

Third United Nations Conference on the Law of the Sea

1973-1982

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A/CONF.62/SR.190

190th Plenary meeting

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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

enclose the Republic of Korea are themselves semi-enclosed seas. My country's geography makes regional co-operation among the bordering States essential. One of the important areas in which regional co-operation is both indispensable and urgent is protection of the marine environment. Measures designed to protect the marine environment can be effective only on a regional basis.

12. For example, the Yellow Sea, a relatively shallow semi-enclosed sea with a large amount of land effluent in the water, which has given it its descriptive name, is encircled by land masses which support the world's heaviest concentration of population. Offshore exploration of oil and gas is rapidly increasing in this area. The fish catch from the Yellow Sea is an essential source of protein supply for the surrounding populations. A major tanker catastrophe, for instance, would spell environmental disaster and would inflict long-lasting damage upon the entire region. Therefore the overwhelming need for regional co-operation for the purposes of preventing, reducing and controlling pollution of the marine environment in this area is quite clear.

13. It is in that connection that I should like to make clear our readiness to engage in mutual co-operation and consultations on matters pertaining to the Yellow Sea, including the question of delimitation of the continental shelf and the exclusive economic zone with the neighbouring State concerned. It is the earnest hope of my Government that the Convention will, when it enters into force, open new avenues for constructive relations among States, whether large or small, developed or developing, irrespective of political differences, thus allowing this Convention to make a positive and creative contribution to attaining peace and prosperity throughout the world.

14. Before concluding my remarks, I should like to take this opportunity to stress the serious interest of the Korean Government in deep sea-bed mining. The developing countries' consumption of mineral resources will surely continue to rise in the future and an adequate supply of such minerals will be important to both the developed and the developing countries. We cannot, therefore, overemphasize the importance of secure supplies of the minerals at a reasonable price in this age of ever-increasing demand for natural and mineral resources.

15. My country is already experiencing a rapid increase in its demand and need for mineral resources as its industrial development continues. The Republic of Korea, however, is without natural resources of its own and depends largely on foreign countries for the supply of necessary minerals and other natural resources. It is therefore the policy of the Korean Government strongly to encourage its private companies to participate in the deep sea-bed mining activities. At the present time, a modest number of our own private companies are preparing to participate actively in the exploration and exploitation of deep sea-bed resources by meeting the requisite conditions laid down under the Convention.

16. In this connection, I should like to state that the Government of the Republic of Korea, as one of the developing countries, looks forward to organizing joint ventures with other newly industrializing and developing third-world countries to exploit the sea-bed resources.

17. Finally, I wish to inform the Conference that the Government of the Republic of Korea plans to sign the Convention as soon as the necessary domestic procedures are completed. It is the intention of my Government actively to participate in the work of the Preparatory Commission as a full member by signing the Convention as soon as possible.

18. Mr. ROSËNNE (Israel): After the adoption of the Convention and related resolutions on 30 April last, my delegation issued a statement to the press supplementary to my explanations of vote at the 182nd meeting. We explained *inter alia*

that Israel's interests on the sea are complex and include the maintenance of freedom of navigation and overflight through all kinds of geographical formations, security interests, fisheries on a small scale, the preservation of the marine environment and related ecological issues. We should also like to take advantage of the new arrangements for the diffusion of marine technology and scientific research and shall be happy to make available to others our own expertise, centred above all in our oceanographic institutes and institutes of higher learning.

19. On the question of straits used for international navigation, we feel that Part III contains regressive elements caused by distortions introduced in the interests of political opportunism. My delegation maintains the view that the fundamental rule of law controlling this aspect is that a single legal régime applies to passage through and overflight of all such straits, except where a different régime is prescribed by treaty. The distortions in the Convention remain a source of great difficulty for us, except to the extent that particular stipulations and understandings for a passage régime for specific straits, giving broader rights to their users, are protected, as is the case for some of the straits in my country's region, or of interest to my country.

20. In that respect may I recall what I said in greater detail at the 163rd meeting of the Conference, on 31 March last. More particularly in relation to the Strait of Tiran and the Gulf of Aqaba, I wish to quote the statement of the representative of the United States delegation on 29 January last, as follows:

"The United States fully supports the continuing applicability and force of freedom of navigation and overflight for the Strait of Tiran and the Gulf of Aquaba as set out in the Peace Treaty between Egypt and Israel. In the United States view, the Treaty of Peace is fully compatible with the Law of the Sea Convention and will continue to prevail. The conclusion of the Law of the Sea Convention will not affect those provisions in any way."

That quotation can be found in the *Congressional Record*, Volume 128, No. 47, 97th Congress, second session, 27 April 1982, in the Senate part of the volume at page 4089.

21. One of our main difficulties is that we are not yet satisfied that some of the major concepts embodied in the new Convention are fully applicable in the form in which they are presented in the semi-enclosed and narrow seas on which our two coasts lie—the Mediterranean Sea and the Red Sea. Conceptually speaking, the main thrust of the Convention is towards the world's great oceans. It would seem to require adjustments both conceptual and textual before it can be fully applied in other oceanic formations. We have expressed these ideas often in the informal meetings of the Conference, but I want to take this opportunity to place this idea in a succinct form on the record and to stress again the necessity for particular arrangements to meet this type of situation, applicable to all the States concerned.

22. In our later written observations we summarized some other of our major difficulties with regard to the Convention. We have not yet completed our detailed examination of its text, and we shall not, therefore, be signing it on 10 December 1982, the anniversary of the adoption of the Universal Declaration of Human Rights, as a previous speaker has reminded us. We will need to examine very closely some of the statements that have been made here in the course of this concluding session and to establish accurately their implications for the interpretation and application of certain relevant provisions of the Convention, themselves the product of delicate negotiations.

23. When the Final Act of the Conference was adopted on 24 September last, I stated that, having regard for our well-known objections to a certain group purporting to be a

national liberation movement being granted any rights whatsoever under the Convention or resolution IV, we were not parties to the consensus by which the Final Act was adopted. At the same time, I stated that we would re-examine it in the light of all the proceedings of the Conference.

24. I am glad to state that we are now able to sign the Final Act. At the same time, I have to make the following statement:

“This signature of this Final Act in no way implies recognition in any manner whatsoever of the group calling itself the Palestine Liberation Organization or of any rights whatsoever conferred upon it within the framework of any of the documents attached to this Final Act, and is subject to the statements of the delegation of Israel at the 163rd, 182nd, 184th and 190th meetings of the Conference and document A/CONF.62/WS/33.”¹

That statement will be appended to my signature of the Final Act.

25. It is now my pleasant duty to thank the two Governments that have acted as hosts of this Conference whenever it has met outside United Nations Headquarters—the Government of Venezuela, for our first substantive session in 1974, and the Government of Jamaica, for this concluding session. Like many others we regret that the Government of Venezuela has difficulties with the Convention, but the name of its illustrious Ambassador Andrés Aguilar, who was the Chairman of the Second Committee through most of its crucial stages, will always be associated with the Convention. In this context I cannot pass in silence over the name of the Ambassador of El Salvador, Mr. Galindo Pohl, who in 1975 was instrumental in producing the first informal single negotiating text laying the basis for the settlement of the general law of the sea, which is our main interest. I wish also to express my delegation's great appreciation of the devoted work and valuable contributions of the other leaders of the Conference: the Chairmen of the First and Third Committees, our friends Paul Bamela Engo of Cameroon and Mr. Alexandr Yankov of Bulgaria; the Chairman of the Drafting Committee, Mr. Beesley of Canada; the Committee Rapporteurs, the Chairmen of all the other negotiating, working and language groups; and Mr. Kenneth Rattray of Jamaica, our General Rapporteur.

26. This historic Conference, one of the most difficult ever held, would not have reached this point without the devoted work of its secretariat, headed first by Mr. Constantin Stavropoulos and later by Mr. Bernardo Zuleta as Special Representative of the Secretary-General, so ably backed by Mr. David Hall. If I mention these three gentlemen, I do not wish to be taken as being forgetful of the other members of the secretariat, whatever their ranks and positions, with whom we have had such long and pleasant working relationships and through which I hope bonds of personal friendship transcending political differences have been formed. But I should like to mention particularly the documents officers in New York and in Geneva, always so helpful, especially during the work of the Drafting Committee and its language groups.

27. Finally, I come to the presidency. The late Hamilton Shirley Amerasinghe of Sri Lanka, Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and then of this Conference until his lamented death at the end of 1980, brought inestimable services to the international community. My delegation is glad to see that a memorial fellowship is being established in recognition of his unique contribution to the work of the Conference. His sudden death and your election to the presidency of this Conference, Sir, confronted you

with a bundle of seemingly intractable problems which made great demands on all your well-known skills and personal attributes. If my delegation could not accept certain aspects and had to appeal some of your rulings, I am sure you realize that deep political factors lay behind those positions and that our actions do not detract in the slightest from the admiration and esteem in which we hold you for the conduct of the presidency since you took office.

28. Once again my delegation would like to express its thanks to the Government of Jamaica and to the authorities of Montego Bay, who have done so much to make our stay here a pleasant and memorable occasion of a historic event.

29. Mr. JUNG (Federal Republic of Germany): I should like to associate myself with previous speakers and express the gratitude of my delegation for the kind hospitality extended to us by the Government of Jamaica in this beautiful country, where the longest and largest conference in modern history is now coming to its conclusions. It is with deep respect that the Government of the Federal Republic of Germany and my delegation look at the enormous amount of work and energy that the delegations of nearly all the countries of the world have over a period of nine years devoted to the drawing up of the Convention before us.

30. We highly appreciate the great efforts made over so many years by all countries and delegations present in the search for compromise and mutually acceptable solutions.

31. We should like in particular to pay tributes to the two Presidents of this Conference, the late Hamilton Shirley Amerasinghe and you, Mr. Koh, to the Chairmen of the Committees and of the numerous working groups; and last but certainly not least to the staff of the United Nations Secretariat under the diligent guidance of Mr. Bernardo Zuleta. Without the untiring efforts of all these outstanding diplomats and lawyers the work of this Conference could not have been accomplished. We should also like to express our gratitude to all the delegations, colleagues and friends with whom we have had the honour and privilege of working.

32. It is therefore with all the more regret that we must state that despite the labours of these years and despite achievements in detail our common objective—a universally acceptable Convention on the Law of the Sea—has not been reached. It has been our opinion that all the possibilities for negotiation and compromise may not have been exhausted. Thus, a consensus on the Convention as a whole was not possible.

33. Of course, like any other international treaty, the United Nations Convention on the Law of the Sea will become effective only if and to the extent that States express their consent to be bound by it. While many provisions of the Convention reflect existing rules of international law, it should be borne in mind that to a considerable extent the Convention also purports to create new law, in particular in those parts that relate to the legal régime of the deep sea. As a matter of law, States cannot be subject to obligations under the Convention until it has been duly ratified and has entered into force for them. Pending such entry into force, States may validly rely on and are bound by all rules of the law of the sea as developed by the generally recognized practice of States or as contained in relevant Conventions already in force.

34. The position of the Federal Republic of Germany with respect to the matters dealt with in the United Nations Convention on the Law of the Sea has been stated several times during the Conference. I refer in particular to my written statement of 10 March 1981 (A/CONF.62/WS/16) and to my letter of 24 August 1982 relating to zones of coastal State jurisdiction (A/CONF.62/L.155), which contain detailed references in this regard. On this occasion, I wish to emphasize again that as a geographically disadvantaged State but State with important interests in the traditional uses of the seas, the

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

Federal Republic of Germany remains committed to the established principle of the freedom of the high seas. This principle, which has governed all uses of the sea for centuries, has been reaffirmed and, in various fields, adapted to new requirements in the provisions of the United Nations' Convention on the Law of the Sea, which will therefore have to be interpreted to the furthest extent possible in accordance with that traditional principle. Also, in our view promotion and creation of favourable conditions for scientific research, as postulated in the Convention, are general principles governing the application and interpretation of all relevant provisions of the Convention.

