Third United Nations Conference on the Law of the Sea

1973-1982
Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/WS/36

Note by the Secretariat

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XVII (Plenary Meetings, Summary Records and Verbatim Records, as well as Documents of the Conference, Resumed Eleventh Session and Final Part Eleventh Session and Conclusion)*

alleged to be protected in resolution III. Consequently, it likewise does not nor will not recognize and will consider null and void any activity or measure that may be carried out or adopted without its consent with regard to this question, which the Argentine Government considers to be of major importance.

The Argentine Government will accordingly interpret the occurrence of acts of the kind mentioned above as contrary to the above-mentioned resolutions adopted by the United Nations, the patent objective of which is the settlement of the sovereignty dispute concerning the islands by peaceful means—through bilateral negotiations—and through the good offices of the Secretary-General of the United Nations.

For all these reasons the Argentine Government deeply regrets that it will be unable to sign in Jamaica the Final Act of the Conference or the Convention. Nothing would have pleased my Government more than to be able to do this, since the Convention is the product of efforts made in good will by many countries for many years to achieve a balanced international system in this field.

I request that this communication be issued as a document of the Conference.

DOCUMENT A/CONF.62/WS/36

Note by the Secretariat

[Original: English]
[18 February 1983]

Pursuant to the announcement made by the President of the Conference at the 185th plenary meeting on 6 December 1982, the statements of representatives and observers who were unable to take the floor or who had delivered an abridged version of their text are contained in the annex to this document.

ANNEX

Statements of representatives and observers

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BOTSWANA

[Original: English]

Mr. President, the decision in New York by the eleventh session of the Third United Nations Conference on the Law of the Sea to bring negotiations to an end by the adoption of the Convention came as a relief for many nations. My delegation is particularly pleased that we are gathered here, in this beautiful Jamaican town of Montego Bay, to translate into reality that historic decision.

As we prepare to take the final step in this process of treaty-making and progressive development of international law, it is fitting that we should pause to congratulate ourselves. When negotiations started, it seemed as though we were once again walking the road of failure. The sheer numbers of participants and the equally numerous conflicting interests made success appear impossible. The failures of the past were frequently cited by many to illustrate the imponderables ahead in what appeared to be an over-ambitious exercise. It is therefore with great satisfaction that we are gathered here, not in a mood of despair but to put the finishing touches on the product of nearly a decade of negotiations.

The untiring efforts by the distinguished delegates over a period of over eight years testify to the dedication of the international community to bring order to maritime activities. It is because of this dedication that we have finally adopted a comprehensive law of the sea convention.

In speaking of the success of the Conference, I am not unmindful of the frustrations and disappointments of many delegations, my own included. I would be misleading the Conference, and indeed future generations, if I created the impression that we have produced and agreed on a perfect Convention. Perfection is a rare occurrence in the affairs of men. But it must remain the ultimate objective in our endeavours, for the nearer we move to perfection, the closer we will be to justice.

We set out to reform the existing law of the sea as part of the international endeavour to bring about the new international economic order. But the adopted Convention has fallen short of the expectations of many nations. The land-locked and the geographically disadvantaged States have the least to celebrate. Our demand for an equal share in the economic zone were drowned in the exclusivity of the zone. In return for that exclusivity, we have been relegated to the position of possible participants in the surplus. The right of transit has equally been subjected to terms and conditions capable of subverting it.

The foregoing observations make it clear that the signing of the Convention will not necessarily bring justice to the exploitation of marine resources. It is only a beginning. The good will and good faith of the more fortunate countries will be put to a test in the implementation of the Convention.

An overwhelming majority of the States that participated in the formulation of the Convention are developing countries. Many of these will derive substantial benefits from the provisions of the Convention in the form of wide economic zones subject to their jurisdiction. Many of these States have neither the military might to meet the security needs of their wide zones nor the financial capacity and technological know-how to exploit these zones. For these countries also there are obstacles ahead. There will be temptation for the powerful nations to take advantage of their weaknesses. These poor nations will still have to rely on the financial assistance from, and the technology of, the industrialized nations. The multinational corporations will be there in their ruthless character. The reality of the new international economic order may well remain a distant mirage for many developing coastal States.

The lofty ideal of the common heritage of mankind has been the source of inspiration for many nations in the past decade of negotiations. The new international economic order must recognize the common heritage of mankind as an integral part of that order. The common heritage must be exploited for humanity as a whole. It is therefore our sincere hope that in the actual implementation of the treaty, the industrial nations shall not, for a moment, overlook that ideal.

The exploitation of the sea-bed will necessarily pose grave economic dangers for the land-based producers. No adequate safeguards have been provided for these producers, despite their desperate appeals. Only vague provisions have found their way into the Convention. The land-based producers will therefore be watching, with particular interest, the implementation of these provisions.

I have spoken at length on the weaknesses of the Convention and the problems of its future implementation because my delegation believes that the signing of the Convention will not guarantee economic justice. The dedication shown by the international commu-

nity in the negotiations will have to be matched by dedication to do justice to one another in the exploitation of marine resources.

Although my delegation is not entirely satisfied with the outcome of the negotiations, it is our view that the Convention we are about to open for signature is the best that could be achieved under the circumstances. My delegation expresses the hope that all nations will, within the specified time, sign and ratify the Convention. There will always be time and room for improvement. It is our view, that the Convention represents the best framework for future development of the law of the sea.

Before concluding, my delegation would like to join many others in paying tribute to the memory of the late Hamilton Shirley Amerasinghe. It was through his wise leadership that the Conference started off and progressed on a sound footing.

My delegation would also like to pay tribute to you, Mr. President, for having led the Conference through the most difficult period with such commendable skill.

We thank also members of the Secretariat, whose devotion to duty and efficiency made life easy for us all.

Last, but by no means least, our gratitude goes to the government and people of Jamaica. Their hospitality and their beautiful country will be cherished in our memories for many years to come. We are happy indeed that Jamaica has been chosen as the seat of the Authority.

Ivory Coast

[*Original: French*]

Mr. President, Mr. Special Representative of the Secretary-General of the United Nations, distinguished Ministers, Ambassadors, delegates, ladies and gentlemen, I am both happy and moved to be representing the Government and people of the Ivory Coast at this solemn ceremony.

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

The Ivory Coast feels that there could be no place more appropriate than Jamaica to sign the United Nations Convention on the Law of the Sea and later to be the headquarters of the future International Sea-Bed Authority. Surrounded on all sides by the ocean, it contributes in a very decisive way to the dynamism and coherence of our Group of 77; it has always been active and effective in the negotiations on the law of the sea; it is in an ideal geographical position for the meeting of North and South, offering every encouragement to cultural blending and to respect for differences. Jamaica is thus offering our Convention every chance of success by serving as the headquarters for its bodies and instruments. I am pleased to recall here that since 1974 the Ivory Coast, with the group of African States, has been rightly supporting the candidacy of this beautiful country as the seat of the International Sea-Bed Authority.

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

Together with my joy at being here among all these friends and brothers I feel deep emotion about this event we are all experiencing today. Words, I am afraid, cannot express the solemn importance of the approaching ceremony when we shall be signing the Final Act of the Third United Nations Conference on the Law of the Sea (A/CONF.62/121) and the United Nations Convention on the Law of the Sea (A/CONF.62/122), adopted in New York on 30 April 1982 at the 182nd plenary meeting of the Conference.[a]

This is one of those exceptional events which gives us a rare opportunity to live intensely a great historic moment: it is one of those great appointments with history, foreshadowing a future of solidarity, a future that will be better for everyone and that the people of our own time will be immensely proud and rightly honoured to bequeath to future generations.

May the hope for this approaching reconciliation of man with other men and with himself and for this regained solidarity and fraternity soon replace the terrifying images that the world presents in this latter part of the twentieth century.

Even if we wish to be resolutely optimistic about the world of today, our attention inevitably focuses on the deteriorating condition of life on our planet. The first thing that meets our eyes is the spectre of generalized crisis, implacable and with no end in sight, with its succession of problems and destructive changes for mankind.

Every day that passes sees the tragedy go on and become worse and the world choking to death. The crisis is feeding on itself, not subsiding. Looking at a world which seems to have lost its soul, we see widespread unemployment averaging at least 10 per cent of the working population, monetary disorder, a trail of bankruptcies and financial crashes, and the hasty adaptation of policies to changes in the economy. All countries, even the supposedly sound and dynamic ones, are affected: for example, for the current financial year, the Organization for Economic Co-operation and Development forecasts for Japan, the champion when it comes to strong and sustained growth, a growth rate of 2 per cent, whereas the Japanese Government had counted on a growth rate of 5.2 per cent and had found even that particularly disturbing. In the countries of the East, slower growth and difficulties in adapting national development plans to a troubled economic situation are becoming increasingly frequent.

In the developing world, the new industrial States are affected even more by the crisis. Generally speaking, the third world is facing bankruptcy, and it is being kept afloat only through a false solidarity between us and the industrialized nations, to whom we are becoming increasingly in debt, to such a point that our complete insolvency would ruin them.

Even if we leave out a number of murderous conflicts, the political unrest, the disasters and famine devastating some of our countries, we must see that the third world is being severely affected by the very unequal trading of its own goods for industrialized products. Commodity prices, on which the life of millions, even billions, of human beings depends, are deliberately being exposed by the developed countries to the free and unjust forces of speculation.

Clearly, in such circumstances, the recession is causing a relentless fall in the c.i.f. prices of our main export products. In the Ivory Coast, we have thus been losing, every year since the crisis began, almost two thirds of the value of our exports of coffee and cocoa, compared to the pre-crisis "boom". Since, on the import side, manufactured products from the rich countries are sold to us at steep and continually rising prices, the result is the systematic impoverishment of our developing States, in solidarity as in the Ivory Coast, with their peasants, and a continued deterioration in our terms of trade with our developed partners.

Africa, in particular, had no need of that: per capita income there has declined in 15 States; in 19 others it has increased only by under 1 per cent, and agricultural output, which had fallen 7 per cent in the 1960s, has since then declined at twice that rate, which is clearly a matter for concern.

