Pacific Resources and Ocean Law: A Latin American Perspective

Eduardo Ferrero Costa*

I
AN OVERVIEW OF LATIN AMERICA AND THE PACIFIC BASIN

Although the Latin American countries on the Pacific coast have basic interests in marine resources and have made important contributions to the new law of the sea, these countries historically have been oriented towards the Atlantic. The main emphasis of Latin American foreign relations has been on the United States and Europe. Latin American contacts with the Soviet Union have been directed primarily across the Atlantic, through Europe, despite the Soviet Union’s role in the Pacific.

Latin American nations trade principally with the United States and Europe. With the exception of Japan, they have no important commercial trading partners in Asia. Only about eight percent of the total exports of Latin America go to Japan, the majority of which is attributable to Brazil and Mexico, the two largest Latin American countries. 2

Until recently, Latin American countries have not made relations with the countries of the Pacific Basin a foreign policy priority. For instance, Peru has had only occasional and limited economic and cultural relations with Asia since gaining independence from Spain in 1824. Although during the past century there has been significant immigration to Peru from China and Japan, Peru has had significant trade relations with Japan only in the last several decades. 2 Only in the past few years have the issues of the Pacific Basin and economic cooperation in the Pacific appeared on the agendas of some Latin American countries, such as Chile and Peru. These Latin American nations’ recognition of the Pa-

Copyright © 1989 by ECOLOGY LAW QUARTERLY


1. ECONÓMICO LATINOAMERICANO, SITUACIÓN Y PERSPECTIVAS DE LAS RELACIONES ECONÓMICAS ENTRE AMÉRICA LATINA Y EL JAPÓN 49 (Papeles del SELA No. 5, Ediciones de la Flor, 1987) [hereinafter ECONÓMICO LATINOAMERICANO].

Pacific Basin as a distinct and complex area of international relations is an important step towards the future.3

On the other side of the Pacific, economic and cultural relations of the Pacific Asian countries have been oriented towards the United States, Europe, and other Asian countries, but not with Latin America. Although there are eleven Latin American countries on the Pacific coast, the Asian countries of the Pacific focus their attention only on the United States and Canada when they think and write about the Pacific coast of the American continents.

Recent political and economic indicators show unequivocally that the Pacific Basin, the largest and richest of all ocean areas, is becoming the future center of world economic and political activity. In this context, the next century presents important challenges for Latin America in its involvement in the Pacific. The volume of world trade in the Pacific region increases with each year. In 1983, the Pacific Basin supported $183 billion in foreign trade,4 while the Atlantic Basin yielded only $113 billion.5 U.S. investments in the Pacific Basin are growing seven times faster than investments in the European Economic Community.6 Japanese investments in the United States are also increasing.7

The flow of commerce inside the Pacific Basin is increasing faster than in any other region of the world. For instance, while world trade increased 19.1% between 1979 and 1985, trade between the United States and Japan during the same period increased 99.1%, trade between Latin America and Hong Kong and Korea together increased 130.9%, and trade between Asian countries and China increased 193%.8 Moreover, as stated in a recent publication of the Latin American Economic System, “the strong exports development of Japan and the Asian countries of recent industrialization... is one of the most important facts of the world economy during the last twenty years. This has led to the idea of a century of the Pacific and of a realignment of the global forces.”9

The rate of economic growth and trade of the recently industrialized Asian countries is much higher than that of Latin American countries. While the annual growth rate of the Latin American countries has remained low, South Korea, Taiwan, Hong Kong, and Singapore have sus-

3. For general information on the relations of Latin America with the Pacific Basin, see AMERICA LATINA EN LA CUENCA DEL PACIFICO: PERSPECTIVAS Y DIMENSIONES DE LA COOPERACION (1987) [hereinafter AMERICA LATINA EN LA CUENCA]; Sparks, Chile y la Comunidad del Pacifico, in COLECCION ESTUDIOS INTERNACIONALES (1985).
4. ECONOMICO LATINOAMERICANO, supra note 1, at 35.
5. Id.
6. Id.
7. Id.
9. ECONOMICO LATINOAMERICANO, supra note 1, at 35.
tained real growth rates between 5% and 8% per year, thereby increasing both their foreign trade and international reserves. The value of the exports of South Korea, Taiwan, and Hong Kong individually are almost equal to the exports of Brazil, the largest country in Latin America, and are ten times greater than the exports of Peru.

