

NEPTUNE INSERT

UNCLOS AND THE NEW INTERNATIONAL ECONOMIC ORDER

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If there were difficulties at this session of UNCLOS, the reasons are many and complex. We want, however, to single out one which seems to be particularly important, and try to see what could be done about it between the end of this session and the beginning of the next: which is going to be a crucial period.

The reason I want to indicate has two aspects: one external to the Conference, one internal. Both aspects are closely connected.

Externally, the Conference has, largely, lost the awareness of the historic context in which it takes place. That is: the dramatic struggle of the Third World for its place in the international community and its fair share of its wealth and resources. This struggle reached a climax in the Sixth Special Session of the General Assembly and the adoption of the Charter of Economic Rights and Duties of States. "All organizations, institutions, subsidiary bodies and conferences of the United Nations system are entrusted with the implementation of the Programme of Action," the Sixth Special Session resolved. It would be hard to claim that UNCLOS is, at this time, really living up to the challenge.

Internally, the Conference has lost sight of its focus, that is, the building of international institutions to embody this new international order as far as the resources of the oceans are concerned.

The building of international institutions has been pushed to the margin. The real weight of the Conference has shifted to the Second Committee, dealing with national interests rather than the building of international institutions. And national interests are divisive. Hence the work has been fragmented, and the basic Committee structure has given way to a jungle of overlapping interest groups, contact groups, negotiating groups, etc.

The decision to present unified texts at the end of this session has been an inspired one, enabling the Conference to close with a semblance of success, on the basis of work achieved. But the underlying difficulties are still with us, and will be there when we next meet.

To help the Conference to rethink its role in the struggle for a new international economic order and to regain its focus and a clear perspective of its own activities, much work has to be done during the next 6 months. What we have in mind is a study by an impartial organ of the Conference—we suggest, the General Rapporteur—on the interrelations between the building of the new international economic order and the making of the new law of the sea. The study we have in mind would have three parts. The first would bring up to date existing reports on the economic potential of the oceans. It will be obvious to all that the real potential of the oceans does not lie in the seabed beyond the limits of national jurisdiction! The second part would examine the documents of the Six Special Assembly and the Charter of Economic Rights and Duties of States and extrapolate their implications for the Conference on the Law of the Sea. We might, tentatively, list the following points, all taken from the "New International Economic Order" documentation, which would seem to have a direct bearing on the Law of the Sea Conference: (1) The development of landlocked states and developing island states; (2) the study of raw materials and development; (3) permanent sovereignty over natural resources and international cooperation. In particular: efforts to ensure that competent agencies of the U.N. system meet requests for

assistance from developing countries in connection with the operation of nationalized means of production; (4) unexploited or underexploited resources which, put to practical use, would contribute considerably to the solution of the world food crisis; (5) strengthening of economic integration at the regional and subregional level; formulation and implementation of an international code of conduct for multinational corporations; (7) transfer of technology; (8) equitable participation of developing countries in the world shipping tonnage; (9) definition of policy framework and coordination of the activities of all organization institutions, and subsidiary bodies within the U.N. system, for the implementation of the Programme of Action of the New International Economic order; (10) enhancement of participation in decision-making bodies in development-financing and international monetary problems.

What, if anything, has the Conference done about these points? What should it do?

The third part would examine the main trend of the Conference and see what these, in turn, could contribute to the advancement of the new international economic order. This analysis should be primarily based on the "unified texts." In particular, the study should examine (1) the economic implications of the concept of the Common Heritage of Mankind and its evolution or involution: a topic to which Nephtune paid attention in the last issue with an argumentation that should be enlarged and deepened; (2) the impact of the Economic-Zone concept on the building of a new international economic order; (3) the contribution of the Seabed Authority to a new international economic order.

It will become clear that most of the debates now occupying the Conference are irrelevant to the building of the new international economic order while, on the other hand, the real economic potential of the oceans is not being mobilized for the building of such an order.

We feel that such a study would have a clarifying, perhaps catalytic effect and might contribute much to the re-orientation of the next session of the Conference.