35. The Federal Republic of Germany especially welcomed the incorporation into the Convention of a system for compulsory settlement of disputes. My Government has always attached great importance to this concept, both for the development of international relations in general and for the viability of a new convention on the law of the sea in particular. The decision by the Conference to establish the International Tribunal for the Law of the Sea in the Free and Hanseatic City of Hamburg has been appreciated by my Government as recognition not only of our active participation in the work of the Conference but also of the special interest the Federal Republic of Germany takes in the field of peaceful settlement of disputes.

36. On the other hand, as a highly industrialized country dependent on development of technology, on a sufficient supply of raw materials and on free trade, the Federal Republic of Germany has consistently been critical of the deep sea-bed régime worked out by the Conference. We have been especially concerned over the provisions relating to transfer of technology and production limitation, as well as over financial burdens resulting from the system, in particular the highly risky investments in deep sea-bed mining. We are equally concerned over the provision for a review conference, which also involves serious constitutional problems for us. In spite of all efforts, considerable problems remain in this field.

37. The United Nations Convention on the Law of the Sea as adopted by this Conference will need not only to be signed: it will eventually have to pass the test of ratification by States. It is our view that in time to come adjustments and improvements will have to be made in order for the Convention to become effective. The Preparatory Commission may have an important role to play in this respect.

38. The Federal Republic of Germany will sign the Final Act of the Conference. As to the United Nations Convention on the Law of the Sea, the Government of the Federal Republic of Germany has not yet taken a decision on whether to sign it. Since the Convention remains open for signature for a period of two years there is no urgent need to sign immediately. The Federal Government will take its decisions in respect of the Convention in due course and in the light of further developments. The Federal Republic of Germany will, in any event, continue to take an active part in the field of the law of the sea.

39. Mr. WERMUTH (Switzerland) (*interpretation from French*): I should like, first, to join all those who have congratulated the Government and authorities of Jamaica for the warm welcome given to us. At the same time, I wish to express my thanks and admiration to you, Mr. President, and to all your assistants in the Secretariat for the excellent work you have accomplished throughout the Conference and during our brief stay here in Montego Bay.

40. Having come at last to the end of their work, representatives of States participating in the Third United Nations Conference on the Law of the Sea are meeting for the last time within the framework of the Conference in order formally to celebrate that event. May I say that I regret, as I am sure most of us here do, that this celebration does not reflect

unanimous adherence to the results of so much effort expended over so many years.

41. As my delegation stated at the 182nd meeting, on 30 April 1982 in New York, Switzerland is in favour of the Convention, despite its shortcomings and imperfections, because the many reciprocal concessions leading to the global compromise on which the Convention rests reflect, for the vast majority of States, the desire to see order and not anarchy reign over the seas and in the seas. While all States, regardless of their situation, are equally interested in having a new world maritime order become the framework for harmonious co-operation and not the source of tension and conflict, it is equally true that some States, because of their geographical location or because of the activities they carry out in the areas covered by the Convention, including the sea-bed, are more immediately or more intensely interested than other States in this regulation that has been established. No one will disagree that States that are called upon to benefit the most from the Convention in the various fields it covers also have a greater responsibility for ensuring that it enters into force and is implemented.

42. Switzerland, whose attitude towards the Convention as a whole is positive, will not hesitate to sign it when the support of those States reflects the generally shared will to make this instrument the solid basis for the new international law of the sea.

43. Mr. Le PENSEC (France) (*interpretation from French*): The United Nations Convention on the Law of the Sea, to be opened for signature the day after tomorrow, constitutes an essential step in the task undertaken by the United Nations to codify and develop international law.

44. After nine years of work, the Third United Nations Conference on the Law of the Sea has adopted a text of historic importance which is destined to regulate all the activities on or involving the seas. My country voted in favour of that Convention last April and will sign it.

45. First of all, the Convention contains many positive aspects on the status of maritime spaces and the régime for the utilization and protection of the marine environment. In that respect, it has achieved a compromise, acceptable to the overwhelming majority of States represented in the Conference, between the rights of coastal States and the interests of maritime countries, and between the two main uses of the seas, depending on whether they are viewed as a treasure and a source of wealth or as a means of communication.

46. Here are a few examples to illustrate my point.

47. First, the extension of the breadth of the territorial sea to 12 miles has as its counterpart the right of unobstructed transit passage through international straits, while the right of innocent passage of all vessels through territorial waters is unambiguously confirmed.

48. Secondly, the coastal State has sovereign rights over the exploration and exploitation of the natural resources of its economic zone and continental shelf; but those rights must not unjustifiably interfere with the freedoms of overflight, navigation, laying of cables and pipelines and other legitimate uses of the sea.

49. Thirdly, in regard to pollution—to which France, as a result of unfortunate experiences such as that of the *Amoco Cadiz*, attaches particular importance—the Convention achieves a satisfactory balance between the traditional prerogatives of the flag State and the legitimate rights of the coastal or port State.

50. Fourthly, in regard to marine scientific research, the Convention establishes the principle of prior consent of the coastal State for any research operation carried out in its economic zone or on its continental shelf. But it expressly lim-

its the cases in which the coastal State may at its discretion refuse that consent. It prohibits the useless or unreasonable obstruction of genuine research being carried out for exclusively peaceful purposes.

51. Finally—and this is of course not an exhaustive list—I should like to mention the positive solutions achieved with respect to the régime of islands or in the sphere of maritime delimitation between States with opposite or adjacent coasts.

52. Further, the Convention proclaims the sea-bed situated beyond the limits of national jurisdiction to be the common heritage of mankind and places exploration and exploitation activities carried out there under the control of an international authority the mandate of which is to ensure an equitable sharing of the resources for the benefit of all mankind. In so doing, the Convention takes a decisive step, in the North-South dialogue, towards the establishment of a new international economic order, in which my Government is very particularly interested. It seems to us necessary to take this step, although it does not guarantee the success of the broad undertaking thus begun.

53. Indeed, as pointed out by the French Prime Minister in his statement to the United Nations General Assembly on 30 September last, certain provisions of Part XI of the Convention and its annexes III and IV have serious defects and shortcomings that explain why, unfortunately, a consensus could not be achieved on this text last spring. These defects and shortcomings relate, for example, to the obligatory transfer of technology, the cost and financing of the future Authority and the first seat of the Enterprise. They must be corrected by the rules, regulations and procedures to be worked out by the Preparatory Commission. Those rules, regulations and procedures should be perceived in such a way as to facilitate the acceptance of the new régime by the entire international community and should make possible the genuine exploitation of the common heritage of mankind.

54. The French Government is indeed convinced that the success of the new régime, the effective establishment of the International Sea-Bed Authority and the economic viability of the Enterprise will depend on the quality, the earnestness and the results of the work of the Preparatory Commission. Hence, my Government feels that all the decisions taken by the Preparatory Commission should be by consensus. We feel that is the only way of preserving the legitimate interests of every party involved and of increasing the number of participants in the Convention.

55. France intends to participate actively in the work of the Preparatory Commission and will do everything in its power to ensure that its work is successful. France hopes that all States will come to Kingston next March in the same state of mind and that as a result the Convention will not remain a dead letter, thus enabling the resources of the great international sea-beds to be exploited for the benefit of all.

56. That hope will be realized only if the Preparatory Commission is determined that it should be. Responsibility for the success or failure of the Convention—which we shall sign the day after tomorrow—will from that point on fall to it. For its part, the French Government will decide on ratification of this Convention in the light of the results that the Commission achieves.

57. In regard to our signature of the text, my delegation would like to recall that my country is a member of the European Economic Community and that it has transferred competence to the Community in certain matters governed by the Convention. Detailed declarations on the nature and extent of such competence will be made in due course, in accordance with the provisions of annex IX of the Convention.

58. I cannot conclude without paying a tribute to the memory of your predecessor, Mr. President, and without thanking you personally for the constant efforts you have

made towards the success of the work of this Conference. You took on a very heavy task with talent and devotion, and I wish to emphasize that.

59. I should like also to pay a tribute to all the members of the Bureau and of the Secretariat who have contributed so actively for many long years to the progress of the Conference.

60. Finally I express my gratitude to the Government and people of Jamaica for their warm welcome during this Conference.

61. Mr. AL-BAHARNA (Bahrain) (*interpretation from Arabic*): We are very pleased that this closing meeting of the eleventh session of the Third United Nations Conference on the Law of the Sea is being held in Montego Bay, Jamaica, for the purpose of signing the Final Act and opening the Convention on the Law of the Sea for signature by the heads of delegations present here.

62. For the last nine years the delegations participating in this Conference have made a praiseworthy effort to achieve, through continuous and strenuous negotiations, the conclusion of an international, ambitious and well-balanced convention to govern the rights and obligations of coastal and land-locked States with respect to the use of the seas and the exploitation of their living and natural resources, in the interest of the entire international community. We can be proud that the efforts of the States represented at this Conference have been crowned with success, thanks to the adoption in New York on 30 April last of the final text of the draft convention by an overwhelming vote.

63. Although Bahrain is not completely convinced that the Convention on the Law of the Sea should contain some provisions relating to the interests of developing States in general and to geographically disadvantaged States in particular, we have accepted the Convention on the Law of the Sea because my country is deeply convinced that, considered as a whole, with all its provisions, it constitutes the best possible way of protecting the common interests of the international community and of reconciling equitably their various interests. Most important, it constitutes an earnest and civilized way for the efforts of the international community to establish the bases for peace and economic development in accordance with the principles of mutual understanding, justice, equity and law.

64. The Convention to be signed at the end of this Conference is a comprehensive and very important international document, second only to the United Nations Charter. It constitutes, furthermore, a historic event, since it is the result of negotiations among delegations of more than 150 States of the international community represented in the Organization. The importance of this Convention as a historic event without equal resides also in the fact that it creates a new international régime which did not exist in contemporary customary international law, to regulate the use of the seas and the exploitation of their natural and living resources in the interest of the international community.

65. The very precise and well-balanced provisions of this Convention in this regard, particularly the new principle of the common heritage of mankind, constitute not only a codification of the principles of customary international law but also a significant further development of the provisions and rules of international maritime law. As a result of the materialization of these new principles and rules in an integral and consolidated law, this Convention—once it has been ratified and enters into force—will be one of the most important sources of international maritime law in peacetime, which in itself is a great achievement of which the international community may well be proud, a régime that will promote stability in the use and exploitation of the seas and their resources, in the interest of all peoples.

66. Nothing better proves the lofty purpose and universality of this Convention as one of the legislative sources of international maritime law than the diversity of the issues with which it deals and the fact that it does so in a very delicate and well-balanced way, taking account of the interests of the coastal, land-locked and geographically disadvantaged States, in accordance with the possibilities and the circumstances of each group of States. The matters dealt with in this Convention are vast and diverse, including the delimitation of the breadth of the territorial sea at 12 miles, the establishment of the exclusive economic zone at 200 miles, the affirmation of a new principle for fisheries and the conservation of living resources, the regulation of international navigation on the high seas and the principle of innocent passage in territorial seas and transit passage in international straits and archipelagic waters.

67. The Convention provides, *inter alia*, for a new régime for the high seas and maritime spaces within the framework of the national jurisdiction of coastal States. It deals also with the rights of land-locked and geographically disadvantaged States, to access to the exploitation, on the basis of justice, of the resources of the continental shelf of coastal States beyond the 200-mile limit. It also gives those countries the right to benefit from the "surplus" living resources of the exclusive economic zones of their neighbours.