Economic indicators show that Korea, Hong Kong, Taiwan, Singapore, and other Asian countries, such as Indonesia and Malaysia, are emerging as significant actors in world trade, along with Japan and the United States. This trend is one reason why many experts are saying that the economic relations of the United States and Japan, and to a lesser degree, of the other countries of the Asia-Pacific region, will influence future trends in the world economy. Latin American countries must increase their economic relations with the Asian countries of the Pacific Basin to benefit from this trend and to establish themselves as significant members of this developing international system.

This Article will focus on Latin America's contribution to the emerging law of the sea, and the participation of Latin American countries in the exploitation of the natural resources of the Pacific Basin.

II
LATIN AMERICA'S CONTRIBUTION TO THE RECOGNITION OF THE 200-MILE EXCLUSIVE ECONOMIC ZONE

In 1947, two Latin American countries, Chile and Peru, followed the example of the 1945 Truman Proclamations and began a revolution in the oceans with their proclamation of a 200-mile sovereign maritime zone for the exploitation of living and nonliving resources. Ecuador adopted this position in 1952 in the Santiago Declaration, in which the three countries declared exclusive sovereignty and jurisdiction over ocean resources within two hundred miles off their coasts as their common maritime policy.

During the 1950's this new foreign policy sparked many incidents. The Peruvian Navy's seizure of the Onassis fleet in 1954 for hunting whales within its 200-mile zones without permission is an example of one such incident. The fleet paid the three million dollar fine the Peruvian

10. Id. at 37.
11. Id.
13. For the text of this Declaration, see E. FERRERO COSTA, EL NUEVO DERECHO DEL MAR: EL PERÚ Y LAS 200 MILLAS 58 (1979). For a discussion of the evolution of the Latin American position on the law of the sea, see id. at 5-89.
14. For documents related to this incident, see I R. FERRERO, DERECHO INTERNACIONAL 148-50 (1966).
Government imposed.\textsuperscript{15} Chile, Peru, and Ecuador vigorously defended the 200-mile zone at the First and Second Conferences on the Law of the Sea, held in 1958 and 1960.\textsuperscript{16} Their position, however, was completely ignored and the old law of the sea was retained.

From the beginning, the United States, Great Britain, and other European states expressed diplomatic protest and strong opposition to the 200-mile policy. After the Latin American countries took several more enforcement actions during the 1960's, the United States imposed economic sanctions on these countries, especially with respect to disputes over tuna catches.\textsuperscript{17}

Peru, Ecuador, and Chile were able to enforce their 200-mile zones because they assumed a united position and established a subregional organization for this purpose. They created the South Pacific Permanent Commission (SPPC) in 1954 to defend their common interests in the 200-mile maritime zone.\textsuperscript{18} The SPPC, which was strengthened by the addition of Colombia as a member in 1979,\textsuperscript{19} has since extended its activities to include other important marine issues in the Pacific, such as the protection of the marine environment from pollution.

\textsuperscript{15} See id. After following the procedures established in Peruvian law, on November 26, 1954, the Captain of the Port of Paita, with jurisdiction over the case, adopted a resolution ordering both the captains of the five captured ships and their owners to pay a fine of three million dollars. There was no appeal, and the owners paid the sanction. E. Sayan, \textit{Derecho del Mar} 91-95 (1985).


