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GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE SEVENTY-THREE MEETING

Held at Headquarters, New York,
on Wednesday, 18 November 1987, at 10 a.m.

President:	Mr. FLORIN	(German Democratic Republic)
later:	CANETE (Vice-President)	(Paraguay)
later:	Mr. FLORIN	(German Democratic Republic)
	(President)	

- Law of the Sea [32]
 - (a) Report of the Secretary-General
 - (b) Draft resolution
- Application of the Republic of Nauru to become a party to the Statute of the International Court of Justice [144]
- Report of the Special Committee on Enhancing the Effectiveness of the Principle Non-Use of Force in International Relations: report of the Sixth Committee [131]

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 32

LAW OF THE SEA

(a) REPORT OF THE SECRETARY-GENERAL (A/42/688)

(b) DRAFT RESOLUTION (A/42/L.20)

The PRESIDENT (interpretation from Russian): First, I should like to remind members that in keeping with the decision we adopted yesterday the list of speakers on the item will be closed this morning at 11 o'clock. I request representatives who wish to take part in the debate to inscribe their names as soon as possible.

I now call on the representative of Cape Verde, who wishes to introduce the draft resolution.

Mr. JESUS (Cape Verde): The new legal régime for the seas and oceans, as contained in the United Nations Convention on the Law of the Sea, has been highlighted in this forum year after year as one of the most important achievements of the Organization. The Convention's contribution to world peace and the orderly use of the oceans has been emphasized time and again. It has been justifiably portrayed as a legal monument and a landmark in the process of progressive development and codification of international law undertaken within the framework of the United Nations.

The translation into the national legislations of various States of most of its concepts and positions is perhaps the most eloquent demonstration of its importance and impact on the day-to-day life of nations. Its signature by 157 States is strong evidence of the solid foundations of the legal régime contained therein.

The Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea has been making progress within its

(Mr. Jesus, Cape Verde)

mandate, first contributing to the strengthening of the new legal order for the seas and oceans, negotiated at the Third United Nations Conference on the Law of the Sea. Some of this progress is highlighted in the draft resolution contained in document A/42/L.20, under agenda item 32, entitled "Law of the Sea", which I have the honour to introduce on behalf of the 51 sponsors.

(Mr. Jesus, Cape Verde)

These sponsors are: Algeria, Austria, Antigua and Barbuda, Australia, Bangladesh, Brazil, Cameroon, Canada, Chile, China, Denmark, Djibouti, Egypt, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Iceland, India, Indonesia, Ireland, Jamaica, Kenya, Kuwait, Madagascar, Malaysia, Malta, Mexico, New Zealand, Nigeria, Norway, Oman, Papua New Guinea, Philippines, Portugal, Saint Kitts and Nevis, Senegal, Sierra Leone, Singapore, Sri Lanka, Sweden, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Vanuatu, Yugoslavia and my own country, Cape Verde.

The text of this draft resolution is the result of consultations undertaken amongst interested delegations and reflects, in a balanced way, differing viewpoints. Most of its paragraphs are in already established language that is kept in the resolution annually adopted on this item. Apart from the updating of last year's text and some other minor changes, this draft resolution contains essentially two new elements. On the one hand, it relates to the decision taken by the Preparatory Commission, at its last meeting here in New York, to register the first pioneer investor in the deep sea-bed mining. The second element refers to the settlement of the conflicts of overlapping claims, which has been achieved.

As the General Assembly well knows, this is the sixth time that the Assembly has had to address such a draft resolution following the adoption of the United Nations Convention on the Law of the Sea in 1982. The subject is therefore not new, nor in fact is most of the content of the draft resolution. Therefore, for the sake of brevity, I should mention only the operative paragraphs of the draft resolution, since the preambular part remains substantially the same as last year's text.

(Mr. Jesus, Cape Verde)

In paragraph 1, the Assembly recalls the historic significance of the United Nations Convention of the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world.

In paragraph 2, the Assembly expresses its satisfaction at the increasing number of ratifications, totalling 35 as of now, deposited with the Secretary-General.

In paragraph 3, the Assembly calls upon all States that have not yet done so, to consider ratifying or acceding to the Convention at the earliest possible date, to allow the effective entry into force of the new legal régime for the uses of the sea and its resources.

In paragraph 4, the Assembly calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith.

In paragraph 5, the Assembly calls upon States to observe the provisions of the Convention when enacting national legislation.

In paragraph 6, the Assembly calls upon States to desist from taking actions which undermine the Convention or defeat its object and purpose.

In paragraph 7, the Assembly notes the progress being made in the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea in all areas.

In paragraph 8, the Assembly expresses its satisfaction at the successful resolution of conflicts with respect to overlapping claims of applicants for registration as pioneer investors and certain potential applicants under resolution II of the Third United Nations Conference on the Law of the Sea.

This resolution of the overlapping claims is a major achievement of the Preparatory Commission and has created conditions for further progress in its work.

(Mr. Jesus, Cape Verde)

In paragraph 9, the Assembly expresses its satisfaction at the historic decision taken by the Preparatory Commission on 17 August 1987 to register the first pioneer investor for deep sea-bed mining, namely India, and at the decision of the Preparatory Commission to convene its General Committee in December 1987 for the purpose of considering the applications of France, Japan and the USSR for registration as pioneer investors.

In paragraph 10, the Assembly expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of the major programme on marine affairs set forth in chapter 25 of the medium-term plan for the period 1984-1989.

In paragraph 11, the Assembly further expresses its appreciation for the report of the Secretary-General prepared in pursuance of General Assembly resolution 41/34 and requests the Secretary-General to continue to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal régime of the sea, special emphasis being placed on the work of the Preparatory Commission, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea.

In paragraph 12, the Assmably calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the legal régime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the organs and organizations of the United Nations system to co-operate and lend assistance in these endeavours.

In paragraph 13, the Assembly approves the decision of the Preparatory Commission to hold its sixth regular session at Kingston from 14 March to 8 April 1988 and takes note that the Preparatory Commission will decide upon the summer meeting for 1988 during its next session to be held in Kingston, Jamaica.

(Mr. Jesus, Cape Verde)

In paragraph 14, the Assembly requests the Secretary-General to report to the Assembly, at its forty-third session, on developments pertaining to the Convention and all related activities and on the implementation of the present resolution.

Finally, in paragraph 15, the Assembly decides to include this item in the provisional agenda of the forty-third session of the General Assembly.

In conclusion, I wish to state once again that, as has been the practice since 1982, this draft resolution is the result of exhaustive consultations amongst interested delegations, whose spirit of co-operation and accommodation was fundamental in achieving this compromise text. I therefore recommend to the General Assembly the adoption of the draft resolution.

Lastly, I should like to draw the Assembly's attention to two small corrections to be made to the text of the draft resolution. The first one is to be made to operative paragraph 2, in the third line of which, where it states "thirty-four", it should read "thirty-five", since another ratification was deposited after the printing of this draft resolution. The second correction is to be made in operative paragraph 8, in the first line of which for the words "resolution of overlaps", read "resolution of conflicts of overlaps".

Mr. MAQUIEIRA (Chile) (interpretation from Spanish): The delegation of Chile is particularly pleased and proud to take part in this debate on the law of the sea at the current session of the General Assembly. For 20 years the United Nations has been carrying out a unique process first of codification and then of application of the new law of the sea, as contained in the Law of the Sea Convention adopted in 1982.

The path which we have taken since then has been long and enlightened. Looking back we see a comprehensive Convention which brings together all possible uses of the oceans and accommodates very satisfactorily the interests and concerns in this area of the vast majority of Member States. In brief, the work in this field has been a constant source of pride for Member States and for the Secretariat, and, I must say, a very welcome example at this time of what the Organization is capable of.

In 1987 the law of the sea has enjoyed favourable winds and this year, together with other historic landmarks in this process, we would mention the agreement reached to implement resolution II of the United Nations Conference on the Law of the Sea. As the Assembly may recall, that resolution contains the rules and procedures for an interim régime of access and activity on the sea-bed and the ocean floor beyond the limits of national jurisdiction, and constitutes the first proof, to use the terms used in the Convention, of the possibility of implementing a system of exploitation of the sea-bed in keeping with the principle of the common heritage of mankind.

A few months ago India, after meeting all the requirements under the resolution, secured exclusive rights to carry out exploration activities on a site on the sea-bed, thus formalizing its status as a pioneer investor pursuant to resolution II and to the Law of the Sea Convention. Before the end of the year, a similar situation should arise with regard to France, the Soviet Union and Japan,

(Mr. Maquieira, Chile)

which, like India, should indicate that they have satisfactorily complied with the requirements laid down for pioneer investors. The appropriate procedure to complete registration of these three countries will begin in the next few weeks.

The negotiations leading to these results have been extremely intricate and difficult, mainly because the assumptions on the basis of which resolution II was drafted turned out to be ambiguous when implementation of them began. This made a process of adaption and adjustment of the resolution to the new situation necessary. The developing countries had to make very significant and painful concessions - especially one - to uphold the principle of the common heritage of mankind.

The great happiness we feel at the completion of an important and difficult task in no way diminishes our desire to see that the countries directly concerned do their part in upholding the principle of the common heritage of mankind, especially with regard to the international enterprise on the sea-bed.

The lessons learnt in the process leading to implementation of resolution II should be highlighted. Perhaps the most important among them was the capacity shown by the international community to adjust the terms of the resolution to the realities of the time without losing sight of or changing the fundamental principles which govern the system as a whole. This is important because as negotiations proceed in the Preparatory Commission with a view to setting up the international sea-bed authority and on drawing up the mining code it might be necessary to resort to these procedures on more substantive matters.

We have carefully read the report prepared by the Secretariat and have noted with satisfaction certain progress that should be emphasized. We should like to thank the Secretariat for the complete information with which it has provided us with regard to developments in the sphere of the law of the sea, which we consider to be very interesting and useful.

(Mr. Maquieira, Chile)

We agree with the merging of the law-of-the-sea Office and the Ocean Economics and Technology Branch, which comes under the Department of International Economic and Social Affairs. Ocean affairs go beyond those which directly relate to the law of the sea and the centralization of these functions for better administration without impairing the efficiency or the quality of the work done by the Secretariat is a positive development. This may perhaps be useful in terms of expanding the co-operation of the Office with some regions, especially Latin America, on specific programmes in the areas of technical co-operation and marine scientific research.

The support given by the law-of-the-sea Office in the negotiations in the Preparatory Commission for the international authority has been very positive and has proved especially useful in helping developing countries, including my own, to understand the technical dimension of problems which are markedly political.

Finally, we note with interest the work done with regard to information on the law of the sea and we encourage the Secretariat to maintain and improve this work, which is very useful. The same applies to the analytical studies prepared by the law-of-the-sea Office. We believe that the use of the Group of Experts to tackle matters of great technical complexity is important if we wish to ensure the high quality of the studies produced. We eagerly await the studies on base-lines, and in the Secretariat's report next year we should like to see that more such groups of experts have been organized.

This has been a good year for the law of the sea and this should be emphasized. There is still a lot to be done and there are many problems to solve. However, if we apply the same realistic and pragmatic criteria as have governed matters relating to maritime affairs in the last few years we can ensure success for the States Members of the Organization, the Secretariat and contemporary international law.

Mr. GARVALOV (Bulgaria): At the outset, I should like to convey the gratitude of the Bulgarian delegation to the Secretary-General of the United Nations for his report submitted under agenda item 32 of the current session of the General Assembly, entitled "Law of the sea".

The report of the Secretary-General contains ample and concise information concerning the entire range of issues relating to the law of the sea. This report has been of great use to us. It is noteworthy that the report deals, on the one hand, with various aspects of the activities relating to the 1982 United Nations Convention on the Law of the Sea and, on the other, with the activities of the Office of the Special Representative of the Secretary-General for the Law of the Sea in the discharge of the responsibilities entrusted to him by the General Assembly.