68. We should have preferred to see other innovations and improvements in the Convention benefiting the geographically disadvantaged States. The Convention provides also for measures to combat pollution in the marine environment and to encourage marine scientific research and ensure the transfer of technology. However, there are well-balanced and very detailed provisions in the Convention for the peaceful settlement of disputes between States parties concerning the interpretation or application of the Convention in the future.

69. Finally, the most important achievement of this Convention is, we feel, the adoption of Part XI and its relevant annexes. They very rightly occupy a great part of the Convention.

70. This part of the Convention on the establishment of the International Sea-Bed Authority and a comprehensive legal régime governing the exploitation of the natural and mineral resources of the sea-bed and the ocean floor is an important step forward in the drafting of the Convention. The principle that the natural resources of the sea-bed beyond the national jurisdiction of coastal States are the common heritage of mankind and must be exploited for the benefit of the international community as a whole constitutes a new concept in contemporary international law. Hence, after the entry into force of the Convention, it will not be possible to extract these natural resources from the international Area governed by the Convention for the benefit of one State, or a group of States, any private enterprise or a consortium of commercial enterprises if such exploitation is not in keeping with the measures and provisions contained in the Convention. Any exploitation of these natural resources by any State, or by any commercial concern belonging to it, which is not provided for by the Convention and which, hence, runs counter to its provisions, would therefore create very serious political and legal problems for that State.

71. We are pleased that the adoption of Part XI and the relevant annexes of the Convention gives concrete expression to well-established legal provisions and concepts adopted by the United Nations General Assembly in its resolution 2749 (XXV) of 17 December 1970, which laid down the principles governing the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as in its resolution 2750 C (XXV) of the same date, which called for the convening of a conference on the law of the sea to deal with the establishment of a new international régime, includ-

ing international machinery governing the sea-bed and the ocean floor.

72. After this brief account of the provisions of this Convention, which is unique among all other international conventions, I should like to state that the Government of Bahrain has decided to sign the Final Act and the United Nations Convention on the Law of the Sea, which will be opened for signature on Friday, 10 December. My Government has entrusted me with signing on its behalf.

73. In conclusion, I wish to extend heartfelt thanks to the Government of Jamaica for its hospitality and warm welcome and for the facilities that have been provided for the holding of this historic Law of the Sea Conference.

74. Mr. President, I also wish to thank you personally and to express to you our esteem and gratitude for your tireless efforts and unceasing work, in co-operation with the secretariat of the Conference, to ensure the success of this Conference and the achievement of its goals. That has been done in the best possible manner, and in this connection I should like to say how much we appreciate the efforts made by the former President of the Conference, the late Hamilton Shirley Amerasinghe, before his untimely death. I pay a tribute also to the Chairmen of the Committees and working groups of the Conference and to the secretariat of the Conference for their efforts to ensure that our work in the drafting of the United Nations Convention on the Law of the Sea was crowned with success.

75. Mr. TEMPLETON (New Zealand): It is with a considerable sense of satisfaction and achievement that the New Zealand delegation has come to Jamaica to participate in this, the final session of the Conference on the Law of the Sea. We are most grateful to the people and the Government of Jamaica for their warm welcome.

76. We are now completing a process extending over many years of modernizing the law of the sea. In spite of careful preparation, the first attempts at that task, in 1958 and 1960, met with failure, or partial failure, on key questions. The reasons for that failure may be seen, perhaps, in the major changes and innovations that appear in the new treaty. The negotiation of those changes and innovations, which began with the establishment of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in 1968 and proceeded with universal participation at the Third United Nations Conference on the Law of the Sea from 1973 onwards, has extended over many weary sessions. But, unlike the earlier attempts, it has produced consensus solutions on all the questions before it, solutions which have proved acceptable to the great majority of participating States. It has also produced a multilateral Convention which is far more extensive and far more complex than any before it. In terms of its long-term significance, it must be second only to the United Nations Charter itself.

77. There were certain requisites for the achievement of a single comprehensive treaty on the law of the sea. Foremost, it has been necessary that every State subordinate to the common good some portion of its national interests as it has perceived them. The Convention which has been produced is thus an earnest of States' preparedness to co-operate and to make concessions in order to reach a common objective—in this case, the orderly and peaceful use of the oceans. We have shown in this Conference that the multilateral treaty-making process can and will work, even in the face of a wide range of competing interests, when States commit themselves to this result. We can draw some encouragement that this may happen in other spheres.

78. As well as being a monument to the good sense of States, this Convention is also a tribute to the good sense and leadership of the officers of this Conference. In your time in office, Mr. President, you have expertly guided the Conference

through perhaps its most difficult period. We owe you much for your good judgement, your total grasp of the issues and your own particular admixture of flexibility, determination, humour and candour—especially, perhaps, candour. Nor should I fail to acknowledge our deep debt to our late President, Hamilton Shirley Amerasinghe, whose contribution is indelibly marked on the Convention. It is a matter of great sadness to us that he is not here to witness the fruits of his wholehearted commitment to the multilateral treaty-making process and to this Conference. The Chairmen of the Main Committees and of the innumerable informal negotiating groups, the indefatigable secretariat—all have made their contributions. I shall not risk the unpardonable omission by mentioning any more names.

79. In the early days of the Sea-Bed Committee, the New Zealand delegation spelled out what it saw as its particular interests in the forthcoming law of the sea negotiations. Some of these were common with other coastal States: a small merchant marine, a fishing industry which, although expanding, was not able fully to exploit adjacent waters and a vulnerability to marine pollution. New Zealand shared the coastal-State view that the existing law of the sea was unduly weighted in favour of a relatively small number of major maritime Powers, and we wanted to have that imbalance redressed. At the same time, we were not indifferent to the interests of the maritime Powers. On the contrary, we shared many of their concerns. As a geographically isolated country, New Zealand is heavily dependent upon ocean-borne trade and on naval mobility for its defence. We therefore had as much need as anybody else to preserve freedom of navigation.

80. One of the major tasks before the Conference has been to balance the interests of most States—not only the major maritime States—in freedom of navigation with the need to give coastal States an equitable expansion of their jurisdiction. The solutions provided by the Conference have been conceptually unique. In our view, they have also achieved the necessary balance between coastal-State and maritime interests. They have taken account as well of the interests of those States with restricted maritime spaces or none at all.

81. For New Zealand's neighbours, the small island countries of the Pacific, the problems of geographic isolation are particularly acute. For most of them the resources of their exclusive economic zones are their only real asset. In relative terms, therefore, these countries have probably had more at stake in the Conference than any others. New Zealand has been pleased to work closely with these countries, both inside and outside the Conference, to ensure that their particular interests and concerns were given proper account. At the most recent meeting of the South Pacific Forum, in August of this year, South Pacific Heads of Government expressed satisfaction with the new Convention and urged early signature of it.

82. For all of the small Pacific island countries, the major living resource of their exclusive economic zones is highly migratory species of fish. The acquisition of jurisdiction over these fish has been coupled with a clear willingness to cooperate with one another in their management and a South Pacific Forum Fisheries Agency has been established for this purpose. Co-operation has also been developing with those distant-water-fishing nations that are prepared to respect the sovereign rights of Pacific island countries over all living resources within their zones, including tuna, in accordance with customary international law and the terms of the Convention. Most of these small countries lack the ability to enforce their resource jurisdiction. They will obtain the full benefit of their exclusive economic zones only if other, more powerful States are prepared to respect their international obligations in this regard.

83. There are of course other benefits conferred upon developing countries by the Convention. All of the island

countries of the Pacific will, in this capacity, derive particular benefit from the distribution of revenues by the International Sea-Bed Authority. Most of these revenues are likely to have come from sea-bed exploitation in the Pacific area in the first place. It is particularly appropriate that in all these respects the Cook Islands and Niue will have the right to participate on the same basis as their Pacific island neighbours, as they already do in Pacific affairs, as full parties to the Convention.

84. The completion of the Convention and its opening for signature mark the end of this particular task. It is of course a disappointment to us that the Convention could not be adopted unanimously and that not all countries are able to sign it at this stage. We hope that time and a constructive implementation of the Convention will cure this particular problem. We cannot believe that nations which have taken a leading role in negotiating the compromises which have made this treaty possible, nations which have vital interests in every major activity within its scope, nations which have traditionally sought and upheld the traditional freedoms which it enshrines, nations which have consistently advocated the development of international law and order, will not come to see the acceptance of this treaty as the course of wisdom and statesmanship.

85. Although we have no direct interest in sea-bed mining, New Zealand will follow the work of the Preparatory Commission with considerable interest. We hope that in approaching its task of developing the requisite rules and procedures the Preparatory Commission will bear constantly in mind the desirability of ensuring the broadest possible participation in the Convention.

86. Finally, it is with a sense of optimism about the prospects for widespread acceptance and implementation of all parts of the new treaty that my Government has authorized me to sign the Convention, as well as the Final Act, on behalf of New Zealand. We look forward to the early entry of the Convention into force. We hope that in the meantime both the signatories and those who have yet to sign will act in the spirit of the Convention. We hope they will recognize that the exercise of rights spelled out in the Convention must be balanced by acceptance of the limitations, obligations and duties which it also imposes. It will be our own aim to act in accordance with this principle, whose observance helps to distinguish the rule of law from the arbitrary exercise of power.

87. Mr. MBAI (Gambia): I should like, first of all, to convey to the Government and the people of Jamaica the profound gratitude and warm fraternal greetings of the President of the Republic of the Gambia, Alhaji Sir Dawda Kairaba Jawara, and the felicitations of the Government and the people of the Republic of the Gambia for the singular honour accorded this beautiful part of the Caribbean in having been chosen to act as host for these historic ceremonies and to be the headquarters of the International Sea-Bed Authority, thereby giving due recognition to its contribution to the global effort towards the triumph of the rule of law over the seas and oceans of the world. We are very pleased indeed that Jamaica was chosen.

88. This is a historic and momentous occasion for all mankind. Indeed, to be alive to witness and be a part of this solemn ceremony is the greatest chance of a lifetime. For we are all gathered here in the beautiful city of Montego Bay, representing well over 100 nations and millions of people all over this world, to observe and to celebrate the triumph of law and order over chaos and lawlessness, right over might and prudence over prowess in an area of the world which constitutes the greatest part of our planet.

89. It is also an occasion of self-congratulations and of eloquent testimony to the faiths and hopes of mankind in the United Nations system, which has been able to bring together so many sovereign independent States with divergent economic interests and political ideologies to discuss, debate

and eventually elaborate this landmark United Nations Convention on the Law of the Sea reflecting the common aspirations of mankind as a whole.

90. The Government of the Republic of the Gambia and my delegation have the honour of paying a special tribute to the Secretary-General of the United Nations, to his Special Representative here, to you, Mr. President, to your predecessor and to all the other jurists for their inspiration, good guidance and clairvoyant leadership. We should also like to pay a tribute—through you, Sir—to the other men and women whose tireless contributions have also ensured the tremendous success of this Conference.

91. The voyage from Caracas to Montego Bay has been long and arduous. It has been eight tremendous and exciting years of dedication, good faith and an inspiring commitment to international co-operation, peace and security. The negotiations have been conducted on complex issues with far-reaching economic and political implications. But if the journey has been long and difficult, the Convention on the Law of the Sea which is now to be opened for signature is sufficient global reward and justification.

92. It is the view of my delegation that this Convention represents the best codification, modification, simplification, modernization, reform and systematic development of the international law of the sea, with new, enlightened and progressive juridical spheres, institutions and competences, for the benefit of all mankind and for the promotion of international co-operation, peace and security in a world craving order, justice and stability.

93. The Convention is also singularly significant in its concept of the common heritage of mankind and the equitable sharing and better utilization of ocean resources as the first concrete step towards the realization of the New International Economic Order.

94. It is gratifying to note that the Convention before us has been successfully negotiated in a spirit of give and take and of compromise, and on the basis of consensus. My delegation therefore subscribes to the hope that these enlightened and progressive procedures, which have characterized the success of this gigantic human endeavour, will continue to underline modern theories and practices of international relations.

