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No. 25

JUNE 1994



**DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
OFFICE OF LEGAL AFFAIRS**

Publication in the Bulletin of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

CORRIGENDUM

Bulletin No. 25 pages 59 to 64 (Appendix 2 and 3)

In view of misplacement of numbers in columns **"Chart No"** and **"Remarks"**, please make the following adjustment:

All numbers listed under "Chart No" should be moved to the column "Longitude";

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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. List of signatures, ratifications, accessions and successions

Having received the 60th instrument of ratification or accession on 16 November 1993, the Convention, according to article 308, will enter into force on 16 November 1994.

<u>State/Entity</u>	<u>Date of signature ^{1/}</u>	<u>Date of ratification/ accession/ ^{2/} succession ^{3/}</u>
Afghanistan	18 March 1983	
Algeria* ^{2/}	10 December 1982	
Angola*	10 December 1982	5 December 1990
Antigua and Barbuda	7 February 1983	2 February 1989
Argentina*	5 October 1984	
Australia	10 December 1982	
Austria	10 December 1982	
Bahamas	10 December 1982	29 July 1983
Bahrain	10 December 1982	30 May 1985
Bangladesh	10 December 1982	
Barbados	10 December 1982	12 October 1993
Belarus	10 December 1982	
Belgium*	5 December 1984	
Belize	10 December 1982	13 August 1983
Benin	30 August 1983	
Bhutan	10 December 1982	
Bolivia*	27 November 1984	
Bosnia and Herzegovina		12 January 1994 ^{1/}
Botswana	5 December 1984	2 May 1990
Brazil* ** ^{3/}	10 December 1982	22 December 1988
Brunei Darussalam	5 December 1984	
Bulgaria	10 December 1982	
Burkina Faso	10 December 1982	
Burundi	10 December 1982	
Cambodia	1 July 1983	

<u>State/Entity</u>	<u>Date of signature ^{1/}</u>	<u>Date of ratification/ accession/ ^{2/} succession ^{3/}</u>
Cameroon	10 December 1982	19 November 1985
Canada	10 December 1982	
Cape Verde* **	10 December 1982	10 August 1987
Central African Republic	4 December 1984	
Chad	10 December 1982	
Chile*	10 December 1982	
China	10 December 1982	
Colombia	10 December 1982	
Comoros	6 December 1984	21 June 1994
Congo	10 December 1982	
Cook Islands	10 December 1982	
Costa Rica*	10 December 1982	21 September 1992
Côte d'Ivoire	10 December 1982	26 March 1984
Cuba* **	10 December 1982	15 August 1984
Cyprus	10 December 1982	12 December 1988
Czech Republic ^{4/}	10 December 1982	
Democratic People's Rep. of Korea	10 December 1982	
Denmark	10 December 1982	
Djibouti	10 December 1982	8 October 1991
Dominica	28 March 1983	24 October 1991
Dominican Republic	10 December 1982	
Egypt**	10 December 1982	26 August 1983
El Salvador	5 December 1984	
Equatorial Guinea	30 January 1984	
Ethiopia	10 December 1982	
European Economic Community*	7 December 1984	
Fiji	10 December 1982	10 December 1982
Finland*	10 December 1982	

<u>State/Entity</u>	<u>Date of signature</u> ^{1/}	<u>Date of ratification/ accession/ ^{2/} succession ^{3/}</u>
France*	10 December 1982	
Gabon	10 December 1982	
Gambia	10 December 1982	22 May 1984
Ghana	10 December 1982	7 June 1983
Greece*	10 December 1982	
Grenada	10 December 1982	25 April 1991
Guatemala	8 July 1983	
Guinea*	4 October 1984	6 September 1985
Guinea-Bissau**	10 December 1982	25 August 1986
Guyana	10 December 1982	16 November 1993
Haiti	10 December 1982	
Honduras	10 December 1982	5 October 1993
Hungary	10 December 1982	
Iceland**	10 December 1982	21 June 1985
India	10 December 1982	
Indonesia	10 December 1982	3 February 1986
Iran (Islamic Republic of)*	10 December 1982	
Iraq*	10 December 1982	30 July 1985
Ireland	10 December 1982	
Italy*	7 December 1984	
Jamaica	10 December 1982	21 March 1983
Japan	7 February 1983	
Kenya	10 December 1982	2 March 1989
Kuwait**	10 December 1982	2 May 1986
Lao People's Democratic Republic	10 December 1982	
Lebanon	7 December 1984	
Lesotho	10 December 1982	
Liberia	10 December 1982	

<u>State/Entity</u>	<u>Date of signature</u> ^{1/}	<u>Date of ratification/ accession/ ^{2/} succession ^{3/}</u>
Libyan Arab Jamahiriya	3 December 1984	
Liechtenstein	30 November 1984	
Luxembourg*	5 December 1984	
Madagascar	25 February 1983	
Malawi	7 December 1984	
Malaysia	10 December 1982	
Maldives	10 December 1982	
Mali*	19 October 1983	16 July 1985
Malta	10 December 1982	20 May 1993
Marshall Islands		9 August 1991 ^{2/}
Mauritania	10 December 1982	
Mauritius	10 December 1982	
Mexico	10 December 1982	18 March 1983
Micronesia (Federated States of)		29 April 1991 ^{2/}
Monaco	10 December 1982	
Mongolia	10 December 1982	
Morocco	10 December 1982	
Mozambique	10 December 1982	
Myanmar	10 December 1982	
Namibia ^{2/}	10 December 1982	18 April 1983
Nauru	10 December 1982	
Nepal	10 December 1982	
Netherlands	10 December 1982	
New Zealand	10 December 1982	
Nicaragua*	9 December 1984	
Niue	5 December 1984	
Niger	10 December 1982	
Nigeria	10 December 1982	14 August 1986

<u>State/Entity</u>	<u>Date of signature</u> ^{1/}	<u>Date of ratification/ accession/ ^{2/} succession ^{3/}</u>
Norway	10 December 1982	
Oman* **	1 July 1983	17 August 1989
Pakistan	10 December 1982	
Panama	10 December 1982	
Papua New Guinea	10 December 1982	
Paraguay	10 December 1982	26 September 1986
Philippines* **	10 December 1982	8 May 1984
Poland	10 December 1982	
Portugal	10 December 1982	
Qatar*	27 November 1984	
Republic of Korea	14 March 1983	
Romania*	10 December 1982	
Russian Federation*	10 December 1982	
Rwanda	10 December 1982	
Saint Kitts and Nevis	7 December 1984	7 January 1993
Saint Lucia	10 December 1982	27 March 1985
Saint Vincent and the Grenadines	10 December 1982	1 October 1993
Samoa	28 September 1984	
Sao Tome and Principe*	13 July 1983	3 November 1987
Saudi Arabia	7 December 1984	
Senegal	10 December 1982	25 October 1984
Seychelles	10 December 1982	16 September 1991
Sierra Leone	10 December 1982	
Singapore	10 December 1982	
Solomon Islands	10 December 1982	
Somalia	10 December 1982	24 July 1989
South Africa*	5 December 1984	
Spain*	4 December 1984	

<u>State/Entity</u>	<u>Date of signature ^{1/}</u>	<u>Date of ratification/ accession/ ^{2/} succession ^{3/}</u>
Sri Lanka	10 December 1982	
Sudan*	10 December 1982	23 January 1985
Suriname	10 December 1982	
Swaziland	18 January 1984	
Sweden*	10 December 1982	
Switzerland	17 October 1984	
Thailand	10 December 1982	
Togo	10 December 1982	16 April 1985
Trinidad and Tobago	10 December 1982	25 April 1986
Tunisia**	10 December 1982	24 April 1985
Tuvalu	10 December 1982	
Uganda	10 December 1982	9 November 1990
Ukraine*	10 December 1982	
United Arab Emirates	10 December 1982	
United Republic of Tanzania**	10 December 1982	30 September 1985
Uruguay* **	10 December 1982	10 December 1992
Vanuatu	10 December 1982	
Viet Nam	10 December 1982	
Yemen* ** ^{4/}	10 December 1982	21 July 1987
Yugoslavia**	10 December 1982	5 May 1986
Zaire	22 August 1983	17 February 1989
Zambia	10 December 1982	7 March 1983
Zimbabwe	10 December 1982	24 February 1993

Notes

^{1/} As of 10 December 1984, 159 States or entities had signed the Convention, including the (former) German Democratic Republic and (former) Democratic Yemen. The German Democratic Republic when signing made a declaration which read as follows:

"The German Democratic Republic declares that it accepts an arbitral tribunal as provided for in article 287, paragraph 1(c), which is to be constituted in accordance with annex VII, as competent for the settlement of disputes concerning the interpretation or application of this Convention, which cannot be settled by the States involved by recourse to other peaceful means of dispute settlement agreed between them.

"[1] The German Democratic Republic further declares that it accepts a special arbitral tribunal as provided for in article 287, paragraph 1(d), which is to be constituted in accordance with annex VIII, as competent for the settlement of disputes concerning the interpretation or application of articles of this Convention relating to fisheries, the protection and preservation of the marine environment, marine scientific research and navigation, including pollution from ships and through dumping.

"The German Democratic Republic recognizes the competence, provided for in article 292 of the Convention, of the International Tribunal for the Law of the Sea in matters relating to the prompt release of vessels and crews. The German Democratic Republic declares, in accordance with article 298 of the Convention, that it does not accept any compulsory procedures entailing binding decisions in disputes relating to sea boundary delimitations, in disputes relating to military activities and in disputes concerning which the United Nations Security Council exercises the functions assigned to it by the Charter of the United Nations.

"[2] The German Democratic Republic reserves the right, in connection with the ratification of the Convention on the Law of the Sea, to make declarations and statements pursuant to article 310 of the Convention and to present its views on declarations and statements made by other States when signing, ratifying or acceding to the Convention."

^{2/} Those States or entities which made declarations at the time of signature of the Convention are indicated by an asterisk (*).

^{3/} Those States which made declarations at the time of ratification of the Convention are indicated by a double asterisk (**).

^{4/} On 10 December 1992, the Permanent Representative of the Czech and Slovak Federal Republic (former Czechoslovakia) informed the Secretary-General that the Czech and Slovak Federal Republic would cease to exist on 31 December 1992 and that the Czech Republic and Slovakia would be its successor States. The Czech Republic succeeded to signature of the United Nations Convention on the Law of the Sea on 22 February 1993.

^{5/} Namibia became an independent State as of 21 March 1990 and a Member of the United Nations as of 23 April 1990. The instrument of ratification was deposited by the United Nations Council for Namibia on behalf of Namibia on 18 April 1983.