Food self-sufficiency, a source of health, security and savings of foreign exchange, all things which our countries need so badly, is steadily deteriorating everywhere in the third world, with very few exceptions.

Every nation, or rather every sub-region, is retiring within itself, as the crisis grows worse, seeking the solution that will produce the optimum result for it, nationally or regionally, thereby passing on its economic and social problems to others. That is why third-world exports of processed products that compete with those of industrialized countries are held up, or even blocked, by the industrialized countries which, conversely, go so far in their assistance to our countries as to discourage the substitution of our own products for imports in order to preserve fruitful markets for themselves.

Once men themselves turn away from brotherhood and let their selfishness prevail, it is scarcely surprising, in such sad circumstances, that international trade in goods should fall by an annual average of some 2 per cent, as was the case last year.

Those at the end of the line are, of course, the poorest States, that is, the overwhelming majority of the States in the world, and it is they that are worst affected. Thus, it is obvious that one deep and tragic effect of the crisis is an increasingly marked decline in the independence of the developing countries, already fragile, and in the quality of life throughout the world.

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

The French philosopher La Bruyère said, "There is a kind of shame in being happy in the presence of misery." What would the author of *Les Caractères* think if Providence made it possible for him to cast his penetrating gaze on the misery of our times?

Has the time not come to prevent our earth from dying? The remedies that have been proposed, tried out and applied by the great of our planet, even when they seemed reasonable, indeed indispensable in certain cases, have nowhere been on the scale required to cope with the ills that they are supposed to cure. Mankind has, since the establishment in 1945 of the present world economic order, shown itself truly incapable of meeting the challenges of this astonishing shrinking of the globe and the resulting magnification of political, economic, social and human problems to world dimensions.

Not everything is so gloomy and so desperate, however. From the sea comes brighter news: when the new international maritime order of which our United Nations Convention on the Law of the Sea is the kingpin flourishes, there is every reason to hope that a new world order, more just, more humane and more fraternal, is on the way.

The President of the Republic of the Ivory Coast, Mr. Félix Houphouët-Boigny, stated this clearly on 7 October 1982 in his message to the nation on the occasion of the Fifth International Day of the Sea. He said: "I am happy that this message, which sums up the actions taken towards a new international maritime order, allows us to entertain some hope for a brighter future in our present grey world."

A fresh, restorative, air is indeed blowing from the ocean!

We are here proposing, at last, a remedy that seems to be on the same scale as the ills from which mankind is suffering, one that suggests a comprehensive, world-wide solution—the only kind that ought to be envisaged in a world crisis of such magnitude. And this remedy is being proposed to mankind by the united third world and all the peoples of goodwill. It presages the advent of an era of peace, of new solidarity, of restored brotherhood among men, in regard to the sea and thanks to the sea.

What a tremendous transformation this is! Only a short while ago the sea that is today the bearer of such great hopes was primarily a source of conflict among the Powers. In this respect we need only recall the Phoenicians, the Greeks, the Carthaginians and the Romans, for whom domination of the seas and of maritime trade was the source of power and prosperity. Following the Arab epoch, the Christian West in its turn founded its power and economic development on the domination of the seas, first with the Hanseatic League in the Baltic and later with the maritime republics of Genoa and Venice. From the fifteenth century, the great discoveries gave even further importance to domination of the sea, as they gave an extraordinary impetus to seafaring.

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

In fact, from the beginning this doctrine was an instrument for the maintenance of the predominance of the most powerful maritime nations. The Great Britain of the seventeenth century understood this, and, in 1651, through Cromwell's Navigation Act, rejected this principle of the freedom of the seas, which, in fact, enabled the dominant maritime powers of the time to maintain their supremacy.

Thus it comes as no surprise that the new nations, discovering the considerable role of the sea in their development process, rejected, like England in the seventeenth century, this pseudo-freedom of the seas which really served only to maintain their dependence.

As the third world first saw itself deprived of its freedom of action by the unjust application of the *Mare liberum* doctrine to the sea as a vector of world trade, it is in the field of maritime transport that the first stage of the international community's historic action will occur, at the prompting of the third world, with the establishment of the reign of justice and peace on the seas, for the benefit of all nations.

Hence, in April 1974 in Geneva, under the auspices of the United Nations Conference on Trade and Development (UNCTAD), a Code of Conduct for Liner Conferences was adopted. Although this is still not applicable as an international instrument having the force of law, its essential principles have been introduced since 1974 into the maritime legislation of many third-world countries, particularly in West and Central Africa.

I need not recall here the very favourable results achieved in the implementation of the rules of the UNCTAD code in our harmonized global maritime policies, among them the indispensable measures accompanying this process, namely more rational shipping services, technical and manpower training, agreement on the distribution of liner traffic in accordance with the 40/40/20 formula. And what can we say about the difficult path we are all treading together, within UNCTAD, towards ensuring just as equitable a distribution between developing and industrialized countries of world bulk traffic, which constitutes almost 80 per cent of world cargo tonnage and in which the third world, which generates most of the flow of trade, has an insufficient share?

The new law of the sea, whose universal and irreversible advent we are going to solemnize here in Jamaica, was devised precisely in order to strengthen our already large legal arsenal of maritime policies.

This has been made possible with the movement to reconquering the seas which has been gathering strength from the 1960s to the 1980s thanks to the genius and boldness of the men who from now on are going to use, explore and exploit the oceans in all their dimensions, and not just for international trade links, as in the past—on the surface, in deep water, or the ocean floor, the sea-bed and in the subsoil thereof. Thus the oceans will be made the necessary and decisive element in the approach to the major problems which men, all men, in the North and in the South, will face in the coming centuries—food, energy, mineral resources, life-style—against a background of the insistent problem of inequality in the present distribution of the riches of the planet between North and South.

We should add to this the parallel efforts being made under United Nations auspices by the third world and the international community to give concrete form to the concept of "the sea for all people and for peace" and to achieve the objective of better and greater maritime well-being for each nation.

The sea had to be made the prime sphere for man's reconciliation with himself, particularly by introducing the concept of the common heritage of mankind, under which the *res nullius* of conflicts and of squatters is resolutely rejected.

We had to banish for ever the idea of the sea as an area of conflict and as private property for the exclusive profit of some maritime Powers, and finally open the way to the concept of the sea as something to be shared and developed for all, in peace and solidarity.

We had, therefore, to remodel from top to bottom the legal framework inherited from Grotius which had governed the ocean spaces for almost four centuries, as well as the treaties resulting from the first two United Nations Conferences of the law of the sea.

From this emerged the four objectives that the third world and all peoples of good will have tried to pursue in the particular field of the renewal of the law of the sea through the Third United Nations Conference on the Law of the Sea: one, to build a new law that really serves the general interest—that, in other words, is as attentive to the concerns of the great Powers as to those of the developing nations which constitute the vast majority of the States in the world, particularly since the 1960s; two, to build a new law of the sea rejecting power as a basis and intended to institute the reign of justice and law, as recognized by all or the majority of nations; three, to build a definitive law, going beyond the abstract concept of the sovereign equality of States and taking into account that the affirmation and specific establishment of objective, real equality among States must be based on precise rules and well-defined machinery and must constitute the essential prerequisite for the advent of the ideal represented by sovereign equality; four, to instil deeply and everywhere the spirit of genuine fraternity into the new law of the sea, so as to bring about the effective establishment among States of the new forms of trustful, dynamic, fruitful and mutually beneficial co-operation that would guarantee that the interests of each country would be taken into consideration.

The new law of the sea that we are going to solemnize at the end of this session meets these concerns very well.

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

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

This places us right at the heart of this appointment with history that we mentioned earlier.

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

This historic dimension of the new law of the sea does not concern its form alone, nor is it just the result of the environment that we have just described: it is the product above all of the content of the new Convention, which replaces pseudo-freedom by equitable sharing, ingrained selfishness by fraternity and universal solidarity, and gives them concrete form through specific machinery.

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

And if our new Convention is historic because of its new style—I would even say because of the new morality that it establishes—it is historic also because of the almost complete unanimity that it has elicited in the human community. For the first time since the establishment of the United Nations, almost all the peoples of the earth came together to build an immense, beneficial and practical project. Only the sea could bring about this true miracle, this source of so much hope.

Finally, the new Convention is historic because of the style of the endeavours that led to its adoption; in which consensus and a balance of interests were the aims at all times. If, despite everything, some States—perhaps even all States—were not completely satisfied with the outcome of the negotiations, it is none the less true that everything was done, throughout the consultations, to reconcile divergent interests and to take due account of the special concerns of individual nations or groups of interests. This led to the devising of novel solutions like the concept of the exclusive economic zone, one of the major contributions made by Africa and the third world to the renewal of contemporary sea law, which made it possible to guarantee at once the interests of coastal States, certain demands of their land-locked neighbouring States, the need to respect technical freedom of navigation and the desire to preserve the marine environment. The same goes for the pragmatic arrangements granted in favour of pioneer investors by the entire Assembly in a great surge of solidarity and realism.

The overall outcome, in all areas of the new Convention, although it cannot claim perfection, meets by and large the aspirations of the entire international community, whether great powers or young nations.

This means that the sea has become the only real platform for a new universal world order which maintains a better balance between North and South.

It also means that from now on nothing on the seas will ever be the same, and that we are truly at the dawn of a new era, which offers for mankind a fantastic future for the coming decades. That future can only be mastered by States of the North and South that are motivated by genuine political will to add to their development process a maritime dimension, within national and regional development strategies, that have a clear view of the prospects offered by the oceans, that show themselves capable of transcending the selfishness that comes from technological strength and are prepared to work hand in hand, on the basis of mutually beneficial co-operation, the only way of saving mankind from the catastrophe which may result from maintaining and widening the gap which dangerously separates, on the seas as elsewhere, the third world, that is three quarters of the world, from the rest.

How proud and how joyful we of this age must be at having achieved what some considered to be utopian, or even a chimera.

