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# Third World Lecture 1984

## Ocean Space and Mankind

*Address delivered by Professor Arvid Pardo when receiving the Third World Prize for 1983. The Prize was presented to Professor Pardo by the President of the Republic of Colombia, H E Dr Belisario Betancur, at the inaugural session of the South-South conference on the Role of Regional Integration in the Present World Economic Crisis in Cartagena on 23 February 1984.*

I would like to express my deep appreciation and sincere gratitude to the Third World Foundation for the very great honour which has been conferred upon me and which I accept with great humility.

Through me I feel that the Third World Foundation has wished to recognise the first President of the United Nations Conference on the Law of the Sea (UNCLOS), the unforgettable Ambassador Shirley Amerasinghe, his able successor Ambassador Tommy Koh, who guided the conference to its conclusion, and all those who made such great efforts to ensure that an internationally agreed body of law would govern the marine environment and all major activities therein. Above all, I feel, the Third World Foundation has intended to recognise the new, very special importance of ocean space—that is the surface of the sea, the water column, the seabed and its subsoil—to the future of mankind as a whole.

Ocean space was used by man before the dawn of history. Archaeology shows that fishing was practised in prehistoric times and that pearls, coral and sea shells have been appreciated by man for thousands of years. The extraction of salt from seawater goes back to very early times as does the extraction of purple dye from the murex shell. From time immemorial, also, coastal populations have used shells, fishbones and the teeth of sharks and other large fish to make tools and weapons. Later, the seas were used for commercial fishing, commerce and warfare.

Until little more than one hundred years ago, however, man's activities in ocean space involved only the surface of the sea and it is only within the past thirty years that ocean space has begun to be perceived as having great present, and even greater potential, economic value. This is due to two major developments:

First, the accelerating, multiform, scientific and technological revolu-

tion provides us with the tools to penetrate, use, and exploit ocean space in all its dimensions.

Second, multiplying populations, rising expectations, and the worldwide spread of industrialisation have created an almost insatiable demand for enormous quantities of water, food, raw materials and energy which land sources may have increasing difficulty in providing at a cost acceptable to the majority of potential consumers.

Ocean space, comprising two-thirds of our planet, is thus a new world opening to the activities of man, at a time when its resources are needed to supplement—and in future perhaps largely to replace—what land has to offer.

It is not necessary to recite here the major characteristics of ocean space, to describe its fundamental importance for climates, indeed for life on earth, or its vital function in dispersing and diluting the vast quantities of toxic wastes produced by our expanding industrial society. The functions of ocean space as an essential medium for the expansion of knowledge of our planet and for international trade are very well known, as is also the fact that it contains vast living resources, some of which, such as krill and marine plants, are still only lightly exploited.

I would like, however, to mention briefly four uses of ocean space which appeared to me to have quite exceptional present or potential importance.

The oceans have always been important in war. Command of the seas enabled Britain to break Napoleon's continental system, and it was largely lack of command of the seas that caused the defeat of Germany and her allies in two world wars. But now ocean space is even more important. By permitting concealment of underwater military activities, it has become essential for the maintenance of 'the balance of terror' and of international peace at the strategic level.

It is well known that very substantial quantities of hydrocarbons are found under the bed of the sea. Less well known, perhaps, is the fact that tides, waves, and currents generate immense quantities of energy and that in tropic seas energy can be derived from temperature gradients, that is to say, from the difference in temperature between surface water and deep water. It is true that, apart from tidal power, these unconventional sources of energy are still in the early stages of development; yet it is possible that before the end of this century the extraction of unconventional energy from the sea could be as important as the extraction of hydrocarbons. Ocean thermal energy conversion—the extraction of energy from temperature gradients—appears to have the

potential of becoming a promising source not only of energy but also of multipurpose economic development for poor tropical countries lacking hydrocarbon deposits.

The non-living resources of ocean space also deserve special mention. These are almost unimaginably vast, and they constitute the last and greatest mineral reserve of our planet. Non-living resources of ocean space may be conveniently distinguished into three categories:

- a) Seawater and minerals dissolved therein:
- b) Sea-floor deposits, and,
- c) Mineral deposits under the sea floor

There are about 50 quadrillion tons of a wide range of minerals dissolved in the world's oceans, exclusive of the water itself.

