

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.138/80
26 July 1972

Original: ENGLISH/FRENCH/SPANISH



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

Text of the Declaration of Santo Domingo approved by the meeting of
Ministers of the Specialized Conference of the Caribbean Countries on
Problems of the Sea held on 7 June 1972

(Circulated as a Committee document pursuant to the
decision of the Committee at its 78th meeting held on 20 July 1972)

THE SPECIALIZED CONFERENCE OF THE CARIBBEAN
COUNTRIES ON PROBLEMS OF THE SEA

RECALLING:

That the International American Conferences held in Bogotá in 1948, and in Caracas in 1954, recognized that the peoples of the Americas depend on the natural resources as a means of subsistence, and proclaimed the right to protect, conserve and develop those resources, as well as the right to ensure their use and utilization.

That the 'Principles of Mexico on the Legal Regime of the Sea' which were adopted in 1956 and which were recognized "as the expression of the juridical conscience of the Continent and as applicable, by the American States", established the basis for the evolution of the Law of the Sea which culminated, that year, with the announcement by the Specialized Conference in the Capital of the Dominican Republic of concepts which deserved endorsement by the United Nations Conference on the Law of the Sea, Geneva, 1958.

Considering:

That the General Assembly of the United Nations, in its Resolution 2750 (XXV) decided to convoke in 1973 a Conference on the Law of the Sea, and recognized "the need for early and progressive development of the law of the sea";

GE.72-14508

72-17124

That it is desirable to define, through universal norms, the nature and scope of the rights of States, as well as their obligations and responsibilities relating to the various oceanic zones, without prejudice to regional or sub-regional agreements, based on the said norms.

That the Caribbean countries, on account of their peculiar conditions, require special criteria for the application of the Law of the Sea, while at the same time the co-ordination of Latin America is necessary for the purpose of joint action in the future;

That the economic and social development of all the peoples and the assurance of equal opportunities for all human beings are essential conditions for peace;

That the renewable and non-renewable resources of the sea contribute to improve the standard of living of the developing countries and to stimulate and accelerate their progress;

That such resources are not inexhaustible since even the living species may be depleted or extinguished as a consequence of irrational exploitation or pollution;

That the law of the sea should harmonize the needs and interests of States and those of the International Community;

That international co-operation is indispensable to ensure the protection of the marine environment and its better utilization;

That as Santo Domingo is the point of departure of the American civilization, as well as the site of the First Conference of the Law of the Sea in Latin America in 1956, it is historically significant that the new principles to advance the progressive development of the Law of the Sea be proclaimed in this city.

Formulate the following Declaration of Principles:

TERRITORIAL SEA

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to an area of the sea adjacent to its coast, designated as the territorial sea, including the superjacent air space as well as the subjacent sea-bed and subsoil.

2. The breadth of the territorial sea and the manner of its delimitation should be the subject of an international agreement, preferably of a worldwide scope. In the meantime, each State has the right to establish the breadth of its territorial sea up to a limit of 12 nautical miles to be measured from the applicable baseline.

3. Ships of all States, whether coastal or not, should enjoy the right of innocent passage through the territorial sea, in accordance with International Law.

PATRIMONIAL SEA

1. The coastal State has sovereign rights over the renewable and non-renewable natural resources, which are found in the waters, in the seabed and in the subsoil of an area adjacent to the territorial sea called the patrimonial sea.

2. The coastal State has the duty to promote and the right to regulate the conduct of scientific research within the patrimonial sea, as well as the right to adopt the necessary measures to prevent marine pollution and to ensure its sovereignty over the resources of the area.

3. The breadth of this zone should be the subject of an international agreement, preferably of a worldwide scope. The whole of the area of both the territorial sea and the patrimonial sea, taking into account geographic circumstances, should not exceed a maximum of 200 nautical miles.

4. The delimitation of this zone between two or more States, should be carried out in accordance with the peaceful procedures stipulated in the Charter of the United Nations.

5. In this zone ships and aircraft of all States, whether coastal or not, should enjoy the right of freedom of navigation and overflight with no restrictions other than those resulting from the exercise by the Coastal State of its rights within the area. Subject only to these limitations, there will also be freedom for the laying of submarine cables and pipelines.

CONTINENTAL SHELF

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The continental shelf includes the sea-bed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits the exploitation of the natural resources of the said areas.

3. In addition, the States participating in this Conference consider that the Latin American Delegations in the Committee on the Sea-bed and Ocean Floor of the United Nations should promote a study concerning the advisability and timing for the establishment of precise outer limits of the continental shelf taking into account the outer limits of the continental rise.

4. In that part of the continental shelf covered by the patrimonial sea the legal regime provided for this area shall apply. With respect to the part beyond the patrimonial sea, the regime established for the continental shelf by International Law shall apply.

INTERNATIONAL SEA-BED

1. The sea-bed and its resources, beyond the patrimonial sea and beyond the continental shelf not covered by the former, are the common heritage of mankind, in accordance with the Declaration adopted by the General Assembly of the United Nations in Resolution 2749 (XXV) of December 17, 1970.

2. This area shall be subject to the regime to be established by international agreement, which should create an international authority empowered to undertake all activities in the area, particularly the exploration, exploitation, protection of the marine environment and scientific research, either on its own, or through third parties, in the manner and under the conditions that may be established by common agreement.

HIGH SEAS

The waters situated beyond the outer limits of the patrimonial sea constitute an international area designated as high seas, in which there exists freedom of navigation, of overflight and of laying submarine cables and pipelines. Fishing in this zone should be neither unrestricted nor indiscriminate and should be the subject of adequate international regulation, preferably of worldwide scope and general acceptance.

MARINE POLLUTION

1. Is the duty of every State to refrain from performing acts which may pollute the sea and its seabed, either inside or outside its respective jurisdictions?

2. The international responsibility of physical or juridical persons damaging the marine environment is recognized. With regard to this matter the drawing up of an international agreement, preferably of a worldwide scope, is desirable.

REGIONAL CO-OPERATION

1. Recognizing the need for the countries in the area to unite their efforts and adopt a common policy vis-à-vis the problems peculiar to the Caribbean Sea relating mainly to scientific research, pollution of the marine environment, conservation, exploration, safeguarding and exploitation of the resources of the sea;

2. Decides to hold periodic meetings, if possible once a year, of senior governmental officials, for the purpose of co-ordinating and harmonizing national efforts and policies in all aspects of oceanic space with a view to ensuring maximum utilization of resources by all the peoples of the region.

The first meeting may be convoked by any of the States participating in this Conference.

-O-O-O-O-O-O-O-

Finally, the feelings of peace and respect for international law which have always inspired the Latin American countries are hereby reaffirmed. It is within this spirit of harmony and solidarity, and for the strengthening of the norms of the inter-american system, that the principles of this document shall be realized.

The present Declaration shall be called: "Declaration of Santo Domingo".

Done in Santo Domingo de Guzmán, Dominican Republic, this ninth day of June one thousand nine hundred and seventy-two (1972), in a single copy in the English, French and Spanish languages, each text being equally authentic.