We, as Africans, may be proud and joyful at having made our modest contribution to this universal undertaking.

As a representative of an African country, I would like to take this opportunity to pay a tribute to the States of the third world and all nations of good will who, in the face of all the manifold divergent interests which we have mentioned, were able throughout the Conference to display remarkable unity, realism and diplomatic instinct, without which the new maritime order would certainly never have come into being.

But, if I am to remain faithful to the spirit of justice and fraternity which permeated the new international maritime order, I must also pay a tribute to those industrialized States, and there are many of them, which, looking beyond their immediate interests and in spite of their deep-rooted maritime traditions, were able to obliterate the past and associate themselves with the new maritime order proposed by the States of the third world.

Finally, I want to pay a tribute to the work done by the first President of the Conference, Mr. Amerasinghe, who, having devoted all his time and strength to this cause, may today, in his eternal rest, contemplate this colossal task to which he contributed so powerfully.

I want to extend that tribute to President Koh, who helped us to complete our work by his great diplomatic talents, which we have all been able to appreciate during the latter sessions of the Conference, particularly during the consideration of the fundamental question of preparatory investments.

Before concluding, I would like to make an earnest appeal on behalf of my Government to those countries which did not vote in favour of the draft convention on 30 April or which, for the time being, do not intend to sign it. We appeal to them in all friendship, but more insistently, because the entire international community feverently wants them to accede to the Convention. Our achievement will be impressive only if it is global, and the spirit of fraternity will be real only if it embraces all the peoples of the earth. After all, the Convention, like any other universal legal rule, will achieve its true worth only when it is applied by all.

Nevertheless, the abstentions and the negative votes recorded on 30 April 1982 in no way diminish the historic nature of the Convention. The Ivory Coast earnestly hopes that soon all friendly countries who are still hesitant about the new Convention "will by their signatures affirm their unreserved commitment to respecting the general interest, to renouncing power as the basis of law, to giving practical effect to the concept of sovereign equality, to genuinely concerted action in a spirit of true fraternity and real equality as the only instrument in the settlement of disputes". In a word, the Ivory Coast hopes that all will accept completely the rule of "give and take" which prevailed during the negotiations and which is the only guarantee of justice, solidarity and peace.

This is the price of our common survival. We know that without peace we cannot survive in a century in which mankind is not hunted everywhere and subjected to humiliation but, with every step he takes, is faced with the prospect of nuclear apocalypse.

Peace has never been compatible with injustice and selfishness. Where injustice and selfishness reign, there can be no peace.

Let us, then, all accede without reservation to the United Nations Convention on the Law of the Sea, the only significant, successful, universal example of the North-South dialogue, which is destined to be the driving force of a more humane and just world order.

All of us together must heed the call of the seas to replace force by true law, forcible conquest by peaceful agreement, selfishness by fraternity, and to substitute a policy made for men in the service of what Aristotle called their noblest goals for a short-sighted policy defined by André Suares as the art of living with the help and at the expense of others.

The North-South conflict will then assume less tragic proportions. "The final solution to this conflict," said President Félix Houphouet-Boigny in a premonitory statement, "will come from a settlement reached in friendship and equality and in the common interest", and, he added "the sea is indeed the place for this dialogue and this harmony".

NIGERIA

[*Original: English*]

Mr. President, I have listened very attentively and with understanding to the previous statements made before me. It is very gratifying to be part of the process of evolving the new constitution of the oceans. I feel very proud to be part of the process. Without counting our blessings, every country represented here today should be proud of the achievements of the Conference and the prestige it has given to the United Nations as an institution for the development of peace through world law.

In order to give a proper evaluation of the achievements of the Conference, it is pertinent to refer to the ground norms. By paragraph

10 of its resolution 3067 (XXVIII) of 16 November 1973, the Third United Nations Conference on the Law of the Sea was convened, and the General Assembly of the United Nations requested the Secretary-General:

". . . to prepare appropriate draft rules of procedure for the Conference, taking into account the views expressed in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and in the General Assembly, and to circulate the draft rules of procedure in time for consideration and approval at the organizational session of the Conference".

In compliance with this mandate, the Secretary-General prepared a set of draft rules of procedure which were considered, restructured and amended and, consequently, adopted by the Conference. In view of the experience of the late President of the Conference, Mr. Shirley Amerasinghe, in contemporary multilateral negotiations in the United Nations, the President presented a Declaration, incorporating the "gentleman's agreement" (previously approved by the United Nations General Assembly) at the Conference, and it was endorsed by the Conference at its 19th plenary meeting in 1974. The Declaration is as follows:

"Bearing in mind that the problems of ocean space are closely interrelated and need to be considered as a whole and the desirability of adopting a convention on the law of the sea which will secure the widest possible acceptance, the Conference should make every effort to reach agreement on substantive matters by way of consensus and there should be no voting on such matters until all efforts at consensus have been exhausted".

The substantive task of the Conference, set by the General Assembly of the United Nations in 1973, was "to adopt a comprehensive convention dealing with all matters relating to the law of the sea" i.e., traditional law of the sea (territorial waters, continental shelf, contiguous zone, exclusive economic zone, straits, archipelagos and archipelagic waters, enclosed and semi-enclosed seas, etc.), prevention and control of pollution and preservation of the marine environment, scientific research and transfer of marine technology, the mining of the sea-bed and ocean floor beyond national jurisdiction. All these are an integrated whole.

With regard to the exploration and exploitation of the sea-bed and the subsoil thereof beyond the limits of national jurisdiction, the exploration and exploitation were to be "shared equitably by all States taking into account the particular interests and needs of developing countries". In 1967, Mr. Arvid Pardo of Malta aroused the world to the prospect of the ocean's riches being appropriated by the technologically advanced few, raising the banner to make these resources "the common heritage of mankind".[b] In 1969, the United Nations General Assembly passed a "moratorium" resolution, calling on States and persons to refrain from all activities of exploitation, pending the establishment of an international régime with competence over the area (General Assembly resolution 2574 (XXIV)). The Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, resolution 2749 (XXV), adopted by the General Assembly in 1970, specifically declared the resources of the sea-bed to be beyond national jurisdiction as the "common heritage of mankind".

It is within these parameters, i.e., the mandate on the rules to govern the deliberation of the Conference and the substantive issues that the negotiations that had gone on for about a decade should be judged. At the conclusion of all substantive negotiations and when the draft convention was ready for adoption, some delegations expressed an anxiety about some provisions in the draft convention, as a result of which they either abstained or even voted against the draft. Their anxiety centred mostly on the provision of Part XI, which deals with sea-bed mining. Mining is part of the package deal, no doubt; it is even regarded as the most important part of the package by some delegates, but certainly it is not the whole package and, as such, it should not be an issue that will make or break the Convention. It should be on record, in the first place, that the draft convention, i.e., the entire package, does not totally reflect the positions of the Group of 77 to which my delegation belongs. It can also not be said that the draft convention adequately protects the interests of the Group of 77. It does not; but we have agreed to accept it in a spirit of compromise, a spirit which the Group had demonstrated throughout the negotiating stages of the Conference.

[b] *Official Records of the General Assembly, Twenty-second Session, First Committee,* 1516th meeting.

It had been argued that the system of exploration and exploitation is unsatisfactory because the parallel system has numerous forms of discrimination in favour of the Enterprise in terms of financial advantages, lower operating costs, availability of sites already prospected, mandatory transfer of technology and special privileges under the production limitation formula (see art. 150) as well as a number of other unspecified advantages. The answer to this is that without all these advantages, it is impossible to put the Enterprise on the same footing with the private companies. Without these concessions, the private companies, with their wealth of scientific know-how and their technology, will be at an advantage over the Enterprise and thus make the private companies and the Enterprise unequal partners in the parallel system (see art. 153).

The Review Conference provisions of the draft were also criticized. The idea of the review of the system was not a position of the Group of 77; it was a *quid pro quo* to reassure the developing countries that if they accepted the parallel system instead of the unitary system, which was their original position, the developed countries would finance the Enterprise and transfer technology to the International Sea-Bed Authority and developing countries which could afford to acquire it, i.e., pay for it. It was also agreed that after a period of 20 years, there should be a review in order to evaluate the system in order to decide whether it was to continue as it was or whether to change the process. The Group of 77 had fufilled its part of the bargain; it is bad faith for certain developed countries, instead of fulfilling their own part, to complain as if the bargaining was one-sided (see art. 155).

With regard to the composition and decision-making system in the Council, the provisions of article 161 give the industrialized countries the best of all the worlds. The five chambers are represented on the Council as follows:

(*a*) Countries which have invested heavily in scientific research and development of marine technology (4 seats);

(*b*) Major producers (4 seats);

(*c*) Major consumers (4 seats);

(*d*) Landlocked and geographically disadvantaged developing States (6 seats);

(*e*) Equitable geographic distribution (18 seats).

From this, it is plain that the seats for the highly industrialized States in the Council are guaranteed and that they have adequate voice, since they can qualify under any of (*a*), (*b*), (*c*) and (*e*) chambers above. On decision-making procedure, the Group of 77 had advocated a two-thirds majority on issues of substance, but this has been completely whittled down in the new draft to the disadvantage of the Group (see art. 161 (8)).

It was further affirmed that the profitability of the ventures had been undermined by the financial terms of the contract in the draft. It is submitted that this view is misconceived. On the contrary, the financial terms of the contract were worked out mostly on the basis of figures and projections provided by industrialized countries. Under the existing text, the contractors have been allowed extremely liberal terms, keeping in view the risks involved and the incentives needed to attract investments, much better than those available to private companies in other fields of financial investment and industrial endeavour (see art. 171 and annex III).

It is rather jaundiced to focus all attention on Part XI of the text as if sea-bed mining were the only subject of the Convention. Sea-bed mining is only a part and it is only when sea-bed mining is considered in the context of the other compromises that constitute the package deal that you get the true picture.

