

Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
17 March – 26 April 1960

Document:-
A/CONF.19/L.16

Declaration by the Head of the Peruvian delegation

Extract from the *Official Records of the Second United Nations Conference on the Law of the Sea (Summary Records of Plenary Meetings and of Meetings of the Committee of the Whole, Annexes and Final Act)*

DOCUMENT A/CONF.19/L.13

Iceland: amendment to the second proposal in document A/CONF.19/L.4

[Original text: English]

[22 April 1960]

Add to paragraph 3 the following:

"The provisions of this paragraph shall not apply to the situation where a people is overwhelmingly dependent upon its coastal fisheries for its livelihood or economic development."

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Declaration by the Head of the Peruvian delegation

[Original text: Spanish]

[27 April 1960]

1. As was stated by its representatives both at the present Conference and at the thirteenth session of the General Assembly of the United Nations in 1958, and as is clear from the preamble of the proposal submitted by its delegation to the Committee of the Whole and to the Conference in plenary meeting,¹⁶ Peru opposed the convening of this conference on the grounds of insufficient scientific and technical preparation; that preparation would have furnished the Conference with the necessary basis for its discussions and conclusions, as contemplated in the measures leading up to the convening of the Conference.
2. At the first United Nations Conference on the Law of the Sea, in 1958, the Peruvian delegation submitted a proposal which accepted the idea of periodic meetings at not too infrequent intervals, provided that there was adequate scientific and economic preparation.¹⁷
3. Nevertheless, Peru attended this Geneva Conference in its capacity as a Member State of the United Nations especially interested in the problems included in the agenda. Peru participated in the Conference in order to set forth its exceptional case, for it considers that the existence of a special situation should be recognized in the case of coastal States which can prove that theirs is a special situation by reason of geographical position, the existence of peculiar geobiological conditions of specific economic and social conditions.
4. In our opinion, the Conference was held without due regard for the need of elementary study material, with the aim of hurriedly securing uncertain undertakings intended to maintain for as long as possible privileges at variance with the ethics of international equality, and of closing the road to equality of economic opportunity to the under-developed countries.
5. As far as Peru is concerned, it can claim a legal title based on vicinity and on exclusive possession and use since time immemorial. In addition, Peru can claim economic title by reason of the direct dependence of its agriculture on the resources of the sea, which likewise affect the well-being of its coastal and rural populations and the legitimate expectations of its developing industry, called upon to provide the necessary resources for the importation of basic food products for its people.
6. Moreover, Peru can plead, on social grounds, the under-nourishment and progressive and alarming increase of its population, the problem of employment, and the individual and collective welfare of the population. Lastly, at the highest human level, Peru is entitled to claim that it is defending man as such, in keeping with the moral principles of modern international law which are receiving growing recognition in institutions and in law.
7. We are faced, Mr. President, with the failure of this Conference with regard to the substance of its ambitious agenda. None of the proposals relating to the delimitation of the territorial sea and of the fishing zone obtained the support of the requisite two-thirds majority, and as a consequence no formal conclusions were reached on this matter.
8. Fortunately, as an ideological and moral compensation for that failure, many delegations have repeatedly advocated the preferential rights of the coastal State to the fisheries in its adjacent sea and the principle of an exception in favour of countries which, like Peru, are in a special situation. This recognition will make a deep mark on contemporary international law and lead to a decisive new step forward in the development of the law of the sea.
9. In view of the circumstances created by the failure of this Conference the Peruvian delegation states, in the name of its Government, that the rules of public law enacted by Peru regarding the exercise of its maritime jurisdiction continue in force, with the important provision that these rules do not hamper sea and air navigation for legitimate purposes and do not discriminate as between foreign fishermen who submit to our measures of regulation and control.

¹⁶ See A/CONF.19/L.5/Rev.1 above.

¹⁷ *Official Records of the United Nations Conference on the Law of the Sea*, vol. II, annexes, document A/CONF.13/L.10.

Signed: Alberto ULLOA
Chairman of the Delegation of Peru