As an ore body, the ocean has the unusual characteristic of being replenished faster than world consumption of the minerals dissolved therein. Processes have been developed for the extraction of many of the minerals contained in seawater, but only five—sodium chloride (salt), bromine, magnesium, heavy water, and fresh water—are economically recovered on a significant scale at the present time. The commercial recovery of additional minerals from seawater before the end of the century is likely, but when this will take place will depend upon market conditions and the speed of technological advance. In this connection, it may be worthwhile noting that some marine organisms concentrate trace elements in their bodies by a factor of 10,000 to 100,000. Cultivation and harvesting of such organisms could perhaps provide a way of concentrating trace elements dissolved in seawater so that they can be commercially recovered by biochemical means. Fresh water is obtained from seawater by extracting the salt. It will probably become the most valuable product of seawater since industry and growing urban populations require ever-increasing quantities of fresh water, which many land areas cannot supply.

Sea-floor deposits include all unconsolidated sediments lying on the floor. Present commercial production comprises mainly sand, gravel, coral, and lime shells and relatively small quantities of tin, titanium, and iron sands. Potential sea-floor mineral resources are, however, immense and comprise both oozes and clays, phosphorite and manganese nodules, the rich muds and brines found in oceanic rift areas, and the newly-discovered polymetallic sulphides and cobalt crusts. Commercial development of some of these minerals—such as clays and oozes—is unlikely in the foreseeable future. Commercial production of marine phosphorite has been attempted, but has proved marginal due to the

competitive price and abundance of phosphate on land, while exploitation of mineral-rich muds and brines, polymetallic sulphides and manganese nodules awaits further technical advances and favourable market conditions.

As for resources under the sea floor, by far the most valuable are hydrocarbons. The offshore petroleum industry is expanding its activities and is moving aggressively in the polar regions and thrusting into ever-deeper waters. Sulphur is also being exploited on a minor scale. Continental-shelf rock contains a variety of hard minerals, from coal and iron to tin, but only relatively small quantities are mined.

Although the ocean-mining industry is still in its infancy, it already sets a theoretical limit to prices of many minerals extracted from land. The industry will certainly prosper, but its rate of growth will be affected by a variety of factors including: (a) intensity of research and rate of specific technological advance; (b) availability of the large investment capital required; (c) market demand and prices of competing land minerals; and, (d) in the case of minerals, political and strategic considerations.

I should also mention space as another inestimable advantage which the oceans now offer us. There have been many plans for sea cities, and these are certainly premature, but it is not premature to look, as the Netherlands has, to artificial islands close to the coast to relieve excessive urban and industrial congestion on land.

Uses of ocean space have changed, intensified, and diversified over the past thirty years, but we are on the eve of even more dramatic changes which will have far-reaching political and economic consequences.

The construction of sea islands on the model of the now-abandoned Netherlands project would transform working conditions and the quality of life in overcrowded cities blighted by polluting industries; the spread of ocean thermal energy conversion at a competitive cost and the development of practical methods to obtain energy from waves and currents could transform the economic prospects of poor island or coastal countries that do not possess hydrocarbons or coal; the large-scale development of hard mineral resources lying on the seabed will provide relatively inexpensive minerals for industry and ample benefits to some countries, but also vigorous, perhaps even ruinous, competition to some present producers; the growth of marine traffic, diversification in the types of merchant vessels and changes in their size and other characteristics benefit trade but also require more stringent

regulation of navigation; the expansion of military uses of the marine environment from the surface to the water column and to the seabed is a stabilising factor at the strategic level, but it utterly removes the marine privacy of coastal states that do not have sophisticated detection capabilities.

Commercial fisheries, in particular, deserve a brief comment. It is highly unlikely, even in the most favourable circumstances, that yields from stocks now commercially exploited—apart from unconventional species such as krill—can continue to rise for many more years under present conditions of exploitation. In the meantime, demand for fish increases in most parts of the world, technology related to fishing has advanced rapidly, and the capability to catch fish now sometimes greatly exceeds the most optimistically calculated maximum sustainable yields of some stocks. (In poor countries alone, for instance, commercial fishing fleets measured in terms of vessels over 100 gross tons increased fivefold between 1969 and 1979.) These, among other trends, have obviously endangered valuable stocks of fish, have rendered some new commercial fleets less profitable than they might otherwise be, and, on occasion, have caused subsistence fishermen to lose their livelihood with unfortunate social consequences. Equally important, contemporary trends in many fisheries clearly indicate the urgent need to accelerate the transition initiated on land with respect to agriculture three or four thousand years ago—from capture fisheries to fish farming and fish ranching. This will require in many poor countries an attention to the development of aquaculture and mariculture technologies at least as great as that given to the expansion of fishing fleets.