95. It is a matter of regret to my delegation, however, that a sudden and last-minute reversal of attitude in some quarters has given the Conference no alternative but to abandon the principle of consensus in order to save the minimum that can be acceptable to the international community. We hope, however, that this is temporary and that in the end the spirit of Montego Bay will prevail.

96. It is the view of my Government that signature of the Convention before us is a moral obligation both to mankind and to posterity.

97. In conclusion I have the honour to inform this Conference that I have been authorized by my Government to sign both the Final Act of this Conference and the Convention on the Law of the Sea on Friday, 10 December 1982.

98. Mr. LACLETA MUÑOZ (Spain) (*interpretation from Spanish*): It has been my honour to participate in the Third United Nations Conference on the Law of the Sea for nine years, from the first procedural meeting in New York to this session in Montego Bay, and I must say that I am sad to be speaking in the Conference for the last time. During this long period all of us, representatives and delegations, have been working intensively in the hope of reaching a final agreement on which there could be a consensus. During this period many very good personal friendships have been formed. Some, alas, have ended, truncated by death, and I wish to pay a tribute to the memory of President Amerasinghe, who led our work very effectively for so long.

99. But other friendships continue, and will do so for ever, even though delegations may stop meeting once, twice or even three times a year, as did the members of the Drafting Committee, to which it was my honour to belong. This is all to the good, because in diplomatic activity personal friendship compatible with professional opposition greatly facilitates negotiation, although at times it can also make it more difficult because it is neither easy nor pleasant to fight a friend, even though it may be only with negotiating dialectics.

100. In any case, the Convention that has emerged from our work is an important effort not only in terms of the codification of customary international law but also in terms of its development, since it formulates new conventional norms not only in the field of the exploitation of the sea-bed beyond national jurisdiction but also in other numerous fields such as the detailed regulation of the exclusive economic zone, norms on archipelagos, pollution, marine scientific research and so on. And, since I have mentioned archipelagos, I should like to say that my delegation does not think it appropriate—indeed, it thinks it unfair—for the text of the Convention to exclude from the archipelagic régime those archipelagos that form part of a State having continental territory.

101. I shall not repeat here statements that are well known with regard to the position of the delegation of Spain and with regard to some new norms included in the text adopted on 30 April 1982, which compelled my delegation to go as far as submitting formal amendments once we had exhausted all efforts to achieve consensus. I should like to express our gratitude to the delegations that supported us and to recall that the views of the Spanish Government on articles 39 and 42, in particular, of Part III were contained in my statement of 15 April 1982 and in document A/CONF.62/L.136 dated 26 April 1982.¹

102. I should also like to make explicit reference to the formal reservation of the position of my Government—whatever its attitude may be on the Convention—with regard to resolution III, on territories under colonial domination. The Government of Spain considers that the question of that part of Spanish territory that is subjected to colonial domination—for the solution of which through negotiation and in accordance with the relevant resolutions of the General Assembly Spain has always been ready—is subject to those resolutions alone.

103. Now, and without detriment to what I have just said, I wish to recall that my delegation abstained in the voting on 30 April at the 182nd meeting.¹ My Government is fully aware that the Convention covers a very broad range of questions. It is also aware that very few of the participants in this important Conference can feel fully satisfied. That is true of us. Together with a great number of norms we may consider satisfactory, there are others that are not so satisfactory, and still others that are barely acceptable. Apart from the questions to which I referred a moment ago, there are other provisions—such as delimitation and access by third parties to the resources of the exclusive economic zone, which are the result of difficult and lengthy negotiations in which the balance attained is in any event a compromise—which we can support since if they are correctly interpreted they protect our interests even though they may not be the precise regulations we desired.

104. We must now undertake a detailed study and an overall assessment, taking into account all positive and negative factors. That work has in fact been started by the Government of Spain. However, internal political events that have led to the dissolution of Parliament, the holding of general elections and the establishment of a new Government, which took office on Friday last, have inevitably delayed that process, which will of

course go beyond mere administrative considerations and involve the Government and the Parliament.

105. I can assure the Conference that in making a final analysis of the Convention, which will be open for signature on 10 December, the Government of Spain will bear in mind the meaning of the Convention in its aspiration to be a universal code which may be the basis for the peaceful and orderly use of the sea and its resources, and, regardless of objections which may be raised to the text adopted on 30 April, it will also bear in mind its significance for the implementation of the principle of the common heritage of mankind, which has beyond any doubt been accepted by my Government, as well as the positive significance which so many developing countries—many Spanish-speaking countries among them—attach to this first step towards a new economic order, in which they have placed so many hopes.

106. It remains only for me to congratulate you, Mr. President, on your tireless, skilful and effective work. I wish also to congratulate all your assistants, whom I shall not name for fear that I shall forget some, though I do wish to mention the Special Representative of the Secretary-General of the United Nations, Ambassador Bernardo Zuleta, the members of the Secretariat and especially all those who helped us in the Drafting Committee.

107. Lastly—and I say “lastly” only because of the chronological order of events—I should also like to thank, on behalf of my delegation, the Government of Jamaica, the authorities of Montego Bay and the people of Jamaica for the manner in which they have in so short a period of time prepared this closing session, as well as for their very warm hospitality here.

108. Mr. AL-ASHTAL (Democratic Yemen) (*interpretation from Arabic*): I should like first of all, on behalf of my country's delegation that has participated in this historic and important event, as well as on my own, personal behalf, to convey to you, Mr. President, our congratulations and gratitude for your continued efforts that have enabled the Third United Nations Conference on the Law of the Sea, one that has faced some of the most difficult of challenges throughout its long course, to reach its desired goal, namely, the adoption of the United Nations Convention on the Law of the Sea.

109. Now, at the culminating moment of this important international event, we should like to pay a tribute to all those who have, by their constructive efforts and innovative spirit, contributed to the work of this Conference throughout its arduous course. We wish in particular to mention one who is no longer with us, the late Hamilton Shirley Amerasinghe, President of the Conference and author of the draft negotiating text that formed the basis for our present Convention. We also wish to pay a tribute to the memory of Mr. Mustapha Yasseen, the former co-ordinator of the Arabic-language group. We should like to stress the spirit of co-operation and compromise that has always prevailed in the Conference throughout the negotiations, even during the discussions of the most difficult questions, in our efforts to reconcile the various interests involved.

110. The United Nations Convention on the Law of the Sea which we are about to sign is the fruit of tireless international negotiations typified by broad world-wide participation. At all sessions of the Conference, all the States of the world have participated, as have representatives of national liberation movements. The Convention may therefore be looked upon as the first international instrument in the formulation of which the whole of the international community has taken part. This broad international participation in the preparation of the Convention gives it a special status, one that no other international instrument has previously enjoyed. In this connection, we would have liked the Conference to accord to the national liberation movements that participated in the Conference, for example the Palestine Liberation Organiza-

tion and the South West Africa People's Organization, the right to sign the Final Act of the Conference and the Convention as well.

111. The importance of the Convention can be seen in the very delicate questions that are dealt with in it. A large number of preceding speakers have either paid a tribute to the Convention or voiced certain criticisms of it. Everyone, however, agrees that it represents a delicate and balanced conciliation, in the interests of all States, with regard to the use and exploitation of the seas and oceans and of the resources thereof.

112. As we now come to the stage of codifying the law of the sea as contained in the present Convention, which is regarded as an advance over the 1958 Geneva Conventions, a single document that covers every question and subject relating to the interests, rights and duties of States in the seas and oceans, a document that is a legal instrument within the framework of the progressive codification of international law; we must realize that it is also a further development of international law that contains innovative concepts of contemporary international law, among them the exclusive economic zone and the international zone.

113. Such new concepts must become engrained and reaffirmed. This will be possible only through our commitment to the relevant texts, making them prevail as recognized and accepted norms, and through our refusal to recognize any activity or unilateral exploitation that may be undertaken outside the purview of the Convention.

114. In that connection, we should like to support what the President said in his opening statement—that is, that any activity or exploitation of the resources of the international area that is carried out on the basis of unilateral legislation or bilateral agreements will be regarded as an illegal action.

115. We have no doubts whatsoever that the entry into force of this Convention will constitute a very important step by mankind on the path towards the realization and affirmation of a new international economic order, one that is more just and equitable. We should like the Convention and the method that was followed in its preparation to stand as a source of inspiration and motivation so that more international instruments may be prepared that are designed to strengthen international co-operation and to enshrine consensus on questions relating to the future of mankind and mankind's peaceful survival, such as the limitation of the arms race.

116. Democratic Yemen has always supported and will continue to support every effort designed to strengthen and uphold the objectives of the United Nations Charter with regard to international co-operation. The experience of the Third United Nations Conference on the Law of the Sea has been proof of the fact that, through continued negotiations and given a spirit of responsibility on the part of the negotiators, it may be possible to reconcile various divergent interests that may seem irreconcilable and to reach compromise agreements acceptable to all—save, of course, for those who constantly strive to impose upon others their concepts and personal convictions of how things are to be. To them, we say that the era of exploitation and spoliation is over and done with and that they must now conform to the contemporary reality that is reflective of the true desires and aspirations of the peoples of the world.

117. Democratic Yemen has participated in all the sessions of the Third Conference on the Law of the Sea. Through our participation, we have been able to make our position towards the questions under consideration abundantly clear, especially those that affect us directly as a coastal State and a riparian State on one of the sea lanes—Bab El-Mandab.

118. Throughout the various stages of the Conference we have shown flexibility and understanding and have partici-

pated in the consensus or the unanimity on questions of general agreement. On this occasion, and without repeating those positions we should like to recall the President's statement at the 176th plenary meeting of the Conference on 26 April 1982¹ with regard to the amendment proposed in document A/CONF.62/L.117.¹ We were among the sponsors of that amendment. In his statement, the President mentioned that the withdrawal of that amendment did not undermine the rights of coastal States to take the measures necessary for the protection of their security in accordance with articles 19 and 25 of the Convention.

119. We should like to reaffirm here, in connection with the delimitation of the maritime boundaries between Democratic Yemen and any States with adjacent or opposite coasts, that we shall be bound by the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. This will apply also to the maritime boundaries of the territorial space of Democratic Yemen and its islands.

120. Before I conclude, it is my pleasure to announce that my Government has instructed me to sign the United Nations Convention on the Law of the Sea and the Final Act the day after tomorrow.

121. Finally, I wish to express to the people and the Government of Jamaica the gratitude and appreciation of my delegation for their hospitality on the occasion of this important historic meeting.

122. The PRESIDENT: The President of the General Assembly has just joined us. On behalf of everyone here, I should like to welcome him to this Conference.

123. Mr. PRANDLER (Hungary): It is indeed a great honour that has been bestowed upon me to speak on behalf of the Hungarian delegation at this last part of the final session of the Third United Nations Conference on the Law of the Sea, convened for the signing of the Final Act and the opening of the Convention for signature.

124. First of all, my delegation wishes to join all previous speakers who have expressed their gratitude and appreciation to the Government of Jamaica for the invitation extended to the Conference to hold this session of particular importance in this wonderful and hospitable country of the Caribbean.

125. It is no exaggeration to stress that the Third United Nations Conference on the Law of the Sea and its final session for the signing of the Final Act and the opening of the Convention for signature can rightly be called a historic event in the process of international co-operation, or, as you, Mr. President, put it so ably on an earlier occasion, it is indeed "a rendezvous with history" for a good number of reasons.

126. First, the completion of the work of the Third United Nations Conference on the Law of the Sea and the signature of the Convention should be viewed in the context and in full awareness of the overall deterioration in international relations and of the urgent necessity of limiting the arms race, avoiding a nuclear catastrophe and giving new impetus to détente, not only in Europe but in all continents. The Hungarian delegation is convinced that the new United Nations Convention on the Law of the Sea is by its very nature bound to exert a beneficial influence on inter-State co-operation in general and, in particular, on the prevention and, it is hoped, even on the elimination of tension and confrontation attributable to the manifold uses of the seas and oceans.