\textsuperscript{17} As a consequence of the capture of North American boats fishing within the 200-mile zones, the U.S. Congress amended the Foreign Military Sales Act on October 22, 1968. According to this Amendment, the sale of military equipment was forbidden to countries capturing or imposing sanctions on boats fishing more than 12 miles from the coast of that country. The United States enforced the Amendment against Peru in February 1969 and against Ecuador in January 1971. In 1972, the U.S. Congress amended the Fisherman’s Protective Act of 1967, Pub. L. No. 92-569 (codified at 22 U.S.C. §§ 1971-1976 (1982)), authorizing offset reductions in foreign aid against nations refusing to make full restitution for losses due to the capture of American fishing vessels. The Act was applied against Ecuador in March, 1972.


\textsuperscript{19} On August 9, 1979 the Ministers of Foreign Affairs of Columbia, Chile, Ecuador, and Peru met in Quito and approved a Joint Declaration and Agreement by which Columbia agreed to adhere to the 1952 Santiago Declaration and was incorporated into the South Pacific Permanent Commission (SPPC). For discussion of Columbia’s entry into the SPPC, see J. Bakula, \textit{El Dominio Maritimo del Peru} 108-09 (1985).
In the late 1960's, six other Latin American countries, including Brazil and Argentina, followed their neighbors' example and adopted the 200-mile zone policy.\textsuperscript{20} By 1972, all coastal Latin American countries had proclaimed 200-mile maritime zones, patrimonial seas, or Exclusive Economic Zones (EEZ's). Third World countries throughout Asia and Africa also soon adopted this concept.

During the development period of the Third United Nations Convention on the Law of the Sea, the four Latin American countries of the SPPC used their united position to encourage the international recognition of the 200-mile zone.\textsuperscript{21} Two days before the Convention on the Law of the Sea was approved by the Third United Nations Conference, the delegates from Colombia, Chile, Ecuador, and Peru jointly submitted a formal statement recalling that

the universal recognition of the rights of sovereignty and jurisdiction of the coastal State within the 200-mile limit provided for in the draft convention is a fundamental achievement of the countries members of the Permanent Commission of the South Pacific, in accordance with the basic objectives stated in the Santiago Declaration of 1952 issued by the Diplomatic Conference on the Exploitation and Conservation of the Marine Resources of the South Pacific held by Chile, Ecuador, and Peru.\textsuperscript{22}

When the Third United Nations Conference on the Law of the Sea convened in 1973, the international community already had accepted the idea of a 200-mile zone.\textsuperscript{23} In fact, many coastal states, including developed countries like the United States and Japan, already were applying the policy at least with regard to fishing zones.\textsuperscript{24} Nine years later a 200-mile EEZ was established by treaty when the Convention on the Law of the Sea (1982 Convention) was approved in 1982.\textsuperscript{25}

The economic interests of the coastal states led to the recognition of the 200-mile EEZ. The superpowers also supported this new concept, obtaining in exchange recognition of freedom of navigation through international straits and all the oceans of the world, including the Pacific.

Thus, EEZ's changed the map of the world. More than 100 coastal

\begin{thebibliography}{25}
\bibitem{20} Argentina proclaimed a 200-mile territorial sea by Decree No. 5106, Dec. 29, 1966. Brazil also proclaimed a 200-mile territorial sea by Decree Law No. 1098, Mar. 25, 1970. The four other Latin American countries that proclaimed 200-mile zones in the 1960's were El Salvador, Nicaragua, Panama, and Uruguay.
\bibitem{22} \textit{Id.} at 249.
\bibitem{24} \textit{Id.} at 567.
\end{thebibliography}
states have claimed their 200-mile maritime zones, either as fishing zones, EEZ’s, maritime sovereignty zones, or territorial seas. This has placed approximately 30% of the world’s oceans under the jurisdiction of the coastal states.

The extended jurisdiction has been especially significant in the Pacific Ocean, which constitutes approximately one-third of the world’s surface. The United States, Canada, the Soviet Union, China, and Australia all have large coasts on the Pacific. The Pacific Basin is also the world’s richest fishing area, providing more than half the total world catch. The six countries with the largest fish catches in volume worldwide are from the Pacific: Japan, the Soviet Union, China, the United States, Chile and Peru.