Finally, we must note that both the progress of technology and man's activities on land, in the sea, and, in turn perhaps, in outer space, could cause serious deterioration of the marine environment. I refer not only to the dangers of pollution but also to the fact that we possess the technology to cause far-reaching changes in the natural state of the marine environment far from the site of our activities.

It is obvious that our uses—and, even more, prospective uses—of ocean space have changed radically from what they were three and a half centuries ago when Hugo Grotius first propounded the revolutionary doctrine of freedom of the seas beyond a narrow coastal belt. Grotius based his doctrine of freedom of the sea on the fundamental principle that 'the sea is as insusceptible of physical appropriation as the air'.<sup>1</sup> Other explicit, or implicit, assumptions were (a) that only the

<sup>1</sup> Hugo Grotius, *Mare liberum*.

surface (and near-surface) of the sea would be used by man; (b) that significant uses of the sea would be few, essentially navigation and fishing; (c) that man could not seriously impair the quality of the marine environment; (d) that the oceans were sufficiently vast to accommodate all navigational uses without need for regulation; and (e) that the living resources of the sea were inexhaustible. Later Bynkershoek condensed the basic concept of traditional law of the sea in the famous formula '*terrae dominium finitur ubi finitur armorum vis*'<sup>2</sup> which half-a-century later Ferdinando Galliani suggested should be equated with three nautical miles. This was the standard adhered to, with some exceptions, by most states between the early nineteenth century and the end of World War I. Thereafter, the assumptions on which traditional Law of the Sea rested began to be eroded by changes in the political situation and by technological advance.

After World War II signs of the disintegration of traditional Law of the Sea began to surface everywhere. The 1945 Truman proclamations were followed by a veritable explosion of claims to jurisdiction in ocean space extending in some cases to 200 nautical miles from land and in 1951 the International Court of Justice in the Anglo-Norwegian Fisheries case demolished traditional restraints governing the drawing of straight baselines. At about the same time, the Soviet Union and its allies began actively to advocate a twelve-mile territorial sea and a few years later Indonesia and the Philippines began pressing their archipelagic claims.

The four 1958 Geneva Conventions on the Law of the Sea rejected most of the jurisdictional claims put forward in the previous decade and usefully codified many provisions of customary law. States, however, were unable to reach agreement on the breadth of the territorial sea and they accepted three important innovations in international law, which decisively influenced future developments: the concept of straight baselines of unlimited length; the concept of an imprecisely defined legal continental shelf and, finally, the idea that a coastal state has a legitimate interest in the conservation of marine living resources in unspecified areas beyond its territorial sea. Under these circumstances the Geneva conventions could not be expected significantly to delay the continued expansion of coastal state jurisdiction in the marine environment. It is scarcely necessary to recall in this connection the new Icelandic, Norwegian, Asian and African claims advanced in the early 1960s or the adoption by the United States of a 12-nautical mile

<sup>2</sup> Cornelius van Bynkershoek, *De dominio maris*.

exclusive fishery zone in 1966. Increasingly, the practice of states interpreted expansively the ambiguous definition of the legal continental shelf contained in the 1958 Convention and distinguished jurists were beginning to suggest that the exploitability criterion in the Convention could be interpreted as potentially permitting a complete division of the seabed of the oceans among coastal states. By the middle of the 1960s the bed of the North Sea had been divided among riparian states. There was talk that the bed of the Baltic and of other enclosed and semi-closed seas would be the object of division.

The visible disintegration of traditional Law of the Sea was a reflection not only of contingent political factors or of the profound change in the structure of international relations due to the massive entry of new nations into world affairs, but also of the need for far-reaching change in traditional law due to the intensification of man's use of the marine environment.

