh. On behalf of Tunisia I wish today to pay a well-deserved tribute to them for the constant efforts they made to ensure the success of the undertaking and for the sacrifices they had to make for that. Now, as we are gathered to proceed to the signing of the Convention, I am convinced that all the delegations present here share that feeling.

181. This tribute is addressed also to the Chairmen of the various committees, whose valuable contribution enabled the Conference to finish its work, as well as to the Rapporteurs and to the Drafting Committee. I also wish to express heartfelt thanks and gratitude to all the members of the Secretariat who, under the successive leadership of our two great friends Mr. Stavropoulos and Mr. Zuleta have given effective and dedicated support to our work and have largely contributed to the success of our Conference.

182. The Convention is the result of a collective effort and of the direct and active participation of the Members of the United Nations on the basis of equality, sovereignty and the reconciling of various legitimate but sometimes contradictory interests. The fact that the work of the Conference has been successful, after a long period of gestation, is proof, if proof be needed, that the solutions and the legal régime adopted for the various maritime areas in question were achieved with the agreement of almost all the participating States after due reflection on ideas. Although some delegations began to show impatience and to express concern that the work was becoming bogged down, it now is clear that this long period of gestation was, on the contrary, a guarantee of success because throughout that period a real effort was made to achieve consensus or at least to ensure true agreement.

183. The result is an innovative achievement in terms both of methods of negotiation and of the ideas approved in the final text. Thus there was a reshaping of customary and conventional law which had governed the seas and oceans for a long time. On many points the Convention breaks away from rules and even from certain principles inherited from the four Geneva Conventions of 1958. While their positions were not always identical, especially because of geographical location, the developing countries approached the negotiations in a constructive spirit, in particular making quite substantial concessions within the framework of the Group of 77. But they also demonstrated creative imagination because they were the instigators of new ideas and concepts which have found their rightful place in the Convention. Such is the case, in particular, of the concept that the sea-bed and the ocean floor are the common heritage of mankind.

184. For the first time we have a Convention that is truly universal because all States have been directly involved in its preparation throughout all its stages over about 10 years.

185. It must be said that the principle of the need for change was widely shared by other delegations, those from the East and those from the West, even if there were different perceptions of the idea to change. Despite all this, we were able to achieve quite a consistent global view of the many aspects that revision of the law of the sea entails: navigation, communication, exploitation of mineral and fishing resources, conservation of the marine environment, delimitation of the sea-bed and the subsoil thereof, and a more rational exploitation of resources.

186. In those and many other fields the negotiations were fruitful and most of the time resulted in reconciling, through subtle input and mutual concession, divergent and sometimes even contradictory legitimate interests.

187. The new order of the sea is based on the quest for equity. In this constructive task States have had to face the state of anarchy and the lack of precision which characterize the régime of the various maritime spaces and which are moreover at the root of many conflicts among countries of the same region.

188. Tunisia for its part supports the spirit of resolution 37/66 just approved by the United Nations General Assembly, and shares the objectives aspired to in the United Nations Convention on the Law of the Sea. Nevertheless, my delegation agrees with the conclusion of the group of Arab experts on the law of the sea that the signing or ratification of this Convention by a State does not imply recognition of that State and cannot in any way entail co-operation in any field whatsoever with that country.

189. With that reservation, the trends that emerged in the Third United Nations Conference on the Law of the Sea constitute, for the most part, a stake in the future and clearly fit into the framework of a new international economic order. In many fields, prospects for fruitful and mutually beneficial co-operation are opened up for States: co-operating in the

exploitation of some maritime spaces; preventing and coping with certain maritime disasters such as pollution.

190. For many countries the most important of those prospects is the promising co-operation with respect to the exploitation of all the resources contained in the area of the sea-bed and the ocean floor recognized as being the common heritage of all mankind, notwithstanding the various geographical locations of States.

