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191st meeting

Thursday, 9 December 1982, at 10 a.m.

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

Statement by the President

1. The PRESIDENT: I should like to inform representatives that this morning the Collegium held its last meeting. As I said in my opening statement, on Monday, the Collegium of this Conference is quite a unique institution. It is not to be found in the rules of procedure; it has evolved in response to the need felt by the Conference for leadership and I think that my colleagues and I in the Collegium have been fortunate in that we have been able to work very well together.

2. In my opening statement I paid a tribute to Mr. Arvid Pardo, who has contributed two important, indeed seminal, ideas to the work of this Conference. My tribute to him has been echoed by almost everyone who has addressed the Conference. I am very pleased that Mr. Pardo is with us today and I should like him to stand so that we may express our tribute to him in the usual way—that is, with a round of applause.

Statements by delegations (*continued*)

3. Mr. BHATT (Nepal): The delegation of Nepal joins other delegations that have expressed their thanks and appreciation to the Government and the people of Jamaica for the excellent arrangements they have made for the holding of the final session of the Third United Nations Conference on the Law of the Sea.

4. I should also like to convey to you, Mr. President, the compliments of my delegation for the statesmanlike manner in which you have discharged the difficult task entrusted to you by the international community. We should like to congratulate you on your perseverance in bringing the work of the Conference to a successful conclusion. We also thank the Special Representative of the Secretary-General, Mr. Bernardo Zuleta; the Executive Secretary, Mr. David Hall; and the staff of the Secretariat for their assistance in the work of the Conference. My delegation would like to pay a tribute to the leadership given during his presidency by the late Mr. Hamilton Shirley Amerasinghe of Sri Lanka.

5. This final session of the Third United Nations Conference on the Law of the Sea brings to an end the long and arduous process of negotiations to establish a new régime of the sea. It has taken almost 10 years for the Conference to reach a broad consensus on the complex issues before it. Owing to the divergent interests of the participants, the final document is naturally a compromise text. It represents the consensus, with the widest support, of the international community. My delegation is gratified that the common efforts of the international community have reached a successful conclusion. We earnestly hope that the spirit of co-operation and understanding shown during the course of negotiations will guide our activities in the implementation of the provisions of the Convention.

6. The views of my delegation on questions of particular interest to us have been expressed on many occasions in the past sessions of the Conference. The provisions relating to land-locked countries, particularly Part X of the Convention, are of special importance to us. We are not wholly satisfied with regard to the rights of transit of land-locked countries in article 69 of the Convention. Similarly, provisions relating to the sharing of resources in the continental shelf and to the exclusive economic zone do not correspond to our aspirations.

7. During the course of the Conference, Nepal, with 11 other delegations, proposed a common heritage fund, but the concept did not find enough support. We hope that in future this concept will be able to gain wider support from the international community.

8. The progressive development of the law of the sea from 1958 to 1982 has taken the form of the present Convention. This positive development is one of the stages along the long road towards the establishment of a more just and equitable régime of the law of the sea. We hope this process will continue in the future as well.

9. The delegation of Nepal was deeply conscious of the difficulties involved in reaching consensus on issues on which States had different views and of the essential need for such a consensus if the Convention were to receive the widest possible support. In this spirit of co-operation and compromise, Nepal voted in favour of the draft convention on 30 April 1982. We hope that this Convention will receive support from all the participants in the Conference.

10. Mr. ANDERSEN (Iceland): This is indeed a historic occasion, as we meet in Jamaica to sign the Final Act of the Third United Nations Conference on the Law of the Sea and the long-awaited United Nations Convention on the Law of the Sea. It marks the culmination of the process of evolution that was started almost 35 years ago. Its origins can be found in the fourth session of the General Assembly held in 1949.¹

11. At that time the International Law Commission had just been established, and that Commission had suggested three topics on its priority list for the starting of the codification and progressive development of international law. These topics were treaties, arbitration and the régime of the high seas. I was then the representative of Iceland on the Sixth Committee—the Legal Committee—of the General Assembly, and I proposed that the law of the sea should be included in its entirety in the list of priorities, and not only the régime of the high seas, because one cannot know where the high seas begin unless one knows the extent of coastal jurisdiction. This proposal was objected to by some who contended that the extent of the territorial sea was clearly established at three nautical miles and that there was no coastal jurisdiction over the living resources of the sea beyond that distance.

12. The Icelandic proposal was adopted, and in the following years Iceland always advocated the policy that a clear distinction should be made between the territorial sea, on the one hand, and the extent of fishery limits, on the other, and that the various elements of the law of the sea were so inter-related that they should be dealt with as a whole. That policy was confirmed by General Assembly resolutions on several occasions, in 1953, 1954, 1957, 1973 and so on.

13. As we know, the International Law Commission was never able to agree on the extent of the territorial sea or fishery limits and it proposed that an international conference be convened. That is why the three United Nations Conferences were eventually convened, the first in 1958, the second in 1960 and the third in 1973. Thus we do have a continuous development extending over a period of almost 35 years.

14. At long last we now have the results ready in the Convention before us. For a country like Iceland, wholly dependent on the resources of the sea surrounding our coast, the text of the Convention represents formidable results because

¹ General Assembly resolution 374 (IV).

it recognizes the sovereign rights of the coastal State over the resources within the exclusive economic zone of 200 miles and over the sea-bed resources of the continental shelf even beyond 200 miles. Within the exclusive economic zone the coastal State makes all the decisions regarding the total allowable catch, as well as its own capacity to utilize that catch and the disposition of any surplus. These decisions of the coastal State cannot be referred to any third party for its decision.

15. These policy guidelines were all contained in Icelandic Law No. 44 of 5 April 1948 concerning the Scientific Conservation of the Continental Shelf Fisheries, and the basic provisions of the Convention dealing with the territorial sea, the economic zone and the continental shelf were incorporated into Icelandic legislation by Law No. 41 of 1 June 1979 concerning the Territorial Sea, the Economic Zone and the Continental Shelf.

16. On this occasion, in addition to recording the satisfaction of the Icelandic people at the historic achievements of the Third United Nations Conference on the Law of the Sea, I want to avail myself of this opportunity to thank all delegations for their co-operation and friendship during the long years that went into the making of this Convention. The same sentiments go to you, Mr. President, and to the entire Collegium, as well as to the members of the Secretariat, without whose exemplary efforts we would not have been able to reach our goal today. I pay a tribute also to the memory of your distinguished predecessor, President Amerasinghe.

17. The Icelandic delegation will be pleased to sign the Final Act of the Conference and the United Nations Convention on the Law of the Sea tomorrow, 10 December 1982. After all, the Icelandic people has been waiting for this result for 35 years.

18. Mr. HAN Xu (China) (*translation from Chinese*): First of all, please allow me, on behalf of the delegation of the People's Republic of China, to express our congratulations on the convening of the final session of the Third United Nations Conference on the Law of the Sea and on your assumption, Sir, of the presidency of this historic Conference. At the same time, I wish to take this opportunity to extend our thanks to the Government and people of Jamaica for providing all the facilities for the Conference.

19. With the concerted efforts of all the participating States, the Third United Nations Conference on the Law of the Sea adopted on 30 April this year the United Nations Convention on the Law of the Sea, after nearly nine years of long and difficult consultations.

20. Through a review of the progress of the Conference, we have seen clearly that the third-world countries waged unremitting struggles to oppose maritime hegemonism and reform the unreasonable and unjust old maritime régimes and put forward many reasonable propositions and proposals, thus providing a good basis for formulating the United Nations Convention on the Law of the Sea and making important contributions to the success of the Conference.

21. Generally speaking, the new Convention is quite an improvement on the old one. The new Convention has laid down a number of important legal principles and régimes for safeguarding the common heritage of mankind and the legitimate maritime rights and interests of all States and brought about a change in the former situation, in which the old law of the sea served only the interests of a few big Powers. This is conducive to the fight against maritime hegemonism, the establishment of a new international economic order, and the promotion of friendly co-operation and exchanges between the peoples of all countries.

22. The Chinese Government has always supported the third-world countries in their struggle against maritime hegemonism, stood for the formulation of a new convention on the law of the sea which ensures the legitimate rights of

States, and actively participated in the work of drafting the Convention. The Chinese delegation voted in favour of the present Convention at the Conference in New York last April. Now, the Chinese Government has decided to formally sign the United Nations Convention on the Law of the Sea.

23. However, we cannot but point out that there are still shortcomings and even serious defects in the provisions of quite a few articles in the Convention. The Convention is not entirely satisfactory to us. At the previous sessions of the Conference we repeatedly pointed out that in the articles of the Convention relating to innocent passage through the territorial sea there were no clear provisions regarding the régime of the passage of foreign warships through the territorial sea. A considerable number of States, including China, time and again submitted an amendment in this regard. To respond to the call of the President of the Conference, those sponsors of the amendment did not insist on a vote at the session held last April so that the draft convention on the law of the sea could be adopted by consensus. The statement made by the President of the Conference at that session showed clearly that this would not affect the principled position of the sponsors demanding that their security be ensured. In addition, the relevant provisions in the Convention also contain shortcomings as regards the definition of the continental shelf and the principle of delimitation of the exclusive economic zones and the continental shelf between opposite and adjacent States. The Chinese delegation has stated its principled position on this matter.

24. It should also be pointed out that resolution II of the Conference, governing preparatory investment in pioneer activities relating to polymetallic nodules, has done too much in the way of meeting the demands of a few industrialized nations and given them and their companies some privileges and priorities. We consider that inappropriate. In future, that resolution must be implemented strictly in conformity with the provisions of the Convention, and the fundamental principle of the international sea-bed resources being the common heritage of mankind must not be prejudiced in any way. It goes without saying that any acts concerning exploitation in the international sea-bed beyond the limits of the United Nations Convention on the Law of the Sea, such as unilateral legislation or the so-called mini-treaty, are illegal and null and void.

25. Although the United Nations Convention on the Law of the Sea has been adopted, the struggle over maritime issues will be a protracted one. As a member of the third world, China will continue to make joint efforts with the other third-world countries and all peace-loving and justice-upholding countries in a persistent endeavour against any maritime hegemonist acts, in order to maintain world peace and international security and promote the progressive cause of mankind.

26. In addition, we consider it necessary to point out that the session of the United Nations General Assembly held this year adopted once again by an overwhelming majority the resolution to accept the credentials of Democratic Kampuchea. The Coalition Government of Democratic Kampuchea is the sole legitimate Government of Kampuchea and has an indubitable right to participate in the Third United Nations Conference on the Law of the Sea.