I should like to express the satisfaction of the Bulgarian delegation with the activities of the Office of the Special Representative of the Secretary-General for the Law of the Sea. In this connection, my delegation supports not only the continuation but also the strengthening of the mandate of the Special Representative of the Secretary-General for the Law of the Sea. The Office of the Special Representative should continue to discharge its responsibilities relating to the implementation of the United Nations Convention on the Law of the Sea as a whole. Its activities should not be limited to servicing the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. The wisdom of the proponents of the establishment of this Office and also the way in which it has functioned show unambiguously that the usefulness of the Office comes from its diverse activities related to the functioning of the United Nations Convention on the Law of the Sea as a whole.

We in Bulgaria attach particular importance to the universal adoption and uniform implementation of the provisions of the Convention on the Law of the Sea.

(Mr. Garvalov, Bulgaria)

In this connection, I should like to inform the General Assembly that on 9 July 1987 the National Assembly of Bulgaria adopted a statute law with respect to the maritime areas of the People's Republic of Bulgaria, which entered into force on 1 September last. This Act, comprising 81 articles under 11 chapters, defines the régime of the internal waters, the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone, marine scientific research, the protection and preservation of the marine environment, maritime safety and navigation and others. Its provisions are in full conformity with the principles and norms of the 1982 United Nations Convention on the Law of the Sea. Therefore it is our view that the People's Republic of Bulgaria, as it did during the elaboration of the Convention, has continued to contribute not only to formulating and consolidating the uniform rules pertaining to the law of the sea but also to the promotion of co-operation among States in the peaceful uses of the sea and of marine resources.

Proceeding from its position in favour of establishing a uniform régime for the sea, as reaffirmed in practice by our highest legislative body, we shall continue to oppose any isolated actions by States to circumvent the provisions of the Convention either in their accession to it or in the adoption of national legislation in this field.

The Bulgarian delegation commends in particular the results of the fifth session of the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea. The registration of the application of India and the decision to finalize the registration of the other pioneer investors by 18 December 1987 are events of particular importance in the development of international law. They embody the very idea of the sea-bed as being the common heritage of mankind. Thus the Preparatory Commission has entered

(Mr. Garvalov, Bulgaria)

a new stage of its activities, namely, the practical implementation of resolution II of the Third United Nations Conference on the Law of the Sea.

We hope that the registration of the applications of the pioneer investors will speed up the entry into force of the régime of the Convention and will facilitate the accession to the Convention of the former advocates of a separate régime for the sea-bed.

We welcome the settlement of problems with respect to overlapping claims achieved between the potential applicants and the Soviet Union, as well as the fact that this settlement has been joined by the Federal Republic of Germany, the United States and the United Kingdom. The settlement of conflicts, as well as the exercise of goodwill by those States, would contribute significantly to the entry into force of the régime of the Convention.

Of particular importance for the future activities of the Preparatory Commission is its decision to reaffirm the established practice that regional groups hold consultations with the other regional groups before presenting a candidate for a high-level post in the Commission and make all efforts to ensure that this candidate is elected by consensus. The reaffirmation of the equal status of the regional groups and the principle of the sovereign equality of the States parties is intended to prevent any future attempts by States or regional groups to make decisions without taking into account the views of smaller regional groups.

In conclusion, the Bulgarian delegation welcomes with satisfaction the election of the new Chairman, Ambassador Jesus, and wishes him success in his work. We are confident that under his able guidance the activities of the Preparatory Commission will proceed in the usual spirit of co-operation and mutual understanding.

Mr. THOMPSON-FLORES (Brazil): It is with great pleasure that I am speaking as Chairman of the Group of 77 of the Preparatory Commission on the Law of the Sea, as well as on behalf of my own country.

Nearly five years ago the United Nations Convention on the Law of the Sea was adopted. One hundred and fifty five countries and four other entities have signed it, thus turning it into one of the world's most universally accepted multilateral treaties. To this date, more than half of the number of instruments of ratification or approval necessary for its entry into force have been deposited with the Secretary-General. The Convention establishes a comprehensive and balanced legal régime for the use of the oceans and their resources, which is recognized as such by the overwhelming majority of States. The strength of the Convention rests on the realization on the part of the international community that the trade-off in making certain concessions in exchange for a generally acceptable international instrument governing all areas of the use of the oceans and their resources is positive and desirable. It is for this reason that the Group of 77 sees the Convention as a unified whole and cannot accept or condone attempts to modify its provisions.

(Mr. Thompson-Flores, Brazil)

The text of the draft resolution just introduced by the President of the Preparatory Commission, Ambassador Jose Luis Jesus, and contained in document A/42/L.20, adequately reflects the very positive developments which took place last summer during the second part of the fifth session of the Commission. The outstanding event of that period was, of course, the registration of India as a pioneer investor. Although we are aware that much ground remains to be covered before the full establishment of the Convention régime for the sea-bed, one cannot but regard the registration of India as a major step in that direction. From the point of view of the Group of 77, the fact that the first pioneer investor is a developing country underlines the support our Group has always given to the Convention and to the prompt institution of the oceans régime it creates.

I wish furthermore to emphasize the position of the Group of 77 on the question of the summer meeting of the Preparatory Commission, which, according to the tenth preambular paragraph of the draft resolution, is to be decided upon during the Kingston session. The summer meeting should have its normal duration, so as to permit the Commission duly to pursue its mandated preparatory work relating to the Authority and to the International Tribunal.

In less than a week's time, the Group of Experts will convene to consider the revised applications of France, Japan and the USSR. If the necessary conditions are met for the applicants to be registered, the international sea-bed régime will receive another significant impetus, with the full participation of the first four pioneer investors, as referred to in resolution II, paragraph 1, subparagraph (a) (i). In order to ensure a positive outcome both of the Expert Group meeting and of the subsequent General Committee meeting in early December, the commercial viability of the Authority's reserved areas must be ascertained first through the strict observance of the principle of equal estimated commercial value for the

(Mr. Thompson-Flores, Brazil)

areas assigned to the three applicants, and for the Authority's site. Their data must also be rendered compatible and the criteria of metal content, abundance, bathymetry and continuity must be adequately met. In addition, the areas to be reserved to the Authority must conform to the same sampling methodology as the pioneers' allocated areas.

In this context, we underline the fact that the Government of India has undertaken to comply with the obligations incumbent upon pioneer investors under resolution II and the relevant Statements of Understanding, and to conduct activities in the Area in accordance with rules and regulations adopted by the Preparatory Commission including those relating to the preservation of the marine environment.

Let us stress here that the Group of 77 remains open, as it always has, to all constructive interchange which may lead to consensus. It is in the best interests of the Preparatory Commission that all parties be heard, so that a convergence of interests may emerge. The régime established by the Convention is itself strengthened by decisions which are acceptable to all. Consensus and general understanding can only be possible, however, when there is a collective willingness to work within the framework of the Convention. We thus hope that the constructive spirit and attitude that permitted the Commission to take last summer's first important step in the implementation of resolution II - the registration of India - will be preserved throughout the future deliberations of that organ and its subsidiary bodies. For that matter, we gladly note the significant number of sponsors of the draft resolution now before us, a fact which in our view reflects the positive tone that has been prevailing in our consultations and negotiations since last year. We sincerely hope this trend will continue so as ultimately to lead us to the full implementation of all provisions of the Convention.

(Mr. Thompson-Flores, Brazil)

It is with great pleasure that I take this opportunity to announce that on 3 November 1987 the Brazilian Congress concluded its consideration of and approved the United Nations Convention on the Law of the Sea. This decision is an eloquent testimony of the importance Brazil attaches to the Convention as one of the major international legal documents of our time.

Mr. BATIOUK (Ukrainian Soviet Socialist Republic) (interpretation from Russian): The problems of the use of the world's oceans and their resources have been on the agenda of the General Assembly for 20 years now. One of the most important results of the work of the United Nations in this area was the production in 1970 of a Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and the Subsoil Thereof. It would be hard to exaggerate the role played by the sea-bed Treaty on the intensification of disarmament negotiations and also for the acceleration of the progressive development and codification of contemporary sea law.

At that time the Declaration of Principles Governing the Sea-bed and Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction was adopted. It proclaimed the sea-bed and the subsoil thereof the common heritage of mankind. That Declaration subsequently became an organic part of the United Nations Convention on the Law of the Sea.

The work of the United Nations in this area culminated in 1982 when, after lengthy negotiations in the sea-bed Committee and at the Third United Nations Conference on the Law of the Sea, a Convention was adopted which was called by many the charter of the seas. This comprehensive international Treaty has made a substantial contribution to the strengthening of peace, security and the development of international co-operation. Without actually having come into force it has, nevertheless, in practice become an inalienable part of international law.

(Mr. Batiouk, Ukrainian SSR)

The Ukraine was one of the States which signed the Convention on the day it was opened for signature. We note with satisfaction today that of the 159 States which have signed this historic document, 35 have already deposited with the United Nations Secretary-General ratification or accession documents. The norms of the Convention have been exercising a growing influence both on the existing practice of States exploiting the world's oceans and also on the activities of many international organizations and scientific institutions.

The sea-bed Treaty, the Declaration of principles, the 1982 Convention and the Geneva Conventions on sea law of 1958 are all important milestones on the road towards a universal and universally acceptable legal régime governing the world's oceans. Today a solid international legal basis exists which makes it possible, given the necessary political will, to step up co-operation among States in the work of exploiting the ocean's resources and the peaceful uses of the expanses of the sea.

The United Nations Convention on the Law of the Sea is a kind of omnibus practical manual. Therefore, the United Nations should quite rightly keep within its purview not only that part of the sixteenth Convention relating to the exploitation of the minerals of the sea-bed and the creation of an appropriate international organization, but the whole Convention - all of its 17 parts governing the various areas of human activity in the ocean.

(Mr. Batiouk, Ukrainian SSR)

The Secretary-General's report describes in some detail not only the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea but also the work of the United Nations and the specialized agencies in areas governed by traditional sea law, including navigation, fishing and also marine scientific expeditions, the preservation of the marine environment, and so on. We share the conclusion in paragraph 66 of the Secretary-General's report that the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which were produced last year and have been ratified by the Ukrainian SSR, should not only apply to nuclear accidents occurring on land. The provisions of those documents should also be extended to accidents which might occur in international waters on nuclear-powered ships, and also in the course of maritime carriage of nuclear or radioactive material.

We are encouraged by developments in the South Pacific, where the South Pacific Nuclear-Free Zone Treaty has entered into force. Protocols II and III to this Treaty were signed recently by the Soviet Union and the People's Republic of China. If the Treaty is to achieve its goals, all five nuclear Powers should become parties to it.

The Ukrainian SSR, like many other States, is concerned by events which have been occurring in the Persian Gulf recently. The Secretary-General points out that: "since 1981 some 310 ships have been hit and either sunk or damaged."

(A/42/688, para. 26)

That circumstance does nothing to help the implementation of the provisions of the Convention on freedom of shipping on the high seas and the right of passage through territorial seas and straits used for international shipping. The

(Mr. Batiouk, Ukrainian SSR)

continuing tension creates a serious threat to merchant shipping. In this regard, the proposal for the use of a United Nations force to ensure freedom of navigation warrants particular attention.

In the course of the practical implementation of the recommendations, approved by the General Assembly at the last session, of the Group of High-Level Intergovernmental Experts, the work of the United Nations Secretariat in the area of the sea was focused on the Authority, headed by the Special Representative of the Secretary-General for the Law of the Sea, which was renamed the Office for Ocean Affairs and the Law of the Sea. This Office has been given additional functions, which had been formerly carried out by the Ocean Economics and Technology Branch of the Department of International Economic and Social Affairs, and also certain functions of the Sea and Ocean Affairs Section of the Department of Political and Security Council Affairs. Those reorganization measures should be commended, since they are aimed at eliminating duplication and achieving a higher level of efficiency in the work of the United Nations on matters relating to the oceans and sea law. The prompt conclusion of this restructuring would make it possible for the Authority to continue its work more energetically.