To buttress this argument, I shall refer to some examples of the elements that constitute the package deal. The provision in article 3 is that the breadth of the territorial sea shall not exceed 12 nautical miles. When it comes into force, this landmark provision will be of immense benefit to international navigation and shipping and to the big naval Powers of the world. This may discourage the growing tendency towards very extensive territorial seas, up to 200 miles, a tendency which had been accelerated by the obsolescence of the 3-mile, 4-mile or 6-mile rule. In addition, the 200-mile economic zone concept was developed in Part V of the text to meet some of the new concerns regarding protection of fisheries which the 200-mile territorial sea claims had aimed at.

This notwithstanding, those coastal States that advocated 200-mile territorial seas and included such a rule in their municipal legislation, or even in their constitution, felt that they had made very substantial concessions in accepting those compromises. Their willingness to make such concessions was dependent on reasonable packages in other parts

of the Convention, including, or perhaps first and foremost, in Part XI on the international sea-bed area and the exploitation thereof. By these remarks on the territorial sea issue, I have not intended to express any opinion on the validity or otherwise under international law of a claim for a territorial sea of 200 miles or more but only to refer to a political and historical reality from the annals of the Third United Nations Conference on the Law of the Sea.

Another example is the status of warships in the territorial seas of other States. Due to the frightening developments in military arsenal, it was felt by many that certain restrictions in the right of passage of foreign naval vessels in the territorial sea were needed. But the principle of innocent passage remains. The main beneficiaries are the big naval Powers—the industrialized countries. Again, this result was part of the total package deal.

Among other examples even more conspicuous are the new doctrines developed for transit passage through straits in article 38 and so on, as well as the right of passage through archipelagic water in articles 52 to 54. Difficult and protracted negotiations led to these compromises. They are accomplishments that should be welcomed by all. But these results were certainly based on the attainment of a satisfactory total package where the international area and its exploitation always played a major role.

If I may revert briefly to Part V on the exclusive economic zone. Article 55, which provides for a specific legal régime of the economic zone, is a masterly compromise which it took a long time to hammer out. It was a proposal from the Group of 77, but when negotiations started it was realized that it had more in it for the industrialized countries than for the proponents. The compromise that emerged was arrived at mainly to meet the concerns of the two super-Powers and other maritime nations. All of us who participated in these sometimes very heated negotiations may testify to the importance which was attached to aiming at a compromise package covering all aspects of concern for this compromise to take effect.

With regard to the land-locked and geographically disadvantaged States, referred to, *inter alia*, in articles 69, 70, 124 and so on, a number of the provisions of Part XI bear witness to the fact that the Convention constitutes an entire package where fundamental changes in one part may have its effect on other essential parts of the package. I may here refer to articles 140 and 148, on the participation of land-locked and geographically disadvantaged States in activities in the area, and article 161, on the Council, composition, procedure and voting.

In Part XIII, on marine scientific research, main concessions were made to meet the concerns of the super-Powers on the freedom of research. Negotiations with one of the super-Powers were conducted up to the very end of the ninth session in the belief that the main elements of the package deal had more or less been formulated and implicitly acknowledged. Part XVII, on the final clauses, particularly article 309, on reservations and exceptions, provides that no reservations shall be made to this Convention. This principle was included at the strong insistence of, among others, the United Nations representative, on the assumption that the main elements of the package deal were forthcoming and that no deviations from that package deal should be allowed based, as it seemed, on a package adopted by consensus.

Passage of ships through straits (art. 34) and the question of removal of disused installations in the exclusive economic zones are compromises, too (art. 60 (3)). It is in the same spirit of compromise that the Conference evolved the principle of a limited coastal State consent régime for scientific research in the exclusive economic zone and continental shelf. Another area is guaranteed right of navigation and overflight. These are benefits to the big Powers.

The Conference, having wedded itself to this principle of concessions and a package deal in all the texts, submitted that fundamental changes in one part of the text, i.e., Part XI, which was regarded as unsatisfactory, would not only disturb the delicately balanced package within this part of the Convention alone but the delicate balance of the whole Convention, that is, of the entire package deal. In order to bring everybody on board, the Group of 77, in its characteristic manner of trying to keep the package intact, even though the package was not satisfactory to them either, made a significant concession at the last session. This was in respect of the protection of interim investments. This was very magnanimous, in that it was almost like encouraging the industrialized States to have a parallel system of operation side by side with operations within the Convention, even if they decided not to sign the Convention. We had reached the limit.

The new Convention, in balancing the interests of States, be they developed or developing, with free market economy or State-controlled, big or small Powers, reflects the principle of the new international economic order. It is also an example of a just redistribution of wealth and power. This is why Nigeria will sign this great Convention. This is why other nations, too, should sign it.

It is not prudent to overdramatize the sea-bed mining provisions of the Convention. Only 59 of 320 articles and 2 of the 9 annexes in the Convention directly concern sea-bed mining. The remaining articles and annexes deal with other areas defining the ocean space areas, rules for innocent passage by ships in the territorial seas and for passage through straits, the right of coastal States over their 200-mile economic zones, the rules governing fishing and mineral development, rights of coastal States in continental shelves, high-seas fishing rights, control and prevention of pollution and preservation of the marine environment and other regulations.

No national legislation, no mini-treaty, no agreement entered into by the "reciprocating nations" under any nation's municipal mining laws would provide a good title as long as a global Convention exists under the Third United Nations Conference on the Law of the Sea, adopted in accordance with its rules and procedures.

Mr. President, if we have all come this far, we have reached the last nautical mile. If there are areas which give concern, it is my view that it is better to try to stay within the Convention, i.e., to be a signatory, and canvass to get these areas reviewed rather than stay outside the Convention. Mini-treaties are not the answer to effective participation. They will only create confusion and conflicts. It is in this spirit that my delegation commends the Convention to my colleagues. Progress must begin somewhere, and it is my view that this is an appropriate juncture.

United Republic of Cameroon

[*Original: English*]

Mr. President, permit me, first of all, to convey to the Government and great people of this beautiful Caribbean island of Jamaica the warm fraternal greetings of President Paul Biya, the Government and people of Cameroon. In those greetings are entrenched sentiments of felicitations for the honour bestowed on Jamaica by the international community, not only in regard to these historic ceremonies but also for the decision to establish in this country a permanent international machinery, with the implied mandate of contributing to the global effort towards attaining what John F. Kennedy aptly described as "a new world of law where the strong are just and the weak secure and the peace preserved forever". I believe this must be an even greater moment for our fraternal friend Dr. Kenneth Rattray and his dynamic, hard-working and agreeable Jamaican delegation. Their years of effort appear to have been dearly rewarded by our very presence here.

This venue is appropriate because of the multiracial and multicultural nature of this nation. Jamaica is a workshop on peaceful coexistence among peoples: out of many, indeed, one people. I come from a nation that has also embraced the same lofty ideal. At the crossroads of various migrations and settlements, Cameroonians live each passing day with the imperative of infusing a durable sense of community or nation into a curious conglomeration of peoples condemned to survive together in a cruel world. With the background experience of our two nations, and of many others on my native continent, Africa, we, too, have something to tell the world about the great frontiers of peace and progress that await a united people in a country and, why not, the peoples of a larger community of nations united in a common cause for international peace and the security embodied in social progress for all mankind.

My delegation wishes to thank the nationals, the Mayor and those in authority here in Montego Bay for their superb Jamaican tradition of welcome and continuing hospitality. We all looked forward to coming here to enjoy the privilege of the historic moment and its location. We deeply appreciate your contribution in making our stay truly memorable. You are reinforcing the thesis that on an occasion like this, a developing country exhibits greater encyclopedic knowledge of the best quality of hospitality to be accorded to members of the international society!

Eight years and 11 sessions ago, we assembled in the Venezuelan capital, Caracas, juggling with excitement and enthusiasm, determined to put finality to centuries of debate and conflict regarding the validity of norms of conduct in the ocean space. We were undaunted by either the complexity of the issues or the nationalism with which States teased a fragile international society. It is gratifying that our

optimism, though shaken at times, proved in the end to have been justified. Today, we have a new Convention on the Law of the Sea!

In the so-called Middle Ages and in the succeeding formative centuries, a proposal to embark on the monumental task which we undertook at this critical phase of an eventful twentieth century would have been dismissed as the unrealistic fantasy of political lunatics—this even among the leading jurists and political thinkers of the times: William Welwood, Hugo Grotius, Selden, Sir Philip Medows, Vattel and the rest of them—King Edgar the Peaceful, who claimed to be "sovereign of the Britannic Ocean"; King Edward III, who demanded, prematurely perhaps, the title of "King of the Seas"; the Stuart kings of England; the rulers of Venice, of Genoa and of Pisa; King Alfonso V of Portugal; these, among other imperial actors, might have ordered sardonic lyrics to be composed in our condemnation.

No! They could not understand, because they did not have our hot lines of communication with the lessons of global warfare and of economic and social depression. They did not have the dark clouds of nuclear holocaust hovering menacingly over their daily lives. In that period of history, technology, such as existed, was still the happy servant of man. They did not, like us, promote such advancements in science and technology as outpaced their intellectual ability to cope with the resultant changes. No, it was not an age like ours, in which every significant step taken treads history, Their scorn would have been understandable; just as we may be justified in recognizing the limited scope of the relevance of their conflict of thought and belligerency to our contemporary preoccupations.

We thus assemble in Montego Bay today to present to a concerned world the fruits of our labours, of our dedication to the cause of international peace through the rule of law. We register a new Convention on the Law of the Sea which is a product of universal consensus and compromise among nations from every political, economic and social system on this globe.

The new Montego Bay Convention is a complex package of compromises, not a documented response to the needs and interests of one State or a group of States. To analyse it out of the context of interrelationships between the components of that package would be unproductive and mischievous, to put it mildly.