27. Mr. KIM CHUNG (Viet Nam) (*interpretation from French*): We are at last gathered in this charming city of Montego Bay to celebrate the success of our Conference, one of the loftiest undertakings embarked upon under the auspices of the United Nations. On this solemn occasion, where each delegation present here may rightly feel satisfied at having made in one way or another its contribution to the monumental endeavour represented by the United Nations Convention on the Law of the Sea, my delegation wishes above all to

address its sincere thanks to the Government and people of Jamaica for the hospitable and warm welcome they have extended to this session devoted to the adoption and signing of the Final Act of the Conference and the opening of the Convention for signature. I should like also, on behalf of the delegation of the Socialist Republic of Viet Nam, warmly to congratulate the President of the Conference, all the members of the Bureau, the Special Representative of the Secretary-General, the Executive Secretary and all the members of the Secretariat for the dedicated and tireless efforts they have exerted over nearly a decade, leading to this most happy conclusion.

28. At this historic moment our deep thanks go also to Mr. Pardo, and we pay a tribute to the memory of the late President Hamilton Shirley Amerasinghe. They laid the first stones of this common endeavour and made an invaluable contribution to it.

29. Concerning, first of all, the meaning and general scope of the Convention, my delegation is pleased to note that a new legal order for the seas and oceans has indeed been refined and ushered in, a régime that takes due account of the sovereignty of States and the particular legitimate interests of each category of States and at the same time is essentially successful in settling a variety of complex problems pertaining to different maritime zones, in a spirit of understanding, conciliation and mutual co-operation. This new legal order will make a beneficial contribution as a first step in the establishment of a just and equitable new international economic order, notably by adopting a delicate compromise on a legal régime and on legal machinery for the management, exploration and exploitation of the sea-bed area that constitutes the common heritage of mankind. The new Convention is the fruit of a great collective undertaking that meets the legitimate interests of all categories of countries, and especially the interests and needs of the developing countries. The Convention thus constitutes without a doubt a success for the United Nations of undeniably historic proportions, contributing—as it must—to the strengthening of peace, security, co-operation and friendly relations among all nations of the world.

30. For that reason, although we are not entirely satisfied with certain provisions of the Convention, my delegation willingly subscribes to the global compromise and the method for the overall settlement of all law-of-the-sea problems, which make the Convention an indivisible package excluding any selective application. We have the honour to inform this Conference that we have been authorized and mandated by our Government to sign the Convention and the Final Act of the Conference tomorrow.

31. In view of the universal scope of the Convention, which directly affects the interests of all peoples, my delegation believes that the national liberation movements, which are the authentic representatives of peoples struggling for self-determination and independence and, moreover, are authentic potential States, such as the South West Africa People's Organization and the Palestine Liberation Organization, should also be admitted to sign the Convention and to be full-fledged parties to it.

32. My delegation also believes that the Council of Ministers of the People's Republic of Kampuchea, the sole authentic and legal representative of the Cambodian people, has the right to sign the Convention on behalf of the Kampuchean people. My delegation therefore opposes any attempt to allow the representatives of the genocidal Pol Pot régime to sign the Convention and believes that any such signature would be totally lacking in legal validity.

33. Another negative fact that should be pointed out is that the present Administration of the United States is bent on thwarting the process of implementation of the Convention. It does not confine itself to not signing the Convention itself: it

is endeavouring, by means of pressure and relying on complacency, to induce other countries not to sign or to delay signing. We must point out, however, that the Conference has already granted the United States and certain other Western countries exorbitant privileges by allowing them to benefit from the rights and advantages reserved for pioneer investors, without themselves having to sign the Convention, through multinational consortiums. My delegation shares the view of delegations which have already spoken that this involves inequitable and unjustified discrimination against certain other countries, such as the Soviet Union. Not satisfied with such a prerogative, however, the United States has also sought to derogate from the relevant provisions of the Convention by concluding on 2 September 1982 an agreement which in fact aims at dividing up the sectors of the international area, independently of the Convention. In this respect, my delegation fully supports the statement made by the spokesman for the Group of 77 on 6 December 1982 that any unilateral act or multilateral agreement incompatible with the provisions of the Convention pertaining to the international sea-bed area would be devoid of any international validity (*185th meeting, para. 156*).

34. I come now to my Government's position on certain specific aspects of the application of the Convention.

35. First of all I should like to recall in this regard that my Government already made a declaration defining Viet Nam's territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf in a way essentially in conformity with the relevant provisions of the Convention. With a view to ensuring strict and judicious implementation of that declaration, my Government has promulgated a number of texts, notably a declaration defining the baseline from which we measure the breadth of the territorial sea of Viet Nam's continental territory.

36. As a coastal country, and, what is more, a country bordering a semi-closed sea, which we call the Eastern Sea and which is known on international navigation charts as the South China Sea, Viet Nam is prepared to foster broad international co-operation for the rational use of the seas for the benefit of all concerned. In particular, my country sincerely hopes to be able to promote active co-operation with the other States bordering this sea, in conformity with article 123 of the Convention, for this kind of co-operation would be in keeping with our oft-repeated wish to contribute to the development of friendly political, economic and other relations among the various countries of South-East Asia that could transform that region into a zone of peace, stability, friendship, co-operation and prosperity.

37. My Government hopes that it can settle with the countries concerned all disputes pertaining to various maritime zones, including the delimitation of maritime boundaries, through negotiations on the basis of mutual respect for the independence and national sovereignty of each country, in accordance with the spirit of mutual friendship and understanding and respect for equality and the legitimate interests of all, so as to achieve the proper observance of the principles of equity and to avoid excessively infringing upon the national interests of any one of the parties concerned.

38. It is on the basis of this consistent position in favour of the peaceful settlement of disputes that my delegation vigorously opposes any recourse to the threat or use of force by any country, whether it be to carry out acts of aggression, occupation and annexation against islands, archipelagos or maritime spaces of other countries or to impose its own solutions to disputes with other countries. In this spirit, my delegation believes that it is necessary once again to denounce the occupation by force of arms of the Vietnamese Hoang Sa Archipelago and the open threat to annex the Truong Sa Archipelago as well, since that occupation and that threat of

annexation are flagrantly illegal, and run counter to article 301 of the Convention and the fundamental principles of the United Nations Charter.

39. Given the impressive number of delegations that have come to Montego Bay to sign the Final Act of the Conference and the Convention, I wish to conclude my statement on an optimistic note by expressing my conviction that the unwavering solidarity and militant vigilance of the developing countries and the socialist countries, which have enabled them to adopt the United Nations Convention on the Law of the Sea, will certainly continue to thwart any attempt aimed at undermining the effectiveness of the Convention or running counter to its objectives.

40. Finally my delegation reserves its country's right to make declarations in conformity with articles 287, 298 and 310 as appropriate and as the situation may require at the time of ratification of the Convention.

41. Mr. ADDERLEY (Bahamas): First of all, I should like to convey through you, Mr. President, the sincere appreciation of my delegation to the Government and the people of Jamaica—a sister nation of the Americas—for the offer to act as host to these ceremonies and for the courtesies so generously extended to us.

42. The Bahamas will sign the Convention and Final Act. We shall ratify the Convention; we propose to implement the Convention and shall be bound by its terms, thereby indicating our commitment to the rule of international law.

43. The Third United Nations Conference on the Law of the Sea began in New York nine years ago, when its rules of procedure were drafted. That was the first year of Bahamian sovereign independence. The Conference's first substantive session was held in Caracas in 1974, when the Bahamas attended for the first time. Today, almost a decade later, we meet here in Montego Bay to sign the Final Act and the Convention. This is a historic occasion for us and, we believe, for the world. The accomplishments of the Conference, which we shall acknowledge by our signatures, are perhaps unparalleled in the history of international co-operation.

44. When we began in Caracas, we did so in the absence of agreed proposals. Rather, we proceeded on the basis of proposals submitted by interested groups of States; we examined their content and tried, on the basis of their common elements, to produce main trends. This approach to treaty-making may have been novel, but it has now proved its usefulness, as evidenced by the fact of these ceremonies.

45. The two previous United Nations Conferences on the Law of the Sea—in 1958 and 1960—and, indeed, the Conference for the Codification of International Law held at the Hague in 1930, were mostly affairs for lawyers. This Conference has differed in that, apart from the mixture of experts from many other disciplines, the political element has always been predominant. My delegation sincerely hopes that the political will which prevailed in the drafting and adoption of this Convention will continue so as eventually to ensure its universal acceptance.

46. The objective of the Conference was a "package deal". It was in this context that serious-minded delegations accepted that it would be impossible to satisfy each other's individual concerns. In this spirit, compromise agreements have been reached.

47. These accomplishments demonstrate the capability of more than 160 sovereign States to work out rational accommodations for diverse and competing interests. It is perhaps in this that the true significance of the Convention is to be found, rather than in its complexities and all-encompassing nature. These achievements will become even clearer when nation-States come to the realization that they are all neighbours and components of this planet Earth and that the Con-

vention represents the best assurance of the avoidance of conflicts through the application of law.

48. The Commonwealth of the Bahamas is committed to the rule of law and, in particular, to the rule of international law. We have a long tradition of parliamentary rule, of which we are, we believe with justification, extremely proud. This year we celebrate 273 years of elected Parliament through years of colonialism, internal self-government and independence. We are therefore pleased to see in the Convention clarified in legal terms those areas of the law of the sea that had been left murky by previous Conferences. We believe that it is the duty of all States committed to the rule of law which have over the years made significant contributions to the achievements of this Conference to participate in the Convention.

49. In this regard, while the Convention is not perfect, it represents the accommodation of the interests of all. The Convention, which no doubt makes an extraordinary contribution to international law and international order, affords an excellent opportunity to all States to register their approval of this historic and momentous effort. It is my delegation's hope that they will do so. History dictates that they should do so because it was the history of the inequitable law of the sea of past eras that caused the international community to respond to the just demands of the developing world for a more equitable law of the oceans. We do not wish to contemplate failure. We share the view that the success of this Convention is pivotal to East-West, North-South relations, since it impinges upon the interests of all mankind—the inhabitants of States rich or poor, land-locked or coastal and developed or developing.

50. The Third United Nations Conference on the Law of the Sea has united the efforts of mankind in the endeavour to found international peace and security on international law. The result of the Conference is a Convention that seeks to harmonize the aspirations of all mankind through law. All States professing a belief in the rule of law, sovereign equality and the equitable distribution of social and economic justice owe a sacred obligation not to impede this treaty.

51. There were sceptics who in 1945 prophesied that the United Nations would fail. Yet today, 37 years later, it still stands as a monument to human endeavour to avert international conflict and promote social, economic and political justice.

52. It has been said that the oceans may very well be man's last frontier. If this be so, then humanity should not bereave itself of this opportunity for a collective effort to harness the resources of the oceans as the common heritage of all mankind.

53. The possession of power, wealth and military capabilities does not entitle the possessor to the right to be ambivalent or to be heedless of the responsibility incumbent upon all leaders to do justice.

54. I wish to express the gratitude of my delegation to the Conference for its most favourable consideration of the problems of mid-ocean archipelagos, heretofore left unresolved by the law of the sea. To our mind, the provisions of the Convention relevant to archipelagos strike a just balance between competing interests, in that on the one hand accommodation is provided for the legitimate aspirations of archipelagos to be regarded as a single entity and on the other the interest of the international community in the free and unobstructed movement of legitimate international maritime traffic is guaranteed.