The exploitation of the rich Pacific fisheries within their 200-mile zones has been very important economically for some Latin American countries. For example, Peru increased its percentage of the (world nominal) catch from 0.43% in 1948 to 18.39% in 1970. Although this percentage declined during the 1970’s, Peru still brings in approximately 5% of the world catch, a substantial amount for a developing country.

Only two of the four member countries of the SPPC have ratified the 1982 Convention, however. Chile and Colombia have signed the Convention and have established EEZ’s through national legislation. Ecuador and Peru, however, have not signed the 1982 Convention but continue to claim economic rights, as well as other rights, in the 200-mile zone. The SPPC continues its work as the common representative of its four members.

Peru did not sign the 1982 Convention for internal political reasons. Its national legislation recognizes the 200-mile sovereignty zone without distinguishing between territorial sea and exclusive economic zone. An


29. 60 U.N. Food & Agriculture Org., supra note 27, at 83.

30. A territorial sea of 12 miles and an EEZ of 200 miles were established by Colombia with Act No. 10, Aug. 4, 1978. Chile modified its Civil Code by Law No. 18.565, Oct. 13, 1986, establishing a territorial sea of 12 miles and a 200-mile EEZ.

31. For an analysis of the Peruvian position on the 1982 Convention, see E. FERRERO COSTA, EL PERU FREnte A LA CONVENCION SOBRE EL DERECHO DEL MAR (Centro Peruano de Estudios Internacionales, Documento de Trabajo No. 5, 1985); Ferrero Costa, Peru and the Law of the Sea Convention, Marine Pol’y, Jan. 1987, at 45. For the constitutional discussion raised by Peru on the juridical nature of the Peruvian 200-mile zone and other related issues, see D. GARCIA BELAUNDE, MAR Y CONSTITUCION: LAS 200 MILLAS EN LA CONSTITUCION DE 1979 (1984); J. BAKULA, supra note 19.
official statement of the Peruvian Foreign Ministry explaining Peru's failure to sign stated that "notwithstanding the main role that Peru played in the elaboration of the new law of the sea, the Government has decided not to sign the Convention at this time, taking into account that because of the nature of the Convention, this important and complex issue requires more exhaustive legal and economic analysis." 32

Ecuador did not sign the 1982 Convention for several reasons. First, Ecuador has claimed a 200-mile territorial sea since 1966 and the Ecuadoran Government believed that the 1982 Convention did not recognize sufficiently its sovereign rights. 33 Second, Ecuador disagreed with the provisions dealing with highly migratory species. 34 Ecuador also disagreed with the provisions relating to archipelagic states. Ecuador tried unsuccessfully to obtain special provisions establishing an archipelagic regime in the Galapagos Islands. 35

The failure of Peru and Ecuador to sign the 1982 Convention was a grave mistake. The 1982 Convention finally recognized a 200-mile maritime sovereign zone for the conservation and exploitation of natural resources, which Peru and Ecuador had been seeking since 1947 and 1952, respectively. 36 Furthermore, the 1982 Convention recognized the principle of the common heritage of mankind in the seabed beyond the zones of national jurisdiction, a position developing countries support. As a result, the great majority of Third World countries have signed the Convention. 37 With the additional exception of Venezuela, all other Latin American countries are Convention signatories.

