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The Entry Into Force of the 1982 UN Convention on the Law of the Sea on November 17, 1994: A Thai Perspective

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ON THE LAW OF THE SEA ON NOVEMBER 17, 1994

A THAI PERSPECTIVE

BY SOMPONG SUCHARITKUL

A PAPER SUBMITTED TO THE SEAPOL TRI-REGIONAL CONFERENCE ON
CURRENT ISSUES ON OCEAN LAW, POLICY AND MANAGEMENT
SOUTH-EAST ASIA, NORTH-WEST PACIFIC AND SOUTH-WEST PACIFIC

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I. PRELIMINARY REMARKS

On November 17, 1994, twelve months will have elapsed since the deposit by Guyana of the 60th instrument of ratification of the U.N. Conference on the Law of the Sea 1982. Another giant step is being taken by the international community in the codification and progressive development of international law. It also marks a meaningful phase in the life of a successive codification Convention, the entry into force of a comprehensive law-making Treaty of general application under its own final clause, Article 308 : Entry into force.

In preparation for this significant date, several happenings must be organized to coincide with the entry into force of the Convention. By way of illustration under Paragraph 3 of Article 308 : "the Assembly of the Authority shall meet" on this date and "shall elect the Council of the Authority. The first Council shall be constituted in a manner consistent with the purpose of Article 161 if the provision of that Article cannot be strictly applied".

"The rules, regulations and procedures drafted by the Preparatory Commission shall apply provisionally pending their final adoption by the Authority in accordance with Part XI, (Paragraph 4)".

"The Authority and its organs shall act in accordance with Resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory instrument and with decisions of the Preparatory Commission taken pursuant to that Resolution (Paragraph 5)".

At this writing, several occurrences are scheduled to take place on that auspicious occasion, whether or not the entire global community is fully prepared to meet the challenge. And indeed, it came to pass that on November 17, 1994, all these events took place as envisaged in the preceding provisions.

It is true that these and indeed several other questions relating to the effect and consequences of the entry into force of the Convention must be carefully examined by each State member of the world community, whose decision to join or to remain outside the Convention is within its entire discretion and exclusive domain. It would thus contribute little or nothing to the cause of peace for outsiders to deliberate on the desirability of actual ratification. Each State is sovereign and as such is absolutely free to accept or reject, to ratify or to wait and see, or to do whatever is expedient for itself to safeguard its best interests with regard to the Convention.

But once a State has signed the Convention, there is at least an obligation on the part of the signatory State to refrain from any action that would tend to destroy the object and purpose of the Convention (Article 18 of the Vienna Convention on the Law of Treaties 1969). For this and for other unknown or undisclosed reasons, some of the economically powerful States such as

the United States, the United Kingdom and Japan have managed to abstain from signing the Convention for many years since it was open for signature in December 1982. However, the abstention may prove less advantageous once the Convention itself has entered into force and begins to apply initially as between the Parties to the Convention.

As a preliminary step to the eventual study to be made by States not yet Parties to the Convention as to the administrative measures to be taken and legislation to be adopted for its implementation, it is logical, first and foremost, to consider whether a State, in the abstract, and Thailand in particular, should or should not become Party to the Convention either by ratification in the case of Thailand, or by accession or otherwise as envisaged in the Final Clauses of the Convention for a State which has not signed the Convention.

For a dialectician like myself, the question is indeed irresistible, and the search for a sane and articulate response requires an ever ardent pursuit.

II. TIMELINESS AND THE NEED FOR WIDER ACCEPTANCE OF THE CONVENTION

Several sets of queries need to be addressed in a effort to respond to this challenging enquiry. The first set of questions relate to the desirability, propriety, timeliness and necessity, if any, for a State generally to ratify the Convention.

Given the fact that the Convention is a general Codification Treaty designed to be norms-generating as well as to consolidate existing State practice, the need to ratify the Convention seems less apparent than real. It is less apparent, because a Codification Treaty would ultimately apply as part of the general rules of international law by maturing into a body of customs as evidenced by the general practice of States, thereby discarding the lack of practice of a few uninterested States. It is real because a State, not participating in the process of international law-making, will nonetheless be governed by it. By dint of sheer abstention, or

lack of interest in the matter, the unconcerned State loses out by failing to assert affirmatively its direct interests in the Law of the Sea, and cannot subsequently be heard to say that it had, at no time, expressed any agreement or approval of the rules so generated which now prevail.