The Secretary-General's report describes in detail the work done in 1987 by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. The Ukrainian SSR has taken an active part in the work of this Commission from the very moment of its foundation. At the Commission's session held this year in New York, agreement was reached on delimiting the international sea-bed area and eliminating obstacles to the Commission's implementation of one of its major tasks: registration of the first group of pioneer investors in the work of exploiting polymetallic nodules. The

(Mr. Batiouk, Ukrainian SSR)

Secretary-General has quite rightly described this agreement, along with other agreements reached among the first three applicants:

"as the most important development since the adoption of the Convention".

(A/42/688, para. 137)

At this session an important decision was also taken to approve India's application for an area of the sea-bed in the Indian Ocean for purposes of prospecting for and subsequently developing its mineral resources. This decision suggests that the Commission has embarked on the practical implementation of one of its main tasks. This is also demonstrated by the decision for the applications of the USSR, France and Japan for areas of the sea-bed in the Pacific to be approved no later than 30 December this year. The implementation of that decision will promote the further strengthening of the international legal régime governing mineral resources of the sea-bed, which was declared by the General Assembly as the common heritage of mankind.

The Ukrainian SSR also welcomes the adoption at that session of an organizational and procedural decision which strengthens the atmosphere of co-operation in the Preparatory Commission and creates the necessary conditions for its continuing constructive work. The Preparatory Commission has confirmed the traditional practice in negotiations on matters of sea law of preliminary agreement among regional groups on candidates for seats in the Bureau of the Preparatory Commission, and this makes it possible to elect them by consensus. Consistent with this practice, the Commission elected as its new Chairman Mr. José Luis Jesus of the delegation of Cape Verde. We should like to wish every success to the new Chairman and express our gratitude to the Prime Minister of the United Republic of Tanzania, Mr. Warioba, former Chairman of the Preparatory Commission, for his effective leadership of the work of the Preparatory Commission in the past.

(Mr. Batiouk, Ukrainian SSR)

Solving of these matters, together with the implementation of the registration of the four pioneer investors, will actively promote the implementation of the Preparatory Commission's task of producing norms, rules and procedures for the future international organ on the sea-bed, which should be in keeping with the interests of all countries and ensure universal support for the international sea-bed régime. The Commission will be successful in this work only if all groups of States taking part in the negotiations evince the necessary flexibility, realism and understanding with regard to the objective economic conditions existing in the world metals market and only if no group imposes upon another one-sided decisions on important financial and economic matters.

In noting the significant progress achieved at the Preparatory Commission's last session, our delegation would at the same time like to stress that there are still attempts being made to boycott or to undermine the Convention by means of one-sided and arbitrary actions. It is precisely for that reason that we should keep in force the provisions of draft resolution A/42/L.20, which calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith, and to desist from taking actions which undermine the Convention or defeat its object and purpose.

The resolving of practical problems which have impeded the registration of applications by the first group of pioneer investors cannot possibly be allowed to be interpreted as any change in the position of the world community.

(Mr. Batiouk, Ukrainian SSR)

We could not regard as proper or correct any action to establish a régime governing the spaces of the sea and the appropriation of its resources that is taken unilaterally and outside the United Nations Convention on the Law of the Sea and the specific régime it proposes for regulating the seas and the oceans.

Since the draft resolution submitted on the question of the law of the sea was carefully discussed and enjoys the support of the overwhelming majority of delegations, we hope that the General Assembly will adopt it by consensus.

Mr. TREVES (Italy): The General Assembly is considering the item "Law of the Sea" at a moment in time that encourages us to reflect on the progress made and to examine the prospects for the future. This seems to be true of both main rubrics under which we in the General Assembly usually consider developments in law-of-the-sea matters - namely, developments concerning deep-sea-bed mining and the Preparatory Commission, on the one hand, and all other aspects of the law of the sea, on the other. We shall enter into some detail on the former aspect because of various new and positive developments that occurred this year, but we wish to stress once again that in our view the latter remain more important.

As regards deep-sea-bed mining, the registration of India as a pioneer investor and the forthcoming registrations of France, Japan and the Soviet Union mark an important achievement and a turning point. These registrations are the last of a chain of events in a long process of negotiation between the prospective pioneer investors. That process saw, in a first phase, the elimination, achieved in 1985, of overlaps between the Western multinational consortia and the consortia of Japan and France. In a second phase, culminating in the so-called Arusha understanding of February 1986, the elimination of overlaps between the consortia of France, Japan and the Soviet Union was achieved. In a third phase, culminating

(Mr. Treves, Italy)

in an agreement completed in New York on 14 August 1987, overlaps between the Western multinational consortia and the consortium of the Soviet Union were eliminated. We think it fully appropriate that in the draft resolution which the Assembly is going to adopt today and for which Italy will vote, the Assembly

"Expresses its satisfaction at the successful resolution of overlaps that had arisen in the claims of applicants for registration as pioneer investors and with those of certain potential applicants under resolution II of the Third United Nations Conference on the Law of the Sea". (A/42/L.20, para. 8) Indeed, the solution of overlaps, towards which all parties concerned co-operated in good faith and in the shortest time possible, constitutes the premise of co-operation between pioneer investors and potential applicants and of a new phase of activity in the Preparatory Commission.

The solution to the problems of overlaps and the consequent registration of pioneer investors removes from the agenda of the Preparatory Commission the most urgent and contentious item under discussion. That should permit the Preparatory Commission to enter its new phase of activity in a more relaxed and constructive spirit.

It seems appropriate at this point to pay a tribute to Prime Minister Jo Warioba of Tanzania, who, with the best qualities of statesmanship, presided over the first phase of the activities of the Preparatory Commission, and to congratulate his successor, Ambassador Jose-Luis Jesus of Cape Verde, who will guide the Preparatory Commission in the second phase of its work.

In this second phase the Preparatory Commission will first of all have to exercise the powers and functions assigned to it by resolution II as regards the provisional régime of pioneer activities. The most difficult aspect of this will be to adapt to the reality of the present situation the rules contained in the

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resolution without modifying their basic thrust. That task should not, however, be impossible, as a similar exercise has been successfully carried out, with the co-operation of all concerned, in regard to the adaptation of the rules of resolution II on the elimination of overlaps.

In this phase of its work the Preparatory Commission will also have to complete the drawing up of the rules and regulations of the International Sea-bed Authority that will permit it to start its activity from the moment of its constitution, in accordance with article 308, paragraph 4 of the United Nations Convention on the Law of the Sea. While the duration of this phase is uncertain, as we do not know when the sixtieth instrument of ratification of the Convention will be deposited, what is certain is that it will require the overcoming of many important and delicate problems. It will be necessary, in particular, to take decisions on such questions as the composition and the decision-making procedures of the Council of the Authority and of its organs, as well as to draw up a sea-bed mining code that can make the relevant provisions of part XI and annex III workable in the present and future situations.

In approaching the work on these delicate matters, the Preparatory Commission, its officers and, especially, its member States should give priority to achieving results that will ensure the best possible prospects for the universality of the Convention. In doing so, they should, in the opinion of my delegation, pay particular attention to one trend which seems to exist in current practice and whose consequences may jeopardize the possibility of reaching that objective. This trend is the following: While considerations not relating to deep-sea-bed mining are the key elements in the decision of States to ratify the Convention, considerations concerning deep-sea-bed mining may well be the key elements in the decision by States not to ratify the Convention. Decisions taken by some States

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not to sign the Convention and declarations made by others, including Italy, when signing it are clear indications of the latter possibility.

If this trend continues, it may happen that the Law of the Sea Convention of 1982 will enter into force independently of the reaching of satisfactory arrangements in the area of sea-bed mining. That would be highly unfortunate, as such arrangements are necessary in order to permit States that have fundamental difficulties with the sea-bed mining provisions to join the Convention, thus making it really universal.

That shows why the task of the Preparatory Commission is particularly delicate and why, in solving the problems emerging in the drawing up of the rules and regulations of the Authority, the Commission should always be imaginative and bold enough to give priority to all initiatives aimed at enhancing the prospects for the universality of the Convention. Indeed, such universality and the workability - and consequently the success - of the deep-sea-bed mining provisions are inseparable. A passage in the valuable report by the Secretary-General seems to indicate that, while perhaps not generally shared, this kind of consideration is at least in part already under discussion within the Preparatory Commission. I have in mind paragraph 163 of the report, which, in connection with the activities of Special Commission III, states that while, on the one hand, the view was maintained that the provisions of the Convention should not be altered in the development of the rules on sea-bed mining, it was felt, on the other hand, that

"the Commission should not be precluded from building on the provisions of the Convention"

and that this

"raises the issue of the extent to which modifications can be made to the provisions of the Convention in the drafting of the mining code". (A/42/688, para. 163)

(Mr. Treves, Italy)

I should like now to make a few observations concerning developments on aspects of the law of the sea different from those in the field of deep-sea-bed mining. In reviewing these developments, the report of the Secretary-General on the law of the sea has proved once again to be an excellent guide. The production of this report and the gathering of the information digested in it certainly are among the most useful contributions to the knowledge of the law of the sea that States can count upon on a yearly basis. The Office of the Special Representative of the Secretary-General is to be warmly congratulated for providing us every year with such a document.

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A look at the first part of the report clearly shows that the United Nations Convention on the Law of the Sea is the principal catalyst for developments in the law of the sea around the world. We would like, in particular, to note the initiatives undertaken within the framework of various international organizations in order to adapt existing instruments to the Convention and, in some cases, to develop new rules. Such initiatives constitute in fact, ways for making some of the provisions of the Convention applicable even before its entry into force and, in fact, independently of it. Particularly significant among those are the developments within the International Maritime Organization concerning the removal of offshore installations and structures, and those within the intergovernmental expert group, meeting within the framework of the Economic and Social Council for the preparation of a new convention to strengthen co-operation in the field of illicit traffic in narcotic drugs. The former effort goes in the direction of implementing article 60 of the Convention while the latter develops provisions of its part VII by introducing a rule on the seizure of foreign vessels on the high seas in cases where there is reasonable ground for believing that the vessel is engaged in illicit traffic.

Note should also be taken of an event that seems to point only partially in the same direction. As recorded in paragraphs 80 to 90 of the report, the debate that led to the modification of the statutes of the Intergovernmental Oceanographic Commission (IOC) recognized the necessity of not having two different régimes for scientific research, one under the IOC and the other under the Convention. In the modified statutes of IOC, however, as emerges from the report, the research provisions of the Convention are not mentioned and the régime for marine scientific research in zones under national jurisdiction "in accordance with international law" is mentioned instead. This seems to indicate some resistance to the idea that

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the régime, as contained in the provisions of part XIII of the Convention, fully corresponds with customary international law.

Some developments not directly connected with the Convention are also reported. We would like to underline the importance of the information contained in paragraphs 30 to 33 as regards progress made within the framework of the International Maritime Organization towards the completion of a Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and of a Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf.

A diplomatic conference will be held in Rome from 1 to 10 March 1988 for the adoption of the Convention and Protocol. Those two instruments are the result of an initiative taken by the Government of Italy, together with the Governments of Austria and Egypt. It is a great honour for the Government of Italy to be the host of a conference in which a diplomatic effort, remarkable for the short time which has elapsed since its inception and for the exceptional spirit of co-operation of all States concerned, will have its culmination.

Coming now briefly to the second part of the report, concerning activities of the Office of the Special Representative of the Secretary-General for the Law of the Sea, we wish first of all to express our satisfaction at the reorganization that has taken place in the Office, which has widened the scope of its activities to fields concerning marine affairs in which legal aspects are not prevalent. This has entailed a change in the name of the office to that of Office for Ocean Affairs and the Law of the Sea. We welcome this development not only because we are convinced of the inter-disciplinary nature of ocean affairs, but also because it is a manifestation of a more general process of rationalization of the organization of

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the United Nations, which my delegation has for years considered important and urgent.*

We welcome the various initiatives taken by the Office in order to facilitate the application and the understanding of the Convention, including the convening of experts on specific points, as happened regarding baselines. We look forward to seeing the study on baselines, as well as the other studies announced in section VI of part two of the report and the collection of treaties on delimitation announced in section VII. Most of all, we wish to indicate that, together with the report of the Secretary-General, we consider the Law of the Sea Bulletin, published by the Office, an extremely useful tool for the spreading of information. We wish this effort to continue and to be further developed with regard to its contents and its wide availability.