On land the degree of regulation tends to correspond to the intensity and variety of use in a particular area, to the abundance of resources with respect to demand and to the nature of technologies used. When uses are few and light, resources abundant and technologies primitive, regulation is often only of a general nature. As pressure on land and resources increases, as technologies become more powerful, regulation becomes more detailed and rights are increasingly balanced by obligations. This is a process that reflects not merely an evolution of social or legal concepts over time. It is also a reaction to changing circumstances which is essential for the welfare of society. A similar change was taking place in ocean space. States could not be expected to watch impassively the passage of unsafe tankers near their coasts or the depletion of coastal stocks of fish by foreign fishing fleets. Offshore exploitation of hydrocarbons and hard minerals and many other uses of the sea require the exercise of recognised authority to protect investments, control marine pollution and reconcile competing uses of the marine environment in ever wider areas. Nor could states be faulted if, with the progress of military technologies, they exhibit sensitivity to the presence of foreign naval vessels at some distance from the coast. After all, the purpose of the old cannon-shot rule, preferred by many in the eighteenth and nineteenth centuries to the three-mile limit of the territorial sea, was to ensure the security of the coastal state. As Martens, the distinguished Russian diplomat and jurist, wrote some ninety years ago, 'We must recognise that the limits of the territorial sea should change with changes in the range of cannon . . . if at present

cannons carry to 12 or 15 miles, the territorial sovereignty of modern states ought also to extend to 15 miles.<sup>3</sup> With the development of intercontinental missiles I wonder what width of the territorial sea Martens would have advocated today!

Under modern conditions, however, excessive expansion of the principle of territorial sovereignty in the seas is as obsolete as the traditional freedom of the seas. Many modern technologies require international cooperation at unprecedented levels if they are to be used with benefit to the user and without harm to others. Extension of national sovereignty, however far from the coast, cannot effectively protect national security from missiles and underwater intrusions or national privacy from satellite observation. Furthermore, while national authority can deal with some uses of ocean space such as extraction of mineral resources, it is also likely to hamper other uses of the sea, particularly those related to scientific research, navigation and overflight. The fragmentation of ocean space between more than one hundred different sovereignties with diverse approaches to ocean space issues could make difficult the carrying out of essential activities such as efficient management of many commercial fish stocks and effective control of marine pollution. Finally, just as in the past only a few strong maritime powers could fully profit from the traditional freedom of the seas, now only the relatively few countries with long coastlines fronting on the open seas can fully profit from indefinite continuance of the extension of national control in ocean space. This exacerbates inequalities between states.

In the situation as it existed in the 1960s, neither sovereignty nor traditional freedom were suitable to constitute the bases for a viable and reasonably equitable legal regime in ocean space. However, the only recognised alternative to a regime of freedom (*res communis*) was either territorial sovereignty or a regime of *res nullius* which permitted the acquisition of sovereignty or property rights over appropriable areas or things.

Pondering trends in the use of the seas and the developing practice of states, the government of Malta became convinced that it was impossible to arrest the disintegration of traditional Law of the Sea because the conditions which had made freedom of the high seas possible were changing rapidly.

Thus was developed the concept that ocean space and its resources

<sup>3</sup> F Fedorovitch Martens, *Traité de droit international*.



beyond the limits of national jurisdiction are the common heritage of mankind and that they should be administered by the international community through an intergovernmental organisation.

In the Maltese view, a common heritage regime beyond reasonable limits of national jurisdiction had become essential for three basic reasons. First, it was necessary to fill the jurisdictional void beyond the limits of national jurisdiction. If this were not done, the eventual division of ocean space among coastal states was inevitable and this would inflict irreparable injury to geographically disadvantaged states. Secondly, it was necessary to replace the *laissez-faire* system of freedom of the High Seas with a non-discriminatory international system of management. This would make possible the development of ocean space resources and the equitable sharing of the benefits derived therefrom for the benefit of all countries with particular regard to the interests and needs of poor countries. If this were not done, the marine area beyond national jurisdiction would be used and exploited primarily by technologically advanced countries possessing the required financial resources. Finally, a common heritage regime was necessary in order to establish a legal framework for the accommodation of the interaction between uses of ocean space within national jurisdiction and those outside national jurisdiction, for the improved protection of the marine environment and for the monitoring and general regulation of ocean space uses beyond national jurisdiction—including navigation, scientific research and certain technologies. Such a regime would ensure that these uses did not have a significant adverse impact on the interests of coastal states or of mankind as a whole.

Malta recognised that her aims were extremely ambitious. Therefore it was necessary to seek implementation of the common heritage principle in a manner that would provide all states with opportunities for the peaceful use of the marine environment and benefits not attainable through the mere expansion of coastal state jurisdiction.