There may be some support for the proposition that for States that do not count any how, their participation, whether by way of confirmation or opposition, will remain immaterial. The point is whether Thailand considers herself to have sunk that low in the rank and file of the family of nations, so as to abandon her birthright as a free and sovereign nation to assert and defend her own legitimate interests as a time-honoured sea-faring nation.

There might also have been reasons that militate in favour of the proposition that Thailand should not let down her best friend and ally, the United States of America. Alternatively, it is arguable that it would be in Thailand's best interest not to isolate powerful nations like the United States from the collective efforts of the global community. Assuredly, such a gesture is laudable and altruistic in the sense that it did provide Thailand's friend with a comforting thought that friendship with Thailand is true and ever-lasting, to the point of sacrificing Thailand's own national interests for the sake of maintaining American friendship. But can any of these propositions be substantiated? The United States, not unlike any other economic powers, would readily and radically change its position in this matter, if and whenever such a change is dictated by its own preponderant national and global interests. Besides, the United States does not need such a friend and ally on a permanent basis. Only from time to time and for a brief stint would such a friend be desired to serve an immediate short-term interest. Once that interest is served, friendship may be expended and becomes less meaningful.

Besides, Thailand cannot afford to abandon nations of its own groupings, and it has several groups of friendly neighbours, such as the ASEAN nations, the ARF members, the Mekhong Committee, the Asian African, the A.A.A. and the Group of 77, etc. whose feelings and relations must also be kept constantly in mind and clearly in view. Within the ASEAN community, admittedly national interests have diverged in the formulation of rules of international law of the Sea, as can indeed be gathered during the negotiating stages of the Third UNCLOS Conference. The Philippines and Indonesia have ratified the Convention for nearly a

decade, although other ASEAN nations, namely, Brunei, Malaysia, Singapore and Thailand, each for its own various national reasons, have not followed suite. They might still be awaiting a more opportune timing for ratification. The entry into force of the Convention provides a fitting occasion for reconsideration of the need and timeliness for ratification. Whatever the outcome of internal deliberation within each of these nations, it cannot be gainsaid that the time has come for a serious reexamination of Thailand's national interests which should be determinative of the final decision to be taken by that Kingdom.

For the sake of good order and active participation in the norms-formulating process alone, it might be considered desirable and necessary for all States which have in fact taken an active part in the protracted negotiations of UNCLOS III, and have adopted the composite text of the Convention to endorse the fruit of their joint labour by granting the instrument the final coup de grace. As a law-abiding State, determined to improve the quality and standard of justice in international law, every participating nation should as a rule be persuaded to adhere to the principles and rules of international law carefully deliberated and accepted by the overwhelming majority of nations, in spite of the continuing moans of a few vocal voices, reflecting the desire to achieve still greater unilateral satisfaction at the expense of further sacrifices by the rest of the world.

III. CONSIDERATIONS PROMPTING STATES TO RATIFY THE CONVENTION

As stated earlier, States have diverse reasons for, and interests in, the work of codification and progressive development of the Law of the Sea, each seeking to secure for itself the best and most substantial advantages or to provide for its nationals the greatest possible security and protection. To examine the particular reasons which may have prompted each of the sixty States to become Parties to the Convention may require a lengthy and thankless process of comparative analysis and educated speculation. It might however be useful for present purposes to indicate, by way of example, one basic justification for two ASEAN nations to have ratified the Convention at very early dates.

The recognition and implementation of the concept of archipelagic sea with all its natural implications would appear to afford one cogent and compelling reason for the Philippines and Indonesia to ratify the Convention, leaving aside altogether lesser but substantial advantages in other areas of the Law of the Sea.

By the same token, it might have been equally decisive for a global power like the United States of America to secure for itself a general recognition and ultimate legitimation of the right of passage, whether transit passage or innocent passage, throughout the world to maintain United States presence. Thus each nation has its own yardstick to measure the decisiveness of a single reason in a general Convention of such a colossal proportion.

Nations must learn to give and take, although some are better at taking than at giving, while others merely prefer to take.