Mr. JACOBVITS DE SZEGED (Netherlands): At the outset my delegation wishes to congratulate the Special Representative of the Secretary-General for the Law of the Sea and his staff on the excellent report issued on the agenda item under consideration. The Netherlands delegation considers the report a valuable document for reference and expresses the hope that the Special Representative will continue to issue such reports in the future. The report contains a comprehensive and detailed summary of developments relating to the law of the sea. It is not only a valuable contribution to the United Nations Convention on the Law of the Sea, but it also deals extensively with the activities of the Office of the Special Representative.

As a result of the merger of the Ocean Economics and Technology Branch of the Department of International Economic and Social Affairs with the Office of the Special Representative for the Law of the Sea, those activities cover a wide range

*Mr. Cañete (Paraguay), Vice-President, took the Chair.

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Netherlands)

of topics. Without wishing to highlight any specific activity of the Office of the Special Representative, my delegation would like to make an exception of the Office's servicing of the Preparatory Commission. That servicing is of high quality, both in the assistance rendered to the officers and special commissions of the Preparatory Commission and in the documentation for the Preparatory Commission produced by the Office.

In this statement I should like to touch upon the work achieved during the fifth session of the Preparatory Commission, comment on next year's session of the Preparatory Commission and make some remarks in general on the United Nations Convention on the Law of the Sea.

Highlights of the fifth session of the Preparatory Commission were undoubtedly the election of a new Chairman, the settlement of deep-sea-bed mine site claims and the subsequent registration of India as a pioneer investor. We have welcomed the unanimous decision of the African Group to nominate Ambassador José Luis Jesus as Chairman of the Preparatory Commission and wish to congratulate him once again on his election to that important office. On the settlement of deep sea-bed mine site claims, we fully share the views expressed by the Secretary-General of the United Nations on this matter in his report on the work of the Organization. The agreement reached between a number of signatories and non-signatories to the United Nations Convention on the Law of the Sea, resolving the overlap of certain sea-bed mining claims of those countries, is indeed highly significant and should contribute to a universal acceptance of the Convention's sea-bed régime. The Netherlands is a party to that agreement, which in our view reflects a realistic assessment of common interests. Also, in another sense, this so-called midnight agreement could be designated as highly significant, for it has paved the way for the registration of four applicants as pioneer investors. With the registration

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out of the way and a new Chairman elected, the sixth session of the Preparatory Commission will be able once again to concentrate fully on its tasks as set out in resolution I of the Final Act adopted by the Third United Nations Conference on the Law of the Sea.

I should like to make some remarks on the future work of the Preparatory Commission.

At previous sessions of the Preparatory Commission important progress was made in the four special commissions and in the informal plenary meetings. Because of the substantive progress made, the time has now come to start identifying the important issues still pending before the Preparatory Commission with a view to dealing with them in the near future.

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Netherlands)

Among these important issues - many refer to them as core issues - are issues dealt with by the Special Commission on the deep sea-bed mining code, such as the financial terms of mining contracts and the related question of financial incentives, as well as provisions on the transfer of technology. Some issues before the plenary meeting concerning financial and budgetary matters of the Authority, decision-making processes in its different organs, majorities required for elections and the status of subsidiary organs and observers, could also be qualified as core issues.

As I have indicated, these core issues need further identification and definition, work which could be taken up during the next session of the Preparatory Commission. Taking this into account, and also taking into account the fact that core issues seem to present themselves in only a limited number of the Special Commissions of the Preparatory Commission, the Preparatory Commission, when discussing its organization of work, could perhaps allow these Special Commissions to have more meetings, or limit the sessions of the Preparatory Commission to certain Special Commissions. It is the view of the Netherlands delegation that such a realistic approach to the organization of work would greatly contribute to further substantial progress in the work of the Preparatory Commission.

The Kingdom of the Netherlands is of the opinion that the United Nations Convention on the Law of the Sea constitutes a major effort in the codification and progressive development of international law.

While part of the Convention contains provisions that are to be considered binding because they are based on customary law, this is clearly not the case with respect to the part of the Convention relating to deep sea-bed mining.

(Mr. Jacobovits de Szeged,
Netherlands)

In this area much work remains to be done in order to make this part of the Convention also universally acceptable and thus make it possible for all States to ratify the Convention.

It is with this in mind that the Netherlands is actively participating in the work of the Preparatory Commission.

We consider it to be in the interest of all participants in the work of the Preparatory Commission to make the Convention universally acceptable. My delegation hopes that the spirit of co-operation and the constructive atmosphere that have always characterized the sessions of the Preparatory Commission will continue and make it possible to achieve this goal.

Before concluding, I should like to comment briefly on draft resolution A/42/L.20, now under consideration.

My delegation will vote in favour of this draft resolution in order to indicate our support for the United Nations Convention on the Law of the Sea and our commitment to the success of the work of the Preparatory Commission.

In the light of what I have just said, it should be clear that in its operative paragraphs 3, 4 and 6 the draft resolution does not, in our view, correctly reflect the current status of international law in the field of the Law of the Sea. It also seems somewhat premature to urge States to ratify the Convention, when it is in no way clear whether the Preparatory Commission will come up with generally acceptable conditions for the implementation of the sea-bed mining régime.

Perhaps in negotiating next year's resolution, delegations could consider modifying these provisions of the draft resolutions.

Mr. PAOLILLO (Uruguay) (interpretation from Spanish): The process of the profound transformation of the legal régime of the sea which began in decades past did not finish with the adoption in 1982 of the Convention on the Law of the Sea. On the contrary, this area in international relations continues to be dynamic. Although the Convention has not yet entered into force, we are witnessing a period of most effective application of the provisions of the new legal régime of the sea and those of the provisional régime to administer the sea-bed established under resolution II of the Conference.

This is why the Law of the Sea retains its dynamism and not a year passes without new developments in the field. The year 1987 has been no exception. Without a doubt the most important new development this year is the Preparatory Commission's registration of India as a pioneer investor in accordance with the provisions of resolution II, thus enabling that country to conduct exploration activities in a sector of the international zone of the sea-bed. In proceeding to this registration the Preparatory Commission reserved from the Indian application an area of 150,000 square kilometres for future development by the International Sea-Bed Authority. It has been announced that before the end of the year the group of technical experts and the General Committee of the Preparatory Commission will consider the applications of France, Japan and the Soviet Union with a view to their registration as pioneer investors.

These registrations mark the effective beginning of the provisional régime to administer the common heritage of mankind. This is of enormous importance for the Law of the Sea, because this is the first comprehensive international administration of a physical space and its resources by an intergovernmental agency. It is an unprecedented historic event which will probably be mentioned by

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future generations as marking the beginning of a new stage in the development of international law and multilateral co-operation.

The international régime established by the Convention to administer the sea-bed beyond the limits of national jurisdiction, as well as the provisional régime contained in resolution II, which applies to that area until the Convention enters into force, are perhaps the most interesting and original expressions of legal creative thinking in recent times, and they point to qualitative changes in the direction taken by contemporary international law. The effective implementation of these régimes requires that States and competent international organizations have not only the will to make this change but also the bold and imaginative spirit necessary to resolve any problems and challenges that may arise. We are fully aware of the difficulties involved in the implementation of a totally new international administrative régime. We are, however, certain that this task will be completed satisfactorily, thanks to the work now being carried out by the Preparatory Commission under the enlightened leadership of Ambassador Jose Luis Jesus with regard to the implementation of the interim régime and the preparations for the establishment of the international authority.

We believe that the agreement reached in the Preparatory Commission on overlapping claims, the registration of pioneer investors and the commencement of effective application of the interim administrative régime established in resolution II are further indications that the international community is prepared to assume all the rights and responsibilities that stem from the new legal régime of the sea, as contained in the 1982 Convention.

It may therefore at first glance seem inexplicable and disappointing that five years after its adoption the Convention has not received the ratifications necessary to enter into force, but that should not be taken to mean that States do not support the Convention; as can be inferred from the Secretary-General's report

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and the periodic bulletins prepared by the office of the Special Representative of the Secretary-General, States are acting in accordance with the norms contained in the Convention. They have changed their national laws to bring them into line with it and they mention the Convention in legal texts and political statements, and international organizations, including the International Court of Justice, are taking the Convention into account in their decisions and resolutions.

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The slow pace of the process of ratification of multilateral treaties is characteristic of contemporary international relations and results from the growing complexity and diversity of international instruments. Treaties which are much simpler than the Convention on the Law of the Sea have taken many years to enter into force.

The Convention is a complex instrument which, while maintaining the traditional norms of the law of the sea, introduces concepts, institutions and procedures that are entirely new and in some cases revolutionary; therefore Governments must make a detailed analysis of all its provisions and implications.

This explains why the Convention has not received more ratifications so far. It would therefore be regrettable if States which have not yet ratified the Convention and which for years took part in its preparation and accepted it were to feel, as seems to be the case, tempted to adopt a wait-and-see attitude before proceeding to ratification. It is obvious that when the Convention formally enters into force, there will be many benefits for all countries. That is why Uruguay supports the appeal contained in paragraph 3 of draft resolution A/42/L.20 that States should proceed to ratify it or accede to it at the earliest possible date.

In Uruguay the process of ratification has made considerable progress, and the treaty has already been sent by the executive branch for approval to the legislative branch where it is now under careful consideration.

My delegation wishes to thank the Secretary-General and the Office of his Special Representative for the excellent report in document A/42/688. With the passing of years, this annual report is becoming increasingly important as a source of information for those who wish to have a comprehensive and precise summary of what is happening in the oceans and of relevant developments in the context of international relations pertaining to the sea, as well as co-operation efforts by

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international agencies in this area. Together with the Law of the Sea Bulletins published by the Office of the Special Representative, it is an essential tool if one wishes to have an overall picture of everything which is relevant in the area of the law of the sea and marine affairs. At a time when there is an over-abundance of publicists and publications, not always factual, devoted to what happens in the continental and insular third of the planet, the reports of the Secretary-General and the documents prepared by the Office of the Special Representative which report on what is happening in the remaining two thirds cannot but be most welcome.

My delegation would have wished to comment on several of the many items and activities covered in the report. We shall, however, confine ourselves to mentioning two aspects which are of particular interest to my country. First, we wish to stress the reference made in the report - for the first time, we believe - to the trend to have recent agreements on maritime frontiers include co-operation machinery for the exploration and exploitation of shared marine resources which exist in areas close to the area of delimitation. This point is especially significant for our country, which has also been a party to one of those treaties. Indeed, the treaty with Argentina on the Rio de la Plata and its maritime front contains provisions governing the exploitation of the resources in the part of the sea adjacent to the mouth of the Rio de la Plata, which is under the national jurisdiction of each of the countries.

Secondly, our delegation has taken note of the praiseworthy leadership given by the Special Representative to the activities of his Office, now reorganized to include activities previously carried on by the Ocean Economics and Technology Branch of the Department of International Economic and Social Affairs. The work of the Office facilitates the task of our Governments in keeping up to date on

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everything which pertains to the activities of States and international institutions concerned with the oceans and helps to ensure that the principles and norms of the new international law will be interpreted and implemented in a consistent and uniform way.

Our delegation takes great interest in the progress made by that Office in expanding and further developing the information system on the law of the sea, on assistance and advice to governments and on analytical and legislative studies. We also attach special importance to the activities and studies undertaken by the Office of the Special Representative in close co-operation with the Inter-Governmental Oceanographic Commission (IOC) on national legislation and State practice in the area of marine scientific research.