55. In Caracas, in 1974, when I addressed this Conference I referred to the uniqueness of the geography of the Bahamas. This same geography affected our approach and was a determinant of our policies with respect to the law of the sea as it related to archipelagos. Our islands are formed of limestone and they stand upon a complex platform that extends beyond

the land frontier to form what are referred to as the Great and Little Bahama Banks. These features are permanently submerged, but the waters that cover them are so shallow that in most places they are non-navigable except by vessels of the shallowest draught. The Convention now recognizes the legal status of the Bahama Banks.

56. The special problem of archipelagos which perhaps distinguishes them from continental States is that the sea lanes which thread them have some of the characteristics of international straits through which rights of transit exist. We recognize that in the interests of commerce, communications and global defence these traditional freedoms of transit need to be preserved. We have no disposition to inhibit the freedom of navigation and overflight.

57. With regard to the provisions of the Convention in respect of the delimitation of the maritime spaces between opposite and adjacent States, which has been one of the key areas of difficulty for the Conference, my delegation is not entirely at ease. Our preference for a clear statement of the law that the median line should be mandatory is well known to the Conference, as is our preference for mandatory and binding dispute settlement procedures. Recognizing the virtual impossibility of achieving these desires, we are, in the spirit of accommodation and compromise, prepared to accept the provisions on delimitation contained in the Convention.

58. I should now like to turn to the mining of the deep seabed. We belong to the school of thought that claims the resources of the international area to be the common heritage of mankind. The Conference's negotiations led us to believe that all participating States shared this belief. We felt that the task of the Conference was then to work out acceptable arrangements which would transform the common heritage into meaningful reality. To our mind, the provisions of the Convention, together with the resolution for the protection of preparatory investment, accomplishes this. We would have preferred a unilateral rather than a parallel system of exploitation but we are, along with the rest of the developing world, prepared to accept the present system as a compromise. In doing so we barred ideological differences and concentrated instead on obtaining the best possible formula which we felt should have been acceptable to all.

59. In conclusion, I wish on behalf of the Bahamas to pay a special tribute to Mr. Arvid Pardo, without whose vision we would not have been here today, and to the late Mr. Hamilton Shirley Amerasinghe for the role he played in these negotiations. And, Mr. President, I would be remiss if I were not to congratulate you on your patience, ingenuity and indeed brilliance, without which we might not have been here either. I also congratulate the respective Chairmen of the Committees and the Chairman of the Drafting Committee—the original four wise men and now five, including the Rapporteur-General. Our sincere gratitude goes to the members of the Secretariat for their unrelentingly tireless efforts on our behalf over the long years of these negotiations.

60. Mr. MIR-MEHDI (Islamic Republic of Iran):² Mr. President, it is a great pleasure for me to address this meeting on behalf of the Government of the Islamic Republic of Iran. First of all, I should like to thank the Government of Jamaica for acting as host to this final session of the United Nations Conference on the Law of the Sea. Since this is the first time that I see you in the Chair, Mr. President, I avail myself of this opportunity to express the appreciation of my delegation for your vigilant and capable leadership in handling your difficult task during the Conference's final sessions, which terminated in the adoption of the United Nations Convention on

the Law of the Sea with the overwhelming support of the participants.

61. It is, however, regrettable that the result of a decade of tireless and dedicated efforts provided by hundreds of distinguished lawyers, diplomats and specialists, including you, Mr. President, your predecessor the late Hamilton Shirley Amerasinghe and the members of the Collegium, and despite all the concessions made by developing nations with the hope of reaching a universally accepted treaty, the selfish and short-sighted position of one delegation barred the Convention from getting adopted through consensus. As a result, the implementation of this Convention, which could be considered one of the most important instruments for regulating all legal, economic and political aspects of the seas and oceans of the world and could provide a logical approach to North-South issues, was unfortunately disturbed before birth by the destructive hands of a pretentious so-called advocate of democracy.

62. It was hoped that the product of this lengthy Conference would be a promising framework helping to eliminate greed and selfish economic prejudices and ultimately helping to produce a new system for the exploitation of the enormous riches of the sea-bed which lie beyond the limits of national jurisdiction and which, at the twenty-fifth session of the General Assembly, had been proclaimed the common heritage of mankind, on the initiative of Mr. Arvid Pardo, to whom we all should pay a tribute. In fact, this opportunistic and contradictory attitude of the United States delegation is in line with the overall hegemonistic policy of that imperialist Power.

63. Moreover, the frustrating path pursued by a handful of States, which apparently intend to conclude a separate arrangement, called a "mini-treaty", is an alarming threat to the interests of the world community and should be taken seriously. It would indeed be a very dangerous move if those countries tried to overlook their moral obligations pertaining to the United Nations resolutions in respect of the New International Economic Order. However, those countries should keep in mind that the world community will stand firm in the defence of its legitimate rights as regards the common heritage of mankind and will, by every means, protect the resources of the international sea-bed from plunder by any intruder, whether through unilateral action or by means of a so-called mini-treaty.

64. Considering the present state of international relations, which is becoming bleaker every day due to unjust economic relations between countries producing raw materials and the industrial world, if the basic principles and the spirit of the Convention, which provide for the just and equitable distribution of the resources of the seas, take the form of reality, one of the most important victories of this century will indeed be achieved, provided that justice and right, not might, prevail and the developing States are allowed to have access to the technological know-how accumulated by the powerful States at the price of the misery of the poor and the powerless.

65. In fact the main cause of the serious crises dominating the world economy today are rooted in an unjust international economic order and the exploitative policies that world imperialism is implementing for the sake of preserving its material interests and political and cultural hegemony.

66. Despite all these misgivings and difficulties we have had as regards some sections of the Convention—particularly the questions of the innocent passage of warships through the territorial sea, the participation of national liberation movements such as the Palestine Liberation Organization, the priorities and privileges provided for some industrial countries in connection with the sea-bed régime—for the sake of unanimity in the pursuit of common goals together with the Group of 77, the delegation of the Islamic Republic of Iran voted in favour of adopting the Convention.

² Mr. Mir-Mehdi spoke in Persian; the English version of his statement was supplied by the delegation.

67. The Government of the Islamic Republic of Iran has participated with great interest in the past sessions of the Conference. Now I wish to inform the Conference that I have been empowered to sign the Final Act and the Convention on behalf of my Government, and we intend to participate actively in the establishment of the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea.

68. Nevertheless, at this solemn moment the delegation of the Islamic Republic of Iran avails itself of this opportunity to place on record its understanding in relation to certain provisions of the Convention. The main objective is the avoidance of eventual future interpretations of the following articles in a manner incompatible with the original intention and the previous position or in disharmony with national laws and regulations of the Islamic Republic of Iran.

69. It is, then, the understanding of the Islamic Republic of Iran that, first, notwithstanding the intended character of the Convention as one of general application and of a law-making nature, certain of its provisions are merely the product of *quid pro quo* and do not necessarily purport to codify the existing customs or established usage regarded as having an obligatory character. Therefore it seems natural and in harmony with article 34 of the 1969 Vienna Convention on the Law of Treaties³ that only States parties to the United Nations Convention on the Law of the Sea shall be entitled to benefit from the contractual rights created therein. Those considerations pertain specifically but not exclusively to the following: the right of transit passage through straits used for international navigation—Part III, section 2, article 38, the notion of the exclusive economic zone—Part V, and all matters regarding the international sea-bed area and the concept of the common heritage of mankind—Part XI.

70. Secondly, in the light of customary international law, provisions of article 21, read in conjunction with article 19, on the meaning of innocent passage, and article 25, on the rights of protection of coastal States, recognize, though implicitly, the rights of coastal States to take measures to safeguard their security interests, including the adoption of laws and regulations regarding, *inter alia*, the requirement of prior authorization for warships willing to exercise the right of innocent passage through the territorial sea.

71. Thirdly, the right referred to in article 125 regarding access to and from the sea and freedom of transit of landlocked States is derived from mutual agreement among States concerned, based on the principle of reciprocity.

72. Fourthly, the provisions of article 70 regarding the rights of States with special geographical characteristics are without prejudice to the exclusive right of the coastal States of enclosed and semi-enclosed maritime regions—such as the Persian Gulf and the Sea of Oman—with large populations predominantly dependent upon the relatively poor stocks of living resources of those regions.

73. Fifthly, islets situated in enclosed and semi-enclosed seas which potentially can sustain human habitation or an economic life of their own but which, owing to climatic conditions, resource restriction or other limitations, have not yet been put to full development, fall within the provisions of paragraph 2 of article 121, concerning the régime of islands, and therefore have full effect in the boundary delimitation of various maritime zones of the interested coastal States.

74. Furthermore, with regard to compulsory procedures entailing binding decisions, the Government of the Islamic Republic of Iran, while fully endorsing the concept of settlement of all international disputes by peaceful means, and

while recognizing the necessity and desirability of settling in an atmosphere of mutual understanding and co-operation issues relating to the interpretation and application of the United Nations Convention on the Law of the Sea, will at this time not pronounce itself on the choice of procedures pursuant to articles 287 and 298 and reserves its position, which it will declare in due time.

75. Finally, the delegation of the Islamic Republic of Iran would like to congratulate each and every member of the Third United Nations Law of the Sea Conference on the achievement of this difficult and monumental task. At the same time, it wishes once again to express its sincere gratitude to the Government and people of Jamaica for their warm and cordial hospitality.

76. Mr. GOUZHENKO (Union of Soviet Socialist Republics) (*interpretation from Russian*): After ten years of intensive work, the Third United Nations Conference on the Law of the Sea is approaching its conclusion. The Conference has faced a highly important and complex task in working out a new legal order for the peaceful use of the waters and resources of the oceans of the world, which cover more than two thirds of the surface of our planet—that is, in solving problems that affect the vital interests of many States. What, then, are the results of the work of the Conference?

77. We believe that the main result of the Conference is the fact that, despite numerous difficulties and obstacles, through the collective efforts of its participants it has succeeded in working out and adopting a comprehensive United Nations Convention on the Law of the Sea, a single international legal document regulating all the major questions of human activity in the waters of the oceans and on the sea-bed and its subsoil.

78. The new Convention not only specifies, develops and codifies the traditional law of the sea but also introduces as norms of international law new concepts which take into account the realities of the contemporary world. In particular, the Convention defines for the first time the régime governing the use of the sea-bed and its resources beyond the limits of the continental shelf, which have been proclaimed the common heritage of mankind. The exploration and exploitation of the resources of that area will be organized, implemented and controlled on behalf of mankind as a whole by a new international organization—the International Sea-Bed Authority—the structure and activities of which are based on the principles of the equality of States and the inadmissibility of discrimination against any social and economic system and have due regard for the interests of different groups of States.

79. The new Convention represents a complex and indivisible package of closely interrelated compromise solutions to all major problems of the law of the sea. And, like any compromise, the Convention cannot of course accommodate completely all the participants—and, incidentally, the interests of the USSR cannot be completely accommodated in it either—but, on the whole, it takes account of the interests of each of them to the same extent. That is why it proves to be acceptable to an overwhelming majority of States.

