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The Oceans

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THE OCEANS

Prepared by the
Editorial Staff

THE TERRITORIAL SEA

Mexico, which declined to follow the two hundred mile territorial sea claims advanced by several Latin American nations, recently extended its claim from nine to twelve miles. As a follow-up, however, Mexico proclaimed the northern portion of the Gulf of California to be territorial waters and announced that it will keep foreign fishing boats out of the rich fishing grounds of the upper Gulf beginning this year. The claim extends from the mouth of the Colorado river southward 160 miles and adds 12,000 square miles (about the size of Belgium) to Mexican territory.

The Commonwealth of the Bahamas has extended its claim of territorial waters to twelve miles and has purchased four high powered British patrol boats to enforce its rules against foreign "poachers".

Peru, Chile and Ecuador have reaffirmed their claims to a 200 mile territorial sea. Representatives of the three countries met in Lima in early December, 1969 to prepare an agenda for another meeting with the United States on fishing activities off the South American Pacific coast. The forthcoming talks represent the continuation of a previous meeting held in Buenos Aires in August, 1969.

Uruguay has extended its territorial limits 200 miles into the Atlantic Ocean. The new decree, signed in December, 1969, grants Uruguayans exclusive fishing rights within the 12 mile limit; foreign vessels must obtain licenses to operate from 12 to 200 miles.

FISHERIES

Mexico has announced ambitious plans to build 500 fishing boats by 1975. Backed by a \$70.3 million government program, the planners hope to solve the problem of finding a cheap and plentiful source of food for the Mexican people while exporting shrimp and other high priced items.

It is reported that Mexico and Cuba have reached an agreement

which permits Cuban fishing vessels to fish three miles within the twelve mile fishing zone established by Mexico.

Brazil is also going forward with plans to expand its fishing fleet, aiming to double production capacity of the industry within the next two years. 400 new vessels are scheduled to be added to the fleet and new shore facilities are projected to handle the heavier volume of catches. A new law under which companies receive a twenty five percent cut in income taxes for investment in approved fishing projects provided the major incentive; another incentive allows duty free importation of fishing equipment.

More than 100 Brazilian technicians met in Rio in October, 1969 at the IX National Conference of Marine and Fisheries Investigators. These conferences are held annually and serve as the national forum for the exchange of information on matters related to fisheries' investigations and development.

Ecuador received a substantial loan from the Inter-American Development Bank to expand its fishing industry.

Puerto Rico is engaged in a program to develop its commercial fishing industry on a more business-like basis. The government has completed an exploratory tuna fishing project in the Caribbean and the coastal waters of Puerto Rico.

The Inter-American Development Bank will increase its backing to the fishing industry in Latin America. Noting that 20% of the world's fishing industry belongs to Latin America, the president of the Bank recently announced increased support to all activities relating to the development of the Latin American fishing industry.

PERUVIAN MINISTRY OF FISHING

According to United Nations reports, Peru's national catch of 10,529,300 tons gives it first place in world rankings of nations which have a fishing industry. It is not surprising, therefore, that Peru is the first Latin American nation to have a Ministry of Fishing. The new agency will regulate all aspects of fishing and related resources.

POLLUTION

In November, 1969, agreement was reached by forty nations at Brussels on two new maritime conventions on the subject of oil pollution. The first agreement, i.e. the Public Law Convention defines how and when nations can protect their coastlines from oil pollution; the second, the Civil Liability Convention, establishes a liability for ship-

owners not to exceed \$14 million for any one disaster. The Public Law Convention needs the approval of fifteen nations before it becomes effective; the Civil Liability Convention will become effective after approval by eight states, five of which must have a registered tanker tonnage in excess of one million tons.

Scientists at a conference in New York City last December expressed the belief that chemical detergents, dispersants and emulsifiers used to control oil spills are causing more harm than the oil itself and probably are causing long-term damage to the ecology. The opinion was also expressed that the chemicals cause beach damage because the mixture penetrates beach sand to three times the depth of oil alone. The result is that the beach is more vulnerable to erosion. The meeting was jointly sponsored by the Federal Water Pollution Control Administration and the American Petroleum Institute.

OCEAN EXPLORATION

The famous deep-drilling ship *Glomar Challenger* has developed a new technique for re-entering a boring previously made in the ocean floor. Previously, a hole could be drilled only until the initial bit wore out. The ship is scheduled to sail in June with new equipment which will enable her to exploit the novel method of re-entry of previously drilled holes.

Confirming part of basic continental drift theory, the recent discoveries of *Glomar Challenger* have shown that, from eight to ten million years ago, Africa and South America drifted apart at a uniform rate of two inches per year. What has been happening since then is not yet clear. The ship recently drilled holes that produced 19,000 feet of core samples showing that deeply buried sediments were of increasing age at greater distances from the mid-ocean ridges. The inescapable conclusion is that the ocean floors have been spreading away from these ridges.