127. Secondly, my delegation is equally aware of the dangers which threaten this new and comprehensive legal régime of the seas. It suffices to recall that there are certain States—in particular the United States of America—which, at least for the time being, refuse to sign the Convention and are prepared to undertake unilateral actions either alone or by multilateral agreements concluded by them in relation to

activities in the international sea-bed area. Any attempt to use the oceans and their resources to circumvent the provisions of the Convention should be rejected as a violation of the emergent new legal régime of the oceans and as action detrimental to the interests of other States with regard to the areas of the sea most likely to yield mineral resources.

128. Thirdly, the Hungarian delegation is of the opinion that the United Nations Convention on the Law of the Sea is of paramount significance because it is able to respond positively and flexibly to the multiple challenges and needs confronting humankind in terms of a more intensive, more beneficial and at the same time more equitable use of the living and non-living resources of the sea. Indeed, the Convention responds positively to the development of technology in this field and, last but not least, to the urgent requirement of preventing and controlling marine pollution from any source, as well as of promoting marine scientific research. In reference to the positive response given by the Convention to the overall needs of human activity in the oceans, my delegation is of the view that special emphasis should be placed on the provisions of the Convention which spell out the traditional freedom of navigation on the high seas and in the economic zones, as well as innocent passage in the territorial sea and unimpeded transit passage through straits used for international navigation.

129. Fourthly, the new Convention has a special significance for the land-locked and geographically disadvantaged States too. As has been emphasized by the Hungarian delegation time and again during the past sessions of the Third United Nations Conference on the Law of the Sea, we attach particular importance to Part X of the Convention, on the right of access of land-locked States to and from the sea, the freedom of transit and the right of land-locked States to participate in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States. Although those provisions are far from perfect, from the point of view of the land-locked States, they do ensure certain basic rights without which the Convention would be quite meaningless for that group of States. We equally stress the importance of the provision of article 140 that: "Activities in the Area shall . . . be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked . . .".

130. Having carefully considered all the relevant aspects of the Convention, the Presidential Council of the Hungarian People's Republic has decided to sign the Final Act of the Conference and the United Nations Convention on the Law of the Sea, on behalf of the Hungarian People's Republic. By doing so the Hungarian People's Republic, a socialist State, wishes to express first of all its deep commitment to the principles of mutual co-operation, non-discrimination and the peaceful coexistence of States. Furthermore, it firmly believes that the signature and the eventual entry into force of the Convention will contribute—even if modestly—to the lessening of international tension and to the strengthening of international peace and security by providing a comprehensive legal order for the use of the sea.

131. On the occasion of the signing of the Convention, the Hungarian People's Republic wishes to reserve its right to make, at an appropriate stage, declarations in conformity with article 287 on the choice of procedure for the settlement of disputes concerning the interpretation of this Convention and article 298 on optional exceptions. We equally reserve our right to make declarations under article 310, if the need arises and with due regard to the declarations that will be made by other States.

132. It goes without saying that not all the provisions of the Convention are entirely satisfactory to my Government. There are shortcomings in the Convention which are partly due to the nature of a package deal and the rule of consensus, which played an important and positive role throughout the

lengthy and arduous negotiations almost up to the very end of the Conference. Speaking of these shortcomings, I cannot fail to point out that the land-locked States are clearly among the losers in this Conference on a number of issues, in relation to some of the provisions on the legal régime of the exclusive economic zone as well as in relation to the outer limit of the continental shelf, which reduces the area for the common heritage of mankind and heavily favours the broad-margin States. On the other hand, some of the shortcomings are due to the pressure of a certain group of States, which resulted in the formulation of provisions of a discriminatory nature, for example, in the case of resolution II of the Final Act, governing preparatory investment in preparatory activities relating to polymetallic nodules. It was due to this resolution, which accords discriminatory treatment to various groups of States, that the Hungarian delegation was not able to give its full and unqualified support to the adoption of the Convention and the related resolutions. My delegation wishes to express its hope that in the course of the work of the Preparatory Commission and, after the coming into force of the Convention, of the Authority itself, due care will be taken to ensure that no States may circumvent the provisions of the Convention, taking advantage of the legal loopholes purportedly contained in resolution II.

133. Within the confines of the given time-limit, my delegation is not able to go into details concerning a number of issues which are of particular importance to us—for example—resolution I, concerning the function and tasks of the Preparatory Commission for the International Sea-Bed Authority; resolution III, concerning territories whose people have not attained full independence or other self-governing status recognized by the United Nations, or territories under colonial domination; and resolution IV, concerning the status of the national liberation movements.

134. I cannot let this occasion go by, however, without expressing the sincere gratitude and congratulations of the Hungarian delegation, first of all to you, Mr. President, and through your intermediary to all the officials of the United Nations Conference on the Law of the Sea, above all to the members of the Collegium—the Chairmen of the Committees, the Rapporteur-General, the Chairman of the Drafting Committee, the Chairman of the Credentials Committee and that of the group of land-locked and geographically disadvantaged states—as well as to the Special Representative of the Secretary-General, Mr. Bernardo Zuleta; the Executive Secretary, Mr. David Hall; and the members of the Secretariat for being so instrumental in the negotiation, drafting and adoption of this Convention, which should certainly be ranked among the major landmarks in the uphill battle for better political co-operation and understanding among States, as well as in the progressive development and codification of international law.

135. Mr. SALLAM (Yemen) (*interpretation from Arabic*): Mr. President, I should first of all like to congratulate you personally for having achieved what you aspired to—this final and important stage, the opening of the Convention on the Law of the Sea for signature. You made constant efforts, with your well-known determination, in the course of the negotiations in order to ensure the attainment of our objective, now realized. Thus the history of the signing of this very important Convention will always be totally linked to your extremely valuable efforts and contributions, which have had the greatest possible impact in achieving this document so important for all mankind. At this historic stage I should like too to pay a tribute to your very distinguished predecessor, the late Hamilton Shirley Amerasinghe of Sri Lanka, whose memory will always be linked to this historic event, for his very important efforts and valuable contributions. By the same token we should not wish to fail to express our very great appreciation and gratitude to the secretariat of the

Conference, and particularly to Mr. Bernardo Zuleta, the Special Representative of the Secretary-General, for their efforts.

136. The passage of foreign warships and nuclear-powered vessels in the territorial waters near the coasts of small developing States is difficult to describe as innocent, whatever justifications may be used. The Governments and peoples of those States cannot view favourably the presence of foreign warships in their territorial waters without prior notification or knowledge of their intentions and purposes. Similarly it is difficult to say that such passage does not infringe the sovereignty of these small developing coastal States.

137. Despite this defect in the Convention, as well as some other aspects, the delegation of Yemen will sign the Final Act and the United Nations Convention on the Law of the Sea, in conformity with the principle of compromise and since we have all agreed that this Convention is an indivisible whole. But my delegation would like to join the many preceding speakers who have stressed the importance of the present version of article 21. My Government participated with 29 other States in sponsoring the amendment in document A/CONF.62/L.117 to article 21, mentioning the laws and regulations promulgated by the coastal State in order to safeguard its territorial seas with respect to health, immigration, pollution, custom duties and taxes, without mentioning the laws of the coastal State with respect to security. Mr. President, on 26 April 1982 you appealed to sponsor States not to insist on that amendment, in order to make it possible to adopt all the articles of the Convention by consensus. My delegation, together with the other sponsors of the amendment in document A/CONF.62/L.117, heeded your appeal after you stated officially and without misgivings that our concept and interpretation of articles 19 and 25 of the Convention, as reflected in the official summary record, document A/CONF.62/SR.176 of 30 April 1982,¹ would enable the coastal States to take the necessary measures to ensure their interests with respect to security in the area.

138. My delegation, which recognizes the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people, would like to express its deep satisfaction at the fact that participation in the signature of the Convention has been ensured. We feel that the signature of the Convention by the Palestine Liberation Organization, on an equal footing with the other signatories, constitutes a step forward in the exercise by the Palestinian people of its inalienable national rights on the soil of Palestine. Similarly, the delegation of the Yemen Arab Republic believes that the signing of the United Nations Convention on the Law of the Sea by the South West Africa People's Organization is recognition of that organization by the international community and signifies progress in the struggle of the Namibian people to recover their rights and accede to sovereignty and independence.

139. In conclusion, I should like to express the thanks and gratitude of the delegation of the Yemen Arab Republic to the Government and the fraternal people of Jamaica for their generous hospitality and warm welcome to the Conference in this very beautiful city.

140. Mr. BARMA (Chad) (*interpretation from French*): It is a special honour and a pleasant duty for me to participate, on behalf of my country, in this major event—the session at which the international Convention on the Law of the Sea will be signed in Montego Bay, this lovely Jamaican city.

141. First of all, I should like to express my delegation's deep gratitude to the Government and the people of Jamaica for the warm welcome and special attention bestowed upon us since our arrival here.

142. As previous speakers at this rostrum have so rightly said, one could not have chosen a better place for the signing of the Convention and the headquarters for the future Inter-

national Sea-Bed Authority than Jamaica, a beautiful island typifying the perfect union of land and sea.

143. The drafting of the United Nations Convention on the Law of the Sea has been long and arduous, and the great efforts and resolute political will of the participants, industrialized and developing countries alike, have been required to arrive at the adoption of a compromise text.

144. In this connection it is fitting to pay posthumously a resounding tribute to the late Hamilton Shirley Amerasinghe of Sri Lanka, who for several years presided with courage, competence and skill over the work of the Third United Nations Conference on the Law of the Sea. Unfortunately, death suddenly took him away from this noble mission, to which he was so devoted, and prevented him from seeing the fruit of his praiseworthy efforts.

145. I am pleased also to pay a tribute to Mr. Pardo of Malta, who was the first to launch and actively contribute to the development of the concept that the resources of the high seas are the common heritage of mankind—a concept which has pride of place in the new Convention.

146. Mr. President, since you began guiding the work of the Third United Nations Conference on the Law of the Sea, you have displayed much authority, wisdom and tact, and that has contributed to the successful completion of the Conference.

147. Lastly, my delegation wishes very sincerely to thank all the Chairmen of groups and, especially, the successive chairmen of the Group of 77 and the members of the United Nations Secretariat, at whatever level, for their signal contribution to the success of the work of our Conference.

148. My country, Chad, was among the overwhelming majority of States which on 30 April 1982 voted in favour of the United Nations Convention on the Law of the Sea. In so doing, we wished to associate ourselves fully with a legal instrument of universal scope aimed at ensuring a more just, more equitable and, consequently, more human new international order.

149. As everyone has stressed emphatically, this Convention embodies a set of reciprocal concessions and, therefore, is a compromise which does not really fully satisfy any one country because no country's legitimate interests are entirely taken into account.

150. For its part, my delegation believes that the political will to arrive at an international Convention has prevailed over selfish national interests.

151. That is why it would be highly desirable for all States to sign and ratify the Convention and implement all its provisions in good faith. In any event, that is the pressing appeal which, on behalf of my delegation, I address to all the States that voted against the draft Convention or abstained.

152. We also wish to draw attention to the fact that the States intending to ratify the Convention or adhere to it should not take advantage of article 310 to give the Convention a restrictive interpretation robbing it of its substance, since, as everyone has said, it is an indivisible whole.

153. My country, Chad, is located at the very heart of the African continent, more than 1,500 kilometres from the sea. To this geographical location, not favoured by nature, are added the negative effects of drought and civil war—a war which was instigated, and is being maintained, from abroad and which has now lasted for more than 17 years. At first glance, therefore, one might think that my country would not be directly interested in the law of the sea. But the broad concept that the authors of the Convention have given to that document, especially for reasons of international solidarity, accounts for the fact that Chad, a land-locked country, is an interested party in the Convention. The new law of the sea therefore concerns not merely coastal States but all States of the globe.