The studies prepared on this subject by the Office, which will be published next year, are of great interest to the Government of my country because this is a field in which we have little experience, even though the coasts of Uruguay face an ocean region which has great economic potential, and has not been sufficiently investigated.

To sum up, the report enables us to understand clearly the complexity and vastness of the questions which relate to the use and exploitation of the seas, the many tasks and activities which are being carried out at present, and the enormous amount of work that remains to be done in the future. In sponsoring the draft resolution now before the Assembly, Uruguay has wished once again to express its continued support for and readiness to participate in this work with a view to further expanding and strengthening the new legal order of the oceans.

Mr. YAKOVLEV (Union of Soviet Socialist Republics) (interpretation from Russian): The United Nations plays an important part in the creation and consolidation of the universal legal order for peace and co-operation on the seas.

(Mr. Yakovlev, USSR)

As a result of the Third United Nations Conference on the Law of the Sea, the Organization has been able to overcome profound divergences in the approaches and positions taken by various groups of States. The attainment at the Conference of a comprehensive package of agreements took account of the long-term interests of all States and ensured the successful adoption in 1982 of the International Convention on the Law of the Sea.

The global régime for the world's oceans that is enshrined in the Convention has demonstrated the viability and effectiveness of the United Nations and its ability to resolve the most urgent and difficult global problems of today. In the course of creating and consolidating the legal régime governing the seas and oceans on the basis of the Convention, the United Nations has demonstrated its vast potential and has made a substantial contribution to the strengthening of a universal legal order and the creation of a comprehensive system of international security. The Convention confirms the primacy of right over might. It contains international norms for the behaviour of States in their use of all the areas and resources of the seas and oceans, from coastal waters to the deep sea-bed. It has created a machinery for global co-operation in resolving the difficult problems of preserving the marine environment and protecting it against pollution.

(Mr. Yakovlev, USSR)

An orderly system for settling disputes under the Convention strengthens and develops the system of the Charter, opens up new prospects for enhancing the role of the International Court of Justice and the use of the International Tribunal for the Law of the Sea. Lastly, by creating the International Sea-Bed Authority, it serves today as a prototype for concerted action on the part of all States not only in the sphere of the resources of the International Sea-Bed Area but in other spheres as well. The new approaches contained in the Convention and the important agreements on various aspects of marine activity, international law and State practice serve as an example and an incentive for further efforts on the part of States to realize the full potential of the Charter in building a comprehensive system of international security.

The Convention-based legal order governing the seas covers the greater part of our planet and regulates the use of two thirds of its surface. It contains lofty universal principles of morality, principles of respect for the interests and rights of each State and each people. Instead of policies and practices of unilateral seizure and dividing up of the seas and their resources, instead of violence and attempts to resolve complicated problems by force, the Convention prescribes the path of agreement and of taking into account the interests of each State, the path of package regulation and settlement and collective action by all groups of States. In this, it reflects the new political thinking in the nuclear age, based on universal morality and on a benign and respectful attitude of States towards each other. The new thinking presupposes a search for realistic solutions to the global problems of mankind.

The Soviet Union attaches great importance to the strengthening of the legal order of the seas and to compliance by all States with the International Convention on the Law of the Sea. We firmly reject and categorically condemn any attempt to

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undermine the Convention or to depart from the package agreements contained in it. Such attempts create causes of friction, lead to conflict and block action aimed at making the world's oceans a zone of peace, trust and co-operation.

From the standpoint of the Convention, any reservations on the part of States upon ratification which would contravene provisions of the Convention are inadmissible. The national legislation of all States must be brought fully into line with the Convention. We must again point out the unlawfulness of any separate actions undertaken in violation of the Convention or in disregard of the Preparatory Commission.

The reports of the Secretary-General (A/42/1 and A/42/688) rightly emphasize the important results achieved this year by the Preparatory Commission for the International Sea-Bed Authority. The reaching of agreements on the part of pioneer investors and the decision by the Preparatory Commission to register their applications open up real prospects for setting up the International Sea-Bed Authority.

The Preparatory Commission has already taken the first fundamental step towards that goal by registering the application of India, and it has also decided to consider and register in the near future the applications of the Soviet Union, France and Japan. The forthcoming work of the Group of Experts and the General Committee of the Preparatory Commission to implement this important decision is both urgent and important.

The report of the Secretary-General states:

"Before the end of 1987, the General Committee of the Preparatory Commission will consider the applications of France, Japan and the Union of Soviet Socialist Republics for registration as pioneer investors under resolution II. The allocation of mine sites to the pioneer investors is

(Mr. Yakovlev, USSR)

accompanied by the reservation of sea-bed areas of equal estimated commercial value for the International Sea-Bed Authority ...". (A/42/688, p. 5, para. 3)

Thus, the Preparatory Commission has finally begun to carry out its main tasks. This will be an important incentive for strengthening the Convention and successfully developing the activities of the Preparatory Commission with a view to setting up the International Sea-Bed Authority.

We should like here to express our great respect for the newly elected Chairman of the Preparatory Commission, Mr. Jesus, and our best wishes for his success, and also to express our gratitude to the former Chairman, Mr. Warioba, the Prime Minister of the United Republic of Tanzania, who did so much to ensure the adoption of the Convention and the development of the work of the Preparatory Commission.

The report of the Secretary-General (A/42/688) makes clear not only the multi-faceted and important work done by the Preparatory Commission but also the important work done by various international organizations and the Secretariat to implement the United Nations Convention on the Law of the Sea. We support that work and attach great importance to it.

The Secretary-General, Mr. Perez de Cuellar, has made great efforts to strengthen support for the Convention and to see that its provisions are observed in practice by all States. In his Report on the Work of the Organization, he quite rightly states:

"The Convention's first purpose is to prevent conflicts over the space, the uses, and the resources of the seas and oceans. The ocean-related nature of recent tensions and hostilities in several areas serves as a constant reminder of the need for full acceptance of this major legal instrument."

(A/42/1, p. 12)

(Mr. Yakovlev, USSR)

In our view, this is a realistic and thoroughly justified approach on the part of the leadership of our Organization's Secretariat.

The Office for Ocean Affairs and the Law of the Sea has also done tremendous work which deserves our complete support, under the skilful leadership of Under-Secretary-General Nandan, who made a considerable personal contribution to the adoption of the Convention. In addition to its activities in support of the Preparatory Commission, the Office has recently been able to expand its work in other areas connected with the Convention and the practical implementation of the legal order based on it. This work is in keeping with the tasks facing the Office and the Secretariat and takes account of the decisions of the General Assembly. For our part, we should like to express our approval and support for these efforts of the Secretariat.

The draft resolution (A/42/L.20) submitted to the General Assembly for consideration reflects the constructive results of the multilateral consultations held under the chairmanship of Ambassador Jesus. It stresses the importance of compliance with the Convention on the part of all States and also points out the inadmissibility of unilateral actions and reservations incompatible with the Convention. The draft resolution encourages the Preparatory Commission to implement without delay its decisions on the registration of pioneer investors and also promotes the stepping-up of United Nations efforts for the creation of a legal order, based on the Convention, for peace and co-operation on the seas.

Taking into account the importance of the draft resolution and the broad agreement on it, the Soviet delegation has become one of its sponsors. We hope that the adoption of the draft resolution will demonstrate the will and determination of the United Nations to strengthen the Convention régime over the world's oceans and will convert them into a true arena of peace, trust and co-operation between States.

Mr. FERNANDO (Sri Lanka): Mr. President, addressing the Assembly for the first time at the forty-second session, may I associate myself with those representatives who have expressed their good wishes to you. We are confident that your wisdom and widely acclaimed diplomatic skills will guide us to the successful completion of our deliberations and to the beginning of an eventful year ahead.

As this Assembly is aware, the adoption of the Convention on the Law of the Sea in 1982 was the culmination of the untiring efforts of the international community for several decades. We went through that long process for a very good reason: for the benefit of the whole of mankind and for the peace and security of the entire international community, which is our common goal.

In surveying the achievements since the adoption of the Convention, we note with great satisfaction that 159 countries have signed the Convention, while 35 States have either ratified or acceded to it, so that the half-way mark specified for entry into force has been reached. This is a remarkable achievement. Undoubtedly it is a resolute expression of the will and commitment of the international community to uphold the provisions of the Convention and its anxiety to work towards its speedy implementation.

The Convention already has proved its usefulness in many ways. As the Assembly knows, the oceans and the seas have been areas of conflict from time immemorial. They continue to be so. The necessity to avert such conflicts, which endanger our peace and tranquillity, is well orchestrated in this Assembly. With the adoption of the Convention on the Law of the Sea, we have taken a step in that direction. We have paved the way for the gradual removal of confusions and uncertainties which surrounded the use of the seas. We have agreed on a common principle and on a code of conduct which would assist in minimizing those conflicts

(Mr. Fernando, Sri Lanka)

of interest. It is heartening to see that the Convention has given birth to a constructive approach which binds us together in our common efforts. The "common heritage of mankind" principle, proposed for the first time in 1967 by Ambassador Arvid Pardo of Malta in the process of negotiating this valuable legal instrument, has enriched and encouraged the idea of sharing in harmony the resources at the disposal of the world community. We have subsequently applied the concept to space-related activities.

We agree with the Secretary-General's observations when he records that the Convention has brought about a new focus on the ocean and related activities and on marine affairs. As regards the activities undertaken at national and international levels, not only has the Convention widened the scope of activities, but it also has accelerated the momentum. The Convention has educated and encouraged the Member States increasingly to embody ocean-related activities in their national development plans, which is a welcome trend.

With the increase in activities at national levels, the degree of involvement of multilateral organizations has also increased, as reported by the Secretary-General in his report. This complementary relationship between the national planners and the international organizations will lead to further consolidation of our common efforts.

Sri Lanka is a developing country, which is an island surrounded by a vast ocean, the Indian Ocean. For us the benefits that can accrue from the implementation of the variety of ocean-related activities envisaged by the Convention are immeasurable. I have no doubt that this applies to many others present here today. As is well known, the lack of adequate access to science and technology and financial resources has forced severe constraints affecting our development efforts. These limitations apply to the ocean-related activities too.

(Mr. Fernando, Sri Lanka)

Therefore the co-operative activities that are laid down in the Convention, which are based on and assisted by the collective efforts and contributions of the international community, inevitably provide added impetus to our aspirations and national goals. If it were not for these efforts, the explorations and exploitations of oceans and related areas, particularly beyond national jurisdiction, would be far from our reach.

With these assurances given to us, we note that the increasing level of national efforts to harvest the vast resources and potential of the oceans and other activities in marine affairs have been growing in intensity and importance. An increasing number of countries are taking the necessary measures to incorporate the marine sector in their national development goals, as I mentioned earlier. The new régime for the ocean already provides a sound and effective basis for this. It sets out their rights and obligations and tempers the activities of States in national marine zones and the international ocean area. Sri Lanka, as a small developing island State which is greatly dependent on its surrounding ocean for the sustenance of its population, has increasingly recognized the value of international co-operation for advancement in this sector. In this context the role of international organizations, and in particular the commitment of the United Nations system, is vital in promoting co-operation in the peaceful uses of the oceans. It also has an important role to advise and assist in the realization of national goals and in the sharing of the benefits of science and technology.

My delegation welcomes the report of the Secretary-General (A/42/688), which outlines the developments in the law of the sea and in related aspects of marine affairs. The report is comprehensive and of the usual high quality associated with the annual report presented by the Office of the Special Representative in response to the resolutions of the General Assembly.