For my delegation, as it must be true for others, we are here with the constructive objective of signing the United Nations Convention on the Law of the Sea, demonstrating the commitment of our nation, joining in with others to celebrate a great historic event. We do not consider this to be an appropriate moment to enter into unproductive polemics concerning either the interpretation of the Convention or the justification of its existence. As a plenipotentiary Conference, we have no apologies to make for the quality of our product. On the contrary, we are proud that we demonstrated mature restraint and understanding through the years, ensuring that every delegation, from every corner of the globe, had more than a fair chance to have its views and interests taken into account. The Convention was adopted under a universally agreed procedure and a gentleman's agreement arrived at.

It is my delegation's view that in the continuing process of absorbing the reality of the new legal order, we should all constantly be mindful of the basic truths attached to the mandate of the Conference and indeed of our generation. One of the critical phenomena is the close interrelationship between the various issues relating to the ocean space. The Montego Bay Convention is a deliberate package of compromises, the individual components of which cannot simply be treated as if they exist in isolation one from the other.

The consequence of this appears clear to us: that individual States may not pick and choose to be bound by convenient aspects of its provisions. This is particularly true for any who may wish to reject one or more of the 17 parts, selecting only certain rights established under the rest of the Convention or, in an attempt to take cover under the status of a non-signatory, claiming such rights from outdated sectional or non-universally recognized law.

A second feature is that the Third United Nations Conference on the Law of the Sea was not a mere codification conference like the United Nations Conference on the Law of the Sea, which produced the short-lived 1958 Geneva Convention.

The representatives of the African nations made it clear from the outset of our endeavours that so-called customary international law emanating from the European maritime experience could not juridically form the basis for codification or even progressive development of any law which is intended to bind us directly.

This Convention represents for the first time a truly universal law and must be seen as such. Any features of it that bear resemblance, in content or form, to any custom, agreements or treaties recognized by any region or subregion or among maritime nations sharing common interests must be viewed as purely coincidental.

The consensus texts adopted as a Convention on 30 April 1982 did not constitute a declaration of customary international law; it created a new conventional international legal instrument declaring the only valid law for the ocean space.

The true legal alternatives for an individual State are equally clear: either it becomes a signatory, enjoying prescribed rights and assuming prescribed obligations, or it stays outside the universal law now adopted, by opting to abstain from signature and consequently divorcing its case from any legal foundation regarding any claims of right.

Of greater importance at this time is the marked attention that must be drawn to the need to ensure dissemination of information on the new sea law, to the world in general and to the developing countries in particular. Governments and parliaments everywhere must know the content and implications of the Convention; they truly need this aid in their planning. They must not be exposed solely to the statements and writings of a few obstinate cynics who mischievously masquerade their unproductive opinions as information on fact.

The journalistic grandchildren of the same sensation-seeking opponents of the results of the San Francisco Conference that launched the United Nations Organization are trumpeting sonnets of doom at the birth of yet another legal order. The voice of truth must be raised high enough to drown their pernicious cries. Go tell them of our success; tell them also that we are united in the intention to make this Convention work for mankind. A legal status for the oceans has been clearly defined—it provides the only basis for decisions by the new International Tribunal on the Law of the Sea and the International Court of Justice. Tell them that too!

If this is a time for contentment, it is also a time for reinforced commitment on the part of nations to use the new Convention as an effective instrument for the positive construction of international peace. Pope Pius XII pointed out that "a fundamental point for the pacification of human society is juridical order". The true test for us all, and indeed for generations to come, will be the degree to which Governments and international institutions show a firm commitment to the preservation of the integrity of this new universal law at the point of its enforcement and application.

The Convention can only serve the interests of mankind as a whole if States collectively bring to it a new mentality for effectively applying the moralities demanded by its provisions. There is a broad underlying morality prescribing a respect for the rule of law and that nations consciously establish conditions under which justice and respect for the obligations arising from a peace-oriented treaty like this one can be maintained. This morality draws breath from the force of interdependence among States and among peoples, as well as from the nature of our common destiny.

The moralities of which I speak are not limited to this broad truth. There are various important provisions in the Convention's packages, the effective functioning of which will depend upon the degree to which States apply both appropriate morality and political will.

I speak, first, of the provisions that relate to the participation of land-locked and geographically disadvantaged nations in the fulness of the benefits accorded by this Convention. The endeavours of the Conference addressed the economic and geographical circumstances of all concerned. Among the important considerations embodied in the consensus was the fundamental element of meeting the nutritional needs of the populations of the respective States. At a time when conferences are being held to examine the major problem of malnutrition, it would be tragic to ascribe permanent status to some nations among the eternal poor, by shutting off access to protein and other valuable nutrients in the seas. Many, if not all, of these nations in the developing world have unfortunate geographical characteristics not from choice; they must not constantly be treated as if it were otherwise. The central objectives must never be lost. The poverty of a nation incites the lewd ambitions of the powerful rich and is usually provocative not only of international instability but also of breaches to international peace and security.

Secondly, I speak of provisions creating an institutional framework for reviewing and minimizing the adverse effects of resource exploitation in the deep sea-beds on the export earnings and industrial development of developing country land-based producers. The morality demands of sea-bed miners and developed land-based producers alike the pursuit of only such practices as are consistent with the general objective of ensuring that benefits of activities in the Area do

accrue to mankind as a whole. We have emphasized, since Caracas in 1974, the truth that compensation may not be enough if a national industry has to close down and consequently with it the dignity and employment possibilities of bread-earners in many families. It is our hope that lasting solutions will be found through realistic commodity agreements.

Thirdly, I speak of the proper use of the voting mechanism proposed for the Council of the International Sea-Bed Authority. The Chairman of the First Committee, introducing the breakthrough on the subject, pointed out the delicate nature of the system, which made it susceptible to misuse. It was designed to facilitate decisions that took into consideration the vital interests of all. Properly used, there can be no doubt that it is far superior and more acceptable universally than any other system so far devised elsewhere. Yet as with other provisions, it will need the moral fortitude of the leaders of each generation to the design prohibitive sanctions against mischief, misuse and a paralysis of the system.

Fourthly, I speak of the proper use of rights of passage granted in respect of the territorial sea. The legal principle of sovereign equality of States is often rendered weak by political and economic inequalities. The morality calls for the mutual respect of the order which grants these rights, especially of the modalities prescribed for such passage.

Fifthly, I speak of the use of the deep sea-bed exclusively for peaceful purposes. The concept of peace rejects conditions of war or conflict. It appeals to the conscience of States to formulate their policies inspired by the ideal of international peace and security.

Sixthly, I speak once again of the need for an accelerated programme of training of nationals from developing countries in the different fields of mineral exploitation in the deep sea-beds. A few years ago, I made a strong appeal to States for participation in such an enterprise. The principle of effective participation by developing countries cannot be sustained if, when the new institutions of the International Sea-Bed Authority are established, the technicians be drawn almost exclusively from the industrialized countries, while special posts of clerks, secretaries, lawyers and administrators are reserved to be shared between developing and developed countries.

When we last posed the question, the verbal response of the industrialized world was encouraging, but the idea seems to be lost between the request for a study by the United Nations Secretary-General and a substantive step taken to implement such a programme. We note with interest and gratitude the modest but valuable first step taken by the International Ocean Institute in Malta, to introduce governmental agents to the subject of the consequences of the law of the sea. This is hardly enough and I wish to appeal once again for the establishment of a programme imaginatively designed to meet this need before the Authority formally comes into being. The Preparatory Commission may study this under its broad mandate, but it is the initiative of States that is most needed at this time.

These are only examples; others address rational utilization of living resources, their conservation and the like, the sharing of benefits of the continental shelf beyond the exclusive economic zone, etc. They all call for a certain morality for their effective implementation.

It is not the intention of my delegation to encourage indolence on the part of developing countries. Many, like mine, do or should understand the nature of dehydrated benevolence masquerading as aid in the field of development. Self-reliance development is a critical norm in the United Republic of Cameroon's national programme. It is our belief that the fortunes of African peoples lie, in the first instance, on what we ourselves make of what we have. Regional and subregional institutions have and are still being set up to address various categories of problems. It is my sincere hope that in Africa and elsewhere in the developing world, immediate steps will be taken to ensure co-operation and avoid undue duplication in our approach to the exercise of rights and benefits accruing from the Convention. A North-South dialogue may be very desirable, but it cannot properly be a substitute for a South-South self-help endeavour. Co-operation and common strategy in the field of scientific research along our coastlines is important, and so are the desirable joint ventures that are possible in the domain of fisheries and ocean transport. The training of manpower, also, need not wastefully be undertaken by the creation of institutions of higher learning in every single one of our nations. It is our hope that, in due course, regional bodies in the developing world (for us, the Organization of African Unity) will be seized with this aspect of the action. The Lagos Plan of Action for the Implementation of the Monrovia Strategy for the Economic Development of Africa[c] already lays emphasis on co-operation and joint effort. Its implementation is of the essence in the programme.

The Convention also establishes a Preparatory Commission, whose primary function will be that of a forerunner of the new International Sea-Bed Authority. The Commission must stick strictly to its mandate and it will be undesirable to attempt to make it another forum for renegotiating any part of the Convention. Changes in regard to any provisions of the new Convention must be made pursuant to the procedures it prescribes.

I believe, however, that in the elaboration of the detailed rules and regulations regarding Part XI, importance should be attached to providing such details as would remove any equivocation or uncertainties in the broad rules contained in the Convention, including its annexes. The Preparatory Commission will have experts who should advise on the practical means of implementing the objectives now expressed in legal form. In that process the Commission need not shy from proposing ideas for filling any lacunae or for enhancing the attainment of such objectives, while maintaining consistency with the provisions of the Conference.

We have noted with deep regret the announcements of certain Governments not to become parties to this Convention. To the developing countries among them, we ask no more than that, having made the point of protest, they return to the sheltering umbrella of universal law.

To the United States of America, our strong appeal goes out to the conscience of a people born in spectacular revolution and whose idea for social and economic development have inspired many a nation. That nation cannot now afford the discomforts of isolation, especially over a treaty the negotiation of which accorded central priority to its declared vital interests. We would prefer to believe that a decision to stay out at this time is motivated by a desire for further reflection and perhaps adjustment. The founding fathers, whose courage gave birth to the viability of that nation, left a spirit of accommodation and norms of common human survival.