154. Thus the resources of the high seas, which will be placed under the responsibility of the International Authority, will benefit—at least we hope so—all developing countries, particularly the poorest among them, my country included.

155. But, obviously, those countries will benefit from those resources only when they are exploited commercially.

156. Article 69 provides for the right of land-locked States “to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same sub-region or region”.

157. It is also obvious that the total lack of resources in a number of countries will not permit them to benefit from that provision in the near future; but this is a safeguard, albeit minimal, of the interests of land-locked States.

158. It should also be noted that Part X of the Convention provides for the right of access of land-locked States to and from the sea and to freedom of transit. My delegation is pleased with those provisions which directly affect developing countries, in particular those which, like Chad, do not have a coastline.

159. The Convention constitutes a historic and balanced compromise that can contribute to the establishment of a new international economic order and therefore to the strengthening of international peace, security and co-operation.

160. It is therefore my honour and pleasure to announce to the Conference that Chad, through me, will sign the Convention and the Final Act on Friday, 10 December 1982.

161. Mr. AKINJIDE (Nigeria): For the past nine years Nigeria has taken part fully in the deliberations of the Third United Nations Conference on the Law of the Sea. We have attended all meetings and all sessions, whether of the plenary Conference or of committees. It is therefore with great joy and with nostalgia that my delegation looks back over the past nine years and has the honour of taking part, in this great hall, in this great meeting. History is being made and I agree entirely with the remarks of my friends from Tanzania and Gambia.

162. The process that has started is irreversible. What is taking place today is not an event but a process.

163. My delegation also rejoices with the people and the Government of Jamaica, first, for the honour of having been chosen as the place for the signing of this great Convention, and secondly for having been chosen as the headquarters of the International Sea-Bed Authority. We rejoice with them for two other reasons: first, Jamaica, like Nigeria, is a developing country; secondly, Jamaica is also a member of the Commonwealth. This occasion also shows the great importance which the United Nations attaches to the developing countries.

164. I should like to say a few words about the provisions of the Convention, particularly Part XI. I do not want to go into details because for the past nine years my delegation has spoken on the various provisions in the Committees and at plenary meetings and I think it would be irrelevant at this stage to go into more detail. Furthermore, other delegations have spoken on various points, some of them subjectively and some objectively.

165. I would divide the Convention into two parts: first, the sea-bed mining provisions and secondly, the non-sea-bed mining provisions. As regards the non-sea-bed mining provisions, I think the approach has generally been one of consensus and there is little dispute except on the part of those nations which take a subjective approach for reasons of national interest. But as regards the sea-bed mining provisions, I should first of all like to pay a tribute to those nations of the world, particularly the advanced countries, which are

very sympathetic to the views of developing countries and which have agreed not only to sign the Final Act but also to sign the Convention. But the attitude of our friends who have reservations, who have been complaining about the sea-bed mining provisions, seems to me to be imponderable.

166. In the first place, for the first time in the history of the world the developing countries will have two advantages: first, an opportunity fully to participate in the management of part of the world's resources; and, secondly, an opportunity to share those resources. I would have thought that those industrialized countries that for years and decades have been giving us aid would be happy at this new development. By taking part in the management of the resources of the sea, we shall get technology, and by sharing those resources we shall move away a bit from our poverty. I would have thought that we have been given aid over the years for these two reasons. Thus to me their attitude seems to be inconsistent, unless the aid they have been giving us has not been in good faith.

167. As far as the developing countries are concerned, what is involved in this particular Convention is the politics of the belly, the politics of the stomach, the politics of poverty and the politics of development. And on these issues there can be no compromise. We have now embarked on a reordering of the world's resources. No nation has the right to remain poor for ever, and no nation has the right to be rich for ever. It is not our fault that we were born in a developing country. When we were coming into this world, we did not know that we would be born in a developing country. Nor did those who come from the advanced countries, the rich countries, know, when they were coming into this world, that they would be born in rich countries. How, then, can anyone punish us for a situation over which we have no control? It is just like the colour of one's skin: whether one arrives as a Japanese, as a black, as a yellow or as a white, one has no control over it.

168. The purpose of the United Nations and the objective of the peoples of the world should be to have no third world, no second world, but only one world; then there will be peace, there will be stability. And I hope those friends of ours from the advanced countries that have reservations because of Part XI of the Convention will undertake an agonizing reappraisal of their attitude and see that it is not only in our interest but also in their own interest that the world not be divided between the poor and the rich.

169. I also wish to observe that these decisions were taken in accordance with the rules of procedure. They were taken in accordance with the democratic norm. So I cannot understand why anybody should say he should not be bound by it. In particular I think I should make a brief reference to the United Kingdom. At the Commonwealth Conference in Australia last year, this matter was on the agenda, and it was agreed that all the Commonwealth countries should support this Convention. It seems imponderable to me that at the last minute the United Kingdom, for reasons best known to it, should be the odd man out. I only hope that this attitude of the United Kingdom represents only a separation from the Commonwealth, not a divorce.

170. May I inform the Conference that I have authority from my Government not only to sign the Final Act but also to sign the Convention. I wish to congratulate the people and Government of Jamaica, a member of the Commonwealth. We would assure it that, as the headquarters of the Authority, it has the fullest support of Nigeria in all matters. We are sure that as a participant, as host for the Conference and as the headquarters of the Authority it will be successful.

171. Mr. President, I accepted your caveat to be brief. I have been brief, but I shall submit to the Secretariat the full text of my statement so that it may be included in the proceedings of this Conference.

172. Mrs. JONES (Liberia): I shall begin with an expression of profound gratitude and appreciation to the Government and people of Jamaica for the warm hospitality and the excellent facilities that have been provided to us for the signing ceremony for the United Nations Convention on the Law of the Sea.

173. We wish to pay a tribute to the late Mr. Amerasinghe for presiding over our earlier deliberation with distinction. Equally we thank Ambassador Tommy Koh for his untiring efforts, patience, skill and competence in bringing our deliberations to a successful conclusion. We also wish to thank Mr. Zuleta and all the members of the Conference secretariat for their dedication and their contribution to our negotiations.

174. The Government and people of Liberia take great pride in being represented here in Montego Bay, Jamaica, to participate in the solemn signing ceremony for the United Nations Convention on the Law of the Sea. In our opinion this Convention is indeed one of the most important documents ever to emerge in the history of mankind. It contains not only the idea of economic benefits for all mankind but also that of the right of all nations and peoples of the world to greater human dignity, freedom, justice and equality.

175. The underlying principle which has guided the arduous and protracted negotiations on this Convention in which nations have participated fully and freely is a concept that has come to be universally accepted—that the seas are the common heritage of all mankind—and is the basis upon which this international legal régime of the law of the sea now rests. It is a concept through which all the nations of the world, rich or poor, large or small, weak or powerful can accommodate and merge their national self-interest in the common task of ensuring that the world we inhabit is more peaceful and secure.

176. The United Nations Convention on the Law of the Sea is the beginning of a historic process which seeks to realign the existing system of international economic order through dialogue and negotiations and through international law and regulations that are fair and equitable.

177. My Government notes with some regret the decision of a few countries, in the exercise of their sovereign rights as States, not to sign the United Nations Convention on the Law of the Sea at this time. It is our profound hope that these nations will come to a greater understanding that the world today calls for vision and understanding and for commitment and solidarity between peoples and nations. The national interests of the world are so intertwined, albeit not identical, that our hope for a better future for all mankind lies not in unilateral actions but in effective international co-operation and organization and in the special protection and promotion of the interests of the less-developed countries.

178. As a developing nation, Liberia has consistently participated in and supported efforts at the international level to restructure the international economic order which unduly burdens countries of the third world. Most of today's international institutions were established without the effective participation of third world countries because they were either non-existent or too weak to have meaningfully participated. The recognition of this fact and the further worsening of the state of third-world economies have culminated in an attempt to negotiate a new arrangement, a new international economic order that seeks to reshape the existing international economic system into a more just and more effective one that will foster a healthy world development of the world economy, particularly in the developing countries. With a realization of our mutual interests, both the developed and developing countries have embarked upon a course of dialogue and negotiations in an attempt to find solutions to many of the world's problems. Further efforts are under way within the United Nations system and in other international organi-

zations to reach international agreements which take into consideration not only the self-interests of some nations but the interests of all nations as a world community.

179. The United Nations Convention on the Law of the Sea is universal in character and touches the important areas of sea-bed mining, the continental shelves, the protecting and exercising of rights over the exclusive economic zones, the freedom of the seas and guaranteed passage to all nations in straits and waterways. We recognize and note with deep appreciation the fact that the United Nations Convention on the Law of the Sea embraces clearly established provisions of international law and does not seek to impede free and open access to the world's oceans and waterways and the rights of any nation to exercise its sovereignty in respect thereto.

180. The Government of Liberia is fully aware that no document, however perfect, can guarantee to fulfil the expectations or attain the results it seeks unless there exists a right attitude and spirit on the part of those who are signatories to it and those charged with the responsibility for its implementation. My Government therefore calls upon the international community to assist the developing countries, particularly the countries of Africa, in their efforts to exploit the resources of their sea-beds with respect to training and appropriate manpower, joint ventures and the transfer of technology. The Government of Liberia further calls for assistance from the appropriate United Nations agencies for the harmonization of our maritime laws to the maximum extent possible, both legislative and administrative, for the benefit of our individual countries and, indeed, of the world as a whole.

181. I wish to state that the Government of Liberia fully supports this Convention and the principles embodied therein. We stand firm and call for increased international dialogue and negotiations in the interest of international co-operation predicated on the principle of the sovereign equality of States. Liberia will sign the United Nations Convention on the Law of the Sea. Liberia, however, reserves its right, under article 310 of the Convention, to review certain articles of the present Convention and to submit revisions as necessary after the signing of the Convention.

182. Today let it be said that mankind has taken one great step forward, not for the selfish conquest of new horizons on earth but as an expression of an unselfish act and unselfish interest for the salvation of all mankind everywhere on this tiny globe.

183. Mrs. TAU (Lesotho): Like all the speakers who have preceded me, I wish to thank most heartily the Government and the people of this great country for their generous hospitality during our stay here for this historic event.

184. At this final stage of our Conference we would also pay a tribute to the late Ambassador Amerasinghe of Sri Lanka, who dedicated himself so untiringly to the work of this Conference, both during the days of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and during the greater part of the Third United Nations Conference on the Law of the Sea, as its President until his untimely death.

185. We wish also to acknowledge with great satisfaction the contribution you, Mr. President, and the Collegium have made towards the success of this Conference. As this is almost the end of one era and the beginning of another, an era full of hope, we wish to thank all those within the United Nations and the representatives of delegations who gave of themselves untiringly so that we could reach this moment of the signing of the Convention.

186. I have asked for this opportunity to speak only to endorse and associate my delegation with the noble sentiments expressed by most of the previous speakers. We wish, however, to stress the importance of universal adherence to

this Convention. We also urge the States which have not decided to sign the Convention to do so.

187. We appeal to the parties of the proposed "mini-treaty" to review their position. They have played an important part in the formulation of this Convention.

188. We subscribe to the principle that the resources of this international area can be subject only to an international régime and that they can be managed and regulated only by appropriate international machinery, such as that embodied in this Convention. We subscribe to the principle, which has crystallized into international law, that the international area is free from State sovereignty and as such cannot be subject to appropriation by any State or persons, for it constitutes the common heritage of mankind.

189. In conclusion, I wish to inform the Conference that although my country as a land-locked State does not stand to benefit from this Convention immediately, as all representatives know, my Government has nevertheless decided to sign it in the hope that all the other peace-loving States will also sign so that law and order can take the place of anarchy and uncertainties hitherto prevailing in the affairs of the maritime environment.

