

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

A/CONF.62/108

Note verbale dated 9 March 1981 from the representatives of Chile, Colombia, Ecuador and Peru to the President of the Conference

Extract from the Official Records of the Third United Nations Conference on the Law of the Sea, Volume XV (Summary Records, Plenary, General Committee and First Committee, as well as Documents of the Conference, Tenth and Resumed Tenth Sessions)

DOCUMENTS OF THE CONFERENCE

DOCUMENT A/CONF.62/107

Provisional agenda for the tenth session of the Conference

[Original: English]
[26 January 1981]

1. Opening of the session by the Secretary-General
2. Minute of silence for prayer or meditation
3. Tribute to the memory of Mr. Hamilton Shirley Amerasinghe
4. Election of the President
5. Adoption of the agenda for the session
6. Consideration of the subject-matter referred to in paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973
7. Adoption of a convention dealing with all matters relating to the law of the sea, pursuant to paragraph 3 of General Assembly resolution 3067 (XXVIII) of 16 November 1973, and of the final act of the Conference
8. Signature of the convention and the final act (at Caracas)

DOCUMENT A/CONF.62/108

Note verbale dated 9 March 1981 from the representatives of Chile, Colombia, Ecuador and Peru to the President of the Conference

[Original: Spanish]
[16 March 1981]

The heads of the delegations of Chile, Colombia, Ecuador and Peru to the Third United Nations Conference on the Law of the Sea present their compliments to the President of the Conference and have the honour to transmit to him the Cali Declaration of the Ministers for Foreign Affairs of the Parties Members of the Permanent Commission of the Conference on the Use and Conservation of the Marine Resources of the South Pacific, signed at the city of Cali, Colombia, on 24 January 1981; they request him to have the said Declaration circulated as an official document of the Third United Nations Conference on the Law of the Sea.

CALI DECLARATION OF THE MINISTERS FOR FOREIGN AFFAIRS OF THE PARTIES MEMBERS OF THE PERMANENT COMMISSION FOR THE SOUTH PACIFIC

The Ministers for Foreign Affairs of the countries members of the South Pacific System, Mr. D. Uribe Vargas of Colombia, Mr. R. Rojas Galdames of Chile, Mr. A. Barrera Valverde of Ecuador and Mr. J. Arias Stella of Peru, together with Mr. J. M. Bakula, General Secretary of the Permanent Commission for the South Pacific, met between 22 and 24 January 1981 at the city of Cali, at the invitation of the Government of Colombia, for the purpose of analysing the development of the South Pacific System, setting down guidelines which will strengthen the functioning of the System as a maritime regional organization and evaluating the present status of the deliberations of the Third United Nations Conference on the Law of the Sea.

The Ministers for Foreign Affairs are gratified to observe that the purposes and principles stated in the Santiago Declaration of 18 August 1952 were the forerunners of the policy of decolonizing the seas and reformulating the law of the sea, with a view to the establishment of an equitable and just legal system that will take particular account of the interests of the developing countries.

They therefore agree to continue taking co-ordinated action for the preservation and consolidation of these advances, and they agree that there is an urgent need to continue their efforts with a view to guaranteeing the exclusive sovereignty and jurisdiction to which each of the countries is entitled, under its laws, outwards to the 200-mile limit.

They note with satisfaction that the social and economic dimension of the new law of the sea can justly be called one of the great contributions of the countries of the South Pacific System to the international community, as well as the universal acceptance of the modern doctrine of the 200-mile limit, whose incorporation into the draft convention on the law of the sea has been ensured. They express their conviction that the new law of the sea will make a positive contribution to the establishment of the new international economic order.

They reaffirm that an international régime must ensure and protect, as the common heritage of mankind, the sea-bed and the ocean floor beyond the limits of national jurisdiction, without allowing the exploitation of their resources to produce adverse effects on the economies and incomes of the developing countries which export the same products.

Furthermore, they categorically reject any claims to the unilateral exploitation of the sea-bed and the ocean floor and the subsoil thereof, which cannot be the object of appropriation or any claim or exercise of rights on the part of any State or of the nationals of any State.

They assert that the international Authority which will administer the sea-bed and the ocean floor should not be subject to the control or interests of a small group of Powers but should, instead, have an authentically democratic character and adequately represent the interests of the countries of the third world.

They express their desire to study the possibilities for the South Pacific System, as a regional entity, to serve the Governments' purpose of participating actively in the exploitation of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction.