^{6/} On 22 May 1990 the People's Democratic Republic of Yemen and the Yemen Arab Republic merged to form a single State with the name "Yemen". All treaties and agreements concluded between either the Yemen Arab Republic or the People's Democratic Republic of Yemen and other States and international organizations in accordance with international law which were in force on 22 May 1990 remained in effect from that date.

B. Chronological order of ratifications of, accessions and successions to the Convention

No.	Date of ratification/ accession/succession	State/Entity	Regional Group
1	10 December 1982	Fiji	Asian
2	7 March 1983	Zambia	African
3	18 March 1983	Mexico	Latin Am./Carib.
4	21 March 1983	Jamaica	Latin Am./Carib.
5	18 April 1983	Namibia	African
6	7 June 1983	Ghana	African
7	29 July 1983	Bahamas	Latin Am./Carib.
8	13 August 1983	Belize	Latin Am./Carib.
9	26 August 1983	Egypt	African
10	26 March 1984	Côte d'Ivoire	African
11	8 May 1984	Philippines	Asian
12	22 May 1984	Gambia	African
13	15 August 1984	Cuba	Latin Am./Carib.
14	25 October 1984	Senegal	African
15	23 January 1985	Sudan	African
16	27 March 1985	Saint Lucia	Latin Am./Carib.
17	16 April 1985	Togo	African
18	24 April 1985	Tunisia	African
19	30 May 1985	Bahrain	Asian
20	21 June 1985	Iceland	Western European and Other
21	16 July 1985	Mali	African
22	30 July 1985	Iraq	Asian
23	6 September 1985	Guinea	African
24	30 September 1985	United Republic of Tanzania	African
25	19 November 1985	Cameroon	African
26	3 February 1986	Indonesia	Asian

No.	Date of ratification/ accession/succession	State/Entity	Regional Group
27	25 April 1986	Trinidad and Tobago	Latin Am./Carib.
28	2 May 1986	Kuwait	Asian
29	5 May 1986	Yugoslavia	Eastern European
30	14 August 1986	Nigeria	African
31	25 August 1986	Guinea-Bissau	African
32	26 September 1986	Paraguay	Latin Am./Carib.
33	21 July 1987	Yemen	Asian
34	10 August 1987	Cape Verde	African
35	3 November 1987	Sao Tome and Principe	African
36	12 December 1988	Cyprus	Asian
37	22 December 1988	Brazil	Latin Am./Carib.
38	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
39	17 February 1989	Zaire	African
40	2 March 1989	Kenya	African
41	24 July 1989	Somalia	African
42	17 August 1989	Oman	Asian
43	2 May 1990	Botswana	African
44	9 November 1990	Uganda	African
45	5 December 1990	Angola	African
46	25 April 1991	Grenada	Latin Am./Carib.
47	29 April 1991 ^{1/}	Micronesia (Federated States of)	Asian
48	9 August 1991 ^{1/}	Marshall Islands	Asian
49	16 September 1991	Seychelles	African
50	8 October 1991	Djibouti	African
51	24 October 1991	Dominica	Latin Am./Carib.
52	21 September 1992	Costa Rica	Latin Am./Carib.
53	10 December 1992	Uruguay	Latin Am./Carib.

^{1/} Accession to the Convention.

No.	Date of ratification/ accession/succession	State/Entity	Regional Group
54	7 January 1993	St. Kitts and Nevis	Latin Am./Carib.
55	24 February 1993	Zimbabwe	African
56	20 May 1993	Malta	Western European and Other
57	1 October 1993	St. Vincent and the Grenadines	Latin Am./Carib.
58	5 October 1993	Honduras	Latin Am./Carib.
59	12 October 1993	Barbados	Latin Am./Carib.
60	16 November 1993	Guyana	Latin Am./Carib.
61	12 January 1994 ^{2/}	Bosnia and Herzegovina	Eastern European
62	21 June 1994	Comoros	African

62 ratifications/accessions/succession deposited with the Secretary-General

^{2/} Succession to the Convention.

C. Declarations made upon ratification of the Convention ^{1/}

1. BRAZIL

[Original: English]

In accordance with article 310 of the United Nations Convention on the Law of the Sea, the Government of the Federal Republic of Brazil makes the following statement:

- (I) The Brazilian Government understands that the provisions of article 301 prohibiting "any threat or use of force against the territorial integrity of any State, or in other manner inconsistent with the principles of international law embodied in the Charter of the United Nations" apply in particular to the maritime areas under the sovereignty or jurisdiction of the coastal State.
- (II) The Brazilian Government understands that the provisions of the Convention do not authorize other States to carry out military exercises or manoeuvres, in particular those involving the use of weapons or explosives, in the exclusive economic zone without the consent of the coastal State.
- (III) The Brazilian Government understands that in accordance with the provisions of the Convention the coastal State has, in the exclusive economic zone and on the continental shelf, the exclusive right to construct and to authorize and to regulate the construction, operation and use of all kinds of installations and structures, without exception, whatever their nature or purpose.

2. CAPE VERDE

[Original: English]

I. The Republic of Cape Verde reaffirms in its entirety its declaration dated 10 December 1982, handed over upon signature of the United Nations Convention on the Law of the Sea. [See depositary notification C.N.7.1983.TREATIES-1 of 23 February 1983, annex B.] ^{2/}

II. The Republic of Cape Verde declares, without prejudice to article 303 of the United Nations Convention on the Law of the Sea, that any objects of an archaeological and historical nature found within the maritime areas over which it exerts sovereignty or jurisdiction shall not be removed without its prior notification and consent.

III. The Republic of Cape Verde declares that, in the absence of or failing any other peaceful means, it chooses, in order of preference and in accordance with article 287 of the United Nations Convention on the Law of the Sea, the following procedures for the settlement of disputes regarding the interpretation or application of the said Convention:

- (a) The International Tribunal for the Law of the Sea;
- (b) The International Court of Justice.

IV. The Republic of Cape Verde, in accordance with article 298 of the United Nations Convention on the Law of the Sea, declares that it does not accept the procedures provided for in Part XV, section 2, of

^{1/} See also Multilateral Treaties Deposited with the Secretary-General: status as at 31 December 1992 (United Nations publication, Sales No. E.93.V.II), p. 763.

^{2/} For the text of the declaration at the time of signature see pp. 26-27.

the said Convention for the settlement of disputes concerning military activities, including military activities by Government-operated vessels and aircraft engaged in non-commercial service, as well as disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraphs 2 and 3, of the aforementioned Convention.

3. CUBA

[Original: Spanish]

With regard to article 287 on the choice of procedure for the settlement of disputes concerning the interpretation or application of the Convention, the Government of the Republic of Cuba declares that it does not accept the jurisdiction of the International Court of Justice and, consequently, will not accept the jurisdiction of the Court with respect to the provisions of articles 297 and 298.

With regard to article 292, the Government of the Republic of Cuba considers that once financial security has been posted, the detaining State should proceed promptly and without delay to release the vessel and its crew and declares that where this procedure is not followed with respect to its vessels or members of their crew it will not agree to submit the matter to the International Court of Justice.

4. EGYPT

[Original: Arabic]

Upon ratification, the Government of Egypt, under the provisions of article 310 of the Convention, made the following declarations:

Declaration concerning the territorial sea

1. The Arab Republic of Egypt establishes the breadth of its territorial sea at 12 nautical miles, pursuant to article 5 of the Ordinance of 18 January 1951 as amended by the Decree of 17 February 1958, in line with the provisions of article 3 of the Convention;
2. The Arab Republic of Egypt will publish, at the earliest opportunity, charts showing the baselines from which the breadth of its territorial sea in the Mediterranean Sea and in the Red Sea is measured, as well as the lines marking the outer limit of the territorial sea, in accordance with usual practice.

Declaration concerning the contiguous zone

The Arab Republic of Egypt has decided that its contiguous zone (as defined in the Ordinance of 18 January 1951 as amended by the Presidential Decree of 17 February 1958) extends to 24 nautical miles from the baselines from which the breadth of the territorial sea is measured, as provided for in article 33 of the Convention.

Declaration concerning the passage of nuclear-powered and similar ships through the territorial sea of Egypt

Pursuant to the provisions of the Convention relating to the right of the coastal State to regulate the passage of ships through its territorial sea and whereas the passage of foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous and noxious substances poses a number of hazards,

Whereas article 23 of the Convention stipulates that the ships in question shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements,

The Government of the Arab Republic of Egypt declares that it will require the aforementioned ships to obtain authorization before entering the territorial sea of Egypt, until such international agreements are concluded and Egypt becomes a party to them.

Declaration concerning the passage of warships through the territorial sea of Egypt

[With reference to the provisions of the Convention relating to the right of the coastal State to regulate the passage of ships through its territorial sea:] Warships shall be ensured innocent passage through the territorial sea of Egypt, subject to prior notification.

Declaration concerning passage through the Strait of Tiran and the Gulf of Aqaba

The provisions of the 1979 Peace Treaty between Egypt and Israel concerning passage through the Strait of Tiran and the Gulf of Aqaba come within the framework of the general regime of waters forming straits referred to in Part III of the Convention, wherein it is stipulated that the general regime shall not affect the legal status of waters forming straits and shall include certain obligations with regard to security and the maintenance of order in the State bordering the strait.

Declaration concerning the exercise by Egypt of its rights in the exclusive economic zone

The Arab Republic of Egypt will exercise as from this day the rights attributed to it by the provisions of Parts V and VI of the United Nations Convention on the Law of the Sea in the exclusive economic zone situated beyond and adjacent to its territorial sea in the Mediterranean Sea and in the Red Sea.

The Arab Republic of Egypt will also exercise its sovereign rights in this zone for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and subsoil and the superjacent waters, and with regard to all other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

The Arab Republic of Egypt will exercise its jurisdiction over the exclusive economic zone according to the modalities laid down in the Convention with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, the protection and preservation of the marine environment and the other rights and duties provided for in the Convention.

The Arab Republic of Egypt proclaims that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard for the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

The Arab Republic of Egypt undertakes to establish the outer limits of its exclusive economic zone in accordance with the rules, criteria and modalities laid down in the Convention.

[The Arab Republic of] Egypt declares that it will take the necessary action and make the necessary arrangements to regulate all matters relating to its exclusive economic zones.

Declaration concerning the procedure chosen for the settlement of disputes in conformity with the United Nations

[With reference to the provisions of article 287 of the Convention:] The Arab Republic of Egypt declares that it accepts the arbitral procedure, the modalities of which are defined in Annex VII to the Convention, as the procedure for the settlement of any dispute which might arise between Egypt and any other State relating to the interpretation or application of the Convention.