190. Mr. PAREDES-PEÑA (Ecuador) (*interpretation from Spanish*): First of all, I wish to express my gratitude for the excellent work done by the authorities of the Conference, by you, Mr. President, and your distinguished predecessor, the late Hamilton Shirley Amerasinghe.

191. Much of what have been attained throughout the difficult and lengthy negotiations are due to the talent, wisdom and special qualities as diplomats and statesmen of our dear departed Mr. Amerasinghe and you, Mr. President.

192. The spirit of understanding inspired by the deceased, the importance which he always attached to the concerns and difficulties of all delegations, be it from the most powerful countries of the earth or from small States, was one of the keys to his successful work.

193. As far as you, Mr. President, are concerned, the harsh tests which you met during the final sessions, in which your wise and firm hand weathered the storms lurking on the horizon, clearly proved your special qualities.

194. I also wish to highlight the intelligent, effective and devoted work of the Chairmen of the Main Committees and the Drafting Committee, the Rapporteur-General, the Executive Secretary and our dear friend Mr. Bernardo Zuleta, the Special Representative of the United Nations Secretary-General.

195. Throughout history Ecuador has been a maritime nation. Its indigenous inhabitants were navigators by nature and desire, extracting traditionally from its rich seas the resources they needed for subsistence and progress.

196. For my country, which has long continental and insular coastlines, the sea is of fundamental importance with direct implications for the present and future well-being of its people. The seas surrounding the Galapagos Islands, which because of their exceptional wealth of flora and fauna have been described by the United Nations Educational, Scientific and Cultural Organization as "the natural heritage of mankind", deserve special treatment, one which takes account of the circumstances and allows them to preserve their natural wealth for posterity.

197. Ecuador's links with the process of the modern development of the law of the sea are long indeed. The Declaration of Santiago of 1952,² signed by Chile, Peru and Ecuador, is at the basis of the legal development of the system of the South Pacific. The principles on which the Declaration

²See *Yearbook of the International Law Commission*, 1956, vol. I.

of Santiago are based constitute one of the richest formative and guiding sources of the law of the sea.

198. On this occasion I wish to recall the letter which was addressed to you, Mr. President, by the delegations of the member countries of the Permanent Commission of the South Pacific—Colombia, which when it joined a few years ago brought particular encouragement to our regional organization, Chile, Peru and Ecuador. The text of that letter is contained in document A/CONF.62/L.143 dated 29 April 1982.¹

199. On 30 April 1982, at the 182nd meeting, in a vote in New York, the United Nations Convention on the Law of the Sea was adopted. At that time the delegation of Ecuador made a formal statement that it would not participate in the vote and expressly set forth the reasons for that decision. I also wish to recall other formal statements by the delegation of Ecuador and especially those delivered at the tenth and eleventh sessions, in which my country's position was clearly set forth.

200. At this time and on instructions from my Government, I wish to state that despite the important advance made in the negotiations of the Third United Nations Conference on the Law of the Sea and the fact that the Convention contains fundamental principles and rights for coastal developing countries and the international community in general, the Convention which will be opened here for signature by States does not fully satisfy the rights and interests of Ecuador. Ecuador has exercised and continues to exercise such rights under its national legislation, which was passed without violating any principle or norm of international law, before any of the three Conferences held under the auspices of the United Nations was convened. Recognition of the rights of sovereignty and exclusive jurisdiction over all the resources, living and non-living, of the adjacent seas up to 200 miles, and the sea-bed thereof, is a conquest for coastal States which began with the far-sighted Declaration of Santiago of 1952. An important role has been played in this achievement by the Territorialist group of which the delegation of Ecuador is the permanent co-ordinator.

201. My country actively participated in the eight years of negotiations of the Third United Nations Conference on the Law of the Sea and in the preparatory meetings, and given the importance that Ecuador, a country with long continental and insular coastlines and rich sea-beds, attaches to this question, we will continue to be associated with this evolutionary process of the law of the sea for the better defence and promotion of national rights. In affirmation of this we will subscribe to the Final Act of the Third United Nations Conference on the Law of the Sea.

202. At this time of subscribing to the Final Act, and despite the difficulties presented by the law of the sea, my delegation wishes to reiterate its position in defence of its 200-mile territorial sea.

203. In conclusion, I wish to express my gratitude for the warm welcome extended to us by the Government and people of Jamaica, which have made this historic meeting in this beautiful Caribbean land a most pleasurable and unforgettable experience.

204. Mr. OULD HAMODY (Mauritania) (*interpretation from French*): The delegation of the Islamic Republic of Mauritania is pleased to thank the people and Government of Jamaica for the welcome organized with such a brief space of time for the participants in this last stage of the eleventh session of our Third United Nations Conference on the Law of the Sea.

205. We should like most warmly to congratulate you, President Koh, for the great talent and determination with which you have met the challenge of the conclusion of the Convention.

206. We wish to pay a tribute to Mr. Pardo of Malta, and to pay a tribute to the memory of your predecessor, Mr. Amerasinghe of Sri Lanka, who, until his sudden death, presided over the first, difficult sessions of our Third Conference.

207. We wish also to thank very sincerely the chairmen and members of the Bureau of the three technical Committees, as well as the Chairman, Rapporteur-General and members of our Drafting Committee, and to pay a tribute to the memory of our brother, Mustapha Yasseen, the former co-ordinator of the Arabic language drafting group.

208. A country possessing an important Atlantic coastline and placing very great hopes for its economic development, at the present but also in the future, in the immense potential of its ocean space, the Islamic Republic of Mauritania attaches priority attention to this last part of the eleventh session of our Third United Nations Conference on the Law of the Sea. But the document now before countries for signature has a meaning that is very much greater for our country than the simple, narrow considerations of national interest.

209. We see in it, first of all, at the end of nine years of tireless negotiations and patient efforts, a real demonstration of mutual concessions made by all participants without exception, an unprecedented magnificent achievement which makes the 320 articles and nine annexes to the Convention a very model of what global, equitable, realistic and mutually beneficial North-South economic relations should be.

210. For my country this Convention is, on another level, a revolutionary act establishing the primacy of a truly universal, new and global maritime law encompassing all continents, all interests—the appropriate picture of the contemporary world and its geographical upheavals.

211. Finally, the Convention gives us satisfaction, with the same force, by account of the interests of certain entities which have been deprived of their sovereignty without their consent. This is true of our sister Namibia, which will sign, through the United Nations Council for Namibia, the Convention and the Final Act. It is true also of the observer status granted to two sister nations—Palestine and Azania—through their national liberation movements, the Palestine Liberation Organization and the African National Congress. It is true, finally, of certain other Non-Self-Governing Territories with observer status.

212. The Convention and its annexes and the Final Act clearly cannot satisfy fully the legitimate desires of all the parties represented here.

213. Our country, which has fully supported every consensus, wishes, in accordance with the provisions of article 310 of our Convention, to make a brief statement of explanation.

214. First, the Islamic Republic of Mauritania would like to stress that article 62 of the Convention, dealing with the utilization of the living resources, which grants coastal States exercise of sovereign rights over the living resources in their exclusive economic zone, does not recognize other concurrent rights.

215. Secondly, with respect to article 69, on the right of land-locked States, and article 70, on the right of geographically disadvantaged States, the Islamic Republic of Mauritania would like to emphasize the significance of articles 69 and 70—that is that these land-locked and geographically disadvantaged countries can have access to the resources of the exclusive economic zone only on the basis of bilateral subregional or regional agreements.

216. Having said this, Mauritania would like to dwell on Part V of the Convention, dealing with the exclusive economic zone. My country several years ago actually extended its jurisdiction to 200 nautical miles and played an essential role in formulating the Declaration of the Organiza-

tion of African Unity on the Issues of the Law of the Sea adopted in 1973.³ That resolution brought about our continent's adhesion to the principle of the exclusive economic zone, a principle that is given legal confirmation as international law in our Convention.

217. Thirdly, my country would like also to recall that its signing of the Convention does not imply its obligatory recognition of all the signatory parties nor does it impose on Mauritania the maintenance of normal political, economic, cultural or other relations with all those countries.

218. Fourthly, my country feels, moreover, that its signing of the Convention does not prejudice formal recognition of the rights of other signatory States, peoples or entities which cannot at the present time exercise full sovereignty over their national territory and territorial waters.

219. That being the case, the Convention adopted last 30 April in New York, and by such a large majority, constitutes in our view, with its annexes and Final Act, a single and indivisible document which deserves the approval of the international community as a whole. In this regard we should recall the difficult and wise balance achieved, in the drafting of our Convention, between the divergent interests of the developing countries and those of the advanced industrialized countries, and between those two groups of countries collectively.

220. We have no doubt that if this exercise were to be attempted anew, the Group of 77 could not demonstrate the same degree of flexibility, and thus the whole carefully achieved balance would collapse, taking with it a dream that has now come true—to the honour of our international community.

221. Therefore, in the final analysis no one's interests can really be served by calling this great achievement into question at this late date, least of all the interests of the great economic and naval Powers.

222. Hence, we support all those who sincerely call for the signing of this document, so vital to all our futures, by the recalcitrant countries, in particular those which are needed to make it fully universal.

223. We must make no mistake. This Convention, which is by far the most complete and the most decisive of the treaties of international law adopted so far, must be the charter of the law of the sea, codifying economic and military relations in the marine environment and must be the model for the preservation of that environment, which is particularly threatened. Above all, it must, under the aegis of this high international authority, manage for present and future generations this common heritage of mankind. The same admirable concept of the common heritage of mankind, as set forth by the Convention on the ocean and maritime space of the Area, augurs well for the future, in that perhaps the same patience and sense of reason will make it possible for our international community to take into consideration the aspirations of all human families, going beyond the restrictive customary law of a single continent and the not too specific values of a single civilization, beyond selfish interests, in international economic relations. One need not be a prophet to state that this will open up the way to a just world order embracing all areas of our life and taking into consideration in the broadest possible sense the heritage and interests of all men, all peoples and all nations. In any event, that is what the Islamic Republic of Mauritania will be counting on when, on Friday, 10 December 1982, through its plenipotentiary, it signs the United Nations Convention on the Law of the Sea and the other decisions and related matters of the Third United Nations Conference on the Law of the Sea.

³See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. III, document A/CONF.62/33.

224. Mr. KNIPPING VICTORIA (Dominican Republic) (*interpretation from Spanish*): First of all, I should like to express our gratitude to the people and the Government of Jamaica for their generous hospitality and warm welcome in this fraternal Caribbean land. At the same time, we also wish to underscore the admirable organizational efforts made by the Government of Jamaica to ensure the holding of this historic session under the best possible conditions. As the representative of a country member of the family of Caribbean nations, I am very proud of this solid achievement of the people and the Government of Jamaica and I take pleasure in attesting to it publicly on this great occasion.

225. Because of its particular geographical location, my country, the Dominican Republic, has carefully considered everything relating to the legal régime of the seas. The people of the Dominican Republic has always proceeded in this manner throughout its history. Because of its maritime traditions, it has been possible for my country, together with the other Latin American and Caribbean countries, to develop in that part of the world a legal awareness which has made a lofty contribution to the evolution of world legal thought in respect of the law of the sea.

226. On this occasion, I should like to recall the 1956 Declaration adopted by the Interamerican Specialized Conference on the conservation of natural resources: the continental shelf and the waters of the oceans, which bears the name of the Dominican Republic's capital city, and the more recent Santo Domingo Declaration, of 1972, the fruit of the efforts of the coastal States of the Caribbean Sea. In their respective historical perspectives, both Declarations constituted very important precedents for the formulation of the legal order of the seas.

