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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION

Dual distribution

Letter dated 14 August 1970 from the Chairman of the
delegation of Peru addressed to the Chairman of the Committee
on the Peaceful Uses of the Sea-Bed and the Ocean Floor
beyond the Limits of National Jurisdiction

I have the honour to send you herewith the texts of the Latin American Declaration on the Law of the Sea and the pertinent resolutions adopted at the Latin American Meeting on Aspects of the Law of the Sea, held at Lima from 4 to 8 August 1970.

As I consider their content to be of interest for our work, I should be glad if you would kindly arrange for these documents to be circulated in the official languages of the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction, of which you are Chairman.

Accept Sir, etc.

[Signed]

Alfonso Arias-Schreiber
Ambassador, Chairman of the delegation

GE.70-18328

70-20005

DECLARATION OF THE LATIN AMERICAN STATES ON THE LAW OF THE SEA

The Latin American Meeting on Aspects of the Law of the Sea,

Considering:

That there is a geographical, economic and social link between the sea, the land, and man who inhabits it, which confers on coastal populations a legitimate priority right to utilize the natural resources of their maritime environment;

That in consequence of that priority relationship, the right has been recognized of coastal States to establish the extent of their maritime sovereignty or jurisdiction in accordance with reasonable criteria, having regard to their geographical, geological and biological situation and their socio-economic needs and responsibilities;

That the dangers and damage resulting from indiscriminate and abusive practices in the extraction of marine resources, among other reasons, have led an important group of coastal States to extend the limits of their sovereignty or jurisdiction over the sea, with due respect for freedom of navigation and flight in transit for ships and aircraft, without distinction as to flag;

That certain forms of utilization of the marine environment have likewise been giving rise to grave dangers of contamination of the waters and disturbance of the ecological balance, to combat which it is necessary that the coastal States should take steps to protect the health and interests of their populations;

That the development of scientific research in the marine environment requires the widest possible co-operation among States, so that all may contribute and share in its benefits, without prejudice to the authorization, supervision and participation of the coastal State when such research is carried out within the limits of its sovereignty or jurisdiction;

That in declarations, resolutions and treaties, especially inter-American instruments, and also in unilateral declarations and in agreements signed between Latin American States legal principles are embodied which justify the aforementioned rights;

That the sovereign right of States over their natural resources has been recognized and reaffirmed in numerous resolutions of the General Assembly and other United Nations bodies;

That in the exercise of these rights the respective rights of other neighbouring coastal States on the same sea must be mutually respected; and

That it is desirable to assemble and reaffirm the foregoing concepts in a joint declaration which will take into account the plurality of existing legal régimes on maritime sovereignty or jurisdiction in Latin American countries.

DECLARES as common principles of the Law of the Sea:

1. The inherent right of the coastal State to explore, conserve and exploit the natural resources of the sea adjacent to its coasts and the soil and subsoil thereof, likewise of the Continental Shelf and its subsoil, in order to promote the maximum development of its economy and to raise the level of living of its people;
2. The right of the coastal State to establish the limits of its maritime sovereignty or jurisdiction in accordance with reasonable criteria, having regard to its geographical, geological and biological characteristics, and the need to make rational use of its resources;
3. The right of the coastal State to take regulatory measures for the aforementioned purposes, applicable in the areas of its maritime sovereignty or jurisdiction, without prejudice to freedom of navigation and flight in transit of ships and aircraft, without distinction as to flag;
4. The right of the coastal State to prevent contamination of the waters and other dangerous and harmful effects that may result from the use, exploration or exploitation of the area adjacent to its coasts;
5. The right of the coastal State to authorize, supervise and participate in all scientific research activities which may be carried out in the maritime zones subject to its sovereignty or jurisdiction, and to be informed of the findings and the results of such research.

This declaration shall be known as the "Declaration of the Latin American States on the Law of the Sea".

Lima, 8 August 1970.

RESOLUTION 1
ON THE SEA-BED AND OCEAN FLOOR
BEYOND THE LIMITS OF NATIONAL JURISDICTION

The Latin American Meeting on Aspects of the Law of the Sea

Considering:

That the Latin American States have declared on various occasions that the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, including the resources of that zone, should be the common heritage of mankind;

That, in order to ensure that the exploration, conservation and exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, shall be carried out for the benefit of all mankind, irrespective of the geographical location of States and taking into consideration the special interests of the developing States, whether coastal or land-locked, it is essential that these activities be carried out under an international régime which shall include suitable machinery for ensuring joint participation in the administration of the zone and in the benefits derived therefrom;

That the United Nations Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction is at present engaged on the task of drawing up a declaration of principles which should establish the broad lines of the future régime;