The Arab Republic of Egypt further declares that it excludes from the scope of application of this procedure those disputes contemplated in article 297 of the Convention.

Statement concerning the Arabic version of the text of the Convention

The Government of the Arab Republic of Egypt is gratified that the Third United Nations Conference on the Law of the Sea adopted the new Convention in six languages, including Arabic, with all the texts being equally authentic, thus establishing absolute equality between all the versions and preventing any one from prevailing over another.

However, when the official Arabic version of the Convention is compared with the other official versions, it becomes clear that, in some cases, the official Arabic text does not exactly correspond to the other versions, in that it fails to reflect precisely the content of certain provisions of the Convention which were found acceptable and adopted by States in establishing a legal regime governing the seas.

For these reasons ..., the Government of the Arab Republic of Egypt takes the opportunity afforded by the deposit of the instruments of ratification of the United Nations Convention on the Law of the Sea to declare that it will adopt the interpretation which is best corroborated by the various official texts of the Convention.

5. GUINEA-BISSAU

[Original: French]

The Government of the Republic of Guinea-Bissau declares that, as regards article 287 on the choice of a procedure for the settlement of disputes concerning the interpretation or application of the United Nations Convention on the Law of the Sea, it does not accept the jurisdiction of the International Court of Justice and consequently will not accept that jurisdiction with respect to articles 297 and 298.

6. ICELAND

[Original: English]

Upon depositing the instrument of ratification of the United Nations Convention on the Law of the Sea, the Permanent Representative of Iceland, on behalf of the Government of Iceland, declares that under article 298 of the Convention the right is reserved that any interpretation of article 83 shall be submitted to conciliation under Annex V, Section 2, of the Convention.

7. KUWAIT

[Original: Arabic]

Understanding 3/

It is understood that the ratification by the State of Kuwait of the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982, does not mean in any way a recognition of Israel by the Government of the State of Kuwait.

Furthermore, no treaty relations will arise between the State of Kuwait and Israel.

8. MALTA

[Original: English]

The ratification of the United Nations Convention on the Law of the Sea is a reflection of Malta's recognition of the many positive elements it contains, including its comprehensiveness and its role in the application of the concept of the common heritage of mankind.

At the same time, it is realized that the effectiveness of the regime established by the Convention depends to a great extent on the attainment of its universal acceptance, not least by major maritime States and those with technology which are most affected by the regime.

The effectiveness of the provisions of Part IX on "enclosed or semi-enclosed seas", which provide for cooperation of States bordering such seas, like the Mediterranean, depends on the acceptance of the Convention by the States concerned. To this end, the Government of Malta encourages and actively supports all efforts at achieving this universality.

The Government of Malta interprets articles 69 and 70 of the Convention as meaning that access to fishing in the exclusive economic zone of third States by vessels of developed land-locked and geographically disadvantaged States is dependent upon the prior granting of access by the coastal States in question to the nationals of other States which have habitually fished in the said zone.

The baselines as established by Maltese legislation for the delimitation of the territorial sea and related areas, for the archipelago of the islands of Malta and which incorporate the island of Filfla as one of the points from which baselines are drawn, are fully in line with the relevant provisions of the Convention.

The Government of Malta interprets article 74 and article 83 to the effect that in the absence of agreement on the delimitation of the exclusive economic zone or the continental shelf or other maritime zones, for an equitable solution to be achieved, the boundary shall be the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other States is measured.

^{3/} The Secretary-General received on 15 August 1986, from the Government of Israel the following communication concerning the said understanding:

"The Government of the State of Israel objects to the declaration made by Kuwait upon ratification of the Convention on the law of the sea. Such a declaration, which is explicitly of a political character extraneous to the law of the sea, is incompatible with the purposes and objects of this Convention and cannot in any way affect whatever obligations are binding upon Kuwait under general international law or under particular conventions. The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Kuwait an attitude of complete reciprocity."

The exercise of the right of innocent passage of warships through the territorial sea of other States should also be perceived to be a peaceful one. Effective and speedy means of communication are easily available and make the prior notification of the exercise of the right of innocent passage of warships reasonable and not incompatible with the Convention. Such notification is already required by some States. Malta reserves the right to legislate on this point.

Malta is also of the view that such a notification requirement is needed in respect of nuclear-powered ships or ships carrying nuclear or other inherently dangerous or noxious substances. Furthermore, no such ships shall be allowed within Maltese internal waters without the necessary authorization.

Malta is of the view that the sovereign immunity contemplated in article 236 does not exonerate a State from such obligation, moral or otherwise, in accepting responsibility and liability for compensation and relief in respect of damage caused by pollution of the marine environment by any warship, naval auxiliary, other vessels or aircraft owned or operated by the State and used on government non-commercial service.

Legislation and regulations concerning the passage of ships through Malta's territorial sea are compatible with the provisions of the Convention. At the same time, the right is reserved to develop further this legislation in conformity with the Convention as may be required.

Malta declares itself in favour of establishing sea lanes and special regimes for foreign fishing vessels transversing its territorial sea.

Note is taken of the statement by the European Community made at the time of signature of the Convention regarding the fact that its member States have transferred competence to it with regard to certain aspects of the Convention. In view of Malta's application to join the European Community, it is understood that this will also become applicable to Malta on membership.

The Government of Malta does not consider itself bound by any of the declarations which other States may have made, or will make upon signing or ratifying the Convention, reserving the right as necessary to determine its position with regard to each of them at the appropriate time. In particular, ratification of the Convention does not imply automatic recognition of maritime or territorial claims by any signatory or ratifying State.

9. OMAN

[Original: Arabic]

Pursuant to the provisions of article 310 of the Convention and further to the earlier declaration by the Sultanate of Oman dated 1 June 1982 concerning the establishment of straight baselines at any point on the coastline of the Sultanate of Oman and the lines enclosing waters within inlets and bays and waters between islands and the coastline, in accordance with article 2 (c) of Royal Decree No. 15/81 and in view of the desire of the Sultanate of Oman to bring its laws into line with the provisions of the Convention, the Sultanate of Oman issues the following declarations:

Declaration No. 1, on the territorial sea

1. The Sultanate of Oman determines that its territorial sea, in accordance with article 2 of Royal Decree No. 15/81 dated 10 February 1981, extends 12 nautical miles in a seaward direction, measured from the nearest point of the baselines.
2. The Sultanate of Oman exercises full sovereignty over its territorial sea, the space above the territorial sea and its bed and subsoil, pursuant to the relevant laws and regulations of the Sultanate and in conformity with the provisions of this Convention concerning the principle of innocent passage.

Declaration No. 2, on the passage of warships through Omani territorial waters

Innocent passage is guaranteed to warships through Omani territorial waters, subject to prior permission. This also applies to submarines, on condition that they navigate on the surface and fly the flag of their home State.

Declaration No. 3, on the passage of nuclear-powered ships and the like through Omani territorial waters

With regard to foreign nuclear-powered ships and ships carrying nuclear or other substances that are inherently dangerous or harmful to health or the environment, the right of innocent passage, subject to prior permission, is guaranteed to the types of vessel, whether or not warships, to which the descriptions apply. This right is also guaranteed to submarines to which the descriptions apply, on condition that they navigate on the surface and fly the flag of their home State.

Declaration No. 4, on the contiguous zone

The contiguous zone extends for a distance of 12 nautical miles measured from the outer limit of the territorial waters, and the Sultanate of Oman exercises the same prerogatives over it as are established by the Convention.

Declaration No. 5, on the exclusive economic zone

1. The Sultanate of Oman determines that its exclusive economic zone, in accordance with article 5 of Royal Decree No. 15/81 dated 10 February 1981, extends 200 nautical miles in a seaward direction, measured from the baselines from which the territorial sea is measured.
2. The Sultanate of Oman possesses sovereign rights over its economic zone and also exercises jurisdiction over that zone as provided for in the Convention. It further declares that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard to the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

Declaration No. 6, on the continental shelf

The Sultanate of Oman exercises over its continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources, as permitted by geographical conditions and in accordance with this Convention.

Declaration No. 7, on the procedure chosen for the settlement of disputes under the Convention

Pursuant to article 287 of the Convention,

The Sultanate of Oman declares its acceptance of the jurisdiction of the International Tribunal for the Law of the Sea, as set forth in annex VI to the Convention, and the jurisdiction of the International Court of Justice, with a view to the settlement of any dispute that may arise between it and another State concerning the interpretation or application of the Convention.

10. PHILIPPINES

[Original: English]

Upon ratification, the Government of the Philippines confirmed the following understanding made upon signature, which reads as follows:

1. The signing of the Convention by the Government of the Republic of the Philippines shall not in any manner impair or prejudice the sovereign rights of the Republic of the Philippines under and arising from the Constitution of the Philippines;
2. Such signing shall not in any manner affect the sovereign rights of the Republic of the Philippines as successor of the United States of America, under and arising out of the Treaty of Paris between Spain and the United States of America of 10 December 1898, and the Treaty of Washington between the United States of America and Great Britain of 2 January 1930;
3. Such signing shall not diminish or in any manner affect the rights and obligations of the contracting parties under the Mutual Defence Treaty between the Philippines and the United States of America of 30 August 1951 and its related interpretative instruments; nor those under any other pertinent bilateral or multilateral treaty or agreement to which the Philippines is a party;
4. Such signing shall not in any manner impair or prejudice the sovereignty of the Republic of the Philippines over any territory over which it exercises sovereign authority, such as the Kalayaan Islands, and the waters appurtenant thereto;
5. The Convention shall not be construed as amending in any manner any pertinent laws and Presidential Decrees or Proclamation of the Republic of the Philippines; the Government of the Republic of the Philippines maintains and reserves the right and authority to make any amendments to such laws, decrees or proclamations pursuant to the provisions of the Philippines Constitution;
6. The provisions of the Convention on archipelagic passage through sea lanes do not nullify or impair the sovereignty of the Philippines as an archipelagic State over the sea lanes and do not deprive it of authority to enact legislation to protect its sovereignty, independence and security;
7. The concept of archipelagic waters is similar to the concept of internal waters under the Constitution of the Philippines, and removes straits connecting these waters with the economic zone or high sea from the rights of foreign vessels to transit passage for international navigation;
8. The agreement of the Republic of the Philippines to the submission for peaceful resolution, under any of the procedures provided in the Convention, of disputes under article 298 shall not be considered as a derogation of Philippines sovereignty.

11. TUNISIA

[Original: Arabic]

Declaration 1

The Republic of Tunisia, on the basis of resolution 4262 of the Council of the League of Arab States, dated 31 March 1983, declares that its accession to the United Nations Convention on the Law of the Sea does not imply recognition of or dealings with any State which the Republic of Tunisia does not recognize or have dealings with.