It is clearly from this background that inspired declarations have been credited to many of America's leaders regarding the institution of universal law: I have already alluded to John F. Kennedy's dream of a just, secure and peaceful world.

Woodrow Wilson had this to say: "What we seek is the reign of law based upon the consent of the governed and sustained by the organized opinion of mankind".

Dwight D. Eisenhower said: "The world no longer has a choice between force and law; if civilization is to survive, it must choose the rule of law".

Richard M. Nixon said: "Men face essentially similar problems of disagreement and resort to force in their personal and community lives as nations now do in the divided world. And, historically, man has found only one effective way to cope with this aspect of human nature—the rule of law".

We also heard the brilliant words which came from the great Franklin D. Roosevelt: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little".

We believe that the old American tradition, which appears to be the declared objective of the present Administration in Washington, will produce yet another declarative landmark of the same inspired thought.

It is difficult for me to forget the dual capacity in which I have participated in the work of this Conference over the past 13 years. Apart from representing my nation, I also had the honour and privilege of serving as Chairman of the First Committee.

In closing, therefore, I wish to seize this opportunity to express my gratitude to those without whom my heavy assignment as Chairman of the First Committee would have been impossible.

I wish to record my gratitude to the group of African States which drafted me to the Chairmanship. I feel particularly proud that in their support, they never lured me into debauchery in my duties or to any form of regional bias. Co-ordinator Mr. Joe Warioba and his team acted with dignity in all the private consultations. I thank the various leaders and chairmen of the Group for their wise counsel and encouragement when the nature of my duties demanded this.

To the members of other regional groups, I owe the same sense of gratitude for the understanding shown and co-operation liberally given, sooner than later in most cases.

[c] See A/S-11/14, annex I.

To the Collegium, I will always cherish the fraternal feeling which prevailed in times of trial, especially when misunderstanding crept into the work programmes of the Conference. To Hamilton Shirley Amerasinghe, then to Tommy Koh, to Alex Yankov, Ken Rattray, Alan Beesley and Andrés Aguilar I owe the gratitude of a true and respectful friend. My sentiments of friendship and gratitude extend to Constantin Stavropoulous and his successor Bernardo Zuleta, special representatives of the United Nations Secretary-General.

The First Committee had an excellent team of devoted men who worked virtually endlessly behind the scenes. I speak of Sri Lanka's Chris Pinto, who headed the informal meetings of the Committee in the earlier sessions. It is to him that we must give credit for the basic structure upon which I elaborated the first informal negotiating text. He remained a friend and trusted consultant to me to the very last.

I speak of Norway's Jens Evensen, who graciously acted as my personal co-ordinator in the preparation of the informal composite negotiating text. Political strategy might have dictated that he assume another posture, but he too remained a trusted adviser and communicator to the end. He also was to accept, among others, the role of presenting the alternative to the unhelpful Green Book; an alternative which was unfortunately not exploited by those who needed the effort most.

I speak with fraternal affections of Singapore's Tommy Koh, who under my pressure reluctantly undertook but made an excellent job of elaborating the financial arrangements contained in Part XI of the Convention. His mandate of reducing the concept to readable provisions was more than fufilled. I was to call on his assistance again as a go-between over the final phase of negotiations on outstanding issues relating to the Council. During his Presidency, our fraternal relations continued and were further strengthened. Success was fostered by our unprecedented co-operation. Mr. President, I wish to extend, without the obligations of formality, my deepest appreciation for your guidance and the fine quality of leadership you have shown.

I speak of Fiji's Satya Nandan, who worked selflessly to achieve a balance in the negotiations leading to consensus on production limitations. Born in the leadership of the Second Committee, he received his truest baptism in the First Committee's negotiating group 1.

I was proud to observe that when the Conference needed a replacement for its departed President, it was to three members of the First Committee "think-tank", Chris, Tommy and Satya, that we turned for choice!

I speak of my distinguished friends, members of the Bureau of the First Committee. Vice-Chairmen: Harry Wuensche, a trusted friend; Thompson Flores, a tough delegate but trusted adviser; Toru Nakagawa and before him Takeo Iqushi who brought their oriental wisdom and friendship to bear on the work of the Bureau; John Bailey and Keith Brennan who brought the cricket tradition of patience and commitment to the negotiating effort. Keith undertook many productive silent and non-glamorous tasks for the Chair that must await time to be put on paper. John was always part of the personification of optimism and hope.

There are many others, among them my African brother Frank Njenga, another convert from the Second Committee; Dr. Jagota, introducing the finest elements of Asian wisdom to the Chairman of a working group and his contributions as a delegate; Dr. Zondal, amiable and of fine mind; to all of whom I express, on behalf of the First Committee and my own behalf, sincere gratitude for their various levels of contribution.

I speak also of co-ordinators of regional and interest groups who virtually became honorary members of the Bureau: Peru's Alvaro de Soto of the Group of 77, skilful negotiator, whose advice and co-operation never included pressure to achieve improper results on my part. In him I found a friend. My brother Joe Warioba of the group of African States and a list of Chairmen and other leaders; the commitment of France's Marie-Annie Martin-Sané and Roger Jeannel; the Soviet negotiating team of Igor Yakovlev and Uri Kazmin; United Kingdom's Archer and Michael Wood; United States' Elliot Richardson, Leigh Ratiner and George Aldrich—the list is so long and my allowed speaking time is so short. I want to thank them all and to commend all those who participated in the First Committee negotiations as the principal architects of Part XI as it now is.

It is not out of mere formality that I include in my expression of gratitude members of the secretariat team that helped me throughout: Jean-Pierre Lévy, Ali El-Hussein, Roy Lee, Mati Lal Pal, Nii Allotey Odunton, Susan Davie, Mary Fisk, and the host of them. They were as fine and dedicated a team as any and their professional integrity remained intact as far as I was concerned.

For the rest, Mr. President, we look to the future with hope and a prayer. There is a simple prayer that runs through a song I learned in my childhood:

"Bless this house, O Lord we pray
Make it fit by night and day".

My prayer is:

Bless this Convention O Lord we pray
Make it fit by night and day
May it be an instrument of international stability
To each nation a means of subsistence and mobility
But most of all may it stimulate co-operation among
States for the creation and maintenance of
conditions of lasting international peace and
security as well as well-being for all of mankind.

YUGOSLAVIA

[Original: English]

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

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

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

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

The Yugoslav delegation shares the position of the Group of 77 that this is the upper limit of concessions, otherwise the very essence of the principle of the common heritage of mankind would become meaningless. Consequently, although no one is fully satisfied, the achieved solution has, nevertheless, opened a possibility for co-operation between the developed and developing countries. For these reasons I wish to join those delegations who made an appeal to States which have not yet found it possible to join the consensus to do so as soon as possible. I also share the views characterizing as illegal all tendencies and unilateral actions trying to bypass the provisions of the Convention concerning the deep-sea mining in the area.

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

From the very beginning, Yugoslavia has supported the principle of the exercise of full and permanent sovereignty by all States over their national resources and has taken a firm stand that this principle should be applied in the progressive development of the international law of the sea. As a matter of fact the exclusive economic zone—up to 200 nauti-

cal miles (as a *sui generis* institute within the legal régime established in the Convention)—has already become an institute of customary international law, being widely applied by coastal States in practice, and constitutes a significant result of this Conference.

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

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

Yugoslavia has accepted the present solution in the Convention recognizing the right of the land-locked and geographically disadvantaged States to share the surplus of the allowable catch established by the coastal State in its exclusive economic zone. Yugoslavia recognizes the priority of the demands of developing countries to the surplus of coastal States in the region and subregion. This, however, does not exclude bilateral co-operation among developing States of different regions and subregions in this field.

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

The Yugoslav delegation considers that the inclusion in the Convention of the section on the settlement of disputes constitutes an important achievement in the development of international law, reflecting the reality of the prevailing international relations.

It is important to emphasize the fact that the Conference throughout the entire period adopted decisions on essential questions by consensus. The vote was requested only at the time of the adoption of the Convention and resolutions I to IV. In the preparation of the Convention and in its adoption mutual understanding was established among developed and developing countries. This, *inter alia*, suggests a possibility for the establishment of fruitful co-operation in the implementation of the Convention as well. Certain specific interests did not hamper the action-oriented unity aimed at the realization of basic common economic-political objectives. This particularly applies to the Group of 77, which maintained, throughout the Conference, its unity and initiative on all essential questions on the agenda. The general assessment that the Convention opens a new era in the relations among States, in an area covering two thirds of the globe, is not an exaggeration.

Analysis of the provisions of the Convention, its annexes and resolutions adopted at the 182nd plenary meeting,[a] held on 30 April 1982, has shown that they are in compliance with the national interests and constitutional principles of Yugoslavia and the basic lines of its international policy, as a non-aligned and developing country. It is true that some solutions differ to a certain extent from our initial position. This is an unavoidable result of negotiations and compromises made in search of consensus. Taking all this into account we share the expressed determination of the widest majority to have the Convention become, as soon as possible, an effective international code of legal order governing international seas. Consequently the Yugoslav delegation has been authorized to sign the Final Act and the Convention as soon as it is open for signature. In the same spirit the Federal Executive Council will initiate the procedure for ratification in conformity with the Constitution and laws of Yugoslavia.

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

Concrete results achieved in the economic activity in the international zone would, thereby, be in the interests of the developing countries, as well as in the interests of land-based producers, thus contributing to their accelerated overall economic development. This, at the same time, would benefit mankind as a whole and would open promising prospects for the global negotiations and for the strategy for development, based on the guidelines of the new international economic order.

Yugoslavia welcomes the agreement which made it possible for the United Nations Council for Namibia to be among the signatories of the Convention on behalf of Namibia, as well as the national liberation movements which have been participating in the Third United Nations Conference on the Law of the Sea, to sign the Final Act in their capacity as observers. This fact represents one more proof of the support of the democratic world community to the struggle of peoples of Namibia and of Palestine to liberate their homeland from foreign occupation and to establish their own independent States on the basis of the principle of self-determination and of safeguarding their legitimate rights over their natural resources.