191. Thus the ideas put forward over a decade ago by Mr. Arvid Pardo of Malta have found a place in the new Convention. Present and future generations of the various countries of the world will doubtless benefit from this example and will learn to think about the effects of this legislation, adopted by the international community, which gives significance to international solidarity by allowing for equitable justice.

192. International co-operation thus extends into a new field. According to the text that has been adopted, developing countries have the same right to profits from the great wealth of the international area as developed countries with the financial and technological means to exploit those resources, particularly polymetallic nodules. In this area the International Sea-Bed Authority is called upon to play a regulating role, in particular by preventing the overexploitation of the heritage and unilateral recourse to the exploitation of those spaces by certain States that would thus be tempted to bring their selfish interests to bear over the interests of mankind.

193. Like any human endeavour, the United Nations Convention on the Law of the Sea has certain weakness. These are inevitable and are understood in different ways by States, depending on their geographical location and their degree of development. The reluctance that has been shown to accept certain ideas or with regard to the legal régime for certain spaces is for the most part understandable. However, it should not detract from the largely positive aspects of this enormous task of codification and, above all, progressive development of this branch of international law.

194. With reference to article 310 of the Convention, I wish to make it clear here that Tunisian legislation in force is in line with the provisions of our Convention. Law No. 73-49 of 2 August 1973, on the delimitation of the Tunisian territorial waters, maintains the distance of 12 nautical miles from the baselines. That same law also retains previous provisions relating to a reserved fishing zone. The legal régime in the Tunisian regulations, which have been in force for a very long time in my country, is not very different from the legal régime defined by the Convention with regard to the exclusive economic zone. On these points my Government will at a later date submit any necessary notification taking account of the Convention and will make declarations in conformity with the provisions.

195. In deciding to sign the various legal instruments of the Convention the Tunisian Government wishes to affirm its commitment to dialogue, to international co-operation and to the pooling of efforts for the good of the entire international community, in particular to ensuring orderly and equitable exploitation of the resources of the common heritage of mankind. Tunisia believes that those resources must be protected from all violations, and in particular from any exploitation which is based on unilateral legislation or which follows agreements with other States that may be in contradiction with the provisions of the United Nations Convention on the Law of the Sea.

196. In conclusion we express the hope that the important functions entrusted to certain organs of the Convention and the Final Act will be strengthened. We have in mind mainly the Preparatory Commission, which will have to establish rules for the management of the machinery governing the pioneer activities, and the International Sea-Bed Authority, which will have its headquarters here in Jamaica.

197. Finally I should like to say how pleased we are to be meeting here on this beautiful Jamaican coast. On behalf of the Government of Tunisia it is my pleasure sincerely to thank the friendly Government of Jamaica for its kind invitation to hold the ceremony here and for the very warm hospitality it has extended to us.

198. Mr. POWELL-JONES (United Kingdom): The Third United Nations Conference on the Law of the Sea, which is now approaching its conclusion, has constituted a very important part, but still only a part, of a historical effort by the international community which goes back to the 1930s if not earlier. The four conventions drawn up by the first United Nations Conference in 1958 represented an important achievement. This Third Conference has been more ambitious in its endeavour to reach agreement on virtually every aspect of maritime and coastal activity.

199. The objectives of the United Kingdom delegation at this Conference were set out in a statement by the then leader of the United Kingdom delegation at the session in Caracas in July 1974. These objectives have not changed to any significant extent over the intervening years. Many of them are shared by the majority of, if not all, the other delegations which have participated in the Conference, including freedoms of navigation and overflight, preservation of the right of innocent passage, the protection and development of the fishing industry, the establishment of effective conservation measures, and a régime for scientific research in the oceans which serves the interests of all countries. The overriding concern of the United Kingdom, as was stated in the speech of 1974, was and has remained "to seek a new convention which would be generally acceptable to all States".<sup>8</sup>

200. Many of the Convention's provisions are a restatement or codification of existing conventional and customary international law and State practice. Within this category are the articles concerning the right of innocent passage through the territorial sea, which is not subject to prior notification or authorization by the coastal State.

