

PERMANENT OBSERVER MISSION OF THE HOLY SEE TO THE UNITED NATIONS
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Number of pages 7 (including this cover page)

TO: Professor Elisabeth Marn Borgese
FROM: Msgr. James Reinert

Dear Professor Borgese:

I have attached copies of three statements made by various representative of the Holy See at meetings of the Law of the Sea in 1974, 1978 and 1982.

I hope that these will help you in your work

human dimension as the
ological considerations
world will be much richer

couragement from the book of Ecclesiasticus, which We would like to leave with you in conclu-
sion: "Corona sapientiae timor Domini. Wisdom's garland is fear of the Lord, with blossoms of
peace and perfect health. Knowledge and full understanding she showers down; she heightens
the glory of those who possess her. (...) If you desire wisdom, keep the commandments and the
Lord will bestow her upon you" (Sirach, 1:16-17 and 23).

(3164) We could not formulate a better wish for you at the end of your kind visit. And it is with all
Our heart that, as We assure you again of the pleasure that it has given Us, We call down God's
best blessings on you, on your work, on your families and on the countries which you represent.

n New Sources of

Original: French (*)

E - SEA

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in Rome from so many

1. Statement of H.E. Msgr. Antonio Del Giudice, Apostolic Nuncio in Venezuela, Head
of the Delegation of the Holy See, to the First Session of the Third Conference of
the United Nation on the Law of the Sea, held in Caracas (Venezuela) on 12 June-29
August 1974. Caracas. 12 July 1974.

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Original: English

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(3165) The Holy See is deeply aware of the importance of the subject under consideration, and
in particular of the complex problems inseparably connected with it. A rapid survey of some of
these matters may not be out of place.

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vements in various re-

(3166) Of special concern is the rapidity with which technology is making possible the utilization
of ocean spaces, at ever increasing depths, for military purposes. Even the ocean floor can be
measured in this way. Experimental nuclear explosions, for instance, always carry with them the
frightening possibility of widespread destruction of the marine ecosystem. Equally frightening and
unthinkable is the prospect that the ocean floor be turned into a launching pad for missiles with
atomic warheads and that the sea become the hunting-ground of increasing numbers of sub-
marines bearing nuclear weapons. We are aware that there exists a Treaty prohibiting the em-
placement of nuclear weapons on the sea bed and the ocean floor, but this Treaty does not
prohibit their use for a variety of other military purposes, such as bases for nuclear submarines.
The stark terror that this prospect holds must catalyze the nations into inscribing, into whatever
treaty or agreement results from this conference, exclusion of the sea to all but peaceful uses.

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enormous needs con-

(3167) The sea is the last considerable patrimony belonging to mankind, with a potential of re-
sources that may well be decisive for mankind's very future. There arises, inevitably, the crucial
question: are the enormous benefits to be drawn from the sea at the disposal of all nations without
discrimination, or are they the exclusive claim of the rich nations which have the means of actually
winning those benefits? The problem is an urgent one, for the swift pace of technology has sud-
denly confronted the world with new questions regarding the sea, its bed and subsoil, questions
that require a thorough airing in the interest of the economic, political and environmental concerns
of individual States and of the common-wealth of nations as a whole.

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(3168) The urgency of these problems, and their impact on the present and future well-being of
all the peoples, impels the Holy See to take a profound interest in this Conference, as an expres-
sion of its dedication to the service of all mankind.

it that your work, ger-
work of mercy". People
ward you: for whoever
and gains His grace.

(3169) The United Nations has already, in its twenty-fifth General Assembly, moved a consider-
able way towards establishing the principles that ought to guide this Conference: "The sea bed
and subsoil, together with their resources, form part of the "common heritage of mankind" to be
explored and exploited for the benefit of mankind as a whole, irrespective of geographical location
of States, whether landlocked or coastal, and taking into particular consideration the interests and
needs of the developing countries".

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(3170) This concept has the strong support of the Catholic Church, as may be seen from her social teaching. Pope John XXIII in his Encyclical *Mater et Magistra* stated: "According to the plan of creation, the goods of the earth are above all destined for the worthy support of all human beings" [AAS 53(1961), p.430].