In conclusion, I wish whole-heartedly to join preceding speakers who recalled with gratitude the dedication and outstanding contribution made by the first President of the Third United Nations Conference on the Law of the Sea, Mr. Hamilton Shirley Amerasinghe. At the same time the Yugoslav delegation would like to express to you, Mr. President, its sincere appreciation for the efforts made and wisdom manifested in ensuring a successful outcome of this highly significant codification project of the United Nations as well as to the Collegium.

This success is twofold: it constitutes an important achievement of international law in one of the most complex and broadest fields of relations among States and peoples as well as a reaffirmation of the role of the United Nations so much needed in the present-day world.

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

Thank you.

United Nations Environment Programme

[*Original: English*]

Mr. Chairman, let me say that it is indeed a special pleasure to be able to share with Governments and the Untied Nations family of agencies the sense of pride and achievement for a successful conclusion to a decade of painstaking work designed to bring order to those two thirds of the planet's surface which for generations have eluded jurisdiction.

The patience, determination and commitment displayed by Governments is a credit to the seriousness of purpose and to our growing appreciation and understanding of the need to protect our ocean space. At a time when doubts have been expressed as to the effectiveness of the United Nations and its ability to respond to the growing burden of critical issues, the United Nations Convention on the Law of the Sea stands as a spectacular example of the true meaning of the United Nations in harmonizing actions of States and reconciling differences in position. This Convention is thus likely to have the most far-reaching implications, not only for our, but for successive, generations to which the United Nations Charter has made a special commitment.

The United Nations Environment Programme (UNEP) is proud to be a part of this common effort to secure the future viability of our planet. But as we ponder the challenges facing us today, let me touch upon a few of the achievements of the Conference from the environmental perspective with the twin objectives of identifying present and future areas of environmental concerns, and of suggesting how UNEP may assist States in dealing with them. In short: What has been achieved? And where do we go from here?

A. *Environmental achievements in the United Nations Convention on the Law of the Sea*

With its broad mandate to co-ordinate environmental activities within and outside the United Nations system, the United Nations Environment Programme is vitally interested in all questions dealing both with environmental protection or pollution prevention and with the conservation and management of the living resources of the oceans.

As you know, the adoption of the United Nations law of the sea Convention falls within the tenth anniversary year of the United Nations Conference on the Human Environment held in Stockholm in 1972. In this connection, it seems eminently fitting that one of the major principles of the Stockholm Declaration, namely principle 21 that "States have the obligation to protect and preserve the marine environment", has been elevated to the level of a binding treaty commitment in Part XII of the new Convention and elsewhere. We at UNEP are pleased to note that the Third United Nations Conference on the Law of the Sea recognized the need for an integrated approach in dealing with environmental problems and in this connection has included in the sections on both environmental standard-setting and enforcement provisions dealing with pollution from all sources: pollution from land-based sources, from sea-bed activities, from activities in the area, from vessels, and pollution from or through the atmosphere.

A second general area in the new Convention of major concern to UNEP, with its broad environmental overview mandate, is that of conservation and management of living resources. The Convention provides for greatly expanded coastal State jurisdiction and control over living resources throughout the new 200-mile exclusive economic zone, thereby giving coastal States a proprietary interest in these offshore resources and a direct incentive to see to their wise conservation and management. UNEP stands ready to work both with other interested international bodies and with the coastal States concerned to achieve these objectives.

This is not the time to try to catalogue all the provisions of the new Convention of interest to UNEP. It might be added, nevertheless, that a third area of particular concern to UNEP is that of the protection and preservation of the environment of the international area. There are some welcome provisions on this subject in the Convention itself, but we see it as vital that the Preparatory Commission for the International Sea-Bed Authority be able to draw on the best available environmental and scientific expertise in drafting its rules and regulations.

B. *Present and future role of the United Nations Environment Programme*

Whereas activities and future plans of UNEP relevant to issues connected with the elaboration of the Convention were spelt out in section I of document A/CONF.62/112,[d] entitled "Initial views of the United Nations Environment Programme with regard to the implementation of the work of the Third United Nations Conference on the Law of the Sea", let me highlight a few of those efforts which I believe may be useful for the effective implementation of the new Convention.

First, let me recall a few of the ongoing activities of UNEP relating to the new régime for the oceans. The best known of these is undoubtedly UNEP's Regional Seas Programme, which at present includes 10 regions and more than 120 States and deals with marine environmental problems in an integrated way through a combination of co-operation among Governments of the region concerned and co-ordination of technical work through the United Nations system. For each region in the programme, the substantive aspects of the work to be done are outlined in an "Action Plan", formally adopted by Governments, which typically includes assessment, management, legal, institutional and financial components.

UNEP's effort in the Mediterranean, where the first Regional Action Plan was approved in 1975, is well known and widely recognized as a landmark in the protection of the marine environment. In 1976, during the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea, in Barcelona, the Mediterranean States signed the Convention for the Protection of the Mediterranean Sea against Pollution, together with two Protocols on ocean dumping and on co-operative measures to combat pollution by oil and other harmful substances; these instruments came into force in 1978. In 1980, the Mediterranean States adopted a third Protocol on controlling land-based sources of pollution, and in 1982 a fourth Protocol on specially protected areas in the Mediterranean was concluded.

Meanwhile, similar efforts have been under way in the nine other areas for which action plans have been adopted or are in preparation, namely, the Caribbean region, the East African region, the East Asian region, the Kuwait Action Plan region, the Red Sea and Gulf of Aden region, the South-East Pacific region, the South-West Atlantic region, the South-West Pacific region and the West and Central African region. Regional conventions and protocols, which follow in structure the model of the Mediterranean Convention and Protocols, have been adopted in four of those regions (the Kuwait Action Plan region, the Red Sea and Gulf of Aden region, the South-East Pacific region and the West and Central African region). A Caribbean Convention and one Protocol have been prepared for adoption in March 1983, and negotiations are to begin next January on a regional convention and two related protocols for the South Pacific region.

Apart from the Regional Seas Programme, there are a number of other ongoing UNEP programme activities which relate to protection and preservation of ocean space as a part of the total environment. UNEP has, for example, undertaken a study on the environmental law aspects of offshore mining and drilling within the limits of national jurisdiction. The General Assembly noted the conclusion of that study and recommended that Governments should consider the guidelines contained therein when formulating national legislation or undertaking negotiations for the conclusion of international agreements for the prevention of pollution of the marine environment caused by offshore mining and drilling within the limits of national jurisdiction.

Another activity which is relevant to the new legal régime for the oceans concerns actions in connection with the principles of conduct in the field of the environment for the guidance of States in the conservation and harmonious utilization of natural resources shared by two or more States, which has been under way at UNEP since 1979. These have long been noted by the General Assembly and their use by States as guidelines has recently been reiterated.

Another example is the high priority assigned by UNEP's 1981 Senior Level Meeting on Environmental Law, held at Montevideo, Uruguay, from 28 October to 6 November, to the development of global guidelines for principles aimed at controlling land-based sources of marine pollution.

As regards living resources, it might also be mentioned that UNEP participated in the preparation of the World Conservation Strategy, launched in March 1980, within the framework of which UNEP is now preparing a plan of action for the conservation of marine mammals.

Time does not permit an extensive listing of UNEP's activities in connection with the marine environment, and I would now like to close by outlining four future initiatives for protection and preservation of the marine environment which we would like to commend to States for their consideration:

First, States at the Third United Nations Conference on the Law of the Sea have identified certain specific tasks to be carried out by UNEP in the areas of monitoring, assessment and others, which UNEP stands ready to undertake, taking into account the resources available to it, and with mutual co-operation among States in collaboration with the United Nations system.

Secondly, in the short and medium term, we would like to encourage States to augment their activities for the protection and preservation of the world's oceans and seas. In promoting and assisting such efforts by States, UNEP will give particular attention to problems of pollution from land-based sources and from offshore mining and drilling, which have not yet received sufficient international attention. UNEP is prepared to assist the International Sea-Bed Authority, as appropriate, when it draws up rules and regulations for the conduct of sea-bed mining activities in the international area in ensuring that environmental considerations are taken into account.

Thirdly, questions such as liability and compensation (including ensuring adequate recourse) for environmental injury will be the subject of future progressive development of the law under UNEP auspices.

Fourthly, new activities, such as deep sea-bed mining, should be monitored and evaluated on an ongoing basis to determine necessary environmental protection measures.

UNEP will do its utmost with the resources available to it to assist Governments to mobilize their resources and capabilities to deal effectively with such problems.

[d] See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV.

Finally, in closing, let me again reiterate UNEP's congratulations. From the environmental perspective, this new Convention represents a major landmark, dealing as it does, *inter alia*, with potential major environmental problems.

International Oil Pollution Compensation Fund

[*Original: English*]

The International Oil Pollution Compensation Fund (IOPC Fund) would like to express its congratulations to the United Nations and participating Governments for finalizing the United Nations Convention on the Law of the Sea which the IOPC Fund believes is a significant milestone with respect to many important aspects of the protection and preservation as well as the use of the sea as a common good for all mankind.

As an intergovernmental organization, the Fund is based on the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, adopted in Brussels on 18 December 1971. It is designed to provide compensation for the often enormous economic damage caused by tanker spills. It came into existence in October 1978. It has now 26 member States in all parts of the world.

The IOPC Fund has followed closely the discussions of the Third United Nations Conference on the Law of the Sea and especially the discussions with regard to Part XII of the Convention, the sections dealing with the protection and the preservation of the marine environment. It is of the opinion that, as the only intergovernmental organization to provide compensation for oil pollution damage on a world-wide basis, it has an important role to play in the carrying out of the ideas laid down in Part XII. Article 235 of the Convention appears to be an invitation to all States to join the IOPC Fund and share with its present member States the benefits of membership in this organization as well as to continue developing amendments to the existing régimes dealing with compensation for oil pollution damage on the basis of the experience gained so far with the operations of the IOPC Fund. Article 235 of the Convention is understood by this organization as an invitation to make its good services available to the world community, within the framework of the work of the International Maritime Organization, to provide the means to fight the economic consequences of tanker spills.