For contingent reasons, the government of Malta, when it submitted its initial proposals to the United Nations in 1967, avoided questioning the traditional principle of freedom of the High Seas. Instead it focused its initiative on the question of the seabed beyond the limits of 'present' national jurisdiction, a subject only vaguely covered by existing international law. However, after the adoption by the United Nations of the *Declaration of Principles governing the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction*<sup>4</sup> and the

<sup>4</sup> United Nations General Assembly Resolution 2749 (XXV) of 17 December 1970.

United Nations General Assembly decision to convene a conference which would deal with all major issues relating to the Law of the Sea, Malta hastened to expand the scope of her proposals by suggesting the extension of the common heritage principle from the seabed to ocean space as a whole beyond the limits of national jurisdiction and the creation not merely of a seabed agency but of the international organisation for ocean space which would bring together the dispersed marine-related activities of the United Nations system.

This is certainly not the occasion to analyse once again the philosophical content of the common heritage principle or to comment upon the long, complicated and sometimes bitter negotiations on the Law of the Sea which were finally concluded in Jamaica in December 1982 with the signature of an historic convention.

The new convention has transformed the Law of the Sea. Important innovations range from the introduction into international law of the concepts of the exclusive economic zone, archipelagic waters and transit passage through straits used for international navigation, to the redefinition of the legal continental shelf, and the explicit recognition of scientific research and the construction of artificial islands as freedoms of the high seas.

Four points, however, deserve special mention.

This is the first time in history that the international community, 'conscious that the problems of ocean space are closely interrelated and need to be considered as a whole',<sup>5</sup> has attempted a comprehensive approach to the uses of the seas and to the problems of ocean space. Secondly, the scope of international law has been significantly enlarged through the assertion in the convention of a duty of international cooperation in the development and transfer of marine science and technology and through the elaboration of the concept of a comprehensive environmental Law of the Sea based on the obligation of all states to protect and preserve the marine environment. Thirdly, the 1982 Jamaica convention contains in Part XV and related annexes remarkably balanced, flexible and comprehensive dispute settlement provisions. If effectively implemented, these could constitute a most constructive development in international law. Finally, international acknowledgement that the seabed and its mineral resources enjoy a special legal status as a common heritage of mankind could mark a revolution not merely in the Law of the Sea but also in international

<sup>5</sup> United Nations General Assembly Resolution 2750 c (XXV) of 17 December 1970.

relations by changing the structural relationship between rich and poor countries and traditional concepts of economic aid.

It is no secret that I have been critical of the Jamaica convention, while recognising its many constructive features.

I certainly will not indulge now in a critique of the convention; that would be totally out of place here. I have no doubt that what was achieved was the best that could be negotiated under the circumstances. But we cannot close our eyes to the fact that the convention has serious shortcomings. I do not refer to some less than felicitous formulations, to some serious ambiguities and omissions or even to the fact that landlocked and geographically disadvantaged states have been treated with less than conspicuous fairness. The flaws are more fundamental: the convention fails to fill the jurisdictional void of the High Seas effectively or to set clear limits to the jurisdiction of coastal states in the marine environment, and secondly, the convention fails to implement the principle of common heritage of mankind in viable manner.

This statement may require a brief explanation. Part XI of the convention, and related annexes, is based on three fundamental assumptions; that deep seabed mining would consist almost exclusively of the harvesting of manganese nodules; that this could take place on a commercial scale only in the marine area beyond national jurisdiction; and, finally, that states and private companies intending to engage in seabed mining would be obliged to cooperate with the future International Seabed Authority because the latter had a near monopoly of commercially exploitable manganese nodule deposits. Voices pointing out that these assumptions were dubious were simply ignored, because, I assume, doing otherwise would have meant renegotiating from the beginning one of the most contentious parts of the convention. Unfortunately, it is now generally recognised that the three basic assumptions in Part XI of the convention do not correspond to reality; deep seabed mining will comprise at least the harvesting of polymetallic sulphides and cobalt crusts, and probably also mineral rich muds, in addition to manganese nodules; deep seabed mining will take place not only in the international seabed area, but also, and perhaps predominantly, within the expanded legal continental shelf sanctioned by the new convention, hence, the International Authority will enjoy no monopoly and will be obliged to develop the minerals of the international seabed area in difficult competition with a number of coastal states.