80. We consider that the new Convention may serve as an important instrument in strengthening international co-operation, law and order and peace on the seas. It may also present a serious obstacle for those who would try to carry out the policy of arbitrary control and *diktat* on the oceans. Consequently, the Convention may make an important contribution to the strengthening of peace and security and will have great significance within the framework of the common struggle for the establishment in international relations of principles of equality and mutual respect and of ensuring that nothing done is to the detriment of the interests of another. The Convention was worked out in such a way that it has become convincing proof of the fact that States, if they are guided by these principles and take into account each other's interests,

³See *Official Records of the United Nations Conference on the Law of the Sea, documents of the Conference* (United Nations publication, Sales No. E.70.V.5).

may solve on a compromise and mutually acceptable basis the most complex international problems, including those with respect to which the interests of different groups of States frequently diverge considerably. At the same time, the history of the drafting and the adoption of the United Nations Convention on the Law of the Sea has clearly demonstrated that any attempts to undermine such a settlement of international problems or to ignore the interests of other countries cannot succeed in the present world.

81. The support given the Convention by an overwhelming majority of States has shown that this majority is determined to struggle for the introduction into international relations of all the positive experience that has been accumulated by humanity in this field in a period of relaxation of tension. Thus the United States Convention on the Law of the Sea proves once again the truth of a recent statement made by the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Yuri V. Andropov, that the policy of détente is in no way a thing of the past, as is alleged by some imperialist circles, and that the future belongs to the policy of détente.

82. Taking into account the important international legal and political significance of the new Convention, the Soviet Union, which resolutely and consistently advocated its adoption, intends to sign the Convention tomorrow. We hope that the number of countries which will sign it tomorrow will be sufficient to start the normal activities of the Preparatory Commission to establish the International Sea-Bed Authority and the International Tribunal for the Law of the Sea. The Soviet Union is ready to co-operate closely within the Commission's framework with other member States which have signed the Convention to ensure the Commission's effective implementation of its functions.

83. Today, summing up the results of the Conference's work, we consider it necessary to reaffirm our position of principle with regard to some provisions of resolution II, regulating preliminary investments in pioneer activities concerning the exploration of the polymetallic nodules, which was put to the vote as part of the Convention package. It is regrettable that that resolution contains different requirements for different groups of countries. However, those shortcomings of resolution II do not diminish the significance of the new Convention on the Law of the Sea and cannot influence the positive position of the USSR towards this Convention.

84. In signing the Convention the Soviet Union will refrain from declarations under article 310 of the Convention. Although these declarations do not change the legal force of the Convention, we feel they might provoke counter-declarations and, generally speaking, complicate the situation with respect to the Convention. Therefore we support the President's appeal addressed to all States which intend to sign the Convention to refrain from statements interpreting the substance of its provisions.

85. Unfortunately, similar declarations have been made and some of them have gone far beyond the framework of article 310 and can be regarded only as clear attempts to distort certain provisions of the Convention. That is why the Soviet Union reserves its right to take a stand on such declarations at a later stage.

86. At the time of signing the Convention the Soviet Union intends to exercise its right to choose the procedures for the settlement of disputes by submitting the relevant declarations in writing. They will state in particular that the Soviet Union will not accept the compulsory procedures entailing binding decisions on disputes related to sea boundary delimitations, disputes concerning military activities and disputes with respect to which the Security Council of the United Nations is exercising the functions entrusted to it by the United Nations Charter.

87. The problem of participation in the Convention is linked to certain political questions with respect to which the Soviet Union reaffirms its position of principle. We believe that only the Government of the People's Republic of Kampuchea, the sole legitimate representative of the Kampuchean people, has the right to represent Kampuchea in the international arena and, *inter alia*, to sign the United Nations Convention on the Law of the Sea.

88. The Soviet Union stands for the full participation in the Convention of the national liberation movements, such as the Palestine Liberation Organization.

89. We firmly believe that if the participation in the Convention of self-governing Associated States should entail a change in the status of the strategic Trust Territory of the United States, the Pacific Islands (Micronesia), then any change in the status and conditions of the Trusteeship Agreement should be sanctioned by the Security Council, in accordance with Article 83 of the United Nations Charter.

90. If we compare our Conference with a ship on the ocean, it should be recognized that the sailing of this ship is characterized by difficult conditions, particularly towards the end of the voyage. The United States has charted a course aimed at torpedoing the Convention, concluding separate agreements to carry out activities in the sea-bed bypassing and violating the Convention. At the same time, without undertaking any obligations under the Convention, it would like to enjoy the rights, privileges and benefits that the Convention confers upon the States parties. The United States representatives declare that one may, as it were, recognize some provisions of the Convention while ignoring others. However, one cannot adopt a selective approach to the norms of international law. The Convention is not a basket of fruit from which one can pick only those one fancies. As is well known, the new comprehensive Convention has been elaborated as a single and indivisible instrument, as a package of closely interrelated compromise decisions.

91. On this basis we completely share the statement made on behalf of the Group of 77 by its Chairman and similar statements made by you, Mr. President, as well as by representatives of many countries to the effect that if a State assumes obligations under the Convention it enjoys the rights envisaged in it. However, if it does not assume such obligations it is naturally deprived of the rights provided in the Convention for its participants.

92. We also support the statements made by many countries to the effect that any separate agreements, any "mini-treaties", concluded in circumvention of the Convention are illegal; they will have no legal validity.

93. The international community has the necessary means, including those provided for in the Convention and in the United Nations Charter, to counteract any attempts to violate the Convention and to secure its strict observance.

94. I should like to express the hope that all countries will sooner or later be won over by a sense of reality and thus become parties to the Convention on the Law of the Sea, that they will strictly observe its provisions and that the Convention will become an important factor in the strengthening of peace and security, the relaxation of international tension and the development of fruitful co-operation and friendly relations among all States.

95. In conclusion, the Soviet delegation would like to pay a tribute once again to the memory of Mr. Hamilton Shirley Amerasinghe and to express its gratitude to you, Mr. President, and to the members of the Collegium and to all those who have contributed to the drafting of the Convention, as well as to the people and Government of Jamaica for providing us with an opportunity to hold the closing session of the Conference in this country.

96. Mr. OMAR (Libyan Arab Jamahiriya) (*interpretation from Arabic*): In a few hours we will be signing the Final Act and the Convention on the Law of the Sea. This monumental event will mark this era and have important consequences in the years to come. We shall thus put an end to a long process which we began more than 10 years ago. During that process we faced many difficulties and complications owing to the many diverse interests. We proceeded in a piecemeal manner, solving one dilemma only to face another. The objective at times seemed at hand, but then faded away into the distance. But the overwhelming majority of the international community eventually succeeded in realizing its objective.

97. There is no doubt that all countries did their utmost and displayed the greatest patience, but the developing countries shouldered a greater burden in their efforts and in the patience they exercised and the sacrifices they made in the common interest. Indeed, they made so many concessions that there was no room left for them to make any more. Hence, we express our admiration and appreciation to the developing countries for their extremely responsible position, which demonstrated a full awareness of the interests of the international community.

98. When we sign the Final Act tomorrow, we will have entered a more critical and more important phase, one that demands greater readiness to make even more efforts, firmer resolve and increased vigilance, as well as good faith, to prevent the loss of the achievements of the past years and the exploitation of the riches of the seas and oceans by a handful of States, as well as the transformation of the provisions of this Convention into a dead letter.

99. Tomorrow we will witness the signing of the most important document of modern times. It is a Convention intended to establish a legal régime for the seas and oceans and designed to ensure their use exclusively for peaceful purposes. Thus this régime will be an important contribution to the maintenance of international peace and security and to the establishment of a more just and more equitable international economic order that takes account of the interests and needs of all mankind, and especially those of the developing countries, be they coastal or land-locked. This régime is designed also to strengthen co-operation and relations among States in accordance with the principles of justice and equality and to promote the social and economic progress of all peoples of the world.

100. The most important element in the United Nations Convention on the Law of the Sea is its provision that the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction and their resources are the common heritage of all mankind.

101. On the basis of this principle, no State may claim or exercise sovereignty or sovereign rights over any part of the area or its resources and no State or juridical or natural person may appropriate any part thereof. Such claims, exercise of sovereignty or sovereign rights, and appropriations will never be allowed. This provision implies that activities in the area are to be conducted in the interests of all mankind, regardless of the geographical location of States, and are to give due regard to the interests and needs of the developing peoples and countries that have not yet attained full independence or other forms of self-government.

102. We all know the circumstances in which the negotiations on the provisions of Part XI of the Convention were held. We also know that many concessions were made by the developing countries. It is a fact that every effort was made and that we finally achieved a consensus constituting an element of the "package deal". Hence, it shows a lack of good will even to talk about a possible re-opening of negotiations on these provisions. Moreover, any attempt by a State or small group of States to circumvent the provisions of Part XI

or other parts of the Convention would without any doubt run counter to the will of the overwhelming majority of the international community and with the provisions of the Convention itself, which are accepted by this majority as a basis for all issues related to the law of the sea. Furthermore, circumventing the provisions of the Convention would have no legal validity capable of commanding international recognition.

103. The Libyan Arab Jamahiriya will stand in solidarity with the developing countries and all peace-loving peoples and States in confronting any such attempt and will support any peaceful effort to preserve what has so far been achieved.

104. One of the most important elements of the Convention is that it accords Namibia, represented by the United Nations Council for Namibia, the right to sign the Convention. It also allows the national liberation movements to sign the Final Act and to be represented in the relevant organs with observer status. Although that represents less than what we have advocated, we consider it to be a positive step in the development of international law and support for the principles of freedom, equality and justice.

105. One of the speakers yesterday referred to non-recognition of the Palestine Liberation Organization (PLO). What he said does not change reality in the slightest, because the PLO enjoys wide international recognition and has no need to be recognized by the régime to which that speaker belongs. Moreover, what that speaker said in no way affects the contents of resolution IV of the Final Act.

106. The Convention includes numerous positive elements; but, at the same time, it has shortcomings in some aspects and ambiguities in others, thus representing less than what we had aspired to. Nevertheless, in the last session we stood by the developing countries and others in supporting and voting for the Convention, since it was a "package deal", in the hope that in future we would be able to remedy those shortcomings, clarify the ambiguities and develop the Convention's provisions in the interests of all.

107. The Libyan Arab Jamahiriya will sign the Final Act tomorrow. We would have wished to sign the Convention as well, but certain necessary domestic procedures have not yet been completed. Even though the Libyan Arab Jamahiriya will not participate in the signing of the Convention tomorrow, it hopes to join the signatories in the near future.

