

Address by H.E. Ambassador Felipe Paolillo
Permanent Representative of Uruguay to the United Nations

UNITAR Briefing on Developments in Ocean Affairs
and the Law of the Sea

ST/HR/CONF/1/1992

UNITAR Briefing on Developments in Ocean Affairs and the Law of the Sea, December 2nd, 1972, the Third United

General Assembly, contained in resolution 3067 of 16 November 1973, consisting in establishing a comprehensive regime "dealing with all matters relating to the law of the sea" bearing in mind that

... .., in interpreted and need to

... A ... effect seemed imperative only a

convened in 1973.

The profound changes that affected the law of the sea during the last

a broad range of problems related with the use of the sea, including

the use of the sea for the purposes of the territorial sea

uninterrupted informal consultations and negotiations took place during the periods between sessions.

There were moments in which the Conference seemed not to move forward. Some people doubted that such a gigantic task of agreeing upon a legal statute for the seas could ever be accomplished. Some others suggested that it might be better to reduce the aspirations and settle for a convention that could regulate those traditional aspects in the law of the sea in which there were real possibilities of reaching an agreement.

1978 (The New York Magazine) declared the Third Conference on

... .. in New York

...determination of all those involved in the

...collective exercise

sometimes outside of the Conference itself. It was especially at the

interior of these informal groups that some celebrities of the

and the international area (the Area) is declared to be the common heritage of mankind.

The rights of States over the continental shelf are precisely formulated; the status of archipelagic waters is defined; the rights of

protection of human rights, international crimes, special legal régimes over spaces and resources. Activities carried out in the outer space have been declared to be the province of all mankind; mankind

But never before the Convention has mankind been recognized as the holder of specific economic rights and been provided with the institutional means to implement those rights. "All the rights in the resources of the Area, says the Convention, are vested in mankind as a whole, and the exploitation of those resources shall be carried out for its benefit"

The representation of mankind by the Authority has taken us from the ~~the~~ ~~as~~ ~~reference~~ ~~into~~ the

the principle of sovereign equality of States, and with an Assembly, a Council and a Secretariat, in addition to the Enterprise.

Nevertheless, three innovative or curious features of the Authority deserve to be mentioned here. The first is the composition of the Council which has a unique decision-making procedure, which although based

The third innovative feature relates also to the procedures for settlement of disputes with respect to the activities in the Area. Entities other than States are allowed to participate in these procedures. In general States are opposed to, or are reluctant to accept, the participation of individuals or other non-States subjects in the procedures for the settlement of disputes before international

Twenty years after its entry into force, what is our evaluation of the Convention? What has been the impact of the Convention on the real world?

... that remained in the

preceding decades resulting from the multiplicity of claims by States

The Commission's report on "Oceans and the law of the sea"

that the Commission General submitted to the General Assembly this

resources. "What the Conference may wish to consider is to encourage the international community to pursue effective implementation of the existing international instruments"