(3171) To the Secretary-General of the United Nations International Conference on the Environment Pope Paul wrote: "No one can take possession in an absolute and selfish way of the environment, which is not a "res nullius" - something not belonging to anyone - but the "res omnium" - the patrimony of mankind, so that those in possession of it - men in private or public life - must use it in a way that redounds to the real advantage of everyone... For this reason the care of offering everyone the possibility of access to a fair share in the resources, both existing or potential, of our planet must weigh particularly on the conscience of men of good will" [AAS 64(1972), p.445. See above, par. 3099-3100].

(3172) Recently Pope Paul VI in his message to the Secretary-General of the United Nations on the occasion of the Special Session of the General Assembly in April of this year said: "Through the good will of all, the riches of this world must serve the true benefit of all - as they were indeed destined by the Creator who, in His bountiful providence, has put them at the disposal of the whole of mankind" [Message to Dr. Kurt Walcheim, 4 April 1974, AAS 66(1974), p.283. See above, par. 1366].

(3173) One of the major tasks entrusted to the common effort of the Nations to come to a concrete understanding of what constitutes this common patrimony with regard to the sea, the seabed and its subsoil. It also seems that the world community will have to agree that, just as absolutely open seas without control can lead only to ultimate disaster for all, so also an absolute control of wide waters by coastal States is an inadequate solution to humanity's common claims to their use, to protection from pollution and to safeguarding marine ecology. The Conference will have to weigh the interest of the whole of mankind, giving just consideration to the rights and needs of the landlocked States, coastal States poor in offshore resources, the developing nations as a whole, all other States and generations to come.

(3174) It will be for the world community to work out, indeed to create, a new jurisprudence that will give proper weight to the claims of individual States and to those of the world community itself, taking into account the universal destination of the riches of this earth as intended by its Creator.

(3175) The fitting pursuit and effective realization of the universal common good require of the community of nations that it organize itself in a manner suited to these present responsibilities. This goal undoubtedly requires the progressive establishment of some form of universal public authority, acknowledged as such by all and endowed with the power necessary to safeguard, on behalf of all, security, regard for justice and respect for rights (cf. Second Vatican Council, *Gaudium et Spes*, nn. 82-84).

(3176) Some might consider this ideal as a utopian vision. Indeed, the establishing of a world authority is no easy process and the full achievement of this goal might still be far off. And yet, is it not also true that nothing great has ever been achieved except by the persevering and inspired action of men and peoples with vision who dare to take a few small steps at a time? This Conference, we believe, can take such a step.

(3177) As we review the issues at stake, it is clear that the heads of States who have agreed to the present Conference, and the governmental and international experts who must seek solutions, have assumed great responsibilities before men. To all of them we would recall the words which Pope Paul VI addressed to them once before at the conclusion of his Encyclical *Populorum Progressio*: "Delegates to international organizations, it depends on you to see that the dangerous and futile rivalry of powers should give place to collaboration which is friendly, peaceful and free of vested interests, in order to achieve a responsible development of mankind, in which all men will have an opportunity to find their fulfillment" [No. 84, AAS 59(1967), p. 298].

(3178) Specifically, as they address the rights and a new need for work, they need to seek "a justice that is not all narrow national egoism should be the United Nations on Natural Resources, ten blinded by egoism and preoccupied with the interests of other States as a whole" (cf. also *Octogesima Adversus*).

(3179) We are confident that they will have the courage to revise existing systems and bring forth a new Law of the Sea for peace.

2. Statement by Mr. J. J. ...
Seventh Session of the ...
in Geneva (Switzerland)

(3180) The attendance of the ...
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characteristic, the Holy See an-
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(3181) The problem is that of ...
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(3182) Moreover, this principle ...
it has already been applied to ...
to their sovereignty, but for the ...
to take into account the needs ...
States with limited resources ...
accepted like the one of justice a-

(3183) For these reasons, the ...
the tendency, emerging there-
fore, press charges on the us-
tioned principles, and even try ...
they invoke the "consuetudinary"
to establish a legal foundation, es-
pecially for the international com-
munity. It could certainly ...
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(3184) Under certain circum-
stances, inasmuch as a notable evolu-
tion in analyses have clearly shown ...
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(3185) Why would this Confer-
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(7), p. 298).