108. I would not wish to conclude without expressing thanks to the Government and the people of Jamaica for their warm welcome and generous hospitality. Also, I should like to thank you, Mr. President, and say how much we appreciate your notable contribution and that of your predecessor, Hamilton Shirley Amerasinghe, the praiseworthy initiative of Mr. Pardo, as well as the arduous efforts of the Chairmen of the main Committees, the other members of the Bureau and the staff of the Conference secretariat. Here I want to refer in particular to the work done by Mr. Zuleta, the personnel of the translation and interpretation services and all those unknown soldiers who contributed to this creative endeavour.

109. Mr. PRADHAM (Bhutan): This gathering here in this beautiful city of Montego Bay, Jamaica, marks the culmination of nearly a decade of negotiations by the international community to bring about a law of the sea. This long-drawn process involved nations from every part of the globe—nations with varying backgrounds, differing interests and at times complex problems. All their views were fully heard during the course of numerous meetings and, although it was not possible to meet all the demands of each and every participant, compromises or consensus formulas were invariably worked out. The Governments of many countries relinquished several of their initial proposals in order to serve the interests of mankind as a whole. The entire process that led to what we have now arrived at was arduous and difficult, but the end result is truly historic.

110. The delegation of the Kingdom of Bhutan had always hoped that the United Nations Convention on the Law of the Sea would receive the seal of approval from all nations of the world. Unfortunately, however, some countries, especially some of the big Powers, have not seen fit to give their consent at this stage.

111. As I mentioned earlier, the final text was definitely not able completely to satisfy each and every country. For instance, the land-locked countries, of which my own country, Bhutan, is one, have had to be satisfied with very little. Like many others, my delegation had earlier expressed some concerns, particularly at the resumed ninth session in 1980, and those concerns remain today. My delegation is not fully satisfied with the provisions relating to the rights of land-locked countries.

112. We also regret that better and more equitable resource-sharing criteria with regard to the continental shelf and the exclusive economic zones could not be provided in the Convention. However, it is our hope that in the very near future the problems of the land-locked countries will become better understood and that steps will be initiated, especially by the transit States concerned, to alleviate their specific difficulties.

113. In spite of what I have just stated, my delegation has noted the many positive aspects of the Convention. We have realized the importance and significance of concluding a law of the sea as a matter of urgency. The absence of such a law would create a host of difficulties for the countries of the world in utilizing the seas and its resources in a civilized and orderly manner. Without proper regulations, many disputes could arise in this context and quite easily have serious implications for international peace and security.

114. The sea and its resources beyond the limits of national jurisdiction are the common heritage of mankind. The Convention most appropriately includes this concept of the common heritage of mankind, a concept in which Bhutan has strongly placed its belief. The resources derived from the international area, under proper supervision and control, must benefit all mankind and all nations, big or small, coastal or land-locked.

115. The control of pollution and the preservation of marine life and the marine environment will become increasingly difficult if nations lack information and guidelines for activities pertaining to the seas. We cannot take this aspect lightly, for without proper control pollution of the marine environment could adversely affect all life on our planet.

116. For the reasons, among others, that I have just given, and above all for international peace and security, my Government has decided to sign the Convention.

117. At this stage I should like to express the appreciation of my delegation to the Government of Jamaica for having offered to act as host to this final session of the Conference. We are equally grateful for the warmth and hospitality that we have enjoyed since our arrival in this very beautiful city of Montego Bay.

118. I should also like to take this opportunity to thank and remember all those who contributed to making this laudable venture of ours a success. Mr. Arvid Pardo gave birth to the Conference and promoted the principle of the common heritage of mankind. Our earlier President, the late Ambassador Hamilton Shirley Amerasinghe, guided us skilfully through a maze of problems. The Special Representative of the Secretary-General, Mr. Bernardo Zuleta, the secretariat and the members of the Collegium have left their indelible mark on our work.

119. Finally, Mr. President, we appreciate your own most admirable contribution to the success of this Conference. Had it not been for your untiring efforts, dedication and diplomatic

skills it would have been difficult to reach this goal. I should like to conclude therefore by warmly congratulating you.

120. Mr. MARTINA (Netherlands Antilles): Mr. President, it is a great honour for me and my country to be able to attend this final session of the Third United Nations Conference on the Law of the Sea for the purpose of signing the Final Act and opening the Convention for signature.

121. The Netherlands Antilles attaches great importance to the Third United Nations Conference on the Law of the Sea and has, pursuant to General Assembly resolution 3334 (XXIX), adopted on 17 December 1974, attended the sessions of the Conference in its capacity of observer. It is in that capacity that we are present here today to sign the Final Act of the Conference, an act which guarantees our future participation in the Preparatory Commission and the International Sea-Bed Authority.

122. Being comprised of six islands, the Netherlands Antilles finds great support in the article on the régime of islands, which stresses the fact that islands and other land territories should be treated as equals when determining their respective territorial sea, contiguous zone, exclusive economic zone and continental shelf.

123. The same can be said with regard to resolution III, on the rights and interests of Territories which have not attained independence or self-government. That resolution safeguards our rights to and interests in the resources of our Territories recognized by the Convention and emphasizes the fact that these rights and interests should be exercised for the benefit of our people.

124. Equally supportive are the articles on archipelagic States. The Government of the Netherlands Antilles has for quite some time already endorsed the principle of archipelagic States.

125. Anticipating the coming into existence of these articles, the Government, during the bilateral negotiations on maritime boundaries with the Republic of Venezuela which have resulted in a treaty with that country, took as its point of departure the principle laid down in these articles.

126. My Government also attaches great importance to the articles on global and regional co-operation. Ocean management and resources of the sea are playing an ever-increasing role in national development strategy and in the changing structure of international economic relations. At the same time, ocean management adds a new dimension to development strategy, while it requires the establishment of new institutional and legal infrastructures and new forms of national and international, intergovernmental and non-governmental organization and co-operation. It is important that we of the third world join in this new phase of economic development from the beginning by promoting international and regional co-operation for the protection and preservation of the marine environment and marine scientific research for peaceful purposes, as well as in the development and transfer of marine technology.

127. We are well aware of the tireless efforts which have been made towards the conclusion of a legal régime of the seas that is workable in the present-day world. It is our sincere hope that the industrialized countries will give all the necessary support so that this régime will be acceptable to all in the end. We have now come a long way by producing this final text which stresses the need for effective international co-operation and organization in the development and management of the seas as a shared resource of all countries. It might be said that the United Nations Convention on the Law of the Sea is like a global constitutional bill of rights for all countries, in which the exploitation of fish, mineral and energy potential is regulated.

128. We are truly honoured that a country in the Caribbean region, Jamaica, has been chosen as the seat of the Interna-

tional Sea-Bed Authority and we hope that this will be a contribution to the beginning of a new international economic order for the Caribbean region in which all countries will have the opportunity to participate and share in the common heritage of mankind.

129. Mr. President, I should like to express our gratitude to you, the Chairman of the Main Committees and all those who, in one way or another, have contributed to the successful conclusion of the Conference and the adoption of the new Convention.

130. In conclusion, I should like, on behalf of the Government and the people of the Netherlands Antilles, to say how grateful we are to the Government and the people of Jamaica for acting as host to this most historic event for mankind and how much we appreciate the warm reception and hospitality, which, we can say with pride, is characteristic of the Caribbean people.

131. Mr. PAPOULIAS (Greece) (*interpretation from French*): First of all, my delegation wishes to express sincere thanks to the Government and the people of Jamaica for their warm welcome to the representatives to the final session of the Conference and for the entirely satisfactory services they have provided.

132. On this solemn occasion of the conclusion of the work of the Third United Nations Conference on the Law of the Sea, I should like to congratulate you, Mr. President, for having brought to a successful conclusion the long and difficult negotiations that led to the conclusion of the new Convention which has been adopted by the Conference. You have certainly performed your lofty duties successfully, showing remarkable skill and a thorough knowledge of the highly difficult and complex subjects involved.

133. I consider it a duty also to express my gratitude to the Special Representative of the Secretary-General of the United Nations, Mr. Zuleta, as well as to the secretariat for their valuable contribution to the work of the Conference and their dedication to the cause of the law of the sea.

134. I should like to take this opportunity to pay a tribute to the memory of the first President of the Conference, the late Hamilton Shirley Amerasinghe of Sri Lanka, who made an immense contribution to the progress of the work of the Conference for many long years.

135. The Third United Nations Conference on the Law of the Sea is generally considered as a historic international meeting, mainly because of the active participation of the largest number of countries that have ever participated in any international conference. As a result, many new States, as well as liberation movements, have had an opportunity to play an active role in the negotiations, thus making a notable contribution to the establishment of international rules governing the law of the sea and the exploitation of the resources of the sea-bed, which, in 1967, were declared unanimously to be the common heritage of mankind.

136. This Conference has been of paramount importance, for it has had to carry out the difficult task of settling particularly thorny and complex problems, some of which were being raised for the first time within the international community. Thus its work was difficult because of its very nature and also because the task involved finding solutions capable of reconciling to the greatest possible extent opposing interests with regard to interrelated problems. From the outset, the Conference had set itself the goal of seeking solutions acceptable to all, if possible, and had declared that the problems were indivisible and should be considered and accepted as a whole. Hence the Conference expressed the wish to have the Convention adopted only after ensuring the broadest possible support and, preferably, by consensus. It is truly regrettable that it was not possible to achieve a consensus.

137. It can be said that, taken as a package, the text of the Convention, and in particular the parts dealing with questions falling within the competence of the Second and Third Committees, is as balanced as possible. However, I must add that my country does not find all the provisions of these parts satisfactory; there are even some points on which we do not agree. Nevertheless, taking all the solutions arrived at as a whole, we have accepted this text. These provisions regulate problems of the greatest importance, such as territorial waters, maritime spaces under national jurisdiction and the rights relating thereto, freedom of navigation, the resources of the sea, pollution and the conservation of the marine environment. As is generally recognized, these provisions are applicable as a whole and to all the seas without distinction.

138. Any attempt to give preferential application to certain parts of the Convention, to the exclusion of others, or any claim aimed at preventing the application of the provisions of the Convention to certain areas, must be absolutely rejected, for that would be completely contrary to the letter and spirit of the new Convention.

139. Similarly, it should be stressed at this time that all the clauses have been accepted by near-consensus, since almost all the countries that abstained in the vote when the Convention was adopted stated that they accepted all the parts of the Convention, with the exception of Part XI, on the sea-bed. If I am not mistaken, the same is true for the four countries that voted against it. Given this fact, and also the practice of States, it is clear that these provisions can be, and practically speaking are, considered to be already part of customary international law. Such is the case, for example, of the provision fixing the maximum breadth of the territorial sea at 12 miles, a provision which is already being applied by a substantial majority of States Members of the United Nations. That also goes for the articles referring to freedom of navigation and the régime with respect to islands, and other articles.

140. With regard to Part XI of the Convention, Greece regrets that its articles are not entirely satisfactory and could not win general approval. Nevertheless, we hope that, within the framework of the application of the Convention, the outstanding difficulties will be smoothed away, making it possible for a number of countries concerned to sign the Convention.