201. Other provisions make more precise what is inherent or implicit in existing international law. They manifest concepts which have emerged over the past 25 years. A particular case is the definition of the extent of the continental shelf. In my delegation's view, article 76 accurately reflects the evolution and development of the concept. We believe that the attempts which have been made to introduce additional scientific requirements into the definition of the continental shelf in that article are misconceived. In this context I should also like to refer to certain statements which have been made with regard to the status of the exclusive economic zone and which appear to be in conflict with article 310 in that they purport to modify the effect of the Convention's provisions. To that extent I wish to record that my delegation does not agree with those statements.

202. There is also a third category of provisions in the Convention which are new, indeed unique. The most obvious examples are those which seek to make new law which would give obligatory effect for participants in the Convention to the idea of the common heritage of mankind set out in General Assembly resolutions on the exploitation of the deep sea-bed beyond the limits of national jurisdiction.

203. Much in the Convention is valuable and generally acceptable. But it is unfortunately the case that, despite the years of effort, the Conference was not able to achieve consensus on the Convention. The explanation of this disappointing outcome is to be found mainly, though not exclusively, in Part XI of the Convention and the related annexes. Some States, however, have decided not to participate in the Convention on other grounds.

<sup>8</sup>Official Records of the Third United Nations Conference on the Law of the Sea, vol. I, 29th plenary meeting, para. 30.

204. In consequence we have to contemplate that the Convention may come into force without enjoying general acceptance. In that event the legal position would be complicated. With regard to those provisions which express, codify or clarify existing law, the substantive norms which govern behaviour and define rights and duties will be the same both for parties and for non-parties, even though the source of the norms, which is the basis of States' obligations, may differ. The legal position may be compared with the Vienna Convention on the Law of Treaties,<sup>9</sup> which has been signed by some 45 States and ratified by some 40, but which in many respects restates customary law. On the other hand, with regard to those provisions which seek to make new law, the parties to the Convention will assume among themselves a new contractual relationship. This will not deprive others of existing rights nor, of course, can a conventional régime or obligation be imposed on them. Existing rights such as those which derive from the freedom of the high seas, as well as existing conventional law, will remain. Until there is universality, we will need to seek accommodation between those who have adopted new conventional rules and those who act on the basis of existing law.

205. The British Government has given very careful consideration to the Convention. Much is acceptable, as I have already indicated. But the provisions relating to the deep sea-bed, including the transfer of technology, are unacceptable to my own Government, and a number of other industrialized countries share our misgivings. We need to obtain significant and satisfactory improvements in the text of these provisions, and we wish in the months ahead to explore with others the prospects for such improvements. The Convention remains open for signature for two years, and there is time for revision before the United Kingdom need take a final decision on signature. As I suggested at the start of this statement, it is appropriate to regard the Convention as part of a historical process of which our present Conference is not the beginning, nor necessarily the end. This process may be seen as a search for consensus or universal agreement. Until that is reached, the search must continue. The Convention must not be used to divide States. We must try, starting with the Preparatory Commission, to build on what is generally agreed in the Convention and seek co-operation between those who today have different perceptions of the Convention and its various provisions. This session, when we sign the Final Act, is not the final conclusion, as Mr. Arias Schreiber and other representatives have also pointed out in their statements this week. Even though there may be deeply felt and divergent opinions, it is our hope that the search for general agreement will continue.

206. In conclusion, I should like to follow those who have spoken before me and express the grateful appreciation of the United Kingdom delegation to the Government of Jamaica for its hospitality and for the excellent arrangements which have been made for this final session. I also wish to pay a sincere tribute to all those leading figures in the Conference who, during the long and arduous negotiations, have sought with diligence and diplomatic skill to reconcile differences and achieve agreement. It would be impossible to mention them all, but I fully share the sentiments which have been expressed about the inspiration and guidance of our late President, Hamilton Shirley Amerasinghe. I am also very conscious of how much the Conference owes to you, Mr. President, who with unfailing patience and determination have carried on his work, and to the Special Representative of the Secretary-General, the Executive Secretary and other members of the Secretariat for their contributions.