(3178) Specifically, as they address themselves to these new problems, with new conflicts of rights and a new need for world authority, their efforts must be imbued with a sense of the urgent need to seek "a justice that is less and less imperfect" (*Octogesima Adveniens*, no. 22). Likewise, all narrow national egoism should be put aside, as Pope Paul VI said to the Special Session of the United Nations on Natural Resources and Development held in April of this year: "Nations are often blinded by egoism and prevented from seeing how their own true interests are compatible with the interests of other States and coincide with the general good of the human family as a whole" (cf. also *Octogesima Adveniens*, no. 46).

(3179) We are confident that the "forward-looking imagination" of this Conference and its "courage to revise existing systems and institutions" (*Octogesima Adveniens*, nos 42 and 52) will bring forth a new Law of the Sea, offering to all of mankind greater justice and a more stable peace.

2. Statement by Msgr. Silvio Luoni, Head of the Delegation of the Holy See, to the Seventh Session of the Third United Nations Conference on the Law of the Sea, held in Geneva (Switzerland) on 28 March-19 May 1978. Geneva, 5 May 1978.

Original: French

(3180) The attendance of the Holy See at the Conference on the Law of the Sea, convened for the purpose of establishing legal norms for the use of the sea, which cover four-fifths of our planet, is a confirmation of the international character of the Holy See itself. Exactly on account of this characteristic, the Holy See anxiously looks toward the adoption of measures capable of guaranteeing the common good as such, that is the peace of the international community.

(3181) The problem is that of abolishing existing injustices and of removing possible causes of future injustices. The contribution which the Holy See can make to the Conference does not contain proposals of a technical nature, but rather the enunciation of principles which can guarantee just and balanced solutions for the whole international community, and first of all, the statement of that tenet universally accepted, at least in theory, that the sea is "a common heritage of all mankind".

(3182) Moreover, this principle is part of the wider concept of the "universal purpose of creation". It has already been applied to the States in regard to their own national territory, not as a restriction to their sovereignty, but for the exploitation and use of their natural resources in such a fashion as to take into account the needs of all mankind and, especially, of that part of mankind belonging to States with limited resources. It is the principle of justice among nations, which is universally accepted like the one of justice among individuals.

(3183) For these reasons, the Holy See delegation cannot hide its uneasiness when faced with the tendency, emerging more and more at each session of the Conference, whereby the delegates press charges on the use of the sea, which are in open contradiction with the above-mentioned principles, and even try to justify them with an inadmissible legal concept, particularly when they invoke the "consuetudinary" quality of certain practices. In fact consuetudinary law does not establish a legal foundation, especially when it is recognized by only one segment of the international community. It could certainly guide toward the formulation of rules of law, but only on condition that it be critically examined in the light of ethical and legal principles.

(3184) Under certain circumstances, the rejection of existing norms is all the more necessary inasmuch as a notable evolution of the world economic situation has taken place and more refined analyses have clearly shown the injustices of the present system, hence the need to define the "New Economic Order".

(3185) Why would this Conference miss the unique opportunity of providing with the Law of the Sea the foundation to the New Economic Order?

(3186) This is at the same time a requirement and an appeal. Will this Conference have sufficient imagination, understanding and courage to lay the foundation for a legislation on the sea that will be based upon the same principles upon which the assembled States are building their concept of a New Economic Order, namely, above all, the abolition of the claim to ownership of natural resources by those countries privileged by their geographical location, and the equitable distribution of resources among peoples, in accordance with their need?

(3187) In the light of the above observations, the Holy See has formulated the following considerations.

