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LAW OF THE SEA

Algeria, Australia, Austria, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Chile, China, Denmark, Egypt, Ethiopia, Fiji, Finland, Ghana, Iceland, India, Indonesia, Ireland, Jamaica, Kuwait, Malaysia, Malta, Mexico, New Zealand, Nigeria, Norway, Oman, Pakistan, Philippines, Portugal, Romania, Senegal, Singapore, Solomon Islands, Sri Lanka, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, United Republic of Tanzania, Uruguay and Vanuatu:
draft resolution

The General Assembly,

Reaffirming its resolutions 37/66 of 3 December 1982, 38/59 A of 14 December 1983, 39/73 of 13 December 1984, 40/63 of 10 December 1985, 41/34 of 5 November 1986 and 42/20 of 18 November 1987, regarding the law of the sea,

Recognizing that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea, 1/ the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to refrain from applying their provisions selectively, in a manner inconsistent with their object and purpose,

1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.31), document A/CONF.62/122.

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area") as well as the resources of the area, are the common heritage of mankind,

Recalling that the Convention provides the régime to be applied to the Area and its resources,

Emphasizing that no State should undermine the Convention and related resolutions of the Third United Nations Conference on the Law of the Sea,

Recognizing also the need for co-operation in the early and effective implementation by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea of resolution II of the Third United Nations Conference on the Law of the Sea, 2/

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration in 1987 as pioneer investors of Institut Français de Recherche pour l'Exploitation de la Mer (IFREMER), the Government of India, Deep Ocean Resources Co., Ltd. (DORD) and YUZHMOREGEOLOGIYA, whose applications were submitted by the Governments of France, India, Japan and the Union of Soviet Socialist Republics respectively, bearing in mind that such registration entails both rights and obligations,

Noting also with satisfaction the designation by the Preparatory Commission of reserved areas for the Authority from the application areas submitted by the pioneer investors pursuant to resolution II,

Noting also that the Preparatory Commission has decided to hold its seventh regular session at Kingston from 27 February to 23 March 1989 and to hold a summer meeting in 1989, 3/

Noting further the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal régime established by the Convention,

Recognizing that the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

2/ Ibid., document A/CONF.62/121, annex I.

3/ A/43/718, para. 144.

Noting with appreciation the important initiative of the Secretary-General in convening an inter-agency meeting on international and regional developments in ocean affairs and law of the sea, 4/

Deeply concerned at the current state of the marine environment,

Taking note of activities carried out in 1988 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989, in accordance with the report of the Secretary-General, 5/ as approved in General Assembly resolution 38/59 A, and the report of the Secretary-General, 6/

Recalling its approval of the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations,

Taking special note of the report of the Secretary-General prepared in pursuance of paragraph 14 of General Assembly resolution 42/20,

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. Expresses its satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and thirty-five of the sixty ratifications or accessions required for entry into force of the Convention;

3. Calls upon all States that have not 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;

4. Calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith;

5. Also calls upon States to observe the provisions of the Convention when enacting their national legislation;

6. Further calls upon States to desist from taking actions which undermine the Convention or defeat its object and purpose;

7. Notes the progress being made by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea in all areas of its work;

4/ A/43/718, para. 218.

5/ A/38/570 and Corr.1 and Add.1 and Add.1/Corr.1.

6/ A/43/718.

8. Expresses its satisfaction at the historic decisions of the Preparatory Commission of 17 August 1987 and 17 December 1987 to register the four pioneer investors sponsored respectively by India, France, Japan and the Union of Soviet Socialist Republics and to designate reserved areas for the Authority;
9. Looks forward to the early and satisfactory conclusion of the current consultations in the Preparatory Commission on the implementation of the obligations of the registered pioneer investors and the certifying States;
10. 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;
11. Further expresses its appreciation for the report of the Secretary-General prepared in pursuance of General Assembly resolution 42/20 and requests him 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;
12. 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;
13. Approves the decision of the Preparatory Commission to hold its seventh regular session at Kingston from 27 February to 23 March 1989 and to hold a summer meeting in 1989;
14. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on developments pertaining to the Convention and all related activities and on the implementation of the present resolution;
15. Further requests the Secretary-General to prepare for the forty-fourth session of the General Assembly a special report on recent developments related to the protection and preservation of the marine environment in light of the relevant provisions of the United Nations Convention on the Law of the Sea;
16. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Law of the sea".