Declaration 2

The Republic of Tunisia, in accordance with the provisions of article 311, and, in particular, paragraph 6 thereof, declares its adherence to the basic principle relating to the common heritage of mankind and that it will not be a party to any agreement in derogation thereof. The Republic of Tunisia calls upon all States to avoid any unilateral measure or legislation of this kind that would lead to disregard of the provisions of the Convention or to the exploitation of the resources of the seabed and ocean floor and the subsoil thereof outside of the legal regime of the seas and oceans provided for in this Convention and in the other legal instruments pertaining thereto, in particular resolution I and resolution II.

Declaration 3

The Republic of Tunisia, in accordance with the provisions of article 298 of the United Nations Convention on the Law of the Sea, declares that it does not accept the procedures provided for in part XV, section 2, of the said Convention with respect to the following categories of disputes:

(a) (i) disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles, provided that a State having made such a declaration shall, when such a dispute arises subsequent to the entry into force of this Convention and where no agreement within a reasonable period of time is reached in negotiations between the parties, at the request of any party to the dispute, accept submission of the matter to conciliation under annex V, section 2; and provided further that any dispute that necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory shall be excluded from such submission;

(ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree;

(iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties;

(b) disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3;

(c) disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in this Convention.

Declaration 4

The Republic of Tunisia, in accordance with the provisions of article 310 of the United Nations Convention on the Law of the Sea, declares that its legislation currently in force does not conflict with the provisions of this Convention. However, laws and regulations will be adopted as soon as possible in order to ensure closer harmony between the provisions of the Convention and the requirements for completing Tunisian legislation in the maritime sphere.

12. UNITED REPUBLIC OF TANZANIA

[Original: English]

In accordance with article 287 of the United Nations Convention on the Law of the Sea, the United Republic of Tanzania declares that it chooses the International Tribunal for the Law of the Sea for the settlement of disputes concerning the interpretation or application of the Convention.

13. YEMEN

[Original: Arabic]

1. The People's Democratic Republic of Yemen will give precedence to its national laws in force which require prior permission for the entry or transit of foreign warships or of submarines or ships operated by nuclear power or carrying radioactive materials.

2. With regard to the delimitation of the maritime borders between the People's Democratic Republic of Yemen and any State having coasts opposite or adjacent to it, the median line basically adopted shall be drawn in a way such that every point of it is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of any State is measured. This shall be applicable to the maritime borders of the mainland territory of the People's Democratic Republic of Yemen and also of its islands.

14. YUGOSLAVIA

[Original: English]

1. Proceeding from the right that States parties have on the basis of article 310 of the United Nations Convention on the Law of the Sea, the Government of the Socialist Federal Republic of Yugoslavia considers that a coastal State may, by its laws and regulations, subject the passage of foreign warships to the requirement of previous notification to the respective coastal State and limit the number of ships simultaneously passing, on the basis of the international customary law and in compliance with the right of innocent passage (articles 17-32 of the Convention).

2. The Government of the Socialist Federal Republic of Yugoslavia also considers that it may, on the basis of article 38, paragraph 1, and article 45, paragraph 1 (a) of the Convention, determine by its laws and regulations which of the straits used for international navigation in the territorial sea of the Socialist Federal Republic of Yugoslavia will retain the regime of innocent passage, as appropriate.

3. Due to the fact that the provisions of the Convention relating to the contiguous zone (article 33) do not provide rules on the delimitation of the contiguous zone between States with opposite or adjacent coasts,

the Government of the Socialist Federal Republic of Yugoslavia considers that the principles of the customary international law, codified in article 24, paragraph 3, of the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on 29 April 1958, will apply to the delimitation of the contiguous zone between the parties to the United Nations Convention on the Law of the Sea.

D. Declarations made upon signature of the Convention

1. ALGERIA

[Original: French]

It is the view of the Government of Algeria that its signing the Final Act and the United Nations Convention on the Law of the Sea does not entail any change in its position on the non-recognition of certain other signatories, nor any obligation to cooperate in any field whatsoever with those signatories.

2. ANGOLA

[Original: English]

The Government of the People's Republic of Angola reserves the right to interpret any and all articles of the Convention in the context of and with due regard to Angolan sovereignty and territorial integrity as it applies to land, space and sea. Details of these interpretations will be placed on record at the time of ratification of the Convention.

The present signature is without prejudice to the position taken by the Government of Angola or to be taken by it on the Convention at the time of ratification.

3. ARGENTINA

[Original: Spanish]

The signing of the Convention by the Argentine Government does not imply acceptance of the Final Act of the Third United Nations Conference on the Law of the Sea. In that regard, the Argentine Republic, as in its written statement of 8 December 1982 (A/CONF.WS/35), places on record its reservation to the effect that resolution III, in annex I to the Final Act, in no way affects the "Question of the Falkland Islands (Malvinas)", which is governed by the following specific resolutions of the General Assembly: 2065 (XX), 3160 (XXVIII), 31/49, 37/9 and 38/12, adopted within the framework of the decolonization process.

In this connection, and bearing in mind that the Malvinas and the South Sandwich and South Georgia islands form an integral part of Argentine territory, the Argentine Government declares that it neither recognizes nor will it recognize the title of any other State, community or entity or the exercise by it of any right of maritime jurisdiction which is claimed to be protected under any interpretation of resolution III that violates the rights of Argentina over the Malvinas and the South Sandwich and South Georgia islands and their respective maritime zones. Consequently, it likewise neither recognizes nor will recognize and will consider null and void any activity or measure that may be carried out or adopted without its consent with regard to this question, which the Argentine Government considers to be of major importance.

The Argentine Government will accordingly interpret the occurrence of acts of the kind referred to above as contrary to the aforementioned resolutions adopted by the United Nations, the patent objective of which is the peaceful settlement of the sovereignty dispute concerning the islands by means of bilateral negotiations and through the good offices of the Secretary-General of the United Nations.

Furthermore, it is the understanding of the Argentine Republic that, whereas the Final Act states in paragraph 42 that the Convention "together with resolutions I to IV, [forms] an integral whole", it is merely describing the procedure that was followed at the Conference to avoid a series of separate votes on

the Convention and the resolutions. The Convention itself clearly establishes in article 318 that only the Annexes form an integral part of the Convention; thus any other instrument or document, even one adopted by the Conference, does not form an integral part of the United Nations Convention on the Law of the Sea.

4. BELARUS

[Original: Russian]

1. The Byelorussian Soviet Socialist Republic declares that, in accordance with article 287 of the United Nations Convention on the Law of the Sea, it accepts, as the basic means for the settlement of disputes concerning the interpretation or application of the Convention, an arbitral tribunal constituted in accordance with Annex VII. For the consideration of questions relating to fisheries, the protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping, the Byelorussian Soviet Socialist Republic chooses a special arbitral tribunal constituted in accordance with Annex VIII. The Byelorussian Soviet Socialist Republic recognizes the competence of the International Tribunal for the Law of the Sea in relation to questions of the prompt release of detained vessels or their crews, as envisaged in article 292.

2. The Byelorussian Soviet Socialist Republic declares that, in accordance with article 298 of the Convention, it does not accept compulsory procedures entailing binding decisions in the consideration of disputes concerned with the delimitation of marine limits, disputes relating to military activity and disputes in relation to which the United Nations Security Council performs functions entrusted to it under the Charter of the United Nations.

5. BELGIUM

[Original: French]

The Government of the Kingdom of Belgium has decided to sign the United Nations Convention on the Law of the Sea because the Convention has a very large number of positive features and achieves a compromise on them which is acceptable to most States. Nevertheless, with regard to the status of maritime space, it regrets that the concept of equity, adopted for the delimitation of the continental shelf and the exclusive economic zone, was not applied again in the provisions for delimiting the territorial sea. It welcomes, however, the distinctions established by the Convention between the nature of the rights which riparian States exercise over their territorial sea, on the one hand, and over the continental shelf and their exclusive economic zone on the other.

It is common knowledge that the Belgian Government cannot declare itself also satisfied with certain provisions of the international regime of the seabed which, though based on a principle that it would not think of challenging, seems not to have chosen the most suitable way of achieving the desired result as quickly and surely as possible, at the risk of jeopardizing the success of a generous undertaking which Belgium consistently encourages and supports. Indeed, certain provisions of part XI and of annexes III and IV appear to it to be marred by serious defects and shortcomings which explain why consensus was not reached on this text at the last session of the Third United Nations Conference on the Law of the Sea, in New York, in April 1982. These shortcomings and defects concern in particular the restriction of access to the Area, the limitations on production and certain procedures for the transfer of technology, not to mention the vexatious implications of the cost and financing of the future International Seabed Authority and the first mine site of the Enterprise. The Belgian Government sincerely hopes that these shortcomings and defects will in fact be rectified by the rules, regulations and procedures which the Preparatory Commission should draw up with the twofold intent of facilitating acceptance of the new regime by the

whole international community and enabling the common heritage of mankind to be properly exploited for the benefit of all and, preferably, for the benefit of the least favoured countries.

The Government of the Kingdom of Belgium is not alone in thinking that the success of this new regime, the effective establishment of the International Seabed Authority and the economic viability of the Enterprise will depend to a large extent on the quality and seriousness of the Preparatory Commission's work: it therefore considers that all decisions of the Commission should be adopted by consensus, that being the only way of protecting the legitimate interests of all.

As the representatives of France and the Netherlands pointed out two years ago, the Belgian Government wishes to make it abundantly clear that, notwithstanding its decision to sign the Convention today, the Kingdom of Belgium is not here and now determined to ratify it. It will take a separate decision on this point at a later date, which will take account of what the Preparatory Commission has accomplished to make the international regime of the seabed acceptable to all, focusing mainly on the questions to which attention has been drawn above.

The Belgian Government also wishes to recall that Belgium is a member of the European Economic Community, to which it has transferred powers in certain areas covered by the Convention; detailed declarations on the nature and extent of the powers transferred will be made in due course, in accordance with the provisions of annex IX of the Convention.