The temporal dimension also comes into play in this connection. Some States which may be very advanced and well versed in the Law of Treaties and in Maritime Law, like the United Kingdom, could fail for more than half a century to see the necessity and the benefits of ratifying a codification Convention such as the Brussels Convention of 1926 for the Unification of Certain Rules on the Immunities of State-Owned and State-Operated Vessels Employed in Trade. It was not until 1980 that the Brussels Convention of 1926 was finally endorsed by the British Parliament.

For a nation like Thailand, with her long established practice in treaty-making as well as in the formulation of codification Conventions, her reaction is surprisingly as unpredictable as any old European hand such as the United Kingdom.

The delicate political health of the Government or of the Foreign Minister at any given time could account for an almost incomprehensible shyness on the part of the Thai Government under a more democratic constitutional regime to sign, let alone to ratify, any international instrument, for fear perhaps not of any resulting disadvantages to the Kingdom or to the Thai people as such, but more precisely of the prospect of a personal loss resulting from a parliamentary vote of non-confidence. This diagnostic revelation may reflect the psychic state of

paranoid on the part of the executive branch of the Government, due mainly to ignorance of international law.

The situation was much improved when Thailand was blessed with a publicist at the helm of the Foreign Ministry. When ASEAN was formed under Dr. Thanat Khoman in 1967, Thailand was the undisputed leader of South-East Asia. Today without any expertise in the field of international law to guide its foreign policies, the Thai Government is at a loss and cannot find its path back to regional leadership, the position Thailand once enjoyed for more than a decade and has forfeited for over a score years through sheer omission and inaction. But one should not lose faith. The Thai Government is currently headed by a lawyer, a positive factor in our assessment of its predisposition. However, the Government still lacks the much needed expertise in international law and urgently need to acquire a basic understanding of the law-making process through codification Conventions. To be of any use, the availability of such expertise would also have to be heard and heeded by the Government with an implicit faith in the rule of law among nations in addition to upholding the rule of law within the Kingdom. The Thai Government has been assisted for some time by a National Committee to Review Treaties, a body responsible for making appropriate recommendations to the Government. With a touch of understanding, the political branch of the Government could be persuaded to discard some of its inherent shyness and unfounded fears and be encouraged to take a peek at the outside world, where progress is being made in all directions of legal development.

Without going into the details of each and every pro and con of all the arguments for and against ratification, and even forsaking the role of the law-abiding State in the formulation of new rules of international law, it is imperative for Thailand on her road back to South-East Asian leadership to recover her traditional prestige, by undertaking to ratify the 1982 U.N. Convention on the Law of the Sea, regardless of other selfless and charitable considerations.

One conclusive benefit which should prompt a coastal State in like position as Thailand to ratify the Convention is the protection of its national distant-water fishing fleets. The Convention clearly affords adequate protection against physical arrest and detention of fishermen and provides for the prompt release of the fishing vessels and their crews upon the posting of reasonable bond or other security, Article 73, paragraph 2. Penalties for violation

of fisheries laws and regulations in the exclusive economic zones may not include imprisonment or any other form of corporal punishment, Article 73, paragraph 3. As a Party to the Convention, at least the perennial problems connected with the protection of Thailand's fishing fleets in neighbouring and distant waters could be sharply reduced if not totally eliminated. This substantial benefit would appear to outweigh by far any other considerations of a political or economic nature which may be advanced to oppose or delay Thailand's ratification of the Convention.

Countless other benefits accrue from participation in the family of maritime and coastal nations. Thailand would continue to have a say in matters concerning the law of the sea, which for twice in our generation, the World Conference was chaired by a Thai President, UNCLOS I (1958) and UNCLOS II (1960).

The harmful effect or loss that may result from a hasty decision by the Government is not unknown to Thailand. This has occurred more than once too often. Thus when the Secretary-General of the United Nations informed the Thai Foreign Ministry before the close of 1950, on a mistaken belief as its subsequently turned out to be, that Thailand's acceptance of the compulsory jurisdiction of the International Court of Justice was about to expire, and took occasion to invite the Thai Government to renew the declaration it made some ten years earlier accepting the compulsory jurisdiction of another Court, the Permanent Court of International Justice, which became defunct before Thailand's admission to the United Nations in 1946. The Acting Foreign Minister almost unthinkingly responded by despatching a letter purporting to renew Thailand's acceptance of the compulsory jurisdiction of the I. C. J., the acceptance that never was in existence, either in law or in fact. The note was rushed to the U. N. on the basis of an ill-prepared opinion given by an inexperienced official to the effect that most States accepted compulsory jurisdiction under the Optional Clause, a proposition which was as dangerously misleading as it was misinformed, and an ideal which has never at any time been realized. On the other hand, the current Government of Thailand would not be justified to remain ever so mindful of the fatal blunder committed by its predecessor some 45 years earlier. Today, the matter can be thoroughly processed, digested, assessed and carefully weighed before any action or decision could be taken by the Government. Expertise in the field is available, perhaps not in abundance, the remaining problem nevertheless emanates from the crisis of confidence. Legal