Latin American countries generally support the mechanisms, provisions, and regulations of the 1982 Convention that refer to the resources of the Pacific. Despite their failure to sign the Convention, Ecuador and Peru comply with the general regulations of the Convention relating to the conservation and utilization of living resources. In a meeting held in Quito in December 1987, the Ministers of Foreign Affairs of Colombia, Chile, Ecuador, and Peru declared the SPPC to be the appropriate regional organization to determine the measures necessary to coordinate

34. Ecuador maintains that its exclusive sovereignty within its 200-mile zone should be extended without exception to highly migratory species and therefore claims that article 64 of the Convention on the Law of the Sea is insufficient for the protection of Ecuadoran rights related to highly migratory species. See 1982 Convention, supra note 25, art. 64.
36. See Letter dated Apr. 28, 1982, supra note 21; see also notes 12-13 and accompanying text.
and ensure the conservation and development of stocks of associated species, as established in article 63 of the 1982 Convention.\textsuperscript{38}

Recently, a number of the Latin American countries joined together in another regional organization dedicated to promoting maritime cooperation in the area—the Latin American Organization for Development of Fisheries (OLDEPESCA). Members of the organization include some of the Latin American countries with coasts on the Pacific, such as Peru, Nicaragua, Mexico, El Salvador, and Panama. OLDEPESCA is aimed at coordinating the exploitation of the living resources of the exclusive economic zones.\textsuperscript{39}

One other important regional regime is being developed to deal with highly migratory species. In 1986, several Latin American countries in the Eastern Pacific, mainly through the inspiration of Mexico and Ecuador, and without participation by the United States, approved a first draft of an agreement that would create the Tuna Association of the Eastern Pacific.\textsuperscript{40} This agreement would be applicable within the maritime zones of the nations of the Eastern Pacific who are parties to the agreement, as well as to the adjacent areas of the high seas.\textsuperscript{41}

According to the draft of the agreement, the parties will agree on a maximum quota to be caught per year within the area established in the agreement, including the allowable catch established by coastal states within their respective maritime zones.\textsuperscript{42} The draft of the agreement contains two different quota systems, depending on whether it is being applied to the surplus within the 200-mile zones of the coastal states or to the adjacent waters of the high seas.\textsuperscript{43}

\textsuperscript{38} Declaration of Quito of the Third Meeting of the Ministers of Foreign Affairs of the State Members of the South Pacific Permanent Commission, Quito, Dec. 8, 1987.
\textsuperscript{39} OLDEPESCA was founded in 1985 under the auspices of the Latin American Economic System.
\textsuperscript{40} See Infante, Los Recursos Marinos del Pacifico y el Derecho del Mar: Dimensiones Nacionales e Internacionales, in AMERICA LATINA EN LA CUENCA, supra note 3, at 103. However, because disagreements arose between the negotiating parties after the last meeting of interested states in 1987, the Treaty has not yet been approved.
\textsuperscript{41} See id.
\textsuperscript{42} Id.
\textsuperscript{43} Id.
If we examine the different positions on and interests in fisheries that exist within the Pacific Basin, we can identify three main interest groups. First, there are the countries that operate distant fishing fleets in the high seas or in the EEZ's of other states. This group includes Japan, Korea, the United States, and the Soviet Union. The second group consists of the coastal states that bring in catches of over one million tons per year, mainly from fishing in their own EEZ's—states such as Chile, China, Indonesia, Mexico, Peru, the Philippines, and Thailand. This group also includes certain Latin American countries, like Ecuador, that have valuable economic zones that they are not exploiting optimally, and that could be looking for specific means of international cooperation for the management and exploitation of their living resources. Finally, there are other coastal states, such as the small island states of the Pacific, that do not have the capability to utilize fully their natural resources. Instead, they enter into special bilateral fisheries agreements with countries of the first group, mainly the superpowers.

The interrelationship between these different groups of states in the Pacific Basin creates a common ground for cooperation through the establishment of varied and original mechanisms and arrangements. The diverse interests of the various countries, however, also opens the possibility of conflicts in the Pacific, especially considering the economic, strategic, and military interests of the two superpowers in the Pacific Basin. In this context, consensus should be established among the countries of the Pacific Basin based on the principles and regulations established in the 1982 Convention—mainly, the acceptance of the sovereignty of the coastal state over the utilization of all the living resources within its 200-mile EEZ. The consensus must include recognition of the need to cooperate for the conservation and exploitation of the fisheries in the high seas, taking into account the special problems associated with highly migratory species.

