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United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development

New York, 5-9 June 2017

Agenda item 8

General debate

Letter dated 15 June 2017 from the Permanent Representative of Bolivia to the United Nations addressed to the Presidents of the Conference

I have the honour to transmit herewith the text of the reply by the Permanent Mission of Bolivia to the United Nations (see annex), in exercise of the right of rejoinder to the note of reply from the delegation of Chile dated 5 June 2017 and circulated on 13 June 2017, within the framework of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, under agenda item 8.

I should be grateful if you would have the present letter and its annex circulated as a document of the Conference, under agenda item 8.

(Signed) Sacha Llorentty Solíz



Annex to the letter dated 15 June 2017 from the Permanent Representative of Bolivia to the United Nations addressed to the Presidents of the Conference

Rejoinder by Bolivia to the reply of Chile regarding the statement made by President Evo Morales during the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development

1. Bolivia wishes to respond comprehensively to, and explain its position on, the note of reply from the delegation of Chile circulated on 13 June 2017, with regard to the statement made on 5 June 2017 by President Evo Morales Ayma of the Plurinational State of Bolivia during the high-level United Nations conference on the oceans, seas and marine resources.

A. The multi-stakeholder nature of the United Nations

2. Bolivia regrets that Chile considers that the scope of the high-level United Nations conference on the oceans, seas and marine resources is restricted to coastal countries, when in fact the very purpose of the conference is to enable all our countries to discuss the conservation of the oceans, seas and marine resources as the common heritage of humankind, whose exploration and exploitation should be conducted for the benefit of all the peoples of the world irrespective of the geographical location of States.

3. The insinuations and exaggerated language used by Chile to disqualify a founding Member State of this organization from participation are unacceptable and reflect a discriminatory and selective position that is contrary to the principles enshrined in the Charter of the United Nations.

4. Unlike the Chilean perspective, ours is that this is a forum for disseminating and discussing matters that are the responsibility of the entire international community, as provided by the United Nations Convention on the Law of the Sea and in accordance with the principles enshrined and adopted by the General Assembly in resolution 2749 (XXV).

B. Establishment of the right of access to the sea

5. Landlocked developing countries have reaffirmed their right of access to and from the sea, in accordance with the United Nations Convention on the Law of the Sea, a right which includes freedom of transit through the territory of transit States by all means of transport necessary. Such was the position adopted as part of the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014-2024, which emphasized commitments to reducing transit time, through the promotion of infrastructure development and maintenance, trade facilitation, the connectivity of value chains, and regional integration.

6. We regret that the delegation of Chile has failed to take into account the right of a group of 32 States Members of the United Nations by ignoring their statement during the conference, when they reaffirmed that:

The Group of Landlocked Developing Countries recognizes that the oceans are a common heritage to all, ... that maintaining the sustainability and health of the oceans is of great importance to all countries, ... and that whilst the United Nations Convention on the Law of the Sea gives the landlocked developing

countries the right to access as well as the right to exploit resources, these rights are still not fully realized.

The Group of Landlocked Developing Countries further emphasized that:

Ease of access and freedom of transit are therefore of paramount importance for the landlocked developing countries to integrate into the global economy and to the implementation of the Vienna Programme of Action and most significantly to their achievement of sustainable development.

C. Failure by Chile to fulfil its international obligations relating to freedom of transit

7. Bolivia wishes to remind the delegation of Chile that transit States must take all appropriate measures to prevent or eliminate delays or other technical impediments to traffic in transit. Chile has repeatedly failed to fulfil this obligation given that, since January 2015, there have been eight strikes in all along the border between Chile and Bolivia and in the ports of Arica and Antofagasta, and as a result the circulation of goods has been prevented.

8. The damage resulting from the lack of freedom of transit has caused major economic losses for the Bolivian people as well as for a large number of transport operators who have been exposed to inclement weather with no water or food and whose most fundamental human rights have therefore been violated, an issue raised before the United Nations Human Rights Council in Geneva in 2016.

D. The Bolivian maritime claim is a matter of multilateral interest

9. Bolivia respects the United Nations system, its bodies and forums and especially the International Court of Justice where it currently has two cases lodged against the Republic of Chile. The proceedings are being conducted in strict compliance with the applicable regulations. Bolivia therefore hopes that Chile will comply with the judgments handed down by the Court and remain a State party to systems created by international law for the peaceful settlement of disputes.

E. Conclusions

10. Bolivia regrets that Chile is ignoring an issue of interest to the entire international community and reiterates its concern over the failure of the Chilean authorities to act in a timely manner to create the conditions for freedom of transit to and from the Pacific Ocean and to respect the human rights of Bolivian transport operators. The conference on oceans and seas recognizes that oceans, seas and their marine resources are the common heritage of humankind. That concept is not just an abstract one and should be translated into effective practical conditions for all States without discrimination of any kind.