experts should be consulted and their considered opinion taken into account.

Again when the original Special Yen Agreement was rushed to the planeside for a quick signature by the then Foreign Minister of Thailand before taking off from Tokyo, Japan agreed to repay its war-time loans to Thailand with special Yen credits. But when it came to actual implementation of the repayment of the loans by Japan, it was Japan that raised the question of the exact rate of interest that Thailand would be prepared to pay if the agreed Yen credits were to be utilized, arguing that the use of the Japanese Yen credits by Thailand served two purposes. It desolved Japan's debts while the granting of credits by Japan engaged Thailand's obligation to repay the special Yen credits with interest. This double use of the special Yen credits by Japan was the source of great concern that marred the relations between post-war Japan and Thailand for more than a decade to come. It was not until the visit of Prime Minister Ikeda to Thailand in the early 60s to dispell Thailand's misgivings that the way was cleared for a new era of closer cooperation between the two countries.

In a way more than once bitten, Thailand is naturally twice shy. But neither the inadvertent error made by the Secretary-General of the United Nations nor Japan's misapplication of the term 'credits' to reverse the positon between creditor and debtor, is likely to be repeated in the foreseeable future. Nor for that matter is the Government of Thailand likely to make such a hasty decision without the benefit of a well considered professional legal opinion. In any event, the 1982 Convention is the product of mature and meticulous consideration by many multi-national experts, and not another U. N. inadvertence nor another Japanese skillful representation.

IV. THAILAND AS A SOUTH-EAST ASIAN COASTAL STATE

Thailand seems to have practically given up her position as a coastal State of the Straits of Malacca by acquiescing in her exclusion from membership of the International Council of the Straits of Malacca and Singapore. The absence of protest by Thailand against her exclusion might be construed as Thailand's shyness in not wanting to assume any responsibility for the

maintenance of facilities in aid of navigation for the maritime traffic through the Straits of Malacca and Singapore. Whatever the reason for Thailand's inertia in neglecting to assert her inherent right as the Founding Member of the Council, Thailand cannot be heard to admit that Thai flags could be excluded from the Malacca and Singapore channels, nor should Thai flags be treated any less favourably than Malaysian, Singaporean or Indonesian flags. In reality, Thailand could not possibly alter her geographical position as a coastal State by denying herself the rights, interests, benefits and advantages under the U.N. Convention on the Law of the Sea 1982 by remaining indifferent to the very Convention she has been seeking to establish as a just and equitable regime of the sea for herself as a developing coastal nation in the South-East Asian Region.

If in the past four centuries international law has seen distinctly unjust, being the exclusive concoction of European origin, now is the time to remove the anachronisms and inequities of the past and to concentrate on the progressive development of the new law of nations, especially the law of the sea. The Convention is a product of shared effort and responsibility, representing a balanced approach to the conflicting interests of all nations, including the developing countries of Asia, Africa, Latin America and the Caribbeans. International law is no longer the monopoly of the West. For this reason alone, it would appear decisive for any enlightened South-East Asian nation to embrace a new law with its equitable principles to ensure a just treatment for all:

In the circumstances, it would be extremely difficult to find a cogent reason for any State to warrant any continuing absence of governmental interests in the new law of the sea, or to prolong any further the agony of the result of the unjust law of the past. Today, every coastal State, including Thailand, is protected from marauding bandits claiming to act on the authority of the Letters of Marques granted by a European Sovereign to plunder the Asian coast or the unauthorized exploration and exploitation of the living and non-living resources of the sea found within Thailand's exclusive economic zones, or the illegal conduct of any scientific research or any illicit search for sunken treasures buried or lying on the surface of Thailand's continental shelf without prior written authorization of the competent authorities of the coastal State, such as the Ministry of Science, Technology and the Environment, and the Fine Arts Department in the case of stolen or lost archeological objects. The Convention recognizes and presumes the

existence of regulations on these matters by the internal law of the coastal State, which inevitably includes Thailand, Article 303.