Fortunately, before concluding its work, the Conference on the Law

of the Sea adopted two resolutions postponing the implementation of many provisions concerning the mining of manganese nodules in the international seabed area. The first resolution establishes a Preparatory Commission of treaty signatories to draft seabed mining regulations that will interpret and clarify the treaty text. The second concerns the protection of investments made by pioneer investors in activities related to manganese nodule mining. These resolutions could give the Preparatory Commission the opportunity to draft provisions clarifying in a realistic manner some articles in the Convention Text. They could also develop rules on matters mentioned, but not stressed therein, such as joint ventures with the International Seabed Authority in the harvesting of manganese nodules or full participation of developing countries in marine scientific research conducted in the international seabed area.

Due to its fundamental flaws, the 1982 Jamaica convention is unlikely to have all the beneficial effects attributed to it. However, its historic significance will remain as an indication of the present state of the Law of the Sea and as marking a decisive step in the transition from a legal system in ocean space based on freedom to a system based on management of resources and regulation of uses.

A vital question remains. Will the emerging system of ocean space management permit continued competitive appropriation for national benefit of marine areas and resources and conflicting regulation of ocean space uses on the basis of the principle of sovereignty? Or will the international community recognise that ocean space beyond reasonable limits of national jurisdiction should be developed on the basis of international cooperation for the benefit of all?

As I have already remarked, the new convention does not clearly delimit national jurisdiction in the marine environment. Furthermore, the political, economic and technological forces propelling coastal states towards an eventual partition of the oceans have not lost their strength merely because of the existence of the convention. It is possible, therefore, that by the end of this century much of what remains of the High Seas—apart from remote or unexploitable areas—will be claimed by coastal states. We may then have a situation approximating that of five centuries ago when, following the papal grant in the bull *Inter caetera*, Spain and Portugal by the Treaty of Tordesillas in 1494 divided between themselves all seas and lands not already claimed by Christian kings.

Yet I am certain that under the stimulus of scientific and technologi-

cal advance a reaction will set in in due course. This, in a sense, is ironic. Scientific and technological advance were probably the decisive factors in setting in motion present expansionary trends in coastal state jurisdiction. But, as ocean space becomes integrated in man's living environment, as commercial navigation and other uses of the sea become subject to conflicting national regulations, as living resources of the seas under different national regimes come under increasing pressures, as military uses of the seas become all-pervasive, as powerful technologies are not only used but also misused, as marine pollution spreads, states through bitter experience gradually will discover that full, beneficial use of the marine environment for national purposes presupposes new forms of close international cooperation at least at the regional and in some cases at the global level. When this realisation becomes widespread, the tide of excessive nationalism will begin to recede. I do not think, however, that we shall see again, in the foreseeable future, a rebirth of the principle of freedom of the High Seas on the nineteenth-century model. For this principle is inappropriate, as Grotius himself would have recognised, where ocean space can be physically controlled and occupied. When the tide of nationalism turns, therefore, the international community will have to recognise a new basic principle of international law replacing the freedom of the High Seas so as to permit secure, flexible and equitable accommodation of marine uses and of national and international interests in the marine environment. At that time, an expanded concept of ocean space as a common heritage of mankind could become indispensable. Reciprocally, the concept of sovereignty could require redefinition in a functional sense.

Whatever the future may bring, one thing is certain. The problems of ocean space—like other aspects of the contemporary *problematique* of peace and economic development—cannot be dealt with successfully through the protection of national interests alone. International cooperation is required at a level transcending that already occurring with in the United Nations system. Such cooperation, desirable for general reasons of world order, should become a high priority for countries lacking the financial resources and technological capabilities of the major powers. For, only through far-reaching international cooperation, sensitive to ideological diversities, are the national advantages of the strong made to serve the needs of the international community as a whole.

A new order in ocean space is inevitable. The new order, like

traditional Law of the Sea, will favour only a handful of States unless poor countries make a coordinated effort in the Preparatory Commission of the Seabed Authority and in other forums to ensure that the concept of common heritage of mankind is implemented responsibly and meaningfully in the difficult years ahead.

If this is done, I have no doubts. The present Convention on the Law of the Sea will be remembered as marking the beginning of the long process that will eventually lead to a more equitable world order and to a better use of the marine environment in the interests and for the benefit of all.