It also wishes to draw attention formally to several points which it considers particularly crucial. For example, it attaches great importance to the conditions to which articles 21 and 23 of the Convention subject the right of innocent passage through the territorial sea, and it intends to ensure that the criteria prescribed by the relevant international agreements are strictly applied, whether the flag States are parties thereto or not. The limitation of the breadth of the territorial sea, as established by article 3 of the Convention, confirms and codifies a widely observed customary practice which it is incumbent on every State to respect, as it is the only one admitted by international law: the Government of the Kingdom of Belgium will not therefore recognize, as territorial sea, waters which are, or may be, claimed to be such beyond 12 nautical miles measured from baselines determined by the riparian State in accordance with the Convention. Having underlined the close linkage which it perceives between article 33, paragraph 1(a), and article 27, paragraph 2, of the Convention, the Government of the Kingdom of Belgium intends to reserve the right, in emergencies and especially in cases of blatant violation, to exercise the powers accorded to the riparian State by the latter text, without notifying beforehand a diplomatic agent or consular officer of the flag State, on the understanding that such notification shall be given as soon as it is physically possible. Finally, everyone will understand that the Government of the Kingdom of Belgium chooses to emphasize those provisions of the Convention which entitle it to protect itself, beyond the limit of the territorial sea, against any threat of pollution and, a fortiori, against any existing pollution resulting from an accident at sea, as well as those provisions which recognize the validity of rights and obligations deriving from specific conventions and agreements concluded previously or which may be concluded subsequently in furtherance of the general principles set forth in the Convention.

In the absence of any other peaceful means to which it obviously gives priority, the Government of the Kingdom of Belgium deems it expedient to choose alternatively, and in order of preference, as article 287 of the Convention leaves it free to do, the following means of settling disputes concerning the interpretation or application of the Convention:

- (1) An arbitral tribunal constituted in accordance with annex VIII;
- (2) The International Tribunal for the Law of the Sea established in accordance with annex VI;
- (3) The International Court of Justice.

Still in the absence of any other peaceful means, the Government of the Kingdom of Belgium wishes here and now to recognize the validity of the special arbitration procedure for any dispute concerning the interpretation or application of the provisions of the Convention in respect of fisheries, protection and preservation of the marine environment, marine scientific research or navigation, including pollution from vessels and by dumping.

For the time being, the Belgian Government does not wish to make any declaration in accordance with article 298, confining itself to the one made above in accordance with article 287. Finally, the Government of the Kingdom of Belgium does not consider itself bound by any of the declarations which other States have made, or may make, upon signing or ratifying the Convention, reserving the right, as necessary, to determine its position with regard to each of them at the appropriate time.

6. BOLIVIA

[Original: Spanish]

1. The Convention on the Law of the Sea is a perfectible instrument and, according to its own provisions, is subject to revision. As a party to it, Bolivia will, when the time comes, put forward proposals and revisions which are in keeping with its national interests.
2. Bolivia is confident that the Convention will ensure, in the near future, the joint development of the resources of the seabed, with equal opportunities and rights for all nations, especially developing countries.
3. Freedom of access to and from the sea, which the Convention grants to land-locked nations, is a right that Bolivia has been exercising by virtue of bilateral treaties and will continue to exercise by virtue of the norms of positive international law contained in the Convention.
4. Bolivia wishes to place on record that it is a country that has no maritime sovereignty as a result of a war and not as a result of its natural geographic position and that it will assert all the rights of coastal States under the Convention once it recovers the legal status in question as a consequence of negotiations on the restoration to Bolivia of its own sovereign outlet to the Pacific Ocean.

7. BRAZIL

[Original: English]

- (I) Signature by Brazil is ad referendum, subject to ratification of the Convention in conformity with Brazilian constitutional procedures, which include approval by the National Congress.
- (II) The Brazilian Government understands that the regime which is applied in practice in maritime areas adjacent to the coast of Brazil is compatible with the provisions of the Convention.
- (III) The Brazilian Government understands that the provisions of article 301, which prohibits "any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations", apply, in particular, to the maritime areas under the sovereignty or the jurisdiction of the coastal State.
- (IV) The Brazilian Government understands that the provisions of the Convention do not authorize other States to carry out in the exclusive economic zone military exercises or manoeuvres, in particular those that imply the use of weapons or explosives, without the consent of the coastal State.

- (V) The Brazilian Government understands that, in accordance with the provisions of the Convention, the coastal State has, in the exclusive economic zone and on the continental shelf, the exclusive right to construct and to authorize and regulate the construction, operation and use of all types of installations and structures, without exception, whatever their nature or purpose.
- (VI) Brazil exercises sovereignty rights over the continental shelf, beyond the distance of two hundred nautical miles from the baselines, up to the outer edge of the continental margin, as defined in article 76.
- (VII) The Brazilian Government reserves the right to make at the appropriate time the declarations provided for in articles 287 and 298, concerning the settlement of disputes.

8. CAPE VERDE

[Original: English]

The Government of the Republic of Cape Verde signs the United Nations Convention on the Law of the Sea with the following understandings:

I. This Convention recognizes the right of coastal States to adopt measures to safeguard their security interests, including the right to adopt laws and regulations relating to the innocent passage of foreign warships through their territorial sea or archipelagic waters. This right is in full conformity with articles 19 and 25 of the Convention, as it was clearly stated in the Declaration made by the President of the Third United Nations Conference on the Law of the Sea in the plenary meeting of the Conference on 26 April 1982.

II. The provisions of the Convention relating to the archipelagic waters, territorial sea, exclusive economic zone and continental shelf are compatible with the fundamental objectives and aims that inspire the legislation of the Republic of Cape Verde concerning its sovereignty and jurisdiction over the sea adjacent to and within its coasts and over the seabed and subsoil thereof up to the limit of 200 miles.

III. The legal nature of the exclusive economic zone as defined in the Convention and the scope of the rights recognized therein to the coastal State leave no doubt as to its character of a sui generis zone of national jurisdiction different from the territorial sea and which is not a part of the high seas.

IV. The regulations of the uses or activities which are not expressly provided for in the Convention but are related to the sovereign rights and to the jurisdiction of the coastal State in its exclusive economic zone falls within the competence of the said State, provided that such regulation does not hinder the enjoyment of the freedoms of international communication which are recognized to other States.

V. In the exclusive economic zone, the enjoyment of the freedoms of international communication, in conformity with its definition and with other relevant provisions of the Convention, excludes any non-peaceful use without the consent of the coastal State, such as exercises with weapons or other activities which may affect the rights or interests of the said States; and it also excludes the threat or use of force against the territorial integrity, political independence, peace or security of the coastal State.

VI. This Convention does not entitle any State to construct, operate or use installations or structures in the exclusive economic zone of another State, either those provided for in the Convention or those of any other nature, without the consent of the coastal State.

VII. In accordance with all the relevant provisions of the Convention, where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the States fishing for such stocks in the adjacent area are duty bound to enter into arrangements

with the coastal State upon the measures necessary for the conservation of these stock or stocks of associated species.

9. CHILE

[Original: Spanish]

In exercise of the right conferred by article 310 of the Convention, the delegation of Chile wishes first of all to reiterate in its entirety the statement it made at [the April 1982] meeting when the Convention was adopted, which statement is reproduced in document A/CONF.62/SR.164. In particular [it wishes to refer] to the Convention's pivotal legal concept, that of the 200-mile exclusive economic zone to the elaboration of which [Chile] made an important contribution, having been the first to declare such a concept, 35 years ago in 1947, and having subsequently helped to define and earn it international acceptance. The exclusive economic zone has a sui generis legal character distinct from that of the territorial sea and the high seas. It is a zone under national jurisdiction, over which the coastal State exercises economic sovereignty and in which third States enjoy freedom of navigation and overflight and the freedoms inherent in international communication. The Convention defines it as a maritime space under the jurisdiction of the coastal State, bound to the latter's territorial sovereignty and actual territory, on terms similar to those governing other maritime spaces, namely the territorial sea and the continental shelf. With regard to straits used for international navigation, the delegation of Chile wishes to reaffirm and reiterate in full the statement made last April, as reproduced in document A/CONF.62/SR.164 referred to above, as well as the content of the supplementary written statement dated 7 April 1982 contained in document A/CONF.62/WS/19.

With regard to the international seabed regime, [the delegation of Chile wishes] to reiterate the statement made by the Group of 77 at [the April 1982] meeting regarding the legal concept of the common heritage of mankind, the existence of which was solemnly confirmed by consensus by the General Assembly in 1970 and which the present Convention defines as a part of jus cogens. Any action taken in contravention of this principle and outside the framework of the seabed regime would, as [the April 1982] debate showed, be totally invalid and illegal.

10. COSTA RICA

[Original: Spanish]

The Government of Costa Rica declares that the provisions of Costa Rican law under which foreign vessels must pay for licences to fish in its exclusive economic zone shall apply also to fishing for highly migratory species, pursuant to the provisions of articles 62 and 64, paragraph 2, of the Convention.

11. CUBA

[Original: English, French and Spanish]

At the time of signing the Convention on the Law of the Sea, the Cuban delegation declares that, having gained possession of the definitive text of the Convention just a few hours ago, it will leave for the time of the ratification of the Convention the issuing of any statement it deems pertinent with respect to articles:

287 - on the election of the procedure for the settlement of controversies pertaining to the interpretation or implementation of the Convention;

292 - on the prompt release of ships and their crews;

298 - on the optional exceptions to the applicability of section 2;

as well as whatever statement or declaration it might deem appropriate to make in conformity with article 310 of the Convention.

12. FINLAND

[Original: English]

It is the understanding of the Government of Finland that the exception from the transit passage regime in straits provided for in article 35 (c) of the Convention is applicable to the strait between Finland (the Åland Islands) and Sweden. Since in that strait the passage is regulated in part by a long-standing international convention in force, the present legal regime in that strait will remain unchanged after the entry into force of the Convention.

As regards those parts of the Convention which deal with innocent passage through the territorial sea, it is the intention of the Government of Finland to continue to apply the present regime to the passage of foreign warships and other government-owned vessels used for non-commercial purposes through the Finnish territorial sea, that regime being fully compatible with the Convention.

13. FRANCE

[Original: French]

1. The provisions of the Convention relating to the status of the different maritime spaces and to the legal regime of the uses and protection of the marine environment confirm and consolidate the general rules of the law of the sea and thus entitle the French Republic not to recognize as enforceable against it any foreign laws or regulations that are not in conformity with those general rules.

2. The provisions of the Convention relating to the area of the seabed and ocean floor beyond the limits of national jurisdiction show considerable deficiencies and flaws with respect to the exploration and exploitation of the said area which will require rectification through the adoption by the Preparatory Commission of draft rules, regulations and procedures to ensure the establishment and effective functioning of the International Seabed Authority.

To this end, all efforts must be made within the Preparatory Commission to reach general agreement on any matter of substance, in accordance with the procedure set out in rule 37 of the rules of procedure of the Third United Nations Conference on the Law of the Sea.

3. With reference to article 140, the signing of the Convention by France shall not be interpreted as implying any change in its position in respect of resolution 1514 (XV).