Thailand has relied on the principles enunciated in the Convention for the protection of archeological and historical objects found at sea under her national jurisdiction. The Thai Government has negotiated and concluded bilateral and trilateral agreements with most neighbours to delimit Thailand's maritime boundaries. Wherever such an agreement could not be reached, other arrangements had been adopted, such as with Malaysia, so as to enable both nations to conduct joint operations in the exploration and exploitation of natural resources of the sea in a joint developmet area. Thailand has done nothing inconsistent with the letters and spirit of the Convention. Her prestige could be much heightened by her timely ratification of the Convention.

V. THE COMMON HERITAGE OF MANKIND CONTROVERSY

The notion of the common heritage of mankind embodied in Article 136 of the Convention was initially recognized by none other than the Thai President of UNCLOS I upon acceptance of the presidency of the U. N. Conference in Geneva in 1958. Thailand and several other South-East Asian nations have since played a leading role in the formulation of Part XI of the Convention. If we have in the preceding sections discussed the hard core of substantive legal arguments in support of wider acceptance of the Convention, the common heritage of mankind deserves mention as an additional justification for Thailand's ratification. In 1967, within the First Committee of the United Nations General Assembly, Thailand briefly resumed a leading role in engineering the establishment of a U. N. Sea-Bed Sub-Committee and at the same time securing for herself a founding membership of that Sub-Committee. In as much as Part XI forms an integral part of the Convention, the Convention as a whole can be regarded not only as the codification of existing customs and progressive development of new rules, but also as the constitution of the International Sea-Bed Authority, a new mechanism with the Council, the Assembly and the Secretariat as its main organs. The Enterprise is also an organ of the Authority which is designed to carry out the activities in the Area.

Article 154 of the Convention stipulates that "Activities in the Area shall be organized, carried out and controlled by the Authority on behalf of mankind as a whole". The activities shall be carried out : (a) by the Enterprise; and (b) in association with the Authority by States Parties, or State enterprises or natural and juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals.

Once the Convention enters into force non-Parties to the Convention remain outsiders who could not participate in any activities in the Area such as prospecting, exploration and exploitation of the resources of the sea in the Area, unless and until they become Parties to the Convention, and as such are Members of the Authority. The controversies raging over the non-existence of the Authority which was not yet constituted prior to the entry into force of the Convention has died a natural death. No State can now be heard to argue that while accepting in principle the concept of the common heritage of mankind, which remains unchallenged, it can still proceed to issue licenses to entities and natural persons to prospect, explore and exploit the nodules lying on the ocean floor in the Area. The traditional definition of piracy jure gentium appears once more to be unmistakably applicable to any unauthorized removal of such submarine nodules from the Area without the permission or sanction by the Authority now functioning in full swing. In the confrontation between the Authority and the naval force of a mighty power, it is the United Nations and the Authority representing the world community that must prevail in law as well as in fact.

As part of mankind and as a founding member and promoter of the common heritage of mankind and a concept of shared resources, Thailand can ill afford to let down her partners in the common undertaking for the benefit of mankind. The old controversy which has subsided since the entry into force of the Convention and the coming to life of the Authority may once again be resuscitated by reviving the ghosts of the differences between "res nullius" and "res communis" in Roman Law, as a last desperate attempt to prevent, prejudice or otherwise to delay the inauguration by the International Sea-Bed Authority of the Activities in the Area. This will be done for the benefit of mankind as a whole. It is not being entrusted, as it cannot be so entrusted, to any one single State, however powerful economically, militarily, politically or otherwise. The common heritage of mankind is a "hereditas generis humani". It is neither a

"res nullius" because it belongs to humanity nor is it a "res communis" because there is the International Sea-Bed Authority to manage the common property of the international community, which admits of no appropriation by any State, entity or individual independently of authorization by the Authority.