In the light of the present status of the deliberations of the Third United Nations Conference on the Law of the Sea, they consider it desirable for their Governments to carry out jointly an analysis of the draft convention, with the aim of coordinating, in so far as possible, the position of each of their countries in respect of the said draft, as well as the actions that may have to be taken in connexion with the entry into force of the convention.

They also recommend that their respective delegations to the next session of the Conference should first hold joint consultations in order to harmonize their views, they recognize the need to establish effective instruments in the struggle against the pollution of the marine environment, and they agree that they should redouble their efforts in the field of scientific investigation.

In addition, they affirm their intention to consider the possibility of concluding an agreement between the countries of the System with a view to ensuring the conservation and, subject to that principle, the optimum utilization of tuna, a resource which is at the free and sovereign disposal of the coastal countries.

Reaffirming their recognition—broadly accepted by the international community—of the rights of sovereignty and jurisdiction which each of their countries possesses over the waters adjacent to its coasts outwards to a distance of 200 nautical miles, they condemn violations of those rights and reject all coercive measures imposed against States members of the System in violation of the provisions of article 19 of the Charter of the Organization of American States and other norms of international law.

They also declare once again the firm political support of their Governments for the Permanent Commission for the South Pacific and consider it desirable to strengthen and adapt the Commission in such a way that having due regard to present geographical scope and the possibilities afforded by new

legal norms and institutions, it will continue to serve as a bond of solidarity among its member countries and as the appropriate regional organization for the defence of their maritime interests. They instruct the Secretariat to study the requirements arising from new situations and to submit to a special meeting its suggestions for achieving the necessary strengthening and adaptation of the Commission.

They express their support for the scientific programmes of the Permanent Commission for the South Pacific, particularly the *Estudio Regional del Fenómeno "El Niño"* project, which is being carried out with the support of the Intergovernmental Oceanographic Commission, UNESCO and the World Meteorological Organization, and the Action Plan for the Protection of the Marine Environment and Coastal Areas of the South Pacific against pollution; they instruct the Secretariat to continue its efforts to prepare a project for the study of the living resources of the region and the development of its fisheries, with the support of Food and Agriculture Organization.

The Ministers for Foreign Affairs of Chile, Ecuador and Peru express the profound satisfaction of their Governments at Colombia's becoming a member of the Permanent Commission for the South Pacific. They are convinced that this development will contribute greatly to the internal and external strengthening of the System, which, since it now encompasses all the Pacific coast States of South America, presents a united front in defending and affirming the important advances already made and offers improved prospects for action in new fields and a means for co-operation with other States and international organizations.

The Ministers for Foreign Affairs of Chile, Ecuador and Peru sincerely thank the enlightened Government of Colombia for its initiative in convening this meeting of Foreign Ministers of member countries of the South Pacific System, commend the Minister for Foreign Affairs of Colombia, Mr. D. Uribe Vargas, for his skilful conduct of the meeting and express their gratitude for the generous hospitality of the city of Cali and its departmental and municipal authorities.

This declaration, signed on 24 January 1981, shall be known as the "Cali Declaration".

(Signed) D. URIBE VARGAS
(Minister for Foreign Affairs of Colombia)

R. ROJAS GALDAMES
(Minister for Foreign Affairs of Chile)

A. BARRERA VALVERDE
(Minister for Foreign Affairs of Ecuador)

J. ARIAS STELLA
(Minister for Foreign Affairs of Peru)

DOCUMENT A/CONF.62/109

Letter dated 21 August 1980 from the Director-General of the World Health Organization to the President of the Conference

[Original: English]
[16 March 1981]

I have the honour to refer to the draft provisions under consideration at the Third United Nations Conference on the Law of the Sea, and in particular to the second revision of the informal composite negotiating text (A/CONF.62/WP.10/Rev.2 and Corr.2-5), of 11 April 1980, and the draft text on final clauses presented by the President (FC/21/Rev.1).

As you will recall, the World Health Organization (WHO), during the various phases of international deliberations on the

law of the sea, has expressed its interest in provisions relating to the exercise by coastal States in the waters under their jurisdiction, of measures deemed necessary to prevent the infringement of their sanitary regulations. The interest of WHO arises out of the regulatory authority of the World Health Assembly under the WHO constitution in regard to sanitary and quarantine requirements and other procedures to prevent the international spread of diseases.