

Statement delivered by Ambassador Gina Guillén-Grillo
Permanent Representative of Costa Rica to the ISA
on behalf of the Group of Latin American and Caribbean Countries
on the occasion of the
Special Session to Commemorate the Adoption of the 1982 UN Convention on the Law of the Sea
Kingston, August 1st, 2022

Thank you, Mr President

It is a great honour to deliver this statement on behalf of the Group of Latin American and Caribbean States, GRULAC, at this very special occasion to mark the 40th Anniversary of the adoption of the 1982 UN Convention on the Law of the Sea, and to do it in the framework of the celebration of the 60th Anniversary of the Independence of the land Jamaica and the commemoration of Emancipation Day. Even though Jamaica is one of the youngest GRULAC countries, its achievements in these 6 decades have been impressive.

In the international arena, it has a voice that is respected and heard with attention, as a result of this country's action oriented foreign policy, masterfully led by H.E. the Minister of Foreign Affairs and Foreign Trade, Senator the Honourable Kamina Johnson Smith.

It was precisely as a recognition to Jamaica's leading role in the negotiations and crafting of the United Nations Convention of the Law of the Sea, represented in the process by Dr. Kenneth Ratay - then the country's Solicitor General-, that Jamaica was selected as the site of the International Seabed Authority, becoming the first country in the region-and still one of the few globally-to host a major international organization. It is a great honour for Jamaica, but also for the whole Latin American and the Caribbean region.

Mr. President

Regulating 70% of the world's surface, UNCLOS is perhaps the most ambitious and relevant codification of international law that humanity has ever accomplished. As reiterated every year at the United Nations, through its Law of the Sea resolution, the Convention sets out the legal framework within which all activities in the ocean and seas must be carried out, giving legal certainty and stability to the maritime relationship between nations.

It standardized the procedures for States' claims over maritime zones and gave them mechanisms to resolve disputes. The fact that most countries have used UNCLOS to establish their maritime boundaries shows the great support it has had from the international community.

When we recall the long history that ended with the adoption of UNCLOS 40 years ago, we want to remember a few of GRULAC's contributions to Law of the Sea, and to the Montego Bay Convention.

It was through the 1939 declaration of neutrality of the "International Union of American Republics" that our region proclaimed their undisputable right to have no hostile acts on their waters up to 300 miles off their coasts. This was the first time ever a regional organization declared

their rights over territorial seas. This was a useful precedent for UNCLOS negotiations on the Exclusive Economic Zone, and on the limits of the Continental Shelf.

In 1942 in Habana, Cuba, also in the framework of the International Union of American Republics meeting of Foreign Ministers, our countries recommended a uniformed extension of the territorial sea to 12 nautical miles. Even though this proposal did not prosper at the time, it was the basis for the negotiations of UNCLOS and it was precisely the measure later adopted for territorial sea.

After the Truman declarations of 1945 on the extension of the US continental shelf and on fisheries, several Latin American countries, once again, lead important actions that would impact future negotiations. One of the most important ones was the Declaration of Santiago de Chile of 1952, where Chile, Ecuador and Peru proclaimed sovereignty and exclusive rights over 200 nautical miles. This proposal was the basis of the final definition of the Exclusive Economic Zone in UNCLOS. In fact, it was our region that proposed the term “economic zone”.

GRULAC countries strengthened their positions through the adoption of the Mexico Principles, as well as through the Santo Domingo Declaration, which was the first Latin American Conference on law of the sea.

Our member States contributed greatly during the three UN Conferences, joining forces with other developing countries to promote equal access for developing states, fair and equitable sharing of benefits, the principle of Common Heritage of Humankind, and the protection of the marine biodiversity . As a matter of fact, the Latin American countries developed and promoted the “Biomass Theory”, which was a precursor of the ecosystem approach.

The Enterprise was also a proposal of GRULAC countries to UNCLOS. It was our Group that in 1971 proposed the idea of the Enterprise to the United Nations Committee for the Peaceful Use of the Seabed in Areas Beyond National Jurisdictions in 1971. Our region was also instrumental in advancing the position that special consideration be given to true archipelagic states, including the acceptance of steep sided oceanic plateau or banks as land.

Mr. President,

Our countries have remained involved in the Law of the Sea discussions and processes that have taken place in different fora in these 40 years.

We reiterate the importance of upholding and strengthening Ocean Governance both within and beyond national jurisdictions, and in this regard, we look forward to the conclusion of the elaboration and further adoption of the internationally legally binding instrument under UNCLOS for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction that is being negotiated in the UN Headquarters in New York.

We will also continue constructively engaged in the negotiation in the framework of the International Seabed Authority of solid, fair and environmentally sound Regulations that fully comply with the principle of Common Heritage of Humankind, and that ensures the effective protection of the marine environment, as established in art 145 of UNCLOS.

Today, at the 40th Anniversary of UNCLOS we reiterate our commitment to Multilateralism and to the application of the United Convention of the Law of the Sea.

I thank you, Mr. President

