

DRAFT

DECLARATION ON LAW OF THE SEAS
CONFERENCE

The forthcoming United Nations Law of the Sea Conference provides an opportunity rare in history to affect in a fundamental way the well-being of the world community for generations to come. What will be decided by the delegates meeting in New York and Santiago is nothing less than the manner in which the oceans, forming 70% of the earth's surface, are to be managed, and how the mineral wealth and living resources of the seas beyond national jurisdiction are to be safeguarded and shared. The decisions taken by the Conference can make a major contribution to a peaceful and just human future.

We believe that a bold, imaginative and generous approach to the complex and urgent ocean problem can reverse the present grave threat to the oceans' ecological system, provide an orderly and equitable means of managing ocean resources and furnish substantial revenues for international community purposes. That approach must reflect the proposition that the oceans of the world are an indivisible and fragile ecological whole which cannot be dealt with on a unilateral or piecemeal basis.

We believe that the Law of the Sea Conference should take as its inspiration the principle of "the common heritage of mankind" enshrined in the United Nations General Assembly's Declaration on the Seabed unanimously adopted on December 17, 1970. Establishment of this principle in our view represents a major and significant development in international relations. We urge the Conference to demonstrate its commitment to mankind by making as generous as possible an application of that common heritage principle. In our view, a broad

"common heritage" approach can help to reconcile ocean interests which might otherwise prove irreconcilable.

A generous common heritage approach will insist that a substantial portion of the revenues from seabed resources, both within and outside the continental margin, be dedicated to international community purposes, especially to aid developing nations. In our view those revenues should also be used to help fund the struggle against ocean pollution, to make ocean technologies more widely available and to contribute to the regular budget of the United Nations, including its work in the peace and security area.

We believe that the common heritage principle can also furnish the inspiration for international agreement as to the responsible use of the ocean environment, protecting it from the many forms of ocean pollution and guarding against the depletion of marine species.

In our view the international seabed area under the sole jurisdiction of the planned United Nations International Regime should be as large as possible, extending in as close to the 200-meter depth line as possible with, however, some "distance provision" for those countries which, in effect, have no continental shelves. However, if an intermediate "economic zone" or "patrimonial sea", as is under discussion, is established between the national territorial sea and the proposed international area, the coastal state should share jurisdiction within this area with the United Nations ocean authority in order to insure that world community interests are respected, and that a substantial share of the revenues from this intermediate zone, containing the most easily recoverable resources, will go to the international community.

We believe that in order to carry out its important purposes the United Nations ocean regime must have equitable and democratic representation from all countries. To assure that the regime is effective on behalf of the common heritage of mankind it must have substantial powers including those to license and regulate the exploration and exploitation of the international seabed area by States and private organizations as well as the power to itself explore and exploit the area. This arrangement in our view should lead to stability of expectations and security of investments. Most importantly the UN International Regime must have unquestioned authority to settle disputes.

Among the special problems to which the Law of the Sea Conference must urgently address itself, keeping in mind the common heritage approach, are the following:

- . Preservation of fisheries, most particularly in the interests of those countries whose economies are threatened by decline of stocks, as well as in the interests of distant water fishermen and mankind generally;
- . Protection of those countries who may find that increased production of seabed minerals may lower the prices for their own;
- .. Preservation of the historic freedom of navigation and transit through international straits. Limitations on those freedoms for control of pollution and traffic should be made by international agreement taking account both of legitimate worldwide interests and of the sovereignty and jurisdiction of States in the areas concerned as well.
- . Support for freedom of scientific research. For the benefit of all we urge that the UN ocean regime commission and fund ocean research and establish a clearing house for worldwide dissemination of information.

The Law of the Sea Conference provides the opportunity for a major advance in global awareness, in the sense of national, international and individual responsibility and in the concept of "stewardship" for planetary life and resources. Thus we join in encouraging peoples of all nations to actively acquaint themselves with the preparations for the Conference, its problems and opportunities, particularly in both governmental and nongovernmental organizations to which they may belong.

A successful Law of the Sea Conference based on the common heritage of mankind principle will establish the basis for responsible management of the global areas beyond the jurisdictions of nations. It will head off the possibility of a competitive and potentially dangerous rush among States for the resources of the seas. It will make a major and historic contribution to the realization of the high principles set forth in the preamble to the United Nations Charter. A Law of the Sea Conference which devises equitable, acceptable and workable responses to the present opportunities of the oceans will likewise serve as a guide and an inspiration to international comity and to solutions of other pressing international problems.