That a group of fifteen States, with the participation of Latin American countries, has submitted to the said Committee, in document A/AC.138/SC.1/L.2, dated 23 March 1970, a draft General Assembly resolution containing general principles relating to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction;

That, to succeed in its task, the said Committee must observe in its work a suitable order of priority corresponding to rational criteria for the formulation of rules of international law; and

That the introduction of proposals for the establishment of an interim régime for the international zone might not only delay the completion of the first essential stage, which is to draw up a declaration of principle and the broad lines of a permanent régime, but might also hamper the said Committee in the proper discharge of its mandate;

Decides to recommend to Governments participating in this Meeting that they take account of the following objectives;

(1) that the United Nations Committee on the Sea-Bed and Ocean Floor should continue to give priority to the task of preparing a declaration of principles which would establish the broad lines of the future permanent régime to be established for that zone;

(2) That the said declaration of principles should serve merely as the basis for the Committee's subsequent work, under the mandate conferred on it by General Assembly resolutions 2467 (XXIII) and 2574 (XXIV);

(3) That it would be premature to establish an interim régime for the international zone and to establish the extra-jurisdictional limits of the sea-bed and ocean floor until the above-mentioned stages have been completed;

(4) That in the light of the reports prepared by the Secretary-General of the United Nations on the various possible types of international machinery for the exploration, conservation and exploitation of the sea-bed and ocean floor and the sub-soil thereof beyond the limits of national jurisdiction, the Latin American Governments shall agree on a common position with regard to determination of the most suitable arrangement for organizing the said machinery and on the question of the desirability of including in it regional or sub-regional systems;

(5) That, without prejudice to any suggestions which they may see fit to make concerning the declaration of principles mentioned under (1), they should at the appropriate time support the broad lines contained in document A/AC.138/SC.1/L.2 of 23 March 1970.

RESOLUTION 2
ON THE CONVENING OF A FURTHER INTERNATIONAL
CONFERENCE ON THE LAW OF THE SEA

The Latin American Meeting on Aspects of the Law of the Sea:

Recalling resolutions 798 (VIII) and 1105 (XI) of the United Nations General Assembly;

Having regard to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf, the superjacent waters, and the sea-bed and ocean floor beyond the limits of national jurisdiction are closely linked together, so that their consideration should take account of the necessary correlation between the legal régime and the physical environment to which it applies;

Considering that, at the request of the General Assembly in its resolution 2574 A (XXIV), the Secretary-General has consulted Member States on the desirability of convening at an early date a conference on the law of the sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas, particularly in order to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction, in the light of the international régime to be established for that area;

Considering also that the convening of a conference or conferences with a limited agenda for the purpose of dealing separately with particular aspects of the law of the sea is undesirable, because it would compromise the success of a general conference; and that it conflicts with the principle, recognized by the International Law Commission and endorsed by the said General Assembly resolutions, concerning the treatment of maritime questions as a whole;

Bearing in mind, furthermore, that the Secretary-General is to report on the results of his consultations to the General Assembly at its twenty-fifth session;

Recommends to the Governments of the States participating in the Meeting:

- (a) That, if they have not already done so, they reply to the Secretary-General's request for their views by expressing themselves in favour of convening an international conference on the law of the sea, provided the conference considers the various topics referred to in resolution 2574 A (XXIV), and once the permanent international régime and the administrative machinery applicable to the extra-jurisdictional sea-bed have been defined, and the studies, reports and inquiries made for that purpose have indicated that there are reasonable hopes for the success of the conference;

- (b) That they instruct their delegations to the United Nations to support the above-mentioned position when this question is discussed at the twenty-fifth session of the General Assembly;
- (c) That they also instruct the said delegations to oppose any proposal to convene a conference or conferences whose agenda would be limited to particular aspects of the law of the sea.

RESOLUTION 3
ON THE PROBLEM OF THE CONTAMINATION OF THE MARINE ENVIRONMENT

The Latin American Meeting on Aspects of the Law of the Sea:

Recognizing that the exploration, exploitation and use of the oceans and the soil and subsoil thereof and other activities carried out in non-marine environments have recently been creating a serious danger of contamination of waters and disturbance of the ecological balance of the marine environment;

Considering, consequently, the urgent need to take appropriate measures to prevent, control, reduce or eliminate contamination and any other dangerous and harmful effects that may result from the said activities;

Considering further that such measures must include not only rules to govern the exploration, exploitation and utilization of the oceans and the soil and subsoil thereof, and other activities which may affect the marine environment, but also rules relating to the system of liability for the resulting damages;

Recalling the progress made in these matters by various governmental bodies and by the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, the Inter-Governmental Maritime Consultative Organization and the International Atomic Energy Agency,

Recalling also resolution 2467 B (XXIII) of the United Nations General Assembly of the United Nations;