The South American countries of the Pacific have a common position in support of a strict and clear interpretation of the rules for conservation and utilization of the living resources established in articles 61 and 62 of the 1982 Convention. The countries support the sovereign right of the coastal state to determine the allowable catch in its EEZ, to harvest the living resources within its zone, and to limit the access that will

44. 1982 Convention, supra note 25, arts. 56, 61, 62, 71, 73.
45. Id. arts. 63, 116-119.
46. Id. arts. 61, 62.
be granted to other states to the surplus of the allowable catch in its EEZ. All the countries that operate distant fishing fleets within the EEZ's of the Latin American countries of the Pacific accept the concept of the exclusive sovereign right. After receiving permission, these countries all accept the coastal state's regulations and fish under the conditions established by the coastal state.

The problems that the Latin American countries face now are related to fishing by long-distance fleets in the high seas, the areas beyond and adjacent to the maritime zone of the coastal state. The conflicts exist mainly between Chile and Peru and between the Soviet and Japanese fishing fleets.

With regard to highly migratory species, the Latin American countries support the position of sovereignty within the EEZ's, in accordance with the special provisions of article 64 of the 1982 Convention and the general provisions of articles 61 and 62.47

The United States' position on highly migratory species is contrary to the consensus of all other nations. The United States' position violates Part XI of the Convention on the Deep Sea Bed, as well as the rules applied to the highly migratory species within the exclusive economic zone.48 The Latin American countries clearly are opposed to the United States' attitude that it can "pick and choose" the provisions of the Convention that best serve its own national interests. Thus, the United States has opened the door for future conflicts with Latin American countries with respect to the exploitation of the living resources of the Pacific Basin.

In contrast, Japan's attitude towards the maritime sovereignty of the Latin American states with regard to the exploitation of marine resources has differed historically. Avoiding ideology and strong positions, the pragmatic attitude the Japanese Government always assumed in dealing with the Latin American states' 200-mile zones has given Japan better long term results. Since the 1950's, Japanese fleets have requested permission to fish within two hundred miles of Latin American coasts. The author knows of no open conflicts with Japan on this issue. The North-South conflict of the 1960's and 1970's relating to marine resources in the Pacific, at least from a Latin American perspective, existed

47. Id. arts. 61, 62, 64.
48. On March 10, 1983, President Reagan adopted a Declaration of the Exclusive Economic Zone of the United States of America by which it was said that highly migratory species, such as tuna, are not subject to U.S. jurisdiction and require international agreements for effective management. Declaration of the Exclusive Economic Zone, 1 PUB. PAPERS 378-79 (1983). On the same day, the White House Press Secretary published a fact sheet on U.S. Ocean Policy, which states that the United States neither recognizes nor asserts jurisdiction over highly migratory species of tuna. Id. at 380. For an excellent analysis of this issue, see Burke, Highly Migratory Species in the New Law of the Sea, 14 OCEAN DEV. & INT'L L. 273 (1984).
between the North and South American continents, not between the North and South of the Pacific Basin as a whole.

The Latin American countries of the Pacific Basin, especially Chile and Peru, recently have established diplomatic relations with many of the island states of the South Pacific, which derive their major economic development from the living resources of their 200-mile EEZ's. The Latin American states, however, have not increased their economic relations with these newly independent states, despite their common status as developing countries. The support given to them has been formal and political. Latin American countries have not made any transfer of technology or assistance to the island states with regard to management of fisheries, even though some have extensive experience in this area.

The Latin American countries have observed how the two superpowers have rapidly co-opted these small islands in the Pacific; the superpowers are interested not only in the exploitation of their fisheries, but more importantly, in their strategic and military value.