<sup>9</sup>See *Official Records of the United Nations Conference on the Law of Treaties, documents of the Conference* (United Nations publication, Sales No. E.70.V.5).

207. Mr. JACKSON (Guyana): The journey from Caracas to Montego Bay has taken eight years. It has been long and it has been arduous. That so many of us have stuck the course stands as a tribute to our acumen and to patient scholarship. But the presence here today of the representatives of so many countries, liberation movements and organizations, governmental and non-governmental, and the purposes for which most of us have gathered here go beyond those attributes. What is primarily reflected is individual and collective political commitment to concert our respective national interests for the democratization of international relations and for promoting conditions propitious to harmonious relations between States and mechanisms for strengthening international peace and security.

208. That we have reached this stage in the progressive development of a régime of international law governing the territorial sea and ocean space covering 75 per cent of the world's surface is due in large measure to the astute leadership which this Conference has had. Let me put on record Guyana's appreciation of the outstanding contribution of the President, Ambassador Tommy Koh of Singapore, and that of his colleagues who make up the Collegium. You, Sir, will, I know, understand when I plead for a pause to recall and record the yeoman service given by your predecessor in office, my departed friend and colleague Shirley Amerasinghe of Sri Lanka. Among the many monuments to him and to you, Sir, must be the successful conclusion of this Conference. But this tribute will not be complete if we do not acknowledge the high quality of support which the Conference received from the Special Representative of the Secretary-General, Mr. Bernardo Zuleta, and his able staff.

209. The United Nations Convention on the Law of the Sea which will be signed on Friday, 10 December 1982, represents a watershed in international relations. Beyond the particularity of its provisions, the Convention demonstrates what is possible through international negotiations when they are conducted in good faith and when there is a shared concern among the peoples of the world in recognition of their common humanity and their desire to build appropriate régimes which can serve to fulfil their aspirations to justice and to equity.

210. It is now trite to say that we live in an interdependent world. But this interdependence must not be an interdependence akin, dare I say, to the relationship between the master and the slave. Rather, I suggest that the interdependence of which we all so easily speak must be one in which we are all ready to make adjustments in the sure knowledge that one person's gain is not necessarily another's loss. Furthermore, the results of our efforts as a collectivity to give practical expression to interdependence must be arrangements from which there is mutual benefit.

211. This Convention is an imperfect one, and it cannot be otherwise, because it represents an attempt to reconcile conflicting interests. Yet, despite its imperfections, it is an integrated package and a remarkable achievement. The Convention and the experience of arriving at a final text can in many respects be beneficial in providing examples of modalities—some of which you, Mr. President, so aptly described—for agreeing to multilateral arrangements in other areas of human commons.

212. I turn now to the provisions of the Convention itself. The régime it proposes leaves several issues ambiguous. It is not entirely satisfactory to Guyana, to other States in the Group of 77 and, indeed, to any State which will sign it here or later. It, however, embodies the best result attainable in the circumstances. In any event, it is the view of Guyana that when it becomes operative, as it must, the Convention will serve as an inhibiting factor where States might be tempted to go outside the curtilage of international law in an endeavour

to place their perceived national interests above those of the international community as a whole.

213. More positively, the Convention treats some of the fundamental needs of mankind—food, energy and development. It sets a standard for the protection and the preservation of the marine environment and the transfer of marine technology. It makes provision for the preoccupations of States on the question of freedom of passage and innocent passage, and it seeks to reconcile those interests with the pre-eminent interests of coastal States in the security, good order and management of the seas and oceans around their shores. For small States like Guyana, recognition by the international community of specific areas of the seas and oceans as being under the exclusive jurisdiction of coastal States confers on them a certainty in the disposition of their maritime zones. But it does more.