141. Finally, my delegation would like to recall that Greece 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.

142. In conclusion, I should like to confirm that Greece will sign the Final Act and the United Nations Convention on the Law of the Sea. I would add that Greece also intends to submit, at the proper time, an interpretative declaration, in accordance with article 310, concerning articles 36, 38, 41 and 42. The aim of this interpretative declaration will be to facilitate the just and effective application of the provisions concerning transit passage through straits used by international shipping.

143. I should like to take this opportunity to express the wish that the greatest possible number of countries throughout the world will sign the Convention, for it is without question an important factor in the evolution of international law towards progress and development.

144. Mr. BOEL (Denmark): I wish to start by making a statement on behalf of the European Economic Community and its 10 member States.

145. As will be commonly known by now, the member States of the European Economic Community have transferred competence to that Community in various and important fields, including matters falling within the scope of the United Nations Convention on the Law of the Sea. By

way of example I shall just mention those concerning conservation and management of sea fisheries. Provisions allowing for participation by international organizations like the European Economic Community are therefore a matter of importance not only for the Community and its member States but also for other States.

146. Against this background we congratulate you, Mr. President, on your efforts during the negotiations on the clauses concerning participation in the Convention by international organizations. Thanks to your constructive and imaginative leadership and to the contributions of the whole Conference a solution has been reached which all delegations find generally satisfactory. Indeed, the provisions of article 1, paragraph 2, and article 305, together with those of annex IX, allow for the participation of the European Economic Community in the Convention. This complex set of rules constitutes a compromise, as is so often the case in the Convention—a compromise which, even if it falls short of what we have proposed, is acceptable to us.

147. We also welcome the fact that, as a consequence, the European Economic Community has been expressly admitted as a signatory to the Final Act.

148. The Final Act, which will be signed shortly by the European Economic Community, marks the milestone of more than nine years of arduous work by the Conference.

149. From the Community's point of view, many of the results obtained in matters within Community competence are generally satisfactory, particularly with regard to fisheries and the marine environment. The Community believes that in this respect the Convention on the Law of the Sea constitutes a major contribution to the progressive development of international law.

150. That concludes my statement on behalf of the European Economic Community and its 10 member States.

151. Speaking now for the Danish delegation, I wish through you, Mr. President, to thank the Government of Jamaica for serving as host of the final session of the United Nations Conference on the Law of the Sea.

152. This is a unique event in the history of international law. The Convention on the Law of the Sea is the most comprehensive treaty ever drafted. It is a modern constitution for the uses of the ocean. It deals with all conceivable peaceful human activities in an area larger than 70 per cent of the surface of our globe. It has been worked out by the largest Conference in the history of the United Nations. The result embodied in the 320 articles and related annexes and resolutions reflects a willingness to co-operate and to accept compromise solutions, expressed in two basic concepts: the consensus principle and the "package deal" principle.

153. My country attached and still attaches great importance to the achievement of a universally acceptable convention text. That was why Denmark, together with other like-minded countries in the group of 12—the so-called Friends of the Conference or, as some people called them, the good Samaritans—tried so hard to reach a compromise which could bridge the remaining gap between certain industrialized countries and the Group of 77. While consensus eluded us in the last resort, we continue to hope that the Convention will in due course be universally accepted. It is in the nature of things that no international agreement of this scope can be entirely satisfactory to all countries. This applies to Denmark too. Our understanding of certain specific points of particular interest to my country was made clear in our statement made on 31 March 1982.⁴ In that spirit, my delegation appreciated the outcome of the Conference and voted for it. On that basis

the Danish Government subsequently evaluated the Convention.

154. As a coastal State with a multitude of islands, Denmark has vital interests in the resources of the sea, the sea-bed and its subsoil, as well as in the preservation and protection of the marine environment. Greenland and the Faroe Islands are regions whose populations are almost entirely dependent on fisheries; and Denmark is a seafaring nation. Recognizing—as stated in the so-called gentlemen's agreement—"that the problems of ocean space are closely interrelated and need to be considered as a whole", my Government arrived at the conclusion that, on balance, the Convention is in the national interest.

155. It was also important to the Danish Government that the Convention, by placing particular emphasis on the interests of the developing countries, would constitute a major progressive step in the development of North-South relations. Furthermore, support of the Convention would be a sign of confidence in the United Nations as the appropriate forum for such negotiations.

156. Last but not least, by dispelling any uncertainties concerning the state of the law of the sea, the Convention constitutes an essential contribution to international stability and world order. Conversely, a breakdown of efforts to define universally accepted legal rules in this field would increase the areas of potential international conflicts and confrontations that we seek to reduce.

157. For all those reasons, the Danish Government has decided to sign not only the Final Act but also the Convention at this final session. I recall, in this connection, that my country is a member of the European Economic Community—for which I spoke only a moment ago—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.

158. Let me emphasize now that in the Danish view there is no satisfactory alternative to the set of rules laid down in this Convention. That is why Denmark, together with other like-minded countries, sponsored the recent General Assembly resolution 37/66 of 3 December 1982, calling upon all States to consider signing and ratifying the Convention at the earliest possible date and also appealing to the Governments of all States to refrain from taking any action directed at undermining the Convention or defeating its object and purpose.

159. That same resolution constitutes a bridge between this Conference, which is now coming to an end, and the next phase of our work. At this juncture the Convention is, if I may say so, like a hermit crab leaving its first shell and looking for a new home. During that interval, we all know, the hermit crab is very vulnerable. So we shall have to protect the Convention and we shall have to construct a new house for it. It will be up to the Preparatory Commission to lay the foundation of this new house. It should be sufficiently large and solid to hold all nations and sufficiently attractive to convince all nations in due course that it is worth while living together with the Convention.

160. When contributing to the work of the Preparatory Commission, my country will wish to facilitate the earliest possible ratification of the Convention. We hope that others will adopt the same attitude. We are conscious of the fact that the rules, regulations and procedures which the Commission is going to work out will constitute important elements of the future international sea-bed mining code. That code must ensure that decisions will not be arbitrary but that they will be based on objective rules and on fairness, equity and normal business practice taking account of the interests of those who

⁴ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVI, 163rd plenary meeting.

have already signed or acceded to the Convention and of those who may later do so.

161. In order to achieve this, to allay concerns with regard to Part XI and to reinforce general confidence in the Convention, it is vitally important that as many countries as possible participate in the work of the Preparatory Commission in a spirit of compromise and consensus. I shall therefore conclude by expressing the hope of my delegation that we shall all of us meet again in the Preparatory Commission, including colleagues from countries which do not feel in a position to sign the Convention at this stage.

162. Mr. KHAN (Bangladesh): The Bangladesh delegation considers it both an honour and a pleasure to participate in the final session of the Third United Nations Conference on the Law of the Sea amidst the breath-taking and exquisite surroundings of Montego Bay. We should like to express our sincere gratitude to the Government and the people of Jamaica for their friendly hospitality and the excellent arrangements they have provided for this Conference.

163. Bangladesh, a populous Asian country, takes pride and satisfaction in the fact that the long and arduous negotiations that have led to the present historic session were presided over by two distinguished sons of Asia from two sister island-Republics close neighbours of Bangladesh. My delegation would like to pay a tribute to the memory of Mr. Amerasinghe, whose contribution to the work of this Conference is only too well known. We wish also to express our deep gratitude to you, Mr. President, for the effective and fair manner in which you steered the Conference to a successful conclusion. You have brought to the work of this Conference eminent Asian virtues of patience, forethought and rigorous discipline of mind and spirit, without which its success would not have been achieved. Through you, Sir, we express our gratitude to Mr. Zuleta and all the other members of the secretariat of the Conference for their co-operation.

164. We should like also to acknowledge the inspiration and impetus given to our work by Mr. Pardo of Malta.

165. The genesis and the duration of the Third United Nations Conference on the Law of the Sea span almost exactly our own history as a free and independent nation. Bangladesh participated in the Caracas session of the Conference barely two years after its independence. Indeed, that participation was one of the first major diplomatic exercises undertaken. That is why the Government and the people of Bangladesh attach special significance to the monumental work achieved in elaborating a universal régime for the seas covering a vast range of interests and activities for the orderly and regulated use of the oceans and its resources.

166. The task of formulating a comprehensive Convention on the Law of the Sea has not been easy. We are mindful that this great international legislative enterprise is the first in which developing countries have been able to participate as equal partners. Their interests and their aspirations have influenced the final outcome. Nevertheless, Bangladesh feels that the full potential of the present Convention can be realized only through universal participation. We therefore join many previous speakers in appealing to those countries that have yet to make up their minds to join in this Convention in the interest of a universal legal order for the seas and oceans.

167. We hope that some nations, great as they are, appreciate the immediate significance of a correct legal relationship with the Convention. This Convention establishes the means by which the coastal nations extend their sovereignty over adjacent marine resources and enjoy immediate tangible benefits with regard to fishing and navigational rights—a just and equitable framework to protect and conserve the resources of the world's oceans for the benefit of the entire world community.

168. The people of Bangladesh have historically been a seafaring people. The limited land resources available to us and the disparity between those resources and the subsistence needs of the 90-million-strong population of Bangladesh make it imperative to recognize the potential of the oceans as a tangible promise for the future.

169. We have to acknowledge that not all our hopes have been realized in this Convention. We believe that the unique geographical circumstances of our coastline and the peculiar conditions associated therewith warrant adequate treatment. It is also impossible not to agree with the assessment by some representatives that the scheme of the Convention gives too much to some and too little to many others. Yet the Convention, with all its imperfections, offers a viable package deal which must be taken as a whole in the spirit of mutual co-operation and friendship.

170. We believe that the activities of no State, however powerful or technically advanced, should acquire legitimacy through unilateral exploration and exploitation of what is the common heritage of mankind. We also believe that the Convention will give an impetus to the establishment of regional arrangements for exploration and exploitation of sea resources that in the view of my delegation will be mutually beneficial to the countries of the region.

171. We sincerely believe that if nations are truly guided by a spirit of mutual understanding and co-operation and by an objective assessment of the Convention, the hopes of mankind will materialize through this Convention. Bangladesh feels happy and satisfied that this Convention provides adequate and equitable scope for the resolving of differences among States in the spirit of friendship and co-operation.

172. We are also happy that the Convention will be open for signature by Namibia, represented by the United Nations Council for Namibia, with which Bangladesh is closely associated. At the same time, the signing of the Final Act of the Convention by the Palestine Liberation Organization is welcomed by my delegation.

173. We also believe that the Convention offers developing countries such as Bangladesh the opportunity to participate in the activities of the various organs set up under the Convention and that such participation is bound to stimulate domestic development of technical infrastructures in relation to exploration and exploitation of the resources of the ocean. We are also pleased that the Convention provides for distribution of the oceans' wealth between developed and developing nations.

174. The Convention before us contains many inadequacies but, in the spirit of our commitment to international law, peace and good order and solidarity with the people of the developing world and of the non-aligned and the Islamic countries, I have been entrusted by my Government to sign the Convention. However, at the appropriate time Bangladesh will avail itself of the provisions of article 310 to make a declaration on matters of our vital national interests.