(3188) The fact that the sea is "a common heritage of all mankind" does not imply at all that the sea must be administered on a joint basis, but only that its exploitation must be conducted in accordance with the interests of all the States which make up the international community. In this regard, the principle of the delimitation of sea areas adjacent to the shores of countries as economic zones entrusted to them, would seem acceptable, since a collective sovereignty is not applicable. On the other hand, however, a strictly interpreted claim to the resources living in those zones contiguous to the coastal countries is inadmissible, because such resources are not "res nullius" (nobody's property), but belong to the international community and, moreover, the principle of "being contiguous" on which that claim is founded does not offer a sufficient basis for acceptance.

(3189) This idea of delimitation of sea areas adjacent to the coast-lines was born of a legitimate desire to satisfy the needs of some coastal States and to put an end to unlawful exploitation of the sea. However, such concept, even with its justification, cannot be interpreted simply in a geometric and uniform fashion, but rather by taking into account the geographical, physical and biological differences of such areas, as well as the various degrees of social and economic development of the coastal States, while not overlooking the needs of those countries which are not adjacent to the sea.

(3190) Consequently, the jurisdiction of the coastal States on the economic zones must be subjected to notable restrictions, such as are already - in what pertains to the migration of fish - generally accepted for the sea areas adjacent to the coast and even more for the economic zones.

(3191) It would seem logical to affirm that such restrictions on sovereignty apply also to the resources living in an economic area. That means that the coastal States with an abundance of living resources have the duty to share them with other States, particularly the less fortunate, and therefore that the latter acquire some rights on these resources.

(3192) According to all the above, the criterion of distribution and its actual realization must not depend upon the discretionary powers or the good will of coastal States, but be ensured by detailed provisions of law which can withstand the controversies that could ensue.

(3193) These are some of the considerations which the Holy See delegation submits to the members of this Conference, with the wish that the Conference may reach those goals of equity and universality which are at the basis of an eventual International Convention on the Law of the Sea.

3. Statement of H.E. Archbishop Giovanni Cheli, Apostolic Nuncio, Head of the Delegation of the Holy See, to the Eleventh Session of the Third United Nations Conference on the Law of the Sea, held in New York on 8 March-30 April 1982. New York, 31 March 1982.

Original: English

(3194) In his Message to the 34th session of the General Assembly of the United Nations, Pope John Paul II said: "Since...material goods by their very nature provoke conditionings and divisions,

the struggle to obtain these added: "If we cultivate this or incapable of overcoming this divisive, and he brought out "does not divide people but unites them" (2 October 19

(3195) Based on this vision to contribute to the advancement of efforts for the good of Convention on the important the wider cause of peace, poverty, and ignorance (this of a long journey and we have a task in a renewed awareness about the union of efforts for

(3196) With other delegation negotiations, and we made a technical and financial solution to the hope which the peaceful labor and as an actively to the birth of a more g

(3197) The third Conference of an international society invention is ambitious because thing linked to them the object vast innovation among exist proposal with interest and common effort to manage all

(3198) In its own way, the C system adapted to the problem the institution to be born from its internal coherence being the convergence of the concerned with the future and the expression of the higher purpose of the solution of principles and its future decisions instrument to manifest clear same goal. The new institution or important resources with a number of men, women and at a necessary compromise history, means that it will find fulfillment of this ambitious preceptual sense of responsibility Sea, there is here an exception in the world public opinion able than ever.

(3199) Let us, then, keep nothing new; the goal of the way to follow which is that of have the right to fail. The conference require of all those r

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the struggle to obtain these goods becomes inevitable in the history of humanity." And he added: "If we cultivate this one-sided subordination of man to material goods alone, we shall be incapable of overcoming this state of need." But he did not stop on this material aspect which is divisive, and he brought out the spiritual dimension of human existence and of goods which "does not divide people but puts them into communication with each other, associates them and unites them." (2 October 1979, no. 16. See above, par. 92)

(3195) Based on this vision of humanity and of the world, the Delegation of the Holy See wishes to contribute to the advancement of this communication, of this concrete association, and of this union of efforts for the good of all: herein lies the irreplaceable condition for the establishment of a Convention on the important question that unites us, and such a Convention, in return, will serve the wider cause of peace, will strengthen the common will to answer the challenges which war, poverty, and ignorance thrust before all nations. At this moment when we have come to the end of a long journey and we have only to surmount the last obstacles, it is useful to situate our particular task in a renewed awareness of the overall mission of the United Nations, which is to bring about the union of efforts for the service of greater international justice.