4. The provisions of article 230, paragraph 2, of the Convention shall not preclude interim or preventive measures against the parties responsible for the operation of foreign vessels, such as immobilization of the vessel. They shall also not preclude the imposition of penalties other than monetary penalties for any wilful and serious act which causes pollution.

14. GREECE

[Original: English]

Interpretative declaration on the subject of straits:

The present declaration concerns the provisions of part III "on straits used for international navigation" and more especially the application in practice of articles 36, 38, 41 and 42 of the Convention on the Law of the Sea. In areas where there are numerous spread-out islands that form a great number of alternative straits which serve in fact one and the same route of international navigation, it is the understanding of Greece that the coastal State concerned has the responsibility to designate the route or routes, in the said alternative straits, through which ships and aircraft of third countries could pass under transit passage regime, in such a way as on the one hand the requirements of international navigation and overflight are satisfied, and on the other hand the minimum security requirements of both the ships and aircraft in transit as well as those of the coastal State are fulfilled.

15. GUINEA

[Original: French]

The Government of the Republic of Guinea reserves the right to interpret any article of the Convention in the context and taking due account of the sovereignty of Guinea and of its territorial integrity as it applies to the land, space and sea.

16. IRAN (Islamic Republic of)

[Original: English]

Declaration of understanding:

In accordance with article 310 of the Convention on the Law of the Sea, the Government of the Islamic Republic of Iran seizes the opportunity at this solemn moment of signing the Convention to place on the records its "understanding" in relation to certain provisions of the Convention. The main objective for submitting these declarations is the avoidance of eventual future interpretation of the following articles in a manner incompatible with the original intention and previous positions or in disharmony with national laws and regulations of the Islamic Republic of Iran.

It is ... the understanding of the Islamic Republic of Iran that:

(1) Notwithstanding the intended character of the Convention being one of general application and of law-making nature, certain of its provisions are merely the product of quid-pro-quo which do not necessarily purport to codify the existing customs or established usage (practice) regarded as having an obligatory character. Therefore, it seems natural and in harmony with article 34 of the 1969 Vienna Convention on the Law of Treaties that only States parties to the Law of the Sea Convention shall be entitled to benefit from the contractual rights created therein.

The above considerations pertain specifically (but not exclusively) to the following:

- The right of transit passage through straits used for international navigation (part III, section 2, article 38);
- The notion of "exclusive economic zone" (part V);

- All matters regarding the international seabed area and the concept of "common heritage of mankind" (part XI).

(2) In the light of customary international law, the provisions of article 21, read in association with article 19 (on the Meaning of innocent passage) and article 25 (on the Rights of protection of the coastal State) recognize (though implicitly) the rights of the coastal States to take measures to safeguard their security interests, including the adoption of laws and regulations regarding, inter alia, the requirements of prior authorization for warships willing to exercise the right of innocent passage through the territorial sea.

(3) The right referred to in article 125 regarding access to and from the sea and freedom of transit of land-locked States is one which is derived from mutual agreement of States concerned based on the principle of reciprocity.

(4) The provisions of article 70, regarding "Right of States with special geographical characteristics", are without prejudice to the exclusive right of the Coastal States of enclosed and semi-enclosed maritime regions (such as the Persian Gulf and the Sea of Oman) with large populations predominantly dependent upon relatively poor stocks of living resources of the same regions.

(5) Islets situated in enclosed and semi-enclosed seas which potentially can sustain human habitation or economic life of their own but, due to climatic conditions, resource restriction or other limitations, have not yet been put to development, fall within the provisions of paragraph 2 of article 121 concerning "Regime of islands", and have, therefore, full effect in boundary delimitation of various maritime zones of the interested coastal States.

Furthermore, with regard to "compulsory procedures entailing binding decisions" the Government of the Islamic Republic of Iran, while fully endorsing the concept of settlement of all international disputes by peaceful means, and recognizing the necessity and desirability of settling, in an atmosphere of mutual understanding and cooperation, issues relating to the interpretation and application of the Convention on the Law of the Sea, at this time will not pronounce on the choice of procedures pursuant to articles 287 and 298 and reserves its positions, to be declared in due time.

17. IRAQ

[Original: Arabic]

Pursuant to article 310 of the present Convention and with a view to harmonizing Iraqi laws and regulations with the provisions of the Convention, the Republic of Iraq has decided to issue the following statement:

1. The present signature in no way signifies recognition of Israel and implies no relationship with it.
2. Iraq interprets the provisions applying to all types of straits set forth in Part III of the Convention as applying also to navigation between islands situated near those straits if the shipping lanes leaving or entering those straits and defined by the competent international organization lie near such islands.

18. ITALY

[Original: English]

Upon signing the United Nations Convention on the Law of the Sea of 10 December 1982, Italy wishes to state that in its opinion Part XI and Annexes III and IV contain considerable flaws and deficiencies which require rectification through the adoption by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea of appropriate draft rules, regulations and procedures.

Italy wishes also to confirm the following points made in its written statement dated 7 March 1983:

- according to the Convention, the coastal State does not enjoy residual rights in the exclusive economic zone. In particular, the rights and jurisdiction of the coastal State in such zone do not include the right to obtain notification of military exercises or manoeuvres or to authorize them.

Moreover, the right of the coastal State to build and to authorize the construction, operation and the use of installations and structures in the exclusive economic zone and on the continental shelf is limited only to the categories of such installations and structures as listed in article 60 of the Convention.

- None of the provisions of the Convention, which correspond on this matter to customary international law, can be regarded as entitling the coastal State to make innocent passage of particular categories of foreign ships dependent on prior consent or notification.

19. LUXEMBOURG

[Original: French]

The Government of the Grand Duchy of Luxembourg has decided to sign the United Nations Convention on the Law of the Sea because it represents, in the context of the law of the sea, a major contribution to the codification and progressive development of international law.

Nevertheless, in the view of the Government of Luxembourg, certain provisions of part XI and annexes III and IV of the Convention are marred by serious shortcomings and defects which, moreover, explain why it was not possible to reach a consensus on the text at the last session of the Third United Nations Conference on the Law of the Sea, held in New York in April 1982.

These shortcomings and defects concern, in particular, the mandatory transfer of technology and the cost and financing of the future Seabed Authority and the first mine site of the Enterprise. They will have to be rectified by the rules, regulations and procedures to be drawn up by the Preparatory Commission. The Government of Luxembourg recognizes that the work remaining to be done is of great importance and hopes that it will be possible to reach agreement on the modalities for operating a seabed mining regime that will be generally acceptable and therefore conducive to promoting the activities of the international zone of the seabed.

As the representatives of France and the Netherlands pointed out two years ago, my Government wishes to make it abundantly clear that, notwithstanding its decision to sign the Convention today, the Grand Duchy of Luxembourg is not here and now determined to ratify it.

It will take a separate decision on this point, at a later date, which will take account of what the Preparatory Commission has accomplished to make the international regime of the seabed acceptable to all.

My Government also wishes to recall that Luxembourg is a member of the European Economic Community and, by virtue thereof, has transferred to the Community powers in certain areas covered by the Convention. Detailed declarations on the nature and extent of the powers transferred will be made in due course, in accordance with the provisions of annex IX of the Convention.

Like other members of the Community, the Grand Duchy of Luxembourg also reserves its position on all declarations made at the final session of the Third United Nations Conference on the Law of the Sea, at Montego Bay, that may contain elements of interpretation concerning the provisions of the United Nations Convention on the Law of the Sea.

20. MALI

[Original: French]

On signing the United Nations Convention on the Law of the Sea, the Republic of Mali remains convinced of the interdependence of the interests of all peoples and of the need to base international cooperation on, in particular, mutual respect, equality, solidarity at the international, regional and subregional levels, and positive good-neighbourliness between States.

It thus reiterates its statement of 30 April 1982, reaffirming that the United Nations Convention on the Law of the Sea, in the negotiation and adoption of which the Government of Mali participated in good faith, constitutes a perfectible international legal instrument.

Nevertheless, Mali's signature of the said Convention is without prejudice to any other instrument concluded or to be concluded by the Republic of Mali with a view to improving its status as a geographically disadvantaged and land-locked State. It is likewise without prejudice to the elements of any position which the Government of the Republic of Mali may deem it necessary to take with regard to any question of the law of the sea pursuant to article 310.

In any case, the present signature has no effect on the course of Mali's foreign policy or on the rights it derives from its sovereignty under its Constitution or the Charter of the United Nations and any other relevant rule of international law.

21. NICARAGUA

[Original: Spanish]

In accordance with article 310, Nicaragua declares that such adjustments of its domestic law as may be required in order to harmonize it with the Convention will follow from the process of constitutional change initiated by the revolutionary State of Nicaragua, it being understood that the Convention and the resolutions adopted on 10 December 1982 and the annexes to the Convention constitute an inseparable whole.

For the purposes of articles 287 and 298 and of other articles concerning the interpretation and application of the Convention, the Government of Nicaragua shall, if and as the occasion demands, exercise the right conferred by the Convention to make further supplementary or clarificatory declarations.

22. OMAN

[Original: English]

It is the understanding of the Government of the Sultanate of Oman that the application of the provisions of articles 19, 25, 34, 38 and 45 of the Convention does not preclude a coastal State from taking such appropriate measures as are necessary to protect its interest of peace and security.

23. QATAR ^{1/}

[Original: Arabic]

The State of Qatar declares that its signature of the Convention on the Law of the Sea shall in no way imply recognition of Israel or any dealing with Israel or lead to entry with Israel into any of the relations governed by the Convention or entailed by the implementation of the provisions thereof.

24. ROMANIA

[Original: English and French]

1. As a geographically disadvantaged country bordering a sea poor in living resources, Romania reaffirms the necessity to develop international cooperation for the exploitation of the living resources of the economic zones, on the basis of just and equitable agreements that should ensure the access of the countries from this category to the fishing resources in the economic zones of other regions or subregions.
2. The Socialist Republic of Romania reaffirms the right of coastal States to adopt measures to safeguard their security interests, including the right to adopt national laws and regulations relating to the passage of foreign warships through their territorial sea.

The right to adopt such measures is in full conformity with articles 19 and 25 of the Convention, as it is also specified in the Statement by the President of the United Nations Conference on the Law of the Sea in the plenary meeting of the Conference on 26 April 1982.

3. The Socialist Republic of Romania states that according to the requirements of equity - as it results from articles 74 and 83 of the Convention on the Law of the Sea - the uninhabited islands without economic life can in no way affect the delimitation of the maritime spaces belonging to the mainland coasts of the coastal States.