214. The Convention provides for a 12-mile territorial sea and an exclusive economic zone and for the determination of the outer limits of the continental shelf of a State. This is a signal contribution to the development of the international law of the sea. The Convention embodies, too, a concern for those who are less well endowed in the living resources of the sea, and it provides for land-locked States to enjoy access to the living resources of the seas in their region or sub-region and takes account of the interests of States which are geographically disadvantaged.

215. For neighbouring States the question of delimitation looms large. In the final analysis this has to be achieved by agreement, as is provided for in the Convention. Articles 74 and 83 provide the basic guide for the approach of parties in this regard.

216. Yet we must be on guard lest there be attempts to insinuate into bilateral relations, under the guise of maritime delimitation, disputes and controversies which owe their inspiration to ambitions rooted in territorial aggrandisement.

217. The Convention elaborates a régime for the peaceful uses of the seas. In this sense Guyana notes with keen interest the provisions dealing with the peaceful settlement of disputes through compulsory procedures. Furthermore, Guyana is particularly attracted to article 301, under which States, in exercising their rights and performing their duties under the Convention, are enjoined to refrain from any threat or use of force against the territorial integrity or political independence of any State.

218. Some changes in international relations are evolutionary; others are revolutionary. Arvid Pardo, whose seminal contribution Guyana acknowledges, was revolutionary when he proposed in 1967 that the resources of the deep sea-bed beyond the limits of national jurisdiction should be the common heritage of mankind. We have not fully realized his dream, but we have made a modest start towards achieving equitable treatment for all in sea-bed mining. We urge all States to comport themselves in the spirit of Mr. Pardo's "common heritage" and to take positive action to associate themselves fully with the provisions of the Convention.

219. Like others, Guyana cannot say that all parts of the Convention meet with our support. That notwithstanding, Guyana will sign the Convention. For we believe that it provides for the orderly enjoyment by man of the seas and oceans, that it will promote harmonious relations between States, and that it will contribute to the strengthening of international peace and security.

220. I could not conclude without saying how privileged my delegation and I feel at being in the sister Caribbean State of Jamaica for this historic occasion. Less than a month ago, those of us from the Commonwealth Caribbean savoured the hospitality of the Government and people of Jamaica when we met in Ocho Rios for the Third Conference of Heads of Government of the Caribbean Community. We express our

profound gratitude to our Jamaican brothers and sisters who have spared no effort to make us comfortable and to provide us with a home away from home. Thank you, Jamaica.

221. Mr. BWAKIRA (Burundi) (*interpretation from French*): At the outset, on behalf of the delegation of Burundi I should like to express to the people and Government of Jamaica our deep gratitude for the welcome and hospitality showered upon us from the moment of our arrival.

222. I should like also to express to you, Mr. President, and the other members of the Bureau our gratitude for the exemplary way in which you have conducted our work during this culminating phase.

223. Our thanks go also to the members of the Conference secretariat for the dedication that they have shown throughout this Conference.

224. On 30 April 1982 the Third United Nations Conference on the Law of the Sea, after years of arduous negotiations, sustained efforts and mutual concessions, achieved the conclusion of the United Nations Convention on the Law of the Sea.

225. Comprising issues as diverse as exploitation of ocean and sea-bed mining resources, navigation, delimitation of maritime boundaries, transport, the environment and the peaceful settlement of disputes, the United Nations Convention on the Law of the Sea substitutes harmony and the rule of law for the chaos produced by the uncontrolled use of the seas and the oceans. In so doing it establishes a new order regulating the use and exploitation of the sea-bed and the oceans.

226. The United Nations Conference on the Law of the Sea will go down in history not only because of the complexity of the issues which had to be codified or because of the time it took to conclude its task but also, and above all, because it has shown that with a minimum of political will nations can, while respecting the essential interests of everyone and acting for the common good of the international community, reconcile divergent interests which initially seemed irreconcilable.