VI. SCIENTIFIC RESEARCH AND THE MARINE ENVIRONMENT

Last but not least in this series of selected topics and issues for examination is the combination of Part XII : Protection and Preservation of the Marine Environment; and Part XIII : Marine and Scientific Research. These two Parts could be separated from the main stream of codification of the substantive Law of the Sea, they nonetheless constitute necessary supplements to complete the package of the comprehensive regulations for the management of all the resources of the sea.

Neither Part XII nor Part XIII can be considered by themselves exhaustive of current legal developments in these two related fields. The law is far from being frozen by the Convention. In effect, the Convention envisages continuing development of the law by States as seen in the product of the Rio Summit and the Post-Rio Conferences in various parts of the world. Other international organizations, including Specialized Agencies of the United Nations, such as IMO, WMO, WHO, the World Bank, UNEP, etc., have been active in continuing to regulate international and national activities envisaged by the Convention.

Thailand as an active member of ASEAN and the Mekhong Committee has been pursuing the same goals and could well reinforce and redouble her efforts by accepting these Parts of the Convention by ratifying the entire Convention.

Thailand has recently become acutely aware of the environmental problems in South-East Asia and by hosting SEAPOL, South-East Asian Programme in Ocean Law, Policy and Management at Sukhothai Thammathirat Open University, has now reached the point of no return since the Singapore Conference on Sustainable Development of Coastal and Ocean Areas in

South-East Asia : Post-Rio Perspective in May 1944. Not only should Thailand ratify soonest the 1982 Convention with its amended Part XI, but much more is expected of her as a South-East Asian Coastal State in light of Chapter 17 of UNCED, Agenda 21, to implement Part XII of the Convention.

VII. CONCLUSION

The entry into force of the United Nations Convention of the Law of the Sea 1982 poses many different questions for various States, for States Parties as well as for non-Parties. For States Parties there are several organizational and administrative matters which require immediate attention, such as the convening of the Assembly, the election of the Council, the appointment of the Secretariat and above all the amended version of Part XI.

As the Convention enters into force, it may not have all the necessary ingredients to guarantee the successful operation of Part XI. The Authority may still lack stronger members like the United States of America, the United Kingdom and Japan. Without the United States, the Authority could not be expected to function up to its full capacity.

For States which remain hesitant, or are not yet prepared to accept the responsibility incumbent upon Parties under the Convention, the provisions of the Convention will come into force for new Parties on the 30th day following the deposit of their instrument of ratification.

Other States not yet Parties of the Convention, currently numbering one hundred or so, may be grouped under 2 categories : (a) those not yet prepared to ratify the Convention; and (b) those making necessary preparations and adjustments to become Parties to it.

In the first group may be mentioned : the United States of America and a few economically advanced nations, such as Japan and the United Kingdom. However, with the amended version of Part XI, it might have become more plausible for them to ratify the Convention as amended, notwithstanding the legal complexity entailed by the successive

codification Convention. It is now in principle very difficult for any State seriously to object to the Convention on familiar grounds which have in effect been removed through various adjustments and amendments.

For the second category of States which are as yet non-Parties, the process of becoming Parties to the Convention is only a matter of time. There is no real and compelling reason for any nation to remain outside the international community, either supposedly to prevent isolation of some States, or allegedly as a token of solidarity with those hitherto unconvinced of the urgency and necessity to join the international community of maritime nations. No State can reap all the benefits of the Convention and yet disclaim all the obligations arising thereunder. Neither the United States of America nor Thailand for that matter can claim to be an exception to this general rule of natural justice.

Whatever else may constitute worthy considerations that prompt States to become Parties to a general Convention of this magnitude, the bottom line for Thailand is incontestably her own national self-interests. Her action and decision should always be guided by whatever seems best for her benefits, for her interests and for the protection of her nationals. Thailand should welcome the adoption of a contemporary corpus juris gentium regulating the status of the various parts of the ocean, the management of its resources, the protection and conservation of marine environment, and the sustainable development of the resources of the sea, constituting the common heritage of mankind, including its production, transportation and equitable distribution among the nations and peoples of the world, especially those in the least developed economies.

The question is no longer whether Thailand should ratify the 1982 Convention, but how much longer Thailand can afford not to ratify it without inflicting irreparable damage upon herself, her image and her prestige and without imposing undue hardships and untold sufferings on her own nationals engaged in marine fisheries and sustainable development of the coastal areas and the living and non-living resources of the sea.