^{1/} The Secretary-General received from the Government of Israel, on 10 April 1985, the following objection concerning a declaration by Qatar: "The Government of the State of Israel objects to the declaration made by Qatar upon signature of the Convention of the Law of the Sea. Such a declaration, which is explicitly of a political character extraneous to the law of the sea, is incompatible with the purposes and objects of this Convention and cannot in any way affect whatever obligations are binding upon Qatar under general international law or under particular conventions. The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Qatar an attitude of complete reciprocity."

25. RUSSIAN FEDERATION

[Original: Russian]

1. The Union of Soviet Socialist Republics declares that, under article 287 of the United Nations Convention on the Law of the Sea, it chooses an arbitral tribunal constituted in accordance with annex VII as the basic means for the settlement of disputes concerning the interpretation or application of the Convention. It opts for a special arbitral tribunal constituted in accordance with annex VIII for the consideration of matters relating to fisheries, the protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and dumping. It recognizes the competence of the International Tribunal for the Law of the Sea, as provided for in article 292, in matters relating to the prompt release of detained vessels and crews.

2. The Union of Soviet Socialist Republics declares that, in accordance with article 298 of the Convention, it does not accept the compulsory procedures entailing binding decisions for the consideration of disputes relating to sea boundary delimitations, disputes concerning military activities or disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

26. SAO TOME AND PRINCIPE

[Original: French]

I. The signing of the Convention by the Government of the Democratic Republic of Sao Tome and Principe will in no way affect or prejudice the sovereign rights of the Democratic Republic of Sao Tome and Principe embodied in and flowing from the Constitution of Sao Tome and Principe;

II. The Government of the Democratic Republic of Sao Tome and Principe reserves the right to adopt laws and regulations relating to the innocent passage of foreign warships through its territorial sea or its archipelagic waters and to take any other measures aimed at safeguarding its security;

III. The Government of the Democratic Republic of Sao Tome and Principe considers that the provisions of the Convention relating to archipelagic waters, the territorial sea and the exclusive economic zone are compatible with the legislation of the Republic of Sao Tome and Principe as regards its sovereignty and its jurisdiction over the maritime space adjacent to its coasts;

IV. The Government of the Democratic Republic of Sao Tome and Principe considers that, in accordance with the provisions of the Convention, where the same stock or stocks of associated species occur within the exclusive economic zone or in an area adjacent thereto, the States fishing for such stocks in the adjacent area are under an obligation to agree with the coastal State upon the measures necessary for the conservation of the stock or stocks of associated species;

V. The Government of the Democratic Republic of Sao Tome and Principe, in accordance with the relevant provisions of the Convention, reserves the right to adopt laws and regulations to ensure the conservation of highly migratory species and to cooperate with the States whose nationals harvest these species in order to promote the optimum utilization thereof.

27. SOUTH AFRICA

[Original: English]

Pursuant to the provisions of article 310 of the Convention the South African Government declares that the signature of this Convention by South Africa in no way implies recognition by South Africa of the United Nations Council for Namibia or its competence to act on behalf of South-West Africa Namibia.

28. SPAIN

[Original: Spanish]

1. The Spanish Government, upon signing this Convention, declares that this act cannot be interpreted as recognition of any rights or situations relating to the maritime spaces of Gibraltar which are not included in article 10 of the Treaty of Utrecht of 13 July 1713 between the Spanish and British Crowns. The Spanish Government also considers that resolution III of the Third United Nations Conference on the Law

of the Sea is not applicable in the case of the Colony of Gibraltar, which is undergoing a decolonization process in which only the relevant resolutions adopted by the United Nations General Assembly apply.

2. It is the Spanish Government's interpretation that the regime established in part III of the Convention is compatible with the right of the coastal State to issue and apply its own air regulations in the airspace of the straits used for international navigation so long as this does not impede the transit passage of aircraft.

3. With regard to article 39, paragraph 3, it takes the word "normally" to mean "except in cases of force majeure or distress".

4. With regard to article 42, it considers that the provisions of paragraph 1(b) do not prevent it from issuing, in accordance with international law, laws and regulations giving effect to generally accepted international regulations.

5. The Spanish Government interprets articles 69 and 70 of the Convention as meaning that access to fishing in the economic zones of third States by the fleets of developed land-locked and geographically disadvantaged States is dependent upon the prior granting of access by the coastal States in question to the nationals of other States who have habitually fished in the economic zone concerned.

6. It interprets the provisions of article 221 as not depriving the coastal State of a strait used for international navigation of its powers, recognized by international law, to intervene in the case of the casualties referred to in that article.

7. It considers that article 233 must be interpreted, in any case, in conjunction with the provisions of article 34.

8. It considers that, without prejudice to the provisions of article 297 regarding the settlement of disputes, articles 56, 61 and 62 of the Convention preclude considering as discretionary the powers of the coastal State to determine the allowable catch, its harvesting capacity and the allocation of surpluses to other States.

9. Its interpretation of annex III, article 9, is that the provisions thereof shall not obstruct participation, in the joint ventures referred to in paragraph 2, of the States parties whose industrial potential precludes them from participating directly as contractors in the exploitation and resources of the Area.

29. SUDAN

[Original: Arabic]

[1] In accordance with article 310 of the Convention, the Sudanese Government will make such declarations as it deems necessary in order to clarify its position regarding the content of certain provisions of this instrument.

[2] [The Sudan] wishes to reiterate [the statement by the President of the Conference] in plenary meeting during the Third United Nations Conference on the Law of the Sea, on 26 April 1982, concerning article 21, which deals with the laws and regulations of the coastal State relating to innocent passage, namely, that the withdrawal of the amendment submitted at the time by a number of States did not prejudice the right of coastal States to take all necessary measures, particularly in order to protect their security, in accordance with article 19 on the meaning of the term "innocent passage" and article 25 on the "rights of protection of the coastal State".

[3] The Sudan also wishes to state that, according to its interpretation, the definition of the term "geographically disadvantaged States" given in article 70, paragraph 2, applies to all the parts of the Convention in which this term appears.

[4] The fact that [the Sudan] is signing this Convention and the Final Act of the Conference in no way means that [it] recognizes any State whatsoever which it does not recognize or with which it has no relations.

30. SWEDEN

[Original: English]

Declaration: It is the understanding of the Government of Sweden that the exception from the transit passage regime in straits provided for in article 35(c) of the Convention is applicable to the strait between Sweden and Denmark (Oresund) as well as to the strait between Sweden and Finland (the Aland islands). Since in both those straits the passage is regulated in whole or in part by long-standing international conventions in force, the present legal regime in the two straits will remain unchanged after the entry into force of the Convention.

As regards those parts of the Convention which deal with innocent passage through the territorial sea, it is the intention of the Government of Sweden to continue to apply the present regime for the passage of foreign warships and other government-owned vessels used for non-commercial purposes through the Swedish territorial sea, that regime being fully compatible with the Convention.

It is also the understanding of the Government of Sweden that the Convention does not affect the rights and duties of a neutral State provided for in the Convention concerning the Rights and Duties of Neutral Powers in case of Naval Warfare (XIII Convention), adopted at The Hague on 18 October 1907.

31. UKRAINE

[Original: Russian]

1. The Ukrainian Soviet Socialist Republic declares that, in accordance with article 287 of the United Nations Convention on the Law of the Sea, it chooses as the principal means for the settlement of disputes concerning the interpretation or application of this Convention an arbitral tribunal constituted in accordance with annex VII. For the consideration of questions relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping, the Ukrainian SSR chooses a special arbitral tribunal constituted in accordance with annex VIII. The Ukrainian SSR recognizes the competence, as stipulated in article 292, of the International Tribunal for the Law of the Sea in respect of questions relating to the prompt release of detained vessels or their crews.

2. The Ukrainian Soviet Socialist Republic declares, in accordance with article 298 of the Convention, that it does not accept compulsory procedures, involving binding decisions, for the consideration of disputes relating to sea boundary delimitations, disputes concerning military activities and disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

32. URUGUAY

[Original: Spanish]

(A) The provisions of the Convention concerning the territorial sea and the exclusive economic zone are compatible with the main purposes and principles underlying Uruguayan legislation in respect of Uruguay's sovereignty and jurisdiction over the sea adjacent to its coast and over its bed and subsoil up to a limit of 200 miles.

(B) The legal nature of the exclusive economic zone as defined in the Convention and the scope of the rights which the Convention recognizes to the coastal State leave room for no doubt that it is a "sui generis" zone of national jurisdiction different from the territorial sea and that it is not part of the high seas.

(C) Regulation of the uses and activities not provided for expressly in the Convention (residual rights and obligations) relating to the rights of sovereignty and to the jurisdiction of the coastal State in its exclusive economic zone falls within the competence of that State, provided that such regulation does not prevent enjoyment of the freedom of international communication which is recognized to other States.

(D) In the exclusive economic zone, enjoyment of the freedom of international communication in accordance with the way it is defined and in accordance with other relevant provisions of the Convention excludes any non-peaceful use without the consent of the coastal State - for instance, military exercises or other activities which may affect the rights or interests of that State - and it also excludes the threat or use of force against the territorial integrity, political independence, peace or security of the coastal State.

(E) This Convention does not empower any State to build, operate or utilize installations or structures in the exclusive economic zone of another State, neither those referred to in the Convention nor any other kind, without the consent of the coastal State.

(F) In accordance with all the relevant provisions of the Convention, where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the States fishing for such stocks in the adjacent area are duty bound to agree with the coastal State upon the measures necessary for the conservation of these stocks or associated species.

(G) When the Convention enters into force, Uruguay will apply, with respect to other States parties, the provisions established by the Convention and by Uruguayan legislation, on the basis of reciprocity.

(H) Pursuant to the provisions of article 287, Uruguay declares that it chooses the International Tribunal for the Law of the Sea for the settlement of such disputes relating to the interpretation or application of the Convention as are not subject to other procedures, without prejudice to its recognition of the jurisdiction of the International Court of Justice and of such agreements with other States as may provide for other means for peaceful settlement.

(I) Pursuant to the provisions of article 298, Uruguay declares that it will not accept the procedures provided for in part XV, section 2, of the Convention, in respect of disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraphs 2 and 3.

(J) Reaffirms that, as stated in article 76, the continental shelf is the natural prolongation of the territory of the coastal State to the outer edge of the continental margin.

33. YEMEN ^{2/}

(formerly Yemen Arab Republic)

[Original: Arabic]

1. The Yemen Arab Republic adheres to the rules of general international law concerning rights to national sovereignty over coastal territorial waters, even in the case of the waters of a strait linking two seas.