An important common policy, however, exists between the Latin American countries and the small island states, together with Australia and New Zealand: their opposition to nuclear testing in the Pacific and their support for the preservation of the marine environment. Thus, the Latin American countries have strongly supported the ratification of the Raratonga Treaty, which entered into force in December 1986 after the Australian ratification. The Treaty covers an area from Australia up to the limit of the area covered by the Treaty on Proscription of Nuclear Weapons in Latin America, commonly known as the Tlatelolco Treaty. Consequently, if both treaties were in force, the entire area of the Pacific from Australia to Latin America would be a nuclear-free zone. The nuclear-free zone established in the Antarctic Treaty extends this vast ocean space even further.

IV

LATIN AMERICA AND THE RESOURCES OF ANTARCTICA

The living and nonliving resources of the Southern Ocean and Antarctica are also of special interest to the Latin American countries. In

49. The South Pacific Nuclear Free Zone Treaty was signed by the heads of Government of the member countries of the South Pacific Forum on August 6, 1985, Raratonga, Cook Islands. South Pacific Nuclear Free Zone Treaty, Aug. 6, 1985, 24 I.L.M. 1440.


contrast to what happened with the law of the sea, there is no common Latin American consensus on this issue.

Only two countries, Chile and Argentina, were founding signatories of and consultative parties to the Antarctic Treaty. Both made territorial claims in Antarctica before the Antarctic Treaty was signed, but these claims were frozen when the Treaty went into force in 1961. Since then, two other Latin American countries have obtained the status of consultative parties, Brazil in 1982 and Uruguay in 1985. Several other countries, including Peru, adhere to the Treaty, and today are minor parties. In February 1988 Peru sent a scientific expedition to the Antarctic in an attempt to obtain Consultative Party status in the near future.

Notwithstanding their different positions in reference to the Antarctic, a recent major trend among the Latin American countries in favor of the Antarctic Treaty has emerged. Each year there is increased support for the Antarctic system, instead of for the Common Heritage of Mankind concept for the Antarctic, which some developing countries in Asia and Africa have proposed as a solution similar to that established in the Law of the Sea Convention for the Deep Sea Bed.

There is a growing awareness among the Latin American countries regarding the convenience of participating in the current Antarctic System. Although some of these countries would like to change some aspects of the Treaty's structure, they seem to prefer to do it within the Treaty system, with an eye towards modifying the Treaty in 1991. Furthermore, if we try to find a general attitude of the Latin American countries towards the Antarctic, there is a clear goal of preserving certain basic principles: peaceful use of the Antarctic, participation in the future exploitation of its resources, protection of the environment, and continued freedom of information and scientific research.

V

A FINAL REMARK ON THE RESOURCES OF THE DEEP SEA BED

In the previous pages, I have pointed out some general ideas on Latin America's perspective on the conservation and exploitation of fisheries in the Pacific Ocean and the living and nonliving resources of the Southern Ocean. Another important issue, however, relates to Latin America's common position on the future exploitation of the mineral re-

52. The Antarctic Treaty was signed by Argentina and Chile, joining Australia, Belgium, France, Great Britain, New Zealand, Norway, Japan, South Africa, the United States, and the USSR. Id.

53. Peru adhered to the Antarctic Treaty on April 1, 1981.

54. According to article XII of the Treaty, only Consultative Parties have the right to vote at the meetings, while other state parties can participate only as observers. Antarctic Treaty, supra note 51, art. XII, § 1(a).
sources of the deep sea bed, beyond the 200-mile EEZ's. The Pacific Ocean contains the most important deposits of manganese nodules, manganese sulfides, and other mineral resources of the world's oceans. This general overview of the Latin American perspective would not be complete without mentioning the Latin American countries' united support of the Common Heritage of Mankind principle established by the 1982 Convention. This is another potential source of future conflict in the Pacific between the Latin American countries and the United States and some other highly industrialized countries.

The importance and complexity of the Deep Sea Bed issue deserves a separate paper, which I will reserve for some other occasion in which I hope that Boalt Hall, the Sho Sato American Legal Studies Program, the California Sea Grant College Program, and Professors Harry Scheiber and Ed Rubin could again bring together this excellent gathering of scholars at the Berkeley campus.