227. We have now reached the culmination of the greatest negotiating effort of the organized international community in its entire history. Born of this exemplary and determined negotiating process, the United Nations Convention on the Law of the Sea is a result of a clear and unambiguous awareness throughout the world of the overriding need to regulate maritime space and its peaceful uses with a view to contributing to the noble objectives of peace, justice and the economic and social progress of all peoples of the world. As has been clearly shown by the negotiating process, all this has been possible because such objectives are basic, coinciding aims of all the legal orders represented in the United Nations system.

228. Given all that, and taking into account the element of universality which characterized the negotiations, the present Convention can to a certain extent be considered as reflecting the legal conscience of mankind.

229. While it is true that the Convention, like any other international treaty, has the desired legal effect only between and among the parties, given the nature of the negotiations that led to it and the scope of its objectives—international peace and social justice—it can be presumed that its norms and principles will serve as guidelines for the behaviour also of States that are not parties to it. We believe that this assessment is of extraordinary importance and should be shared by all, since the present Conference was not limited to codifying pre-existing law but also was called upon to develop and establish novel norms, instruments, machinery and principles for a new law of the sea. In this respect the Conference has contributed to one of the main functions of the United Nations, namely, to promote the progressive development of international law and its codification.

230. Now, the ideal result would have been for the Convention to be signed and ratified by the entire international community, since in this way these new norms and principles would have reflected a universal feeling of international solidarity, co-operation and friendship.

231. We sincerely call upon those States that are having difficulties in subscribing to the Convention—difficulties which we understand and respect—to reflect upon the merits of its provisions and objectives and the role it can play as an instrument of peace and economic and social progress for all peoples of the world, in accordance with the purposes and principles of the United Nations.

232. The Government of the Dominican Republic believes that the United Nations Convention on the Law of the Sea constitutes a great step forward in the legal sphere and that its application will contribute to the achievement of a just and equitable international economic order taking account of the interests and needs of mankind as a whole and, in particular, the special interests and needs of the developing countries. In keeping with this conviction, my country will sign the Convention.

233. In conclusion, I should like to pay a tribute to the memory of Mr. Hamilton Shirley Amerasinghe, who with great faith and dedication gave such impetus to our work.

234. Similarly, I wish also to pay a tribute to his illustrious successor, our current President, Mr. Koh, who with his incomparable wisdom and unequalled diplomatic skill has led us to a happy conclusion; as well as to the Chairmen of the Committees and groups and their colleagues, to the Rapporteur-General of the Conference, Mr. Kenneth Rattray of Jamaica, and to all the members of the Secretariat, under the leadership of an eminent son of Colombia, Mr. Bernardo Zuleta.

235. Mr. KABWE (Zambia): Mr. President, I am greatly honoured to be able to say a few words during this historic final session of the Third United Nations Conference on the Law of the Sea. I bring to you, Sir, and to the representatives fraternal greetings and wishes of goodwill from my President, Mr. Kenneth David Kaundu, and from the Government and the people of the Republic of Zambia.

236. During the last few days various colleagues have outlined their respective personal recollections of the epoch-making first and second sessions, held respectively in New York in December 1973 and Caracas from June to August 1974. It is my delegation's wish to be associated fully with those sentiments and with the well-deserved sighs of relief that the international community has finally made it.

237. It indeed has been a very long and sometimes quarrelsome journey through the 11 sessions that have been held in New York and Geneva up to now. That journey reminds one of the words of a folk song by an Afro-Caribbean musical group, Osibisa. It goes like this:

“We will get there,
Heaven knows how we will get there
We know we will.”

238. Yes, indeed, we have got here, in this apt setting of beautiful and sunny Jamaica.

239. The United Nations Convention on the Law of the Sea is a treaty that represents a child born out of compromise. It is a realization of a dream of not one nation but a collection of nations and peoples whose aspirations are quite obviously diverse and wide. But this Convention is the nearest we could have got to a tangible and attainable hope for humanity.

240. At various stages throughout the negotiations my country did indicate areas which we thought required improvement in terms of our particular problems, together with other countries in a similar situation as geographically disadvantaged States and mineral-producing nations. If I were to recount all such areas I fear that I might not have sufficient time, in view of the President's strict 15-minute rule. Suffice it to say that Zambia has had and continues to have faith in the spirit of Caracas, which has permeated the negotiations leading up to the mandate of Montego Bay.

241. My Government has participated fully in consultations and meetings among the various interest groups, such as the group of African States and the Group of 77. We have made our views known on such crucial matters as, first, the question of production limitation, which is fundamental to the economies of those countries producers of minerals to be mined from the sea-bed; secondly, the protection of pioneer investments in the exploration of the sea-bed; thirdly, the question of participation by liberation movements; fourthly, the issue of participation by international organizations, particularly in relation to the concerns expressed by our colleagues with other regional interests; fifthly, the concerns and alternative solutions presented to the Conference by the Government of the United States in matters mostly dealing with Part XI of the Convention, pertaining to the international sea-bed area; and sixthly, the issue of the establishment of the Preparatory Commission.

242. It is also on record that, following a request from my Government, and using assumptions that it was privileged to provide, the United Nations Secretariat produced an addendum to the report of the Secretary-General of the United Nations in order to determine the effect of sea-bed mining on the economies of developing countries which produce copper, cobalt, nickel and manganese from the land. The addendum clearly showed that developing land-based producers of cobalt and manganese would definitely lose their traditional markets if sea-bed mining were to take place. Thus the system of compensating developing land-based producers of affected minerals became crucial to Zambia, a matter of life or death. For the work on this important aspect of the Convention, Zambia is greatly indebted to the personal interest and involvement of the Special Representative of the Secretary-General of the United Nations, Mr. Bernardo Zuleta.

243. Although Zambia's concerns in the area I have just outlined have not been fully taken care of in the final clauses of the Convention, we have not, as others have, abandoned the Conference or disowned the Convention. We have stayed through because we believe that the alternative to the Convention represents uncontrolled international piracy of mankind's bounty from the sea-bed. We cannot see ourselves subscribing to such illegalities. I should like to join those who have spoken before me in appealing to those of our friends who have opted to leave us at this most important stage to reconsider their positions and sign the Convention at the earliest convenient time.

244. Ideas of unilateral mining of the sea-bed or mini-treaties should be set aside. Ideas of attempting to derive benefits through the back door and of refusing to accept the correlative duties of the Convention should not be allowed to take root.

245. You, Mr. President, as a distinguished and learned diplomat, have been reported as having said that if certain countries were to go it alone, either through mini-treaties or through unilateral mining, their action would be morally unjust and legally it would “probably be an illegal act under customary international law”. I am lucky not to be a lawyer, so I am not restricted by either the inhibitions or the niceties of the learned fraternity and can therefore say that to Zambia such acts will without doubt be regarded as exploitation of man by man by virtue of using the might of technology in taking advantage of the weak.

246. Signature of the Convention and the Final Act is the mandate that has been given my delegation by my President and the people of Zambia, and sign them I shall with profound pride and optimistic hope for the future and as a fitting tribute to all those who have laboured over the years to produce an international treaty that has formulated a new and generally acceptable Convention on the Law of the Sea that will avoid the defects that were inherent in the four Geneva

Conventions of 1958. In this connection I am thinking of the late first President, Mr. Hamilton Shirley Amerasinghe of Sri Lanka.

247. Finally, Mr. President, may I through you convey my delegation's gratitude to the Government and people of Jamaica for their very warm hospitality and for the way arrangements have been made and are being executed to take care of all our needs.

248. May I also, Mr. President, thank you for the way you have guided the Conference at these last crucial sessions, as well as the staff of the United Nations, which continue to work so hard.

249. Mr. BARAKAT (Palestine Liberation Organization) (*interpretation from Arabic*): Now that our Conference is drawing to a close, I wish to congratulate you, Mr. President, on the excellent way in which you have directed our work, which has enabled this session and previous sessions to be successful.

250. I take this opportunity also to pay a tribute to the memory of the late President Amerasinghe, so well known for the remarkable way in which he presided over the work of the Third Conference on the Law of the Sea, and for his defence of human rights during the period when he was the Chairman of the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

251. On behalf of the Palestine Liberation Organization, the sole representative of the Palestinian people and the leader of that people's struggle to achieve its national aspirations in freedom and independence, we wish to thank the people and Government of Jamaica for their warm welcome. Also, we congratulate Jamaica on the confidence shown in it by the decision to make it the headquarters of the International Sea-Bed Authority.

252. When the Palestinian people, under the leadership of the Palestine Liberation Organization, chose the path of various forms of struggle—supported by international legitimacy—to put an end to the foreign occupation of its homeland, it stated at the same time that the best means for settling disputes is a commitment to respect Conventions, the provisions of international law and the United Nations Charter, basing itself on the principle that the exercise of the right to self-determination is an inalienable right of all peoples. With the support of all peace-loving forces, the Palestine Liberation Organization succeeded in obtaining observer status in the United Nations and its affiliated organizations and specialized agencies. Since then—that is, since the thirty-second session of the United Nations General Assembly—delegations of the Palestine Liberation Organization have participated in all the activities of the international Organization, firmly convinced that the Charter and the provisions of international law and the Declaration of Human Rights are on the side of the oppressed peoples whose territories have been occupied as a result of foreign aggression.

253. The Palestine Liberation Organization has shown particular interest in the various sessions of the Conference on the Law of the Sea and has participated in the work of that Conference. There has been continuing co-ordination between the various regional groups, and above all between the League of Arab States, the Asian group and the Group of

77. Even though we are fully convinced that the Convention that has been achieved is a compromise taking account of the general interests of peoples, we accepted the compromise in regard to national liberation movements in order to ensure the success of the Conference. We are convinced that the national liberation movements are the legitimate representatives of their peoples and that they are the legitimate defenders of the rights of the peoples they represent. That is why they should have had the right to sign not only the Final Act but also the United Nations Convention on the Law of the Sea.

254. In any event, we believe that signature of the Final Act constitutes an obligation on the international community to defend the interests of peoples, their maritime and natural resources. This belief is based on our understanding of resolution III and the provisions of Article 73 of the United Nations Charter, concerning Territories that have not yet attained national independence and relating to the defence of the interests of those peoples and the protection of their resources, which are at present being exploited by occupation forces. This resolution is complementary to a series of resolutions adopted by the General Assembly and the Economic and Social Council, relating to the natural resources of the occupied Palestinian territories, which Israel seizes and exploits. This resolution also complements the resolution adopted by the Conference on New and Renewable Sources of Energy, held in Nairobi in 1981,⁴ which called upon Israel to stop the work of digging a canal to link the Dead Sea and the Mediterranean, since such a canal would have harmful effects on the nature of the soil and would violate the interests of the Palestinian people. Furthermore, the decision to dig the canal was contrary to the provisions of the four Geneva Conventions.

255. Once again, Israel is rejecting international unanimity. It is the only Member of this international Organization that rejects the commitment that stems from its membership status to abide by the Charter and United Nations resolutions. It considers itself a State above the law, but without the protection of the United States Israel would have been expelled from the United Nations, for it has frequently violated the Charter and the provisions of international law and has refused to implement international resolutions. We believe that it is incumbent upon us all to consider that State as one outside the law and to take the appropriate measures under the Charter.

256. The signing of the Final Act of the Conference on the Law of the Sea by national liberation movements is further evidence of its universal nature. We are convinced that the bitter struggle and sacrifices of the Palestinian people to achieve their national independence will end in victory. I appeal therefore to all the peace-loving countries participating in this Conference to ensure that international law and the United Nations resolutions on Palestine are heeded, in order that my country may take its place among them as an independent State, participating along with them in the creation of a more just and progressive society.

The meeting rose at 6.20 p.m.

⁴ See *Report of the United Nations Conference on New and Renewable Sources of Energy, Nairobi, 10–21 August 1981* (United Nations publication, Sales No. E.81.I.24)