175. In conclusion, Bangladesh joins all States in hoping that the final session, based on the principles and objectives of the United Nations, will be a memorable chapter of fruitful co-operation and understanding and sharing of the benefits of the greater part of the globe for the good of mankind.

176. Mr. TANNIS (Saint Vincent and the Grenadines): Mr. President, it is a profound pleasure for my delegation to be at this final session of the Third United Nations Conference on the Law of the Sea and to see you presiding over it. I should like to express my gratitude for the extraordinary guidance you have given us since your appointment to this high office and in bringing this work to a successful conclusion.

177. The Government and the people of Saint Vincent and the Grenadines, as members of the Caribbean Community, to

which Jamaica belongs, are particularly delighted that these historic ceremonies are taking place in this our sister Caribbean Community State. We are further delighted because we believe it represents a profound sense of accomplishment for the Jamaican Government and people. I wish to express my delegation's gratitude to the Government of Jamaica for its hospitality to us and for the excellent arrangements made for this meeting. This fact helps to demonstrate the involved commitment of both the Government and the people to this Conference as well as to subsequent related events.

178. I wish to pay a tribute to the late Hamilton Shirley Amerasinghe, our past President, who dedicated 12 years of his life to these negotiations. I believe that because of the concern he showed he has found time to be with us here in spirit. We are also grateful to the Special Representative of the Secretary-General and to the Executive Secretary and the secretariat, the Rapporteur-General and the Collegium of the Conference for the leadership provided and the dedication shown in order to bring this Conference to its closing stage.

179. It is with a sense of great satisfaction and pride that my country will tomorrow sign both the Final Act of the Conference and the Convention itself.

180. Saint Vincent and the Grenadines voted in favour of the Convention on 30 April 1982,⁵ even though the Convention does not adequately address all the problems that could arise. The Convention, however, represents a very significant advance over the early principles established by Grotius and clearly enunciates several new principles which must now guide the conduct of nations in maritime matters. In my Government's view this Convention represents the best guarantee of the rights of small States. However, no convention so ambiguous in scope can be expected to meet all the conflicting needs and interests within the international community or solve the problems of all States within the framework of its provisions. It is a package of compromises and should be understood by all to be so; such compromise must not be viewed as though each exists in isolation. No State, therefore, can expect to accept certain parts and reject others. Nor can any State expect to enjoy prescribed rights without assuming prescribed responsibilities.

181. It is my delegation's view that this Montego Bay Convention must be accepted as a package, in its entirety, and must not be sectionalized. It is to be hoped that whatever differences exist today will soon disappear and that the signing of this Convention will bring ultimate harmony of ideas and unanimity of views within the international community.

182. The Convention represents for the first time a truly universal law in which the rules governing title to and uses of all living and non-living resources of the sea, sea-bed and ocean floor are defined.

183. It has established an international régime and machinery for exploring and exploiting the resources of the international sea-bed area, which are accepted to be the common heritage of all mankind. It is gratifying, for reasons already stated, that Jamaica was selected by the international community to be the permanent home of the International Sea-Bed Authority. My Government looks forward to the Preparatory Commission's beginning its work at the earliest date and working expeditiously to enable the Authority to function effectively as soon as the Convention enters into force.

184. By clearly spelling out rights, the Convention in many respects provides the basis for reducing conflicts, thereby ensuring greater peace and greater security. Because of this collective agreement established under the Convention, we now clearly know what is our entitlement with regard to territorial jurisdiction, contiguous zone and exclusive economic

zone. We know our entitlement to the resources of the seas and oceans. We also know our obligations under the Convention. Since we are armed with such knowledge, the path towards good-neighbourliness and better working relationships between nations ought to be clear. Therefore, Saint Vincent and the Grenadines says: Tomorrow we shall sign not only a Convention on the Law of the Sea but also an instrument for peace, harmony and security between nations.

185. Mr. ELFAKI (Sudan) (*interpretation from Arabic*): On behalf of the people and the Government of the Sudan, it is a great honour for me to address the Conference and say how happy we are that it has been convened to sign the United Nations Convention on the Law of the Sea and the Final Act of the Third United Nations Conference on the Law of the Sea.

186. We are gratified that, after years of continued and strenuous efforts, the international community has now succeeded in achieving the first comprehensive convention of its kind in the history of mankind, defining and codifying the uses of the sea and the exploitation of its various resources in the interest of all peoples and nations. We are also delighted that, among others that have been given the right to do so under article 305, Namibia, represented by the United Nations Council for Namibia, will sign the Convention and that the national liberation movements that participated in the Conference are also entitled to sign the Final Act, as observers, in accordance with resolution IV. It had been our hope that the entire international community would adopt this pioneering Convention by consensus and would sign it tomorrow. It is regrettable that some States have failed to join us. We sincerely hope that those States will have an opportunity to review their positions in such a way as to enable them to accede to the Convention at a subsequent date, especially since, after its entry into force, it will constitute the basic guiding principle for international relations in the area of the sea. In this connection I would think that no State in the world could do without the Convention if it observes and respects international legitimacy and international law in the uses of the sea and the exploitation of its resources.

187. We have already mentioned on several occasions during past sessions of the Conference that the Convention, the preparation of which took a decade, is founded on basic facts and new characteristics of relations among peoples and nations today, foremost among which is the convergence and interdependence of interests in a small world in which every region is affected by events and developments in the most remote region on all levels—political, economic and social. These facts and characteristics demonstrate the vast difference between contemporary international relations and those of the past, which, for the most part, were marked by rivalry, divergence and diversity of interests and attempts at achieving gains at the expense of others. Hence this new Convention will, of necessity, not fully meet all our individual aspirations and wishes as sovereign peoples and nations having varied, albeit interdependent, interests; but it is the result of a compromise which all of us can live with and accept, because it envisages our common good. From that point of view, the new Convention could establish a practical and genuine nucleus for relations and co-operation among States in various fields of life in the service of the peoples and the common interests of all nations.

188. With this understanding of the character and quality of the Convention, and in the context of the principle of consensus and convergence of interests which we chose as the basis for our work from the outset, the Democratic Republic of the Sudan will sign tomorrow, 10 December 1982, both the Convention and the Final Act, in spite of our prior conviction that many of the Convention's provisions fall short of our

⁵*Ibid.*, 182nd plenary meeting.

aspirations and wishes and fail to meet fully our individual desires and interests. In accordance with article 310 of the Convention, the Government of the Sudan will make the declarations and statements it deems necessary to clarify its positions on the content of some of the articles. In this brief statement, I shall confine myself to emphasizing the importance of some basic issues which will play a fundamental role in ensuring the implementation of the Convention, foremost among which is full commitment to its future implementation, including the annexes, in all earnestness, sincerity and good faith, on the basis of the principle of consensus and mutual consent which we have already accepted in a gentlemen's agreement and which is incorporated in the declaration adopted by the United Nations General Assembly⁶ at its twenty-eighth session, and included in the rules of procedure of the Conference adopted at its second session, in 1974.⁷

189. Moreover, in the implementation of the Convention, we have to bear in mind constantly that it is based on, and is inspired by, the established general principles of international law and is not at variance with them, and that it also respects the full right of all nations and peoples to maintain their independence, sovereignty and territorial integrity and to protect their national security and to ensure no interference in their internal affairs in any form whatsoever.

190. As indicated in paragraph 5 of its preamble the Convention is designed to establish

“... a legal order for the seas and oceans which will facilitate international communication and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of the living resources and the study, protection and preservation of the marine environment”.

191. Hence this Convention—which we shall sign tomorrow, God willing—is but a positive beginning for opening a new chapter of co-operation among developed and developing countries which will play a major role in preserving the rights of the developing countries in general and of the land-locked, geographically disadvantaged countries and the developing countries producers of minerals in particular, in keeping with equity, justice and equality, in the faithful implementation of the principle of the common heritage of mankind, the protection of the interests of all peoples and nations, and the continuous endeavour to establish a firm basis for the New International Economic Order.

192. It gives us pleasure to note that for the first time this Convention has managed to establish within the framework of international law a régime for the protection and preservation of the marine environment. Our understanding of the principles of freedom of navigation, innocent passage and transit passage is in harmony with those established general principles. In this regard, we should like to confirm the President's statement in the 176th plenary meeting of the Third United Nations Conference on the Law of the Sea, on 26 April 1982,⁸ on article 21, concerning the régime of the coastal State relating to innocent passage—namely, that the withdrawal of the amendment submitted by a number of States was without prejudice to the right of the coastal State to adopt procedures necessary to protect its security in accordance with article 19, on the meaning of innocent passage, and article 25, on the rights of protection of the coastal State.

193. We should also like to state that our understanding of the definition in paragraph 2 of article 70 of the term “geo-

graphically disadvantaged States” applies to all parts of the Convention where that term is used.

194. We should also like to affirm that our signing this Convention and the Final Act of the Conference in no way implies recognition of any State which we do not recognize or accept to deal with.

195. The importance of the Convention—which we shall sign at this session—and its annexes and the four resolutions that supplement it and define all arrangements necessary for its implementation and the establishment of the organs provided for therein, is that it is the culmination of a major, strenuous endeavour by all the countries of the world, Members and non-Members of the United Nations, self-governing Territories, Associated States, recognized national liberation movements with observer status at international organizations and bodies as well as the culmination of the strenuous efforts made for many years by the United Nations Secretariat at all levels. This is a monumental and historic achievement, a true victory for the will of the peoples and their sincere desire to achieve freedom, justice and peaceful coexistence.

196. On this occasion we should like to extend thanks and appreciation to all those who have contributed their intellect, efforts and initiatives to this monumental accomplishment. Foremost among them is the late Hamilton Shirley Amerasinghe, former President of this Conference, and the much-lamented Mr. Mustapha Yasseen, the co-ordinator of the Arabic language group in the Drafting Committee.

197. Mr. President, your major personal role in this historic endeavour needs no comment. It suffices to say that today we have a complete Convention on the Law of the Sea, covering all aspects, ready for signature and supported by the overwhelming majority of the peoples and nations of the world. We express our thanks and appreciation to you, Sir, and to the Chairmen of the main Committees and the regional groups who have worked with you and made an invaluable contribution to this important Convention.

198. We also extend thanks to all those unknown soldiers in the United Nations Secretariat, under the leadership of Mr. Bernardo Zuleta, the Special Representative of the Secretary-General, for their assistance and efforts which have enabled the international community to achieve its objective.

199. Finally, on behalf of the delegation of Sudan, I should like to express thanks, appreciation and gratitude to the Government and people of friendly Jamaica for the warm welcome and generous hospitality and the efforts and arrangements made for the signing of this important international instrument on time in their beautiful country.

200. Mr. BASSOLE (Upper Volta) (*interpretation from French*): At a time when the countdown has begun for the signing of the United Nations Convention on the Law of the Sea, I should like, on behalf of my country, to pay a well-deserved tribute to all those who have for so long kept their shoulders to the wheel to make possible the successful climax of our negotiations.