227. Conceived to manage, among other things, the common heritage of mankind, the United Nations Convention on the Law of the Sea is one of the rare international legal instruments whose drafting was made possible through the participation not of a small club of nations but of the international community as a whole.

228. As the representative of a land-locked country, we belong to that group of States which throughout the Conference has been, in varying degrees, the poor relation of the Conference. We are grateful that the Convention has recognized, if only symbolically, the right of access to the sea and from the sea and the right of transit for land-locked countries.

229. It would in fact be inconsistent for Burundi, itself a potential producer of one of the principal metals to be extracted from polymetallic nodules, the production of which is regulated under Part XI of the Convention, to remain indifferent to the United Nations Convention on the Law of the Sea.

230. We are convinced that the United Nations Convention on the Law of the Sea represents not a victory of one interest group over another but, rather, a victory of order, realism, peaceful coexistence, co-operation and international peace and security over chaos and national self-interest. On the basis of that conviction, the Government of Burundi has decided to sign next Friday the Final Act of the Conference and the United Nations Convention on the Law of the Sea.

231. Besides the advantages offered by that Convention, which preceding speakers have eloquently described, the Convention we are about to sign will serve as a frame of reference to give renewed impetus to the North-South negotiations.

232. In present circumstances it would be an illusion for any State, whatever its economic and financial power, to base its prosperity on isolation and defiance of the consensus of the rest of the international community.

233. The United Nations Convention on the Law of the Sea fully satisfies no one, nor does it impair the interests of any particular State. It would therefore be paradoxical for a given State to decide in exercise of its sovereignty to remain outside the scope of the Convention while at the same time seeking to gain advantage from some of its provisions, on the pretext that the provisions now codified by the United Nations Convention on the Law of the Sea were already a part of customary international law.

234. The time has come to translate the concept of the common heritage of mankind into fact. Massive accession to the United Nations Convention on the Law of the Sea will be the best way to transform yesterday's dream into tomorrow's reality.

235. Mr. CHARRY SAMPER (Colombia) (*interpretation from Spanish*): Mr. President, we begin this statement by praising your leadership, your skills, your tenacity, your competence and your strict application of the principle of good faith as an element inseparable from international negotiations, and that is the tribute which the delegation of Colombia wishes to pay you.

236. I wish to say how proud we are to see a compatriot of ours—Bernardo Zuleta Torres, the Special Representative of the Secretary-General—among the founders of the Convention. Thirty-seven years ago his father, Eduardo Zuleta Angel, was elected in London President of the Preparatory Commission; his son now continues a tradition related to Colombia's presence in world institutions and our attachment to law, embodied in the United Nations Convention on the Law of the Sea—perhaps the most important treaty adopted since the founding of the United Nations.

237. The selection of Jamaica as the headquarters for the Authority is indeed symbolic and a threefold recognition. It recognizes a wonderful Caribbean nation as one of the axes of the new global balance for the seas aimed at a more just reordering of its wealth and resources. It recognizes Jamaica's role in the third world as a protagonist of history and not simply as a spectator of the feats of the major maritime Powers. It recognizes the role of Latin America and the Caribbean in the creation of a new law which can be termed universal, not only by its extension but also because of the participation of all.

238. The preamble includes the purposes, the principles and the philosophy of the Convention. This is codification and a progressive development of the whole law of the sea, not a mere compilation. The Convention is proof of the fact that the problems of maritime spaces are interrelated and must be considered as a whole. That is why States, knowing that every part of the Convention affects every other part and the whole, do not accept reservations. That would be incompatible with the unity and interrelationship of its rules, which distinguishes it from the Geneva Conventions of 1958. That is why the declarations authorized in article 310 cannot exclude or modify the legal effect of the provisions of the Convention.

239. Something which this law defines is the consecration of the zone of the sea-bed and the subsoil thereof, beyond the limits of national jurisdiction, and the resources thereof, as the common heritage of mankind.