(3196) With other delegations, we have followed with interest all the sessions and their laborious negotiations, and we made our own appropriate contribution. It is not our responsibility to propose technical and financial solutions. However, the Holy See wishes to draw the attention of this Assembly to the hope which the Conference on the Law of the Sea represents as an example of peaceful labor and as an original, innovative institutional structure capable of contributing effectively to the birth of a more generous and more just international community.

(3197) The third Conference on the Law of the Sea, after ten years of work, is a powerful symbol of an international society in the process of organization. The draft of this great international Convention is ambitious because it proposes to make all that is related to maritime zones, and everything linked to them the object of a large consensus. The creation of the Seabed Authority is a vast innovation among existing juridical structures. Six years ago, the Holy See welcomed this proposal with interest and gave it support as an instrument enabling unity among all Nations in a common effort to manage all resources destined for all of humanity, especially for the poorest.

(3198) In its own way, the Conference on the Law of the Sea contributes to the birth of a legal system adapted to the problems of our times. In this light, our first concern must be to act so that the institution to be born favors a convergence of interests. The viability of the Authority will result from its internal coherence and its ability to resolve problems arising from the necessity of achieving the convergence of the interests of all parties. The search for such a convergence should be concerned with the future and with the future of the projected institution. This latter is called to be the expression of the highest principles of organization of the international community for the purpose of the solution of an important concrete problem. Its success will reinforce these principles and its future decisions will reveal their richness. The authority can and should be a precious instrument to manifest clearly the universal purpose of the goods of the earth and to serve that same goal. The new institution, like others, will allow, with the participation of all, the management of important resources with a view to contributing to the survival and the development of a great number of men, women and children. The anxiety for their fate must stimulate our efforts to arrive at a necessary compromise. It is true that the newness of this institution, its unique character in history, means that it will find its stability only in the exercise of its mission. That is why the establishment of this ambitious project requires a profound examination, and its implementation an exceptional sense of responsibility. By means of and beyond the immediate goal of the Law of the Sea, there is here an exceptional opportunity to assure for the United Nations that revival of favor in the world public opinion which the organization needs to fill its mission, now more indispensable than ever.

(3199) Let us, then, keep present to our minds: the occasion which is offered to us to do something new; the goal of the projected institution in the frame of the development of humanity; the way to follow which is that of convergence. At this grave moment in international life, we do not have the right to fail. The final realization of the objectives clearly fixed for the future at this Conference require of all those responsible parties, along with a legitimate preoccupation for respec-

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tive national interest, a clear and generous awareness of the interest of the entire humanity. Men and women expect from the third Law of the Sea Conference those deeds which awaken hope because they constitute progress along the paths of wisdom and of peace.

F - OUTER SPACE

1. Message of His Holiness Paul VI to the Conference on the Peaceful Use of Outer Space. The Vatican, 6 August 1968.

Original: French (*)

(3200) At a time when, for the first time in the history of the world, an International Conference is meeting on the exploration and peaceful use of outer space, we greet with feeling the highly qualified delegates from all the participating nations. We desire to offer them our best wishes as they begin their work and assure them of the profound interest with which the Catholic Church will follow its course.

(3201) With the exploration and utilization of outer space it can be said that human life is acquiring a kind of new dimension. Thanks to artificial satellites, which will probably continue to multiply and improve even further, hitherto unsuspected possibilities are now opening up before men and peoples for the transmission of knowledge and information in all fields, this is a new road which is opening up and it may prove to be enormously speedy and effective as a means of progress in education, cultural exchanges and inter-national assistance; it is perhaps - God wishes it! - a herald of the imminent collapse of the barriers which still impede peaceful relations among certain social and national groups, a sign of a forthcoming era of sincere cooperation among all the nations of the globe, a turning-point - and perhaps a decisive one - in mankind's anguished march towards peace.