Colombia has initiated its first ocean exploration cruise. Manned by government scientists and naval personnel, the *San Andres* is presently engaged in studies of the ocean in the waters adjacent to Colombia. The present voyage is the first in a series to be conducted over the next three years.

UNITED NATIONS

Late in 1969, the United Nations took action on three significant subjects related to Ocean Law.

1. The General Assembly adopted a resolution providing for a temporary halt to all exploitation of the resources of the seabed beyond national jurisdiction pending the establishment of an international regime for the seabed.

2. The General Assembly sent back to the Geneva Conference a United States-Soviet draft treaty on peaceful uses of the seabed and ocean floor.

3. The General Assembly called upon the Secretary General to poll the membership with regard to calling another convention on the Law of the Sea.

COLOMBIA-NICARAGUA

In September, 1969, Nicaragua rejected for the second time the claims of Colombia to three banks off Nicaragua known as RONCADOR, SERRANA and QUITASUEÑO. The Nicaraguan note "reiterated Nicaragua's sovereign rights over its continental shelf in the Atlantic".

NEW PROPOSAL FOR ENVIRONMENTAL PROTECTION

Recognizing that pollution fits the definition of a crime (a wrong against society), a Florida lawmaker will introduce legislation in the Florida legislature to attack the problem in some novel ways. Basic to the new proposal is the need for complete knowledge of who is doing what to the environment; a "ledger book" of pollution and polluters. To accomplish this end, the legislation will encourage self reporting. The "encouragement" would be in two simple provisions: (a) if a person or organization knows or has reason to know that he is not meeting state standards and a report is not filed within 90 days of the effective date of the act, that person or organization will *never* be allowed a variance and will face stiff criminal and civil penalties when discovered; (b) if a report is filed, the report will automatically be treated as an application for a variance (but such variance will not be granted unless it falls within the applicable rules) and civil and criminal penalties will abate until the end of the determination on the variance. Any variances granted will provide for a strict time table leading to full compliance with standards, but in no event beyond 1975. Furthermore, those granted variances must periodically file compliance reports.

Besides attempting to persuade individuals and organizations to act through self-reporting, the new law will provide for enforcement by both

legal and administrative officers, at all levels. Thus, parallel enforcement power is vested in:

- (a) The State Attorney General;
- (b) County State Attorneys and County Prosecutors;
- (c) City Attorneys and City Prosecutors;
- (d) The State Air and Water Pollution Control Commission;
- (e) County Pollution Boards;
- (f) County Sheriffs;
- (g) Local Police Departments.

In addition to official enforcement, the proposed law will allow any group of interested citizens to file suit in Circuit Court against a suspected polluter. If successful, they can obtain an injunction plus an award equal to triple the amount of actual damage done. This award of treble damages is to be held in trust for use as a "clean-up fund". Any individual who can prove special damage to his own health or property will also be allowed treble damages.

INSTITUTE OF OCEAN LAW

The First Institute of Ocean Law sponsored by the University of Miami Law Center and the International Oceanographic Foundation was held on December 10-12, 1969 at the Sheraton-Four Ambassadors Hotel in Miami, Florida. More than one hundred persons representing a mixture of scientists, lawyers, businessmen, educators and government personnel participated. Speakers and panelists included, among others, officials from the Department of State, the Treasury Department and the U. S. Mission to the United Nations. The list included: The Dean of the Graduate School of Oceanography of the University of Rhode Island; the Ocean Law Consultant to the Attorney General of North Carolina; members of the President's Marine Science Commission and the Marine Science Council; several distinguished practicing lawyers specializing in ocean-related matters; leading ocean biologists and geologists; senior executives from industry; and a number of prominent law professors.

The theme of the Institute was: "Coastal Zone and Ocean Law: Problems of the User."

The first day was devoted to "Management of the Coastal Zone." Specific subjects examined in depth were:

1. The Florida law on aquaculture (believed to be the world's first);

2. Suggested limitations on sea-coast development;
3. Organization to deal with coastal zone problems, with consideration of the special perspectives of Federal, state, regional and local responsibilities.

The second day emphasized "National Organization and Policy for Ocean Resource Development." While the speakers covered the subject broadly, emphasis was placed on continental shelf aspects. The tax considerations of shelf operations were thoroughly examined by two of the speakers. The divergent, and sometimes hostile, interests which are pressing for wide or narrow continental shelf jurisdiction received the close attention of five panelists. The problems of the seabed were covered in the morning session on the third day, while the afternoon was devoted to fisheries.

A guided tour of the Rosenstiel School of Marine and Atmospheric Sciences of the University of Miami was an added attraction for the participants.

AMERICAN SOCIETY OF INTERNATIONAL LAW

Following the Institute of Ocean Law, substantially the same group reconvened on December 13, 1969, at a regional meeting of the American Society of International Law. The meeting was devoted to the burgeoning problems of Freedom of Research in the Ocean.