240. In saying that the interests of the developing countries must be taken into account, international justice is supported. And in proclaiming that there must be a spirit of understanding and co-operation in solving problems of the law of the sea and that peace and security are the objectives, the equality of States is upheld. The exclusive economic zone is an innovation in the law, following the practice of the vast majority of States, among which is Colombia.

241. The Convention is a global pact for development, for the equitable utilization of the wealth of two thirds of the world and the peaceful and juridical settlement of disputes, including delimitation of the seas. We welcome the establishment of the International Tribunal for the Law of the Sea, which will make possible the settlement of conflicts and thus contribute to the peace of the world.

242. We attach to the régime of sea mining the importance it has in the world economy and we emphasize the special situation of land-based mineral producers which require special protection.

243. The new international law in the area of the delimitation of the ocean and the sea-bed has been defined. The negotiations which may be carried out in the future will have to take this new law into account, developed and codified with the participation of representatives of all schools of law and of all political and economic systems.

244. The basis of the Convention is the obligation to settle disputes by peaceful means, seeking in the first place agreement between States, excluding unilateral acts, strengthening equality for the benefit not only of the parties but also of the entire international community, which is interested in the delimitation of the seas, since the preamble sets forth that the zone and resources beyond the limits of national jurisdiction are now the common heritage of mankind. An interrelationship is thus created between delimitation and the common heritage.

245. Articles 15, 74, 83 and 121 constitute the new law of the sea in the field of delimitation. Article 298 establishes the procedures for settling disputes peacefully and in accordance with law. The criteria for delimitation, interim measures and settlement of disputes entailed difficult compromises in the Conference, in the same spirit with which successive compromises were reached on the other subjects.

246. Article 15 establishes as a rule for the delimitation of the territorial sea that of the median line and establishes that no State will have the right, unless there are stipulations to the contrary, to extend its territorial sea beyond the median line. Exceptions are allowed only through agreement between the parties.

247. Articles 74 and 83 use the same text for the delimitation of the continental shelf and the economic zone and they have a relation to article 15. They establish that delimitation will be done preferably through agreement between the parties and exclude delimitation as a unilateral act by any State. The basis for the agreement is the international law contained in Article 38 of the International Court of Justice's Statute, which will have to apply. This stresses the predominant role of the Convention and gives only second place to customary law, as evidence of a practice generally accepted as law.

248. Articles 74 and 83 advocate the "equitable solution" of disputes, which is substantially different from the use of "equitable principles" as a procedure for delimitation. If the States do not reach agreement, they will resort to Part XV, which contains the obligation to settle disputes by peaceful means.

249. Conciliation is the key contribution that this Convention makes to the settlement of marine disputes. It is one of the innovations—namely, that conciliation is no longer a simple intermediary step; it is an independent method.

250. Another institution which represents a balance is to be found in articles 74 and 83. States which have not reached agreement will do everything possible, in a spirit of understanding and co-operation, to agree on provisional practical arrangements. Unilateral measures are not authorized between the time of the onset of a dispute and its legal settlement. Everything that may endanger or hamper definitive agreement is excluded.

251. Article 121 defines what is an island and the difference between islands and rocks. Islands have a right to a territorial sea, a continental shelf and an exclusive economic zone. Rocks are entitled only to a territorial sea since they cannot sustain human habitation or economic life of their own. This is logical. It is a "package" which results from the view that these maritime spaces have been granted to benefit the inhabitants, with an economic concept. Any other interpretation would distort the concept.

252. The rules contained in the Convention on delimitation of the territorial sea agree with international custom. Whoever may wish to invoke the rights and the corresponding obligations has to accept the norms as a whole.