(Mr. Fernando, Sri Lanka)

The report refers in paragraph 128 to the initiative taken by the Government of Sri Lanka to work towards a regional framework for co-operation in the Indian Ocean in the field of marine affairs. Those efforts culminated in the First Conference on Economic, Scientific and Technical Co-operation in the Indian Ocean in the context of the new ocean régime. That Conference was concluded in Colombo in January 1987, and 34 countries of the region participated in it. Sri Lanka, as the Chairman of the Conference, has communicated to the Secretary-General the appreciation of the participating States for the support extended to the Conference by the participating offices, agencies and other entities of the United Nations system, and especially for the continuing support of the United Nations Development Programme. The support of the Office of the Special Representative of the Secretary-General for the Law of the Sea from the earliest days of this initiative has enabled countries of the region to work towards the realization of their collective aspirations relating to the United Nations Convention on the Law of the Sea. The Foreign Minister of Sri Lanka, in his statement during the general debate at this session, informed the Assembly of the successful outcome of the Indian Ocean Marine Affairs Co-operation Conference, which adopted a declaration of principles setting out a framework and a programme of action for Indian Ocean co-operation. This was followed up by the 17-nation IOMAC Standing Committee of that Conference, the second meeting of which was concluded in early September 1987.

My delegation also takes pleasure in noting the successes and advances in the work of the Preparatory Commission in finding generally acceptable solutions, particularly in relation to the registration of pioneer investors in sea-bed mining. The registration of pioneer investors augurs well for the development of the ocean régime in international areas beyond the limits of national jurisdiction in parallel with the development of areas under national jurisdiction.

(Mr. Fernando, Sri Lanka)

The draft resolution recognizes the close interrelationship of the problems of ocean space, which need to be considered as a whole, as well as the importance of safeguarding the unified character of the comprehensive Convention and related resolutions adopted therewith. The draft resolution also notes the importance to developing countries particularly of information, advice and assistance in the implementation of the Convention and the securing of benefits under it for their developmental processes. To this end, the United Nations system has provided and should continue to provide support.

Consistent with previous resolutions under this item, entitled "Law of the sea", the present draft resolution also recognizes the need for activities within the United Nations system relating to the uses and resources of the seas to be implemented in a manner consistent with the Convention. Thus, the consolidation within the Office for Ocean Affairs and the Law of the Sea of most aspects of marine affairs within the United Nations Secretariat is a timely action which should create greater efficiency and effectiveness in this important programme of United Nations activities.

(Mr. Fernando, Sri Lanka)

My delegation is a sponsor of the draft resolution and has been a sponsor of similar draft resolutions every year since the item was included in the agenda. We look to the further positive developments in the field of the law of the sea and all related aspects of marine affairs in a manner consistent with the Convention.

As members will be aware, Sri Lanka played an important role in the negotiation of the Convention on the Law of the Sea. We are particularly proud to see that it has the overwhelming support of the international community. We call upon all States Members to extend their unhesitating support to its implementation in the years to come.

Mr. HAYASHI (Japan): First, I should like to express my delegation's appreciation to the Secretary-General and his Special Representative for the Law of the Sea, Mr. Satya Nandan, for the excellent report (A/42/688) they have prepared under the present agenda item. The report is a highly useful one, containing summaries of all major developments during the past year relating to ocean and maritime affairs, as well as the law of the sea. We hope that the Secretariat will continue to prepare similar comprehensive reports covering the entire fields of ocean affairs and the law of the sea under this agenda item, which we consider should be renamed "Ocean affairs and the law of the sea" in the future.

The annual reports of the Secretary-General and the periodical publication of the Office for Ocean Affairs and the Law of the Sea, the Law of the Sea Bulletin, have now become indispensable tools for following the latest developments in these fields throughout the world. We are pleased to note that these documents, particularly the Bulletin, have a wide circulation and are used by Governments, academic institutions and students everywhere.

(Mr. Hayashi, Japan)

As indicated in the Secretary-General's report, as part of the recent structural reform of the Secretariat initiated by the Secretary-General various activities on ocean-related questions that had been undertaken in three separate Secretariat units have recently been consolidated under the Office for Ocean Affairs and the Law of the Sea. It is thus possible now for a single unit to carry out in a more coherent and efficient manner the entire programme of the Secretariat regarding various aspects of oceans and seas. My delegation welcomes this restructuring as an important improvement in keeping with the administrative and financial reform of the United Nations. We are confident that the reorganized Office will continue effectively to meet new challenges.

At its summer meeting here in New York the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea recorded a historic achievement. I am referring, of course, to the registration of the first pioneer investor, namely India, in the international sea-bed Area. As the Secretary-General and many delegates have indicated, this was indeed a milestone in the evolution of the law of the sea. My delegation welcomes this felicitous event whole-heartedly.

In addition, in just a few weeks three more applicants are expected to be registered as pioneer investors by the General Committee of the Preparatory Commission. Thus, by the end of this year, which marks the twentieth anniversary of Malta's initiative regarding the deep sea-bed, all the applications from the first group of pioneer investors will have been registered by the Commission.

This progress was made possible by the successful conclusion in early August of negotiations among certain States in the first group and some potential applicants to settle all practical problems concerning their claims to mine sites in the international sea-bed Area. My delegation considers that settlement

(Mr. Hayashi, Japan)

extremely significant, not only for the Preparatory Commission but also for the future of the law-of-the-sea Convention itself and particularly for securing its universal applicability. We therefore wish to express our sincere appreciation to all those involved in the difficult negotiations for their efforts and their spirit of compromise.

I wish to take this opportunity to express my delegation's deep thanks to Mr. Joseph Warioba, the Prime Minister of Tanzania, for his outstanding leadership and dedication as the first Chairman of the Preparatory Commission. Without his wisdom and efforts the Commission's important achievements this year, in particular the registration of pioneer investors, would not have been possible.

With the registration of the four pioneer investors, and with the departure of Mr. Warioba, the work of the Preparatory Commission will enter a new stage. My delegation welcomes the newly elected Chairman, Mr. Jose Luis Jesus of Cape Verde, and wishes to express its confidence that he will steer this new and delicate phase of the Commission's work with the necessary skill and leadership.

Apart from admirably servicing the Preparatory Commission - a formidable task, because of the pioneering nature of the Commission's work - the Office for Ocean Affairs and the Law of the Sea has been engaged in a number of analytical studies on various aspects of the law-of-the-sea Convention. These valuable studies, some of which have already been published, shed useful light on certain provisions of the Convention and will serve as practical guides in their implementation at the national level.

We note with particular interest its recent study on the Convention's baselines provisions. The study will undoubtedly be of great value to many governments as they develop domestic law from those provisions and actually draw

(Mr. Hayashi, Japan)

various types of baselines along their coasts. This is precisely the kind of study that is needed for the smooth and successful implementation of such an enormously complex treaty as the law-of-the-sea Convention. We commend the Secretariat for initiating the study and thank the Group of Experts which rendered professional assistance to it. At the same time, we hope that the Secretariat will undertake similar studies in other areas as well.

Lastly, my delegation is pleased to note that the Hamilton Shirley Amerasinghe Fellowship Programme on the Law of the Sea has successfully started its operation, with the first fellow completing his term and with arrangements being made for the appointment of a second fellow. The programme provides young students of the law of the sea with valuable opportunities to deepen their knowledge and experience. We therefore hope that additional contributions will be made to the Fellowship Fund so that more fellows may be appointed every year.*

Mr. ENGO (Cameroon): My delegation performs a pleasant duty in communicating our national sentiments concerning the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea and the contribution that it is already making towards the implementation of the objectives of the United Nations Convention on the Law of the Sea.

The Convention is a historic document, inspired by universal values, regarding the conscious construction of desirable conditions of international peace through legal order. It is a victory for the multilateral process and for everything good in the system launched by the United Nations, indeed, by mankind, in the quest for global peace, security and development.

We welcome the continuing support for the Convention and express the hope that the universality of participation that attended its elaboration will also grace not only respect for the totality of its provisions but also the implementation of all prescriptions under it. We particularly welcome the seriousness with which the Preparatory Commission has addressed the difficult tasks involved in its mandate. It is our hope that the successes registered so far will afford reassurance to those who have felt the need for it and encourage them to join in the global consensus by ratifying or acceding to the Convention.

The age in which isolationism provided protection from involvement with the rest of the world has indeed passed. We live in a world of interdependence in which we are bullied by circumstances into co-operating in a quest for mutual survival or else facing the tragedy of exposure to a process of decline. The times prescribe new definitions of power as well as of greatness. Nations and the scope of their greatness will be determined not by the possession of military brute power but by the extent to which they involve themselves in the aspirations and the common good of coming generations.

(Mr. Engo, Cameroon)

The Convention presents a tremendous opportunity for the rule of law, as it does for international co-operation in many fields. Consequently we appeal to all States, especially those which have not signed the Convention, to respond to the invitation to join in the active organization of peace in the ocean space.

We join in expressing satisfaction at the results of negotiations among pioneer investors, which show that overlaps no longer present obstacles to the registration process. We congratulate all the parties involved. We also express special appreciation to our brother Mr. Joseph Warioba, who is now Prime Minister of his country as part of the reward for his efforts and who, as Chairman of the Commission, endeavoured to create an atmosphere conducive to the resolution of the grave political and economic issues involved.

We also join in welcoming to the negotiating scene as Chairman another noble son of our continent, Africa, Mr. Jose Luis Jesus, Ambassador of Cape Verde. The name he bears is a noble one, biblically associated with the role of a messiah. We congratulate him on the success of the efforts that he has brought to bear on the activities of the Preparatory Commission so far. The worst is past, but we sincerely hope that he will indeed come as a messiah to aid us in our efforts.

The registration of an investor was a great attainment. Later this year the number of registrations will increase. This signals hope and heralds the commencement of the realization of a universal dream for the Area of the deep sea-bed. In times of global economic crisis we must not forget provisions in the Convention that seek to protect land-based producers which depend almost entirely - some of them in Africa - on earnings from the same minerals that motivate the exploration and exploitation of the deep sea-bed. I believe that the negotiations in this field are well known, as are the provisions of the Convention. There is a feeling that it is part of our duty to draw attention to this so that our

(Mr. Engo, Cameroon)

enthusiasm for starting the process of exploration does not overwhelm the interests of some of our brothers.

It is imperative that the sea-bed authority come into being very soon. We must ensure that that legal entity sets in motion the historic mandate envisaged in part XI of the Convention. Consequently we cannot overemphasize the need for a new campaign for ratification. In the meantime, we hope that no State or group of States or other juridical entity will do anything or take any steps that would weaken the Convention. We must all endeavour to strengthen the Convention.

We seize this opportunity to express gratitude to the Government and people of Jamaica for providing an excellent conference centre for our meetings and for the warm hospitality enjoyed by our delegations during meetings there. It is our hope that an early decision will be taken, after the necessary consultations, to establish the permanent seat of the authority on that beautiful island.

We also express our warmest fraternal congratulations to the Special Representative of the Secretary-General, Mr. Satya Nandan, on the contributions of his indefatigable staff.

We note that the Secretary-General proposes a certain reorganization in the United Nations Secretariat as a result of continuing efforts to meet the economic crisis. Although this is not the appropriate forum for discussing them - such proposals should be discussed in the Fifth Committee - we want to appeal to the Secretary-General to ensure that nothing that is done will diminish the capacity of the Office of the Special Representative to provide the full services due to the Preparatory Commission. In situations of austerity expansion is difficult, but it is imperative that cuts in activities, especially those of the Preparatory Commission and those related to the Convention itself, be cautiously made, and I emphasize the word "cautiously". I mention this merely as a reminder, since we

(Mr. Engo, Cameroon)

have full confidence that the Secretary-General and his Special Representative will indeed bear this in mind.

We should like to join also in expressing joy at the Fellowship that has been set up in memory of our great friend, the father of the effort to attain a convention, Mr. Hamilton Shirley Amerasinghe.

(Mr. Engo, Cameroon)

We join also in the appeal for funds for that fellowship, to enable it to continue its work in a good cause and also to keep alive the memory of a great man in the Organization.

Finally, we subscribe to the draft resolution now before the General Assembly in document A/42/L.20. Indeed, we are one of its sponsors.

