

STATEMENT

Ambassador Perisic, Yugoslavia

I wish to restrict my remarks to only three points. Minister Evensen's report on the work of the Law of the Sea Conference enumerated all the most important issues as well as the results achieved during the last session in New York, and there is no need to repeat them here.

The first point I would like to stress is the problem of the continental shelf. We are confronted here with two trends: On the one hand we are facing claims to extend the continental shelf beyond the two hundred mile limit of the exclusive economic zone that will be created by the treaty, to the outer limit of the continental margin; on the other hand, we are dealing with the new concept of the international area which is the Common Heritage of Mankind. I am not discussing now the arguments pro and contra the extension of the continental shelf beyond the limits of the exclusive economic zone. What I want to do is to draw attention to the problem of delimitation of the outer continental shelf.

Two fundamentally new concepts have emerged since the time of the 1958 Geneva Convention on the Continental Shelf: the concept of the exclusive economic Zone, and the revolutionary concept of the Common Heritage of Mankind. Thus, while in 1958 the problem of delimitation was one between two opposite or adjacent coastal States where their continental shelves were overlapping, today the two claimants concerned are the coastal State on the one hand, and, on the other, the international community. Finally, the geomorphological criteria for the delimitation of the outer continental shelf are, even among geological experts, very uncertain and imprecise, and there is no universal agreement on questions involving "rocks," "underlying rocks," consolidated or unconsolidated sediments," etc. In my opinion the only possible and precise determination would be the criterion of distance, or of distance combined with depth.

In previous interventions I have stressed more than once the fact that the coastal State making its claims has now on the opposite side a new partner, that is, the world community as a whole, of which the same coastal State is a part, and the Common Heritage of Mankind, in the management of which the coastal

State is to participate. With its unilateral declarations or interpretations of the limits of its continental shelf, the coastal State is running a "Shylock's risk," i.e., it may be taking from the body of the Common Heritage of Mankind a bigger share than what is its due. For this reason, it is essential that a precise definition of the outer limit of the continental shelf must be elaborated, bearing in mind the existence of the Common Heritage of Mankind.

My second point is of a more general nature. It has been asserted that the Geneva version of the Single Negotiating Text of the First Committee was more favorable to the developing countries and that, on the other hand, the Revised Single Negotiating Text signified a step back, in favor of the developed States. In my view such an approach is wrong. The future Authority and the international Regime are not to be the organization of the "poor" or "developing" nations against the developed world. It should be the Authority of all States, on the basis of the Declaration of Principles adopted unanimously by the General Assembly, which provides that the needs and interests of the developing countries, whether coastal or landlocked, should be taken into special account. According to that view, the Authority must be strong enough to be able to manage the exploitation of the Common Heritage of Mankind on the basis of those Principles and to prevent any possibility of exposing the Common Heritage to the risk of becoming the victim of transnational private companies.

rise It is my feeling that there is reason to be optimistic with regard to the success of the Law of the Sea Conference. A Convention on the Law of the Sea, and particularly on the matters of the First Committee of the Conference, which may be concluded in the near future, and which shall not abandon the Principles accepted in the Declaration of Principles, will in that case really be the first and the most genuine test for other bodies dealing with the problems of the New Economic Order we are striving to create.

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My third point refers to the question of the representation of interest groups in the Council. In my view, the policy-making organ of the Authority should be the Assembly. Its executive organ is the Council. As executive organ the Council should be constituted only on the equal political - geographical - regional basis under the general rule of a rotation system, eventually with the possibility of reelection not more than for a second term. Any kind of Veto should be eliminated as well as any possibility of introducing permanent seats in the Council. For, I do not see any need for a Council consisting of membership on the basis of representation of interest groups. The different interests should be reflected in the procedure of policy making and decisions in the Assembly. The Council could not be workable if institutionally divided in different interests groups. On the contrary each geographically regional group should be the framework for election of representatives of different interests on an equal and proportional bases reflecting the special characteristics of the region, for instance African region / LLC and rawmaterial producers/ , Asia / large population, rawmaterial consumers/ ecc.

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