Noting with concern that, notwithstanding the repeated protests of many States, nuclear weapons tests continue to be carried out in the marine environment, destroying important living resources, contaminating the waters by their radioactive effects and disturbing the existing biological, chemical and physical processes and balances;

Considering that, for all these reasons, and without prejudice to any international agreements that have been concluded or which may be concluded on these matters, it is necessary to reaffirm the right of coastal States to take any steps and measures that they may deem necessary for the proper protection of the interests of their peoples against the dangers of contamination and other harmful effects that may result from the use, exploration and exploitation of the seas contiguous to their territories, or from other activities carried out in non-marine environments that may affect the said interests;

Recommends to the Governments participating in this Meeting;

- (a) That they reaffirm their decision to take such steps and measures as they may deem appropriate to prevent, control and reduce or eliminate contamination and other dangerous and harmful effects resulting from the exploration, exploitation and use of the sea adjacent to their coasts and of the soil and subsoil thereof, and from any other activities carried out in non-marine environments that may affect the interests of their people, in exercise of the right of coastal States to protect its maritime heritage;
- (b) That they reaffirm their opposition to the continuance of those nuclear weapons tests, mainly in the marine environment, which produce effects harmful to the resources of the sea, contamination of waters and disturbance of their existing biological, chemical and physical processes and balances;
- (c) That they exchange views and information on appropriate measures for the above-mentioned purposes and on draft international agreements relating to these matters;
- (d) That they agree on common positions so that when these matters are discussed in international organizations and at international conferences, their respective representatives may take due account of the rights and interests of coastal States.

RESOLUTION 4
ON THE PROHIBITION OF THE EMPLACEMENT OF
NUCLEAR AND OTHER WEAPONS ON THE SEABED AND THE OCEAN
FLOOR AND IN THE SUBSOIL THEREOF

The Latin American Meeting on Aspects of the Law of the Sea:

Taking note of the Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof, submitted to the Conference of the Committee on Disarmament on 23 April 1970 by the Union of Soviet Socialist Republics and the United States of America (CCD/269/Rev.2).

Considering that at present, general and completedisarmament is an objective of fundamental importance for the international community;

Reaffirming its belief that the sea-bed and ocean floor and the subsoil thereof should be used for exclusively peaceful purposes; and

Considering that the draft should not prejudice the maritime sovereignty and jurisdiction of the Latin American States, or affect the regional agreements on disarmament to which they are parties;

Takes note with interest of the work done so far in this connexion by the Latin American countries represented in the Conference of the Committee on Disarmament in an attempt to ensure that due account is taken of Latin American rights and interests in the instrument to be elaborated; and

Recommends to the Governments of States participating in this Meeting that when the General Assembly of the United Nations considers the Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof, they endeavour to harmonize their efforts with a view to preventing any infringement of their maritime sovereignty and jurisdiction or of the existing regional régime among the Latin American countries on the subject of disarmament.

RESOLUTION 5
ON THE LEGAL ASPECTS OF SCIENTIFIC OCEANOGRAPHIC RESEARCH

The Latin American Meeting on Aspects of the Law of the Sea:

Recalling the resolutions adopted by the General Assembly of the United Nations at its twenty-fourth session on the legal aspects of scientific oceanographic research;

Considering the desirability of a careful study of resolution VI-13 of the Intergovernmental Oceanographic Commission on the promotion of basic scientific research;

Bearing in mind, in particular, the action at present being taken by the said Intergovernmental Oceanographic Commission with a view to the preparation of a draft Convention on the legal status of systems for the acquisition of oceanographic data (SADO);

Considering the importance from the standpoint of basic legal issues such as the sovereignty and jurisdiction of the coastal States, of any criteria that are adopted on this matter.

DECIDES:

(1) To recommend that the Governments participating in this Meeting undertake a continuing exchange of views with a view to co-ordinating and harmonizing their positions in the various forums dealing with the legal problems of scientific oceanographic research;

(2) To recommend also that these Governments adopt a common stand on the question of the desirability of those matters being considered jointly in the United Nations, so that the developing States, and particularly the Latin American countries, may participate actively in the formulation of any rules it is desired to adopt.

(3) To reaffirm:

(a) That any scientific research carried out within the maritime jurisdiction of a State shall be subject to prior authorization by that State and shall comply with the conditions laid down by that authority;

(b) That the coastal State has the right to participate in any research that may be carried out within its jurisdiction and to benefit from the results of that research;

(c) That all the samples obtained in research of this kind shall be the property of the State in whose jurisdiction the research is carried out and that they may be appropriated by those conducting the research only with the express consent of that State;

(d) That any scientific research which is authorized as such shall continue to be of a strictly and exclusively scientific character.