253. There are two aspects of the Convention which Colombia wishes to emphasize. In the first place, there is in the text a balance between rights and duties, between freedoms and obligations of States. The Convention, for example, provides for the preservation of the marine environment to prevent pollution. Consequently, no one can attempt to enjoy the benefits of the Convention without submitting to it, or to derive advantages without complying with its commitments. The new law of the sea is either accepted or rejected as a whole. There can be no selectivity or partial application, because that would destroy the balance obtained between the interests of the community and those of States reflected in the Convention.

254. In the second place, once the Convention is adopted it will not be possible to invoke custom against it. International custom is not applicable by analogy in spheres where it cannot be supported or when rules are embodied in international conventions, such as that on the sea, which then constitute priority international law.

255. We attach all due importance to the operation of the Preparatory Commission which should pave the way for universality and not hamper it. Developing countries need developed countries, their technology, their financial and human resources and their markets for our raw materials as much as they need us.

256. On behalf of my Government, I wish to announce that Colombia will sign the Final Act and the United Nations Convention on the Law of the Sea. We sign fully aware of our status as a coastal, developing country, in solidarity with the third world, fully trusting in international law and certain that that is the best path towards strengthening peace and finding justice.

257. The Convention on the sea constitutes the legal, technical-scientific and economic frame for the so-called race for the sea to take place under the inspiration of the noblest and most representative historical trends in this twilight of the twentieth century.

*The meeting rose at 1.15 p.m.*

## 190th meeting

Wednesday, 8 December 1982, at 3.05 p.m.

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

### Statements by delegations (*continued*)

1. Mr. Kyung Won KIM (Republic of Korea): I should like to begin by expressing, on behalf of the Government and the people of the Republic of Korea, our sincere appreciation to the Government and people of Jamaica for having invited us to hold this historic concluding session of the Third United Nations Conference on the Law of the Sea in this beautiful city of Montego Bay and to the Prime Minister, Mr. Edward Seaga, for having taken some of his valuable time to inaugurate this historic session.

2. It also gives me great pleasure to join the many preceding speakers who have expressed their admiration and appreciation to you, Mr. President, for your eminent wisdom and leadership. Your dedication and integrity are beyond praise.

3. I also wish to express our gratitude to the chairmen of the three main Committees, the chairmen of the drafting committees and the Rapporteur-General of the Conference, as well as the Special Representative of the Secretary-General and the excellent staff and experts of the Secretariat for their devotion and valuable contributions to the successful holding of this final session of the Conference.

4. In April this year the eleventh session of the Third United Nations Conference on the Law of the Sea succeeded in adopting the Convention on the Law of the Sea, a comprehensive constitution for the oceans of the world.

5. My delegation takes great satisfaction from the fact that 164 countries have been able to negotiate successfully this single, comprehensive Convention which will regulate every aspect of man's utilization of the oceans and their resources.

6. While welcoming the new régime of the law of the sea which has evolved from our long and arduous deliberations, my delegation wishes to take this opportunity to address itself to one important aspect of the Convention.

7. My delegation is of the view that our task of establishing a new legal order does not end with the adoption of the text of the Convention. The adoption of this text is only the first step in the process of giving to the provisions of the Convention the status of generally accepted guiding rules for the orderly use of the seas and their resources.

8. There still remains the task of ensuring that its provisions are duly observed and implemented. In a sense, this is a far greater challenge than that of producing the text of the Convention.

9. The successful implementation of the Convention, which is intended to benefit mankind as a whole, depends on effective co-operation unfettered by political or ideological considerations between and among the States parties to the Convention. This is a very important issue, to which my Government attaches considerable importance.

10. A system of co-operation or consultations is indispensable, especially in such areas as settlement of disputes, conservation of fishery resources, protection of the marine environment, deep sea-bed mining and delimitation of the continental shelf and the exclusive economic zone. It is indeed one of the fundamental principles of this Convention that its successful implementation presupposes various forms and degrees of co-operation, consultations or negotiations between and among the States parties concerned.

11. As a peninsula, my country is surrounded on three sides by the sea. Both the Yellow Sea and the Sea of Japan which