In this connection, I should like to refer to an error in the English text of the draft resolution. I have already drawn the attention of the Special Representative and the Secretariat to this error - which is not a matter of substance but undoubtedly a typographical error - and have requested that it be rectified. At present, the last clause of the fourteenth preambular paragraph reads as follows: "the report of the Secretary-General, 5/". At the bottom of page 3 of the English text of the draft resolution, footnote 5 refers to document A/C.5/42/2/Rev.1. In fact, that document deals with activities by the Secretary-General that have budgetary implications and will be properly dealt with in the Fifth Committee in due time. The report by the Secretary-General that is being referred to in the fourteenth preambular paragraph is in fact the one which relates to the law of the sea proper and which is contained in document A/42/688. Indeed, Part Two of that report refers to the activities of the Office of the Special Representative.

I would therefore ask that footnote 5 on page 3 of the English text of draft resolution A/42/L.20 be corrected to refer to document A/42/688.

Mrs. SILVERA NUÑEZ (Cuba) (interpretation from Spanish): The Preparatory Commission of the International Sea-bed Authority and the International Tribunal for the Law of the Sea took an enormously important step at its recent fifth session: the registration of India, as a pioneer investor, for its mining site on the sea-bed of the Indian Ocean, in accordance with the requirements of

(Mrs. Silvera Nuñez, Cuba)

resolution II. That event was rightly described by the Preparatory Commission as a landmark in the Convention on the Law of the Sea.

With that event, the Preparatory Commission began the process of the fulfilment of its fundamental function - namely, to prepare the conditions for the exploitation of the immense resources of the sea-bed, pursuant to the regulations not only of resolution II but, in the final analysis, of the United Nations Convention on the Law of the Sea. That process will continue towards the end of this year with the registration of the mining sites of the three other pioneer investors: the Soviet Union, France and Japan.

It was significant that the registration of India coincided with the twentieth anniversary of the initiative taken by the representative of Malta, Mr. Arvid Pardo, in the General Assembly which not only highlighted the rapid pace of the developments in knowledge about and uses of the sea-bed, but also evidenced far-sightedness through the declaration that the resources of the sea-bed beyond the limits of national jurisdiction should be the common heritage of mankind. As the Preparatory Commission stated at its last session, Mr. Pardo's vision gave the impetus to the negotiations which resulted in the United Nations Convention on the Law of the Sea.

That fact, which proves, by India's example, the viability of the international régime for the exploitation of the sea-bed, should encourage all the countries which wish the enormous metallic resources of the international area to be truly the common heritage of mankind - as the General Assembly declared they were in its resolution 2749 (XXV), adopted in 1970 - to ratify or adhere to the Convention and thereby contribute to the entry into force of the new legal régime. That is, in particular, a duty of the developing countries, since the Convention constitutes no more and no less than the first victory scored in the all-too-long struggle for the new international economic order.

Mr. VENKATARAMIAH (India): The United Nations Convention on the Law of the Sea establishes a uniform régime over the seas. In that respect, it is a unique achievement by the international community. We are happy to note that 35 instruments of ratification or accession have been deposited with the Secretary-General so far.

My delegation is a sponsor of draft resolution A/42/L.20. The fact that the draft resolution is co-sponsored by as many as 44 delegations indicates the significance of the Convention.

My delegation expresses its satisfaction at the progress made in the work of the Preparatory Commission since its inception. In this context, we convey our appreciation and gratitude to the members of the Preparatory Commission for registering India as one of the pioneer investors in the first group of pioneer investors. This is no doubt a historic decision by the Preparatory Commission. As a developing country, we feel greatly encouraged by the decision and look forward to co-operating with other developing countries in this respect.

We express our satisfaction at the solution of the problem of overlaps. My delegation looks forward to the registration of the other three pioneer investors - namely, Japan, France and the Union of Soviet Socialist Republics - by the end of this year. That decision will bring to a end the first phase of the activities of the Preparatory Commission.

I should like to place on record our appreciation to the Chairman of the Preparatory Commission, Ambassador Jose-Luis Jesus of Cape Verde, for his leadership of the Commission.

The PRESIDENT (interpretation from Russian): We have heard the last speaker in the debate on this agenda item.

I call on the representative of Cape Verde, who wishes to make a clarification on the draft resolution.

Mr. JESUS (Cape Verde): In connection with the representative of Cameroon's reference to a footnote on page 3 of draft resolution A/42/L.20, on behalf of the sponsors I should like to confirm that there is a clerical mistake in footnote 5. The document symbol in that footnote should be deleted and replaced by "A/42/688".

The PRESIDENT (interpretation from Russian): I now call on representatives who wish to explain their votes.

I would remind representatives that, in accordance with decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. LUTEM (Turkey): On various occasions my delegation has stated in the Assembly its views on the item now under consideration and explained its negative votes on the draft resolutions. Those negative votes should not, however, be construed as a sign of indifference on the part of my delegation to the law of the sea in general, as Turkey has striven for many years for the codification of that law. Indeed, Turkey has always joined in the efforts in this field. It contributed to the drafting of the 1958 Convention, worked in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor and worked closely with other delegations at the Third United Nations Conference on the Law of the Sea. Turkey, with regret, had to vote against the final result of that Conference since it had, and still has, difficulties with some of the provisions of the Convention, provisions which run counter to its vital and legitimate interests.

(Mr. Lutem, Turkey)

Accordingly my delegation will, as in previous years, cast a negative vote.

Mr. SILJANDER (United States of America): My delegation must again, reluctantly, cast a negative vote on a draft resolution concerning the law of the sea. The United States, as we have stated in the past, views the 1982 United Nations Convention on the Law of the Sea as a major achievement in the development of international law relating to the oceans. Unfortunately, the Convention contains one part - part XI - that runs counter to United States policy and to that of others which share our views concerning the future development of resources on the deep sea-bed. Therefore the United States has not signed the 1982 United Nations Convention on the Law of the Sea. Nevertheless we welcome the resolution of the deep-sea-bed mining conflicts, which affected the commercial interests of United States companies, and commend the efforts by the respective parties to find practical solutions to commercial problems. We recognize that it is in the interest of all States to avoid conflicts over uses of the ocean, regardless of their positions with respect to the Convention on the Law of the Sea.

However, the United States is opposed to this draft resolution because it contains a reference to funding from the general budget of the United Nations for the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. As we have noted in the past, the costs of the Preparatory Commission should be borne by nations which are parties to the Convention on the Law of the Sea.

The Preparatory Commission was created by a treaty separate from the United Nations Charter, therefore its costs cannot be assessed against all United Nations Members as part of the United Nations budget, as they do not represent legitimate 'expenses of the Organization' within the meaning of Article 17, paragraph 2, of

(Mr. Siljander, United States)

the United Nations Charter. We remain opposed to such improper assessments and are determined to resist such abuses of the United Nations budget and the United Nations Charter. The United States will therefore continue to withhold its pro rata share of the United Nations annual assessment from the regular budget that pertains to the funding of the Preparatory Commission or is earmarked to support the implementation of part XI of the 1982 United Nations Convention on the Law of the Sea.

The United States position on the legality of exploration and exploitation of deep-sea-bed resources under international law is also well known. As we have stated many times, the United States and its nationals, like other States and their nationals, have the legal right to explore and exploit deep-sea-bed resources. Under international law such activities are a lawful exercise of high-seas freedoms. The United States and its nationals intend to exercise those rights with reasonable regard to the interests of other States in their exercise of high-seas freedoms.

In addition, this year's draft resolution once again speaks of the unity of the 1982 Convention on the Law of the Sea and calls upon all States to safeguard the unified character of the Convention and related resolutions adopted with it. This cannot be understood as a limitation on either the right or the duty of all States to act in accordance with those portions of the Convention which reflect customary international law.

Having said this, I wish to emphasize the United States view that the 1982 United Nations Convention on the Law of the Sea has many positive aspects. The United States will continue to co-operate with the international community to ensure that the important principles enshrined in the parts of the Convention other than part XI are widely respected.

Mr. SCHRICKE (France) (interpretation from French): The French delegation would first like to welcome the successful solution in the summer of this year of the practical problems facing the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. The overall settlement relating to the resolution of the overlap conflicts is a decisive step and my delegation is very pleased at this result.

The Preparatory Commission, which has already decided by consensus to register India as a pioneer investor, should be able to take a decision very soon on the applications of France, Japan and the Soviet Union.

My delegation has noted with satisfaction the place given to these results and prospects in draft resolution A/42/L.20. We also welcome the spirit which prevailed in the preparation of that text and we shall vote in favour of it.

I should like to take this opportunity to recall the position which we expressed in 1986 with regard to developments in the Preparatory Commission and to stress that we wish to continue to participate actively, in the same spirit as we have always demonstrated, in the work of the Commission, so that a system may be created which can be accepted by the entire international community.

(Mr. Schricke, France)

I would not like to conclude this explanation of vote without paying a tribute to the Office for Ocean Affairs and the Law of the Sea - the new title of the Office, as explained in paragraph 168 of the report of the Secretary-General (A/42/688), of which note is taken in the last paragraph of the preamble to the resolution. Under the leadership of the Special Representative of the Secretary-General for the Law of the Sea, the Office will continue to carry out competently the tasks assigned to it, the wide variety of which is clear from the Secretary-General's report. That excellent report, like the reports of previous years, is a veritable mine of information on developments during the year with regard to maritime affairs and the law of the sea.

The Office of the Special Representative is also responsible for the publication of some very useful documents, particularly the periodic Bulletin. We hope that the Bulletin will continue to be published regularly and, without discrimination, in the working languages of the Secretariat.

The PRESIDENT (interpretation from Russian): I have to announce that Bahamas and the Byelorussian SSR have become sponsors of draft resolution A/42/L.1.

The Assembly will now take a decision on draft resolution A/42/L.20. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea,

Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Turkey, United States of America

Abstaining: Ecuador, Germany, Federal Republic of, Israel, Peru, United Kingdom of Great Britain and Northern Ireland, Venezuela

Draft resolution A/42/L.20 was adopted by 142 votes to 2, with 6 abstentions

(resolution 42/20).

The PRESIDENT (interpretation from Russian): I now call on those representatives who wish to explain their votes.

Mr. VERGAU (Federal Republic of Germany) The Federal Republic of Germany, in abstaining in the voting on the draft resolution on the law of the sea, has had regard, as in previous years, to its position as a State that is not a signatory to the United Nations Convention on the Law of the Sea.

However, we would like to take this opportunity to express our satisfaction at the resolution of the problem of overlaps between the mine-site claims of certain pioneer investors. We are particularly satisfied that this has been achieved with the participation in a constructive and pragmatic way of all those concerned. We consider this progress to be important for the further work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, in which we take a great interest.

(Mr. Vergau, Federal
Republic of Germany)

The results achieved in connection with the implementation of resolution II of the Third United Nations Conference on the Law of the Sea lead us to hope that other problems too related to the deep-sea-bed mining régime of the Convention on the Law of the Sea may be addressed in this way. As we all know, very important problems are still ahead of us. In co-operating in the solution of those problems we feel deeply committed to a comprehensive, universally acceptable convention on the law of the sea.

As we had occasion to state in June of this year in the Economic and Social Council, we welcome the efforts of the Secretary-General in providing assistance and advice to Member States in the development of marine areas under their jurisdiction in accordance with international law. The Federal Republic of Germany relies very much on co-operation with all interested States in this field.

Mr. VILLAGRA DELGARDO (Argentina) (intepretation from Spanish): My country interprets the third preambular paragraph and operative paragraph 4 of the resolution just adopted in accordance with the statement of 5 October 1984 when it signed the United Nations Convention on the Law of the Sea, (C.N.253.1984. Treaties-10), and in particular the last paragraph of that statement.

Mr. BIRCH (United Kingdom): As in the case of similar draft resolutions in previous years, the United Kingdom abstained on the draft resolution just adopted. We did so against the background of our position as a non-signatory to the Convention. The United Kingdom still maintains its objection to the sea-bed régime set out in part XI of the Convention.