The International Oil Pollution Compensation Fund wishes to take the opportunity of being allowed to make a statement at this signing ceremony to offer its assistance to all participating Governments and to promise its willingness to take an active role in the implementation of Part XII of the United Nations Convention on the Law of the Sea and especially its article 235.

Permanent Commission for the South Pacific

[*Original: Spanish*]

The Permanent Commission for the South Pacific, whose members are Chile, Colombia, Ecuador and Peru and which was established with the aim of attaining the ends set forth in the historic Santiago Declaration of 1952,[e] is pleased to note the universal recognition of the sovereignty and jurisdiction of the coastal State inside the 200-nautical-mile limit laid down in the United Nations Convention on the Law of the Sea as bounding the area under national jurisdiction.

It also notes with satisfaction that the basic principles of the Santiago Declaration have been incorporated in and amplified by the United Nations Convention on the Law of the Sea, in line with the declaration by the Governments of the South Pacific System of their "obligation to secure the necessary conditions of subsistence for their peoples and to provide them with the means for their economic development", and their duty "to provide for the conservation and protection of their natural resources and to regulate the exploitation of those resources".

The South Pacific System's favourable experience and substantial contribution to the development of the United Nations Convention on the Law of the Sea provide the foundations for a new phase in its achievements, starting with the Cali Declaration,[f] signed in 1981 by the Ministers for Foreign Affairs of the four member States of the Permanent Commission of the Conference on the Use and Conservation of the Marine Resources of the South Pacific, in which they reiterate "the firm political support of their Governments for the Permanent Commission for the South Pacific and stress the desirability of revitalizing and strengthening the Commission so that, bearing in mind its present geographical scope and the prospects opened up by new legal rules and institutions, it may continue to be an effective bond of solidarity between its member countries and the appropriate regional body for the defence of their maritime interests . . .".

In consequence, the Permanent Commission for the South Pacific has been instructed by the Governments of its member States to carry out an evaluation of its structure, instruments and functions with a view to adapting them to meet the new requirements of the region in the matter of co-operation among its member countries and with the international agencies responsible for maritime affairs, so that it may satisfactorily serve as the region's machinery for the concerted implementation of their present maritime policies.

Finally, the Commission expresses its satisfaction at the diligent and constructive work done by the eminent specialists from Chile, Colombia, Ecuador and Peru in the development of the Convention on the Law of the Sea.

International Ocean Institute

[*Original: English*]

Mr. President, it is a great privilege for the International Ocean Institute to be here on this historic occasion. The successful conclusion of the Third United Nations Conference on the Law of the Sea and the signing of the United Nations Convention on the Law of the Sea is one of the outstanding creative events of our generation, perhaps of our century.

We owe a debt of gratitude to all those who have dedicated their lives to the momentous task of this Conference. We want to remember in particular Hamilton Shirley Amerasinghe, who was the President not only of the Third United Nations Conference on the Law of the Sea but also the President of the International Ocean Institute.

We want also to thank Mr. T. Koh, who has taken his place and who has so vigorously completed the task.

Finally, we would like to mention Mr. Arvid Pardo, who has been known to most of us as the "Father of the Third United Nations Conference on the Law of the Sea". Certainly, we all owe him a great debt of gratitude.

The International Ocean Institute is an international non-governmental organization with headquarters in Malta. The Institute was established officially in 1972, in co-operation with the United Nations Development Programme and the Government and the University of Malta. Paul Hoffman, then the Administrator of UNDP, was our Honorary President. Informally, our activities go back to 1968 when preparations began for the first PACEM IN MARIBUS Conference. Many of the delegates to the Third United Nations Conference on the Law of the Sea who are here today were present.

The Institute is governed by a Board of Trustees, and was presided over by Hamilton Shirley Amerasinghe until his death. Ambassador Jorge Castañeda and Anton Vratusa, President of the Federal House of the Assembly of Yugoslavia, are two of the outstanding members of the Board present at this Conference. The new President of the International Ocean Institute is Ambassador Layachi Yaker of Algeria. The second governing body is the Planning Council, whose Chairman is Elisabeth Mann Borgese. We are proud of the fact that quite a number of delegates to the Third United Nations Conference on the Law of the Sea are members of this Council.

The International Ocean Institute engages in four types of activities:

First, research; the search for new ideas on and for new approaches to the oceans. At an early date, the International Ocean Institute focused its attention on the question how benefits from the new law of the sea could be maximized, especially for developing countries, and how to integrate ocean management and marine resources into development strategies. Research is the basis of our activities, and many of our ideas and concepts have found their way into official fora of policy-making.

Secondly, conferences and seminars: in particular the series of PACEM IN MARIBUS Conferences have brought and will bring together diplomats, legal experts, marine scientists and representatives of industry to discuss the making and implementation of the new order

[e] See *Yearbook of the International Law Commission, 1956*, vol. I.

[f] See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV, document A/CONF.62/L.108.

in the oceans and the increasing importance of the oceans in world economy and politics.

Thirdly, publications: our most important publication is the *Ocean Yearbook*, a comprehensive collection of the economic and ecological data concerning all major marine activities and an analysis of ocean developments in their interaction.

Fourthly, the Training Programme in Ocean Management and Conservation for Participants from Third World Countries; with the help and co-operation of many institutions, Governments and the United Nations it became possible to organize four programmes per year. The Seventh Training Programme, carried out in co-operation with the Government of India, is presently being concluded in Bombay.

The International Ocean Institute has always believed that the United Nations Convention on the Law of the Sea is not merely an instrument to take care of the urgent and important problems of the oceans but that it has an even greater potential. In a way, the oceans have been and are a great laboratory for the building of a new international order and the building of the kind of international institutions that may become a model for those to come in the next century.

In this context, the International Ocean Institute discerns four main areas of development:

First, the updating of national legislation and the building of national infrastructure to implement and complement the United Nations Convention on the Law of the Sea.

Secondly, regional development and co-operation.

Thirdly, the strengthening of the United Nations institutions dealing with the oceans to enable them to assume their new tasks and responsibilities and the integration of their policies in conformity with the principle that all problems of the ocean are closely interrelated and must be considered as a whole.

Fourthly, the Preparatory Commission of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea: in our view, on its work depend the future of the United Nations Convention on the Law of the Sea itself, its universal acceptance and its successful implementation.

For the time being, these are the four major building blocks which we think essential for making the new international order in the oceans. These are the new opportunities that have been created by the United Nations Convention on the Law of the Sea.

In the continuation of its efforts in the coming phase of ocean development, the International Ocean Institute intends to deal in depth with these four major areas through research programmes, conferences, seminars, publications and training programmes.

Sierra Club

[*Original: English*]

The Sierra Club congratulates the United Nations and delegates to the Third United Nations Conference on the Law of the Sea on the successful conclusion and adoption of the Convention on the Law of the Sea. The adoption of the Convention represents a significant accomplishment for the process of multilateral diplomacy and the development of international law for two thirds of the earth's surface. It is the sincere hope of the 300,000 members of the Sierra Club that the treaty will fulfil its promise of promoting and strengthening international peace and co-operation.

The Sierra Club is pleased and honoured to be present at the historic occasion of the signing of the United Nations Convention on the Law of the Sea. Since the very beginning of the negotiations, the Sierra Club has followed closely the progress of the Conference and has worked constructively to promote international understanding and support for the protection and preservation of the oceans and for the conservation and wise management of ocean resources. We note with overall satisfaction those parts of the Convention dealing with the protection and preservation of the marine environment. They are a major contribution to the progressive development and codification of international environmental law.

We are most gratified that for the first time many nations will assume wide-ranging obligations to protect the marine environment, and we believe that the broad acceptance and implementation of the environmental provisions in the Convention will constitute a significant advance in international environmental law. The Convention presents all countries with an important and essential framework for dealing with the major sources of marine pollution and for further addressing the development and implementation of international marine law in the future.

While much has been accomplished, much remains to be done in further elaborating this framework. Of particular concern to us will be the development of the rules and regulations for the protection of the marine environment in the international area from deep sea-bed mining. The Sierra Club has developed special competence in this area, and we remain committed to assisting the Preparatory Commission in this important task.

The course of the new ocean régime lies before us and is ours to shape. We hope all present will reaffirm their commitment to fulfilling its promise.

Other non-governmental organizations

[*Original: English*]

We, the undersigned representatives of non-governmental organizations, wish to record our congratulations to this Conference. The adoption and opening for signature of this United Nations Convention on the Law of the Sea represents a hard-won achievement for the progressive development of international law. More importantly, it demonstrates that the world's nations and peoples remain committed to rule by law and not force. Then, those nations which refuse to persevere in this process or, instead, pursue a deviant unilateralism can only perilously weaken the fabric of world order and the protection of varied national and global interests.

No convention can solve all problems, nor right all wrongs. However, this comprehensive Convention solves many, prevents others and opens the door to further improvements and the orderly management of even more. The collaborative process which this Convention enshrines marks a strong beginning. It must continue.

We also express our appreciation to the Conference leadership, many delegations, and the Secretariat, for permitting and even frequently encouraging our involvement in seeking solutions to obdurate problems. We look forward to continued participation in the challenging tasks of implementation ahead.

(*Signed*)

Barbara Ann Weaver, Commission of the Churches on International Affairs
John Temple Swing, Experiment in International Living, The
Samuel and Miriam Levering, Friends World Committee for Consultation
Milton Johnson, International Association for Religious Freedom
Martin Glassner, International Law Association
Choon-ho Park, International Law Association
Renate Platzöder, International Ocean Institute
Anita K. Yurchyshyn, Sierra Club International
Lee Kimball, Women's International League for Peace and Freedom