201. Upper Volta is grateful to everyone involved for having done such useful work, all the more so since the noble ambition which has motivated us all was—and at the price of countless difficult concessions and great efforts—to make the sea a supplier of sustenance for the entire international community.

202. This was a great undertaking and the long years that separate us today from the first meeting of the United Nations devoted to the law of the sea give sufficient proof of the complexity of this undertaking. That complexity is doubtless due to the difficulty of reconciling interests that were very often contradictory, but also to the trouble we have had shedding the habits of daily practice which had made some of us feel that “everything was for the best in the best of worlds”.

⁶ See *Official Records of the General Assembly, Twenty-eighth Session, Plenary Meetings*, 2169th meeting.

⁷ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. 1, 19th plenary meeting.

⁸ *Ibid.*, vol. XVI.

203. It would take far too long to undertake another exhaustive analysis of this collective work. For, like any other human undertaking, it has many imperfections.
204. My delegation feels that perhaps more was bitten off than could be chewed. Indeed, in this great work the share for the legitimate interests of the land-locked and geographically disadvantaged countries has not always been obvious.
205. Nevertheless, we are among those who feel that the Convention submitted to us for signature is a compromise—the compromise most acceptable to the international community. For, in a sincere, deep desire to make the oceans a true common heritage of mankind, it has tried to draft provisions covering all the questions dealing with the seas.
206. My delegation feels that this is an extremely important legal document, one capable of contributing—if it is properly used—to the strengthening of international peace, security and co-operation.
207. This great contribution to international law could, if its objectives were applied, serve as a stimulus to the establishment of this more just new international economic order which the international community has been attempting—so far unsuccessfully—to bring into being.
208. We feel that this document can help to bring about the realization of the noble ideals of the United Nations Charter, and my country will therefore sign tomorrow the Final Act of the Conference and the United Nations Convention on the Law of the Sea.
209. But, in the meantime, my delegation takes this opportunity to express from this rostrum to the people of Jamaica and their Government our deep gratitude not only for the great quality and warmth of the welcome we have received here at Montego Bay but also, and in particular, for having made it possible for this long-awaited child—which will become tomorrow the bearer of our hopes—to be born on the banks of this beautiful Caribbean Sea.
210. Mr. HOUNTON (Benin) (*interpretation from French*): From Caracas to Montego Bay, the road has been long, exhausting and full of hurdles, but we have arrived.
211. The brevity of my statement will be an expression of our gratitude to you, Mr. President, for your tireless efforts and our gratitude for the efforts of your collaborators and predecessors in achieving this victory to be celebrated tomorrow. We associate ourselves with previous speakers in paying this tribute.
212. We should also like to thank, on behalf of the people and Government of Benin and on behalf of our delegation, the people and Government of Jamaica for the generous hospitality they have extended to us in this jewel of the Caribbean.
213. Caracas and Montego Bay are two names that will remain in history and in the hearts of peoples that truly cherish peace and justice. For if the Convention that we are to sign here does not satisfy all our concerns, it does at least constitute an important step towards the restoration of more just and more equitable relations. It provides a more acceptable legal basis for the exploitation of the ocean resources and for the peaceful use of the seas and oceans. We hope that in its implementation the principles and purposes of the United Nations Charter will not be neglected.
214. The documents before us for signature contain clear achievements, and the speakers who have preceded me have described them well: confirmation of the sovereignty of States over the continental shelf; standardization of the breadth of the territorial sea; solutions to the problems of pollution and the environment; prospects for more fruitful co-operation among all States; and, above all, the fact that in its article 136 this Convention establishes the area as the common heritage of mankind. In so doing, the Convention brings about a more equitable distribution of the resources of our planet among all countries—coastal, geographically disadvantaged or land-locked—and among all peoples, oppressed or sovereign.
215. The sea belongs to all and must benefit all, rich and poor alike.
216. It is regrettable that so simple a truth should be difficult to understand for some who, nevertheless, easily grasp the nature of article 17, which requires that at the price of our security and sovereignty we accept free passage of their warships.
217. By co-sponsoring the amendment contained in document A/CONF.62/L.77, my country indicated its disapproval of such a provision, which was not, indeed, the only shortcoming militating against the developing countries. However, in the interests of mankind, we voted for the adoption of the Convention. The lacunae to which some have pointed cannot justify their reluctance—as if they are completely unaware of the merits of the compromise embodied in the Convention.
218. We do not believe that merely to gain their support it is necessary to add a single minute to the 88 weeks that have already been devoted to this gigantic task which has been pursued since 1973. The framework of the Convention cannot satisfy all the interests at stake, but it does preserve the essentials.
219. We have arrived at a historic stage and the Convention provides a basis, we are certain, for helping to usher in a real North-South dialogue. It is by its acceptance and implementation that we will be able to judge the true will that exists for the establishment of a new economic order, the true desire to eradicate hunger and poverty from our world. The hesitations and rejections that have been expressed cannot halt this irreversible process, for we must move forward. However, the door will remain open.
220. In short, this Conference may be assured that the people of Benin will discharge its moral duty to mankind.
221. The People's Republic of Benin, a member of the Group of 77 and of the African Group, voted in favour of the Convention last April, and we shall sign it.
222. Mr. MINKO MI-ENDAMNE (Gabon) (*interpretation from French*): My delegation is very pleased to be attending the solemn ceremony of the last session of the Third United Nations Conference on the Law of the Sea.
223. At the outset I should like, on behalf of the people and Government of Gabon, to extend our deep gratitude to our Jamaican friends and brothers and their Government for their generous hospitality and praiseworthy efforts in acting as host to the final session of the Conference on the Law of the Sea here at Montego Bay.
224. I wish to pay a sincere tribute, on behalf of my delegation, to the late Mr. Hamilton Shirley Amerasinghe, the first President of the Conference, for his important contribution to the achievement of a new codification of the law of the sea.
225. I take this opportunity also to congratulate you, Mr. President, on your unceasing efforts, along with the Collegium, and on your great skills as a diplomat, without which our Conference might not have achieved the positive result embodied in the final adoption, on 30 April in New York, of the United Nations Convention on the Law of the Sea.⁵
226. Our thanks go as well to all those who, by their goodwill, have contributed to the adoption of the universal Convention on the Law of the Sea.
227. In response to your appeal, Sir, I shall be brief. I shall be brief even at the risk of being unable to say everything I had intended to say. Fortunately for me, many of my ideas have already been expressed by the very able speakers who have preceded me to the rostrum.

228. There is no need to recall once again here the many attempts of the international community over the past 20 years to achieve a codification of an international legal régime of the sea. Unfortunately, all tended to promote an unjust international order for the sea and consecrate the supremacy of the great maritime nations at the expense of the weak nations and new States acceding to international sovereignty.

229. The declaration of principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, adopted by the General Assembly in resolution 2749 (XXV), which proclaimed the new concept of the common heritage of mankind, laid the first true foundations for a new international legal régime of the sea and genuine co-operation among nations.

230. There have been 10 long years of arduous and delicate negotiations costly to the poor countries in human and material efforts, and the Government and the people of Gabon are pleased that they have successfully concluded with the adoption of a universal Convention establishing new and most just legal norms.

231. Nevertheless, we recognize that this instrument suffers from serious inadequacies and shortcomings which many States find difficult to accept and which, furthermore, my delegation constantly pointed out throughout the negotiations of the Conference. In particular, these deal with the right of innocent passage of warships in the territorial waters of coastal States; limitation of production; and the definition of a system of compensation adequately protecting developing countries producers of the same minerals as those to be exploited in the sea-bed.

232. However, my delegation, like many others, in a spirit of compromise gave up its legitimate claims and, since April 1982, we have considered the new Convention as the sole instrument, within the framework of the United Nations system, guaranteeing the legitimate interests of all nations on the basis of mutual respect. Hence the Government and the people of Gabon firmly support the ideals expressed in the provisions of the new Convention and will contribute as best they can to their realization. Accordingly, Gabon will, without reservations, be a party to the new Convention and will participate with due attention in the work of the Preparatory Commission.

233. Finally, my delegation urges all those who have participated in the drafting of this great, historic work for mankind but who may still have some doubts about it to join us, on 10 December, in signing our universal common work, a true

bulwark of peace, security, international co-operation and development.

234. Mr. POMPEE (Haiti) (*interpretation from French*): Mr. President, I should like to join preceding speakers and congratulate you, on behalf of my delegation, on the impeccable way in which this Conference is being held. These congratulations go as well to the Government of Jamaica, which has done everything possible to make our stay here a pleasant one.

235. No one can dispute that the objectives of North-South dialogue constitute an essential condition for the international community to achieve once again a more just balance and a less dangerous situation.

236. While the avalanche of rhetoric on this subject may already have reached the saturation point, the present session offers both the North and the South the prospects of a future with fishing resources, petroleum resources, manganese nodules—and much more. So, since we are dealing with matters relating to the sea, we can easily understand why Montego Bay, with its natural beauty, was chosen as the site for this session by the representatives during the session at Geneva:

237. The Convention to be opened for signature is the culmination of lengthy efforts for the benefit of all, since those who are already rich may become even richer and those who are poor may become less poor, in view of the extensive resources of the sea-bed: immense fishing resources and considerable petroleum resources, the proven reserves of which, according to estimates prepared for the United Nations, may reach 170 billion barrels for oil and 2 to 3 trillion barrels for exploitable marine resources.

238. As for polymetallic nodules, which are generally made up of manganese, nickel, copper and cobalt, the sea-bed is covered with them.

239. The basic principle that industrialized countries could adopt would be an open-door policy in the area of transfer of technology, because the use of the sea involves interactions, interpenetrations and mutual ties.

240. Those who are hesitating should recall that sea-bed resources are destined to play an important role in human survival and the quality of human life and that North and South must share life on this earth.

241. Tomorrow my country will sign both the Final Act and the Convention without any reservations.

The meeting rose at 1.05 p.m.

192nd meeting

Thursday, 9 December 1982, at 3 p.m.

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

Statements by delegations (concluded)

1. Mr. CLINGAN (United States of America): I wish first to express my delegation's gratitude for the generous hospitality of the Government of Jamaica, for its invitation to serve as host for these proceedings in this beautiful environment, and for the excellent arrangements it has provided. I should also like to express our appreciation to you, Mr. President, to the other officers of the Conference and to the members of the secretariat, all of whom have laboured in these negotiations over many years.

2. I am here to sign, on behalf of the United States, the Final Act of the Conference. It had been our hope that we

would be here for another purpose as well. The United States approached the work of the Conference early this year with renewed dedication and hope. As the President of the United States said on 29 January 1982, the United States remained committed to the multilateral process for seeking agreement on the law of the sea. With that in mind, the United States delegation participated fully in the eleventh session and sought a final result that would command global consensus. Unfortunately, the Conference did not achieve that result.

3. The United States recognizes that certain aspects of the Convention represent positive accomplishments. Indeed, those parts of the Convention dealing with navigation and