My delegation would like to take the opportunity, however, to say that we welcome the registration this year of the Indian deep-sea-bed mine site and look forward to the successful registration of sites for France, Japan and the USSR in December. We are also pleased to see that the concerns of a number of other

(Mr. Birch, United Kingdom)

countries which have interests in deep-sea-bed mining have been taken into account in the recent discussions, so that conflicting claims will not hamper future efforts to achieve a universally acceptable deep-sea-bed régime. This augurs well for future efforts to achieve an acceptable régime as envisaged in General Assembly resolution 2749 (XXV). We continue to work towards this in the Preparatory Commission.

Lastly, we welcome the reference in the resolution to the work of the Secretariat. This work promotes a number of useful elements of the Convention, much of which is, as we have frequently stated, acceptable to the United Kingdom.

Mr. VELASCO MENDIOLA (Peru) (interpretation from Spanish): The delegation of Peru recognizes the historical and legal value of the United Nations Convention on the Law of the Sea and considers that its contribution to international co-operation is inestimable as a basis for the development of peoples. Peru follows the work of the Preparatory Commission with great interest and congratulates the new Chairman on the negotiations that resulted in the solution of the problem of overlaps and pioneer investors contained in PCN.90 and PCN.91 adopted without a vote at the session of the Commission last summer.

(Mr. Velasco Mendiola, Peru)

The delegation of Peru highly values the registration of India as a pioneer investor 20 years after the proposal to declare the use and exploitation of the sea-bed beyond the limits of national jurisdiction as a common heritage of mankind.

Also important to the development and implementation of the mechanisms provided for in the Convention are the agreements reached on the registration of France, Japan and the Soviet Union also as pioneer investors before 30 September 1988.

We should note that, in the Secretary-General's report in document A/42/688 there is a detailed account of the progress made by the Preparatory Commission and the spirit of co-operation which prevailed in the negotiations as well as recent events with regard to the Convention.

For those reasons, Peru's abstention in the vote should not be construed as moving away from an understanding of the historic advances made with regard to the mechanisms of the Convention. Rather, it reflects a situation which is under constant review and, bearing in mind the progress made, should enable us to take a prompt decision in keeping with our national interests.

The PRESIDENT (interpretation from Russian): We have thus concluded consideration of agenda item 32.

AGENDA ITEM 144

APPLICATION OF THE REPUBLIC OF NAURU TO BECOME A PARTY TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE (A/42/L.25)

The PRESIDENT (interpretation from Russian): I call on the representative of Vanuatu to introduce the draft resolution.

Mr. VAN LIEROP (Vanuatu): I have been asked to announce that Papua New Guinea and Samoa have joined in sponsoring the draft resolution.

On behalf of Papua New Guinea, Samoa, and Vanuatu, I have the honour of introducing and recommending to the Assembly for its adoption draft resolution A/42/L.25 on the application of the Republic of Nauru to become a party to the Statute of the International Court of Justice.

By now, most delegations are well aware of the fact that the South Pacific is a region of the world which contains many of the remaining Non-Self-Governing Territories. The importance of the United Nations system to those Territories and the newly emergent nations of the region is obvious to everyone and can never be overstated.

There are, however, a number of South Pacific island States which, for a variety of reasons, have not yet become Members of the United Nations and its various affiliated bodies. In some instances, economic constraints are obstacles; in other instances, very small populations and geographic remoteness are the obstacles.

None the less, the countries of the South Pacific region continue to be steadfast believers in the United Nations and in the rule of law, particularly with regard to relations between free and sovereign States. Accordingly, we are pleased to sponsor and urge the unanimous adoption of Nauru's application to become a party to the Statute of the International Court of Justice.

We look forward to the day when all the island States of the South Pacific will be positioned to contemplate becoming full and active participants in the United Nations system. We believe that the draft resolution now before us to be another of the many steps on the path of our common journey to universality of the United Nations and universal acceptance of the rule of law as exemplified by the International Court of Justice.

(Mr. Van Lierop, Vanuatu)

In the past there have been other instances of non-Members of the United Nations becoming parties to the Statute. Thus, Nauru's application is both consistent with our Charter and supported by precedent. This application has already received the support of the Security Council and is a most timely reminder to us all of the proper place of law and respect for judicial institutions in contemporary civilization.

The PRESIDENT (interpretation from Russian): The General Assembly will now take a decision on draft resolution A/42/L.25.

May I take it that the Assembly wishes to adopt the draft resolution?

Draft resolution A/42/L.25 was adopted (resolution 42/21).

The PRESIDENT (interpretation from Russian): We have thus concluded our consideration of agenda item 144.

AGENDA ITEM 131

REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS: REPORT OF THE SIXTH COMMITTEE (A/42/766 and Corr.1)

The PRESIDENT (interpretation from Russian): I call on Mr. Kenneth McKenzie, Rapporteur of the Sixth Committee, to present that Committee's report on agenda item 131.

Mr. McKENZIE (Trinidad and Tobago), Rapporteur of the Sixth Committee: I have the honour to present to the General Assembly the Sixth Committee's report on agenda item 131.

The Treaty on the non-use of force in international relations was originally included in the agenda of the thirty-first session of the General Assembly in 1976 at the request of the Union of Soviet Socialist Republics. At that session, the Assembly decided to allocate the item to the First Committee and, at the

(Mr. McKenzie, Rapporteur,
Sixth Committee)

appropriate stage, to refer it to the Sixth Committee for examination of its legal implications.

At its thirty-second session, the General Assembly decided to establish the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, composed of 35 Member States. The Special Committee started its important work in 1978.

At its thirty-third to thirty-ninth sessions, the General Assembly continued its consideration of the item and renewed the Special Committee's mandate.

At its fortieth session, the General Assembly decided that the Special Committee should continue its work with the goal of drafting a world treaty on the non-use of force in international relations and, at the earliest possible date, as an intermediate stage, a declaration on the non-use of force in international relations, as well as the peaceful settlement of disputes or such other recommendations as the Committee deemed appropriate.

At its forty-first session, the General Assembly decided that the Special Committee should complete a draft declaration and submit its final report to the Assembly at its forty-second session. The Special Committee met in March 1987 and successfully concluded its work on the draft Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations.

In the course of the current session of the General Assembly, the Sixth Committee considered the report of the Special Committee on the work of its 1987 session, and, on 13 November, adopted without a vote draft resolution A/C.6/42/L.4, sponsored by Brazil, Bulgaria, Cyprus, Egypt and Italy, approving the Declaration.

(Mr. McKenzie, Rapporteur,
Sixth Committee)

The report of the Sixth Committee is contained in document A/42/766 and Corr. 1. The Sixth Committee hereby recommends to the General Assembly the adoption of the draft resolution entitled, "Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations", with the text of the Declaration annexed thereto.

The PRESIDENT (interpretation from Russian): If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the report of the Sixth Committee which is before the Assembly this morning.

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report (A/42/766 and Corr.1).

The Committee adopted that draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 42/22).

The PRESIDENT (interpretation from Russian): I shall now call on those representatives who wish to explain their positions.

Mr. PETROVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation fully supported the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, which has just been adopted by the General Assembly.

It is a document of great political importance. By fleshing out and developing the principle of non-use of force in international relations, in the context of the realities of the nuclear and space age, the Declaration reinforces the obligations on the non-use of force, as contained in the United Nations Charter, as well as in a series of multilateral, regional and bilateral agreements and treaties of the post-war period.

(Mr. Petrovsky, USSR)

The Declaration is a weighty political document of a multi-dimensional character, in which the basic aspects of the principle of the non-use of force stand out in stark relief. The Declaration focuses the efforts of States on alleviating tensions in the world by removing the threat of war, preventing an arms race in outer space and ending it on Earth, and achieving general and complete disarmament under strict and effective international control. As pointed out in the Declaration, in the current international situation there is no reasonable alternative to peaceful relations among States. This reflects the importance of the principle of peaceful coexistence among States as a universal principle of international relations.

The philosophical and moral significance of this document lies in the fact that universal values are given top priority at a time when the problem of the survival of mankind is looming large because the advent and threat of the use of nuclear weapons have called into question its very existence. The adoption of the Declaration facilitates the consolidation of the trends towards the internationalization of efforts to safeguard global security and establish a nuclear-free and non-violent world. In the current complex international situation, lending the greatest possible effectiveness to the principle of the non-use of force is in the security interests of all States, large and small.

The approval of the Declaration is a major contribution of the United Nations to the process of shaping the international legal order, in keeping with the requirements of safeguarding universal and equal security and instrumental in eliminating the current gap between the political practices of States and universal moral and ethical standards.

The Soviet delegation would like to stress that the drafting of the Declaration became possible thanks to the collective efforts of the entire world

(Mr. Petrovsky, USSR)

community and the broad efficient co-operation of socialist, non-aligned and Western countries. This document is the common achievement of the United Nations. It reflects a reasonable balance of interests of different countries. There are no losers or those whose interests have been harmed - it is the entire world community and the cause of peace that stands to gain.

The adoption of the Declaration on the non-use of force gives us particular satisfaction, because from the very moment the Soviet State was born, our country has consistently advocated banishing war as a means of resolving disputes. This underlies precisely the 15 January 1986 programme proposed by the Soviet Union for eliminating nuclear and other weapons of mass destruction.

This is precisely how we intend to continue striving for peace, not by military means, but by a reliable comprehensive system of security equal for all which would exclude the threat or use of force in any area of international relations.

In conclusion, we would like to express our confidence that the Declaration we have adopted will occupy a special place among the United Nations decisions aimed at promoting political and legal guarantees of global security. The approval of the Declaration is an important political result of the forty-second session of the General Assembly and a major accomplishment on the part of the entire world community. The Declaration, adopted on the basis of the general consensus of all States is, in our view, a manifestation of the new political thinking - the kind of thinking where concrete results which meet universal human aspirations are achieved through compromises and mutual interests.

Mr. OTT (German Democratic Republic): The delegation of the German Democratic Republic regards the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International

(Mr. Ott, German Democratic
Republic)

Relations, which has just been unanimously adopted, as a significant result of the politics of realism and broad-based constructive dialogue that has also marked the current session of the General Assembly. After 10 years of what were sometimes difficult negotiations, a political and legal document has now been arrived at, which gives additional substance to one of the fundamental principles of international law in conformity with the new international conditions and adds new elements to it.

The Declaration, we believe, clearly demonstrates that complex questions which in the past seemed virtually insoluble owing to contrary positions of the sides concerned can be successfully resolved by means of a new political approach and the readiness to take into account the legitimate interests of the other negotiating partners.

In the conditions of the nuclear and space age, the adoption of the Declaration by the General Assembly marks a timely and necessary step on the road to a safer world. Today, any attempt at resolving contentious international issues by the threat or use of force is absurd, since that would endanger the existence of mankind as a whole.

(Mr. Ott, German Democratic Republic)

Therefore, the Declaration points to concrete ways and means by which States, in their bilateral and regional relations, and by making full use of the potential inherent in the Charter of the United Nations, could greatly assist in enhancing the effectiveness of the principle of refraining from the threat or use of force.

The full application of the provisions of the Declaration by States and the competent organs of the United Nations would, at the same time, be a very useful contribution towards the creation of a comprehensive system of international peace and security.

The Declaration was adopted unanimously by the General Assembly, and it is now essential for the States Members of the Organization to show the same degree of unanimity in implementing this important document in the practice of international affairs. The common goal of security for all States, on the basis of equality and in all areas of international relations, can be attained only by strict observance of the generally accepted rules of international law, which have been reaffirmed and further elaborated in the Declaration.

The German Democratic Republic has been and remains ready to play an active part in this endeavour.

Mr. ALZAMORA (Peru) (interpretation from Spanish): With regard to the draft resolution which has just been approved, the Peruvian delegation wishes to recall its statement on the subject in the Sixth Committee, which appears in document A/C.6/42/SR.21 of 13 October 1987.

The PRESIDENT (interpretation from Russian): We have thus concluded consideration of agenda item 131.

The meeting rose at 1.20 p.m.