(3202) Although the Church is not competent to give an opinion on the technical and scientific aspects of the exploration of space, it is nevertheless directly interested in the educational, cultural, moral and social consequences which will flow from this sudden expansion of the scope of human activity. It is concerned that the enormous progress in space technology, which the world has witnessed with admiration for some years now, should be put to the service of peace and the common welfare of mankind. And it believes that, by giving a timely reminder of the principles of moral and spiritual order so often proclaimed by Sovereign Pontiffs in recent years, it can make also in this field a useful contribution to the true good of society.

(3203) For it is clear to any impartial observer that forgetfulness or transgression of moral rules would have particularly serious consequences in this area. If, for example, the benefits of the use of outer space should be put, in disregard of justice, to the profit of only one group of nations to the exclusion of the others; if the free circulation of information should produce the uncontrolled propagation of false news; if the increased transmission facilities became an instrument for ideological propaganda tending to spread subversion, stir up hatred, perpetuate racial discrimination and set peoples or social classes against each other instead of uniting them: who can fail to see that the recent and marvellous discoveries of science would then turn against man and work for his unhappiness rather than his happiness?

(3204) It has often been noted that scientific and technical progress is not always followed by comparable progress in morality, law and international cooperation. Yet, remarkable efforts have already been made and we sincerely wish to pay a tribute to them. A Treaty was concluded last year which defines the principles governing the activities of States in the exploration and use of space. This is a first step, to which the Holy See has given its support and which the Church wel-

comes. But the Church, without the intervention of persons in authority to delay in drafting a whole body of laws; any forthcoming conquests to place the legal framework and to be used for the common good and

(3205) If this done the space age done it will benefit all peoples a those whose low level of cultural vicious and unjust state of inferior rapid progress along the roads the resources offered by the advancement of mankind, for jus

(3206) These are the wishes at opening of the first United Nations all our heart we call down on its abundant blessings.

2. Statement by Msgr. M. 2nd United Nations Conference held in Vienna on 9-2

(3207) The Holy See is fully aware by this Conference. On the one the conquest of outer space addressed to the ethical, juridical h

(3208) 1. Today the conquest of yet, when we think about it, what the entire duration of the last de.

(3209) The arrival of satellites is continental telecommunications one, of ground stations and the circuits and thousands of teleph instrumental in meteorology. The Satellites for remote sensing (forecasting), cartography, hydro does the decade which has ju

(3210) On February 7, 1971, be recitation his enthusiasm for the ordinary lunar vehicle; he cried out to man, to thought, to science synthesis that man knows how from all the other animals, know hands. Honors to man, ruler of th

(3211) In his eyes, even a tangible scientific and technological. its invisible mystery, the immortal vain ambition, but the response t

(*) AAS 60(1968), 570-572.

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FACSIMILE TRANSMISSION

To: Msgr. James Reinert
Fax No 212 370 9622

From: Elisabeth Mann Borgese
Fax No. 1 902 868 2455

Date: January 11, 2001

Subject: Thanks

Dear Monseigneur Reinert,

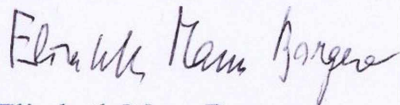
Thank you so very much for your kindness in taking care of sending the documents. They have been most helpful.

Not many participants in UNCLOS III had the courage to propose to declare the living resources of the ocean part of the Common Heritage of Mankind. Professor Shigeru Oda of Japan (now Judge at the ICJ) did it; Arvid Pardo did it; The Holy Sea -- and myself! That is about all!

Today they are under a Common Heritage regime, even if the name is not used! And they must be. "Sustainable Development" in general must be based on the Common Heritage concept as developed by Arvid Pardo -- or else it remains a dream!

With all good wishes for the still young year, and thanks again,

Yours very sincerely,



Elisabeth Mann Borgese
Professor