2. The Yemen Arab Republic adheres to the concept of general international law concerning free passage as applying exclusively to merchant ships and aircraft; nuclear-powered craft, as well as warships and warplanes in general, must obtain the prior agreement of the Yemen Arab Republic before passing through its territorial waters, in accordance with the established norm of general international law relating to national sovereignty.

3. The Yemen Arab Republic confirms its national sovereignty over all the islands in the Red Sea and the Indian Ocean which have been its dependencies since the period when the Yemen and the Arab countries were under Turkish administration.

4. The Yemen Arab Republic declares that its signature of the Convention on the Law of the Sea is subject to the provisions of this declaration and the completion of the constitutional procedures in effect.

The fact that we have signed the said Convention in no way implies that we recognize Israel or are entering into relations with it.

^{2/} On 22 May 1990 the People's Democratic Republic of Yemen and the Yemen Arab Republic merged to form a single State with the name "Yemen".

34. EUROPEAN ECONOMIC COMMUNITY

[Original: English and French]

On signing the United Nations Convention on the Law of the Sea, the European Economic Community declares that it considers that the Convention constitutes, within the framework of the law of the sea, a major effort in the codification and progressive development of international law in the fields to which its declaration pursuant to article 2 of annex IX of the Convention refers. The Community would like to express the hope that this development will become a useful means for promoting cooperation and stable relations between all countries in these fields.

The Community, however, considers that significant provisions of part XI of the Convention are not conducive to the development of the activities to which that part refers in view of the fact that several States members of the Community have already expressed their position that this part contains considerable deficiencies and flaws which require rectification. The Community recognizes the importance of the work which remains to be done and hopes that conditions for the implementation of a seabed mining regime, which are generally acceptable and which are therefore likely to promote activities in the international seabed area, can be agreed. The Community, within the limits of its competence, will play a full part in contributing to the task of finding satisfactory solutions.

A separate decision on formal confirmation ^{3/} will have to be taken at a later stage. It will be taken in the light of the results of the efforts made to attain a universally acceptable Convention.

Competence of the European Communities with regard to matters
governed by the Convention on the Law of the Sea
(declaration made pursuant to article 2
of annex IX to the Convention)

Article 2 of annex IX to the Convention of the Law of the Sea stipulates that the participation of an international organization shall be subject to a declaration specifying the matters governed by the Convention in respect of which competence has been transferred to the organization by its member States.

The European Communities were established by the Treaties of Paris and of Rome, signed on 18 April 1951 and 25 March 1957 respectively. After being ratified by the Signatory States the Treaties entered into force on 25 July 1952 and 1 January 1958. ^{4/}

^{3/} "Formal confirmation" is the term used in the Convention for ratification by international organizations (see article 306 and Annex IX, article 3).

^{4/} "The Treaty of Paris establishing the European Coal and Steel Community was registered at the Secretariat of the United Nations on 15 March 1957 under No. 3729; the Treaties of Rome establishing the European Economic Community and the European Atomic Energy Community (Euratom) were registered on 21 April and 24 April 1958 respectively under Nos. 4300 and 4301.

"The current members of the Communities are the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

"The United Nations Convention on the Law of the Sea shall apply with regard to matters transferred to the European Economic Community to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty."

In accordance with the provisions referred to above, this declaration indicates the competence of the European Economic Community in matters governed by the Convention.

The Community points out that its member States have transferred competence to it with regard to the conservation and management of sea fishing resources. Hence, in the field of sea fishing it is for the Community to adopt the relevant rules and regulations (which are enforced by the member States) and to enter into external undertakings with third States or competent international organizations.

Furthermore, with regard to rules and regulations for the protection and preservation of the marine environment, the member States have transferred to the Community competences as formulated in provisions adopted by the Community and as reflected by its participation in certain international agreements (see Annex).

With regard to the provisions of Part X, the Community has certain powers as its purpose is to bring about an economic union based on a customs union.

With regard to the provisions of Part XI, the Community enjoys competence in matters of commercial policy, including the control of unfair economic practices.

The exercise of the competence that the member States have transferred to the Community under the Treaties is, by its very nature, subject to continuous development. As a result the Community reserves the right to make new declarations at a later date.

Annex

Community texts applicable in the sector of the protection and preservation of the marine environment and relating directly to subjects covered by the Convention

Council Decision of 3 December 1981 establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea (81/971/EEC)
(OJ No. L 355, 10 December 1981, p. 52).

Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (76/464/EEC)
(OJ No. L 129, 18 May 1976, p. 23).

Council Directive of 16 June 1975 on the disposal of waste oils (75/439/EEC)
(OJ No. L 194, 25 July 1975, p. 23).

Council Directive of 20 February 1978 on waste from the titanium dioxide industry (78/176/EEC)
(OJ No. L 54, 25 February 1978, p. 19).

Council Directive of 30 October 1979 on the quality required of shellfish waters (79/923/EEC)
(OJ No. L 281, 10 November 1979, p. 47).

Council Directive of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry (82/176/EEC)
(OJ No. L 81, 27 March 1982, p. 29).

Council Directive of 26 September 1983 on limit values and quality objectives for cadmium discharges (83/513/EEC)
(OJ No. L 291, 24 October 1983, p. 1 et seq.)

Council Directive of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry (84/156/EEC)
(OJ No. L 74, 17 March 1984, p. 49 et seq.)."

The Community has also concluded the following Conventions:

Convention for the prevention of marine pollution from land-based sources (Council Decision 75/437/EEC of 3 March 1975, published in OJ No. L 194, 25 July 1975, p. 5).

Convention on long-range transboundary air pollution (Council Decision of 11 June 1981, published in OJ No. L 171, 27 June 1981, p. 11).

Convention for the protection of the Mediterranean Sea against pollution and Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft (Council Decision 77/585/EEC of 25 July 1977, published in OJ No. L 240, 19 September 1977, p. 1).

Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency (Council Decision 81/420/EEC of 19 May 1981, published in OJ No. L 162, 19 June 1981, p. 4).

Protocol of 2 and 3 April 1983 concerning Mediterranean specially protected areas (OJ No L 68/36, 10 March 1984).

E. Objections to declarations

1. AUSTRALIA

[Original: English]

On 3 August 1988, the Secretary-General received from the Government of Australia the following objection concerning the understanding recorded by the Philippines:

"Australia considers that this declaration made by the Republic of the Philippines is not consistent with article 309 of the Law of the Sea Convention, which prohibits the making of reservations, nor with article 310 which permits declarations to be made 'provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State'.

"The declaration of the Republic of the Philippines asserts that the Convention shall not affect the sovereign rights of the Philippines arising from its Constitution, its domestic legislation and any treaties to which the Philippines is a party. This indicates, in effect, that the Philippines does not consider that it is obliged to harmonize its laws with the provisions of the Convention. By making such an assertion, the Philippines is seeking to modify the legal effect of the Convention's provisions.

"This view is supported by the specific reference in the declaration to the status of archipelagic waters. The declaration states that the concept of archipelagic waters in the Convention is similar to the concept of internal waters held under former constitutions of the Philippines and recently reaffirmed in article 1 of the New Constitution of the Philippines in 1987. It is clear, however, that the Convention distinguishes the two concepts and that different obligations and rights are applicable to archipelagic waters from those which apply to internal waters. In particular, the Convention provides for the exercise by foreign ships of the rights of innocent passage and of archipelagic sea lanes passage in archipelagic waters.

"Australia cannot, therefore, accept that the statement of the Philippines has any legal effect or will have any effect when the Convention comes into force and considers that the provisions of the Convention should be observed without being made subject to the restrictions asserted in the declaration of the Republic of the Philippines."

2. BELARUS

[Original: Russian]

The Secretary-General received from the Government of the Byelorussian Soviet Socialist Republic, on 24 June 1985, the following objection concerning the understanding recorded by the Philippines:

"The Byelorussian Soviet Socialist Republic considers that the statement which was made by the Government of the Philippines upon signing the United Nations Convention on the Law of the Sea and confirmed subsequently upon ratification of that Convention in essence contains reservations and exceptions to the said Convention, contrary to the provisions of article 309 thereof. The statement by the Government of the Philippines is also inconsistent with article 310 of the Convention, under which any declarations or statements made by a State when signing, ratifying or acceding to the Convention are admissible only 'provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State'.

"The Government of the Philippines in its statement repeatedly emphasizes its intention to continue to be governed in ocean affairs not by the Convention or by obligations thereunder, but by its national laws and previously concluded agreements, which are not in conformity with the provisions of

the Convention. The Philippine side therefore declines to harmonize its national legislation with the provisions of the Convention and fails to perform one of its most fundamental obligations thereunder - to comply with the regime of archipelagic waters, which provides for the right of archipelagic passage of foreign ships and aircraft through or over such waters.

"For the above reasons, the Byelorussian Soviet Socialist Republic cannot recognize the validity of the statement by the Government of the Philippines and regards it as having no legal force in the light of the provisions of the Convention.

"The Byelorussian Soviet Socialist Republic believes that if the similar statements which were likewise made by certain other States when signing the Convention and which are inconsistent with the provisions thereof also occur at the stage of ratification or accession, the result could be to undermine the object and importance of the Convention and to prejudice that major instrument of international law.

"In view of the foregoing, the Permanent Mission of the Byelorussian Soviet Socialist Republic to the United Nations believes that it would be appropriate for the Secretary-General of the United Nations, in accordance with article 319, paragraph 2 (a), of the Convention, to carry out a study of a general nature relating to the universal application of the provisions of the Convention and, inter alia, to the issue of harmonizing the national laws of States parties with the Convention. The findings of such a study should be incorporated in the report of the Secretary-General to the General Assembly at its fortieth session under the agenda item entitled 'Law of the sea'."

3. BULGARIA

[Original: English]

The Secretary-General received from the Government of Bulgaria, on 17 September 1985, the following objection concerning the understanding recorded by the Philippines:

"The People's Republic of Bulgaria is seriously concerned by the actions of a number of States which, upon signature or ratification of the United Nations Convention on the Law of the Sea, have made reservations conflicting with the Convention itself or have enacted national legislation which excludes or modifies the legal effect of the provisions of this Convention in their application to those States. Such actions contravene article 310 of the United Nations Convention on the Law of the Sea and are at variance with the norms of customary international law and with the explicit provision of article 18 of the Vienna Convention on the Law of Treaties.

"Such a tendency undermines the purport and meaning of the Convention on the Law of the Sea, which establishes a universal and uniform regime for the use of the oceans and seas and their resources. In the note verbale of the Ministry for Foreign Affairs of the People's Republic of Bulgaria to the Embassy of the Philippines in Belgrade, a copy of which is enclosed herewith (see annex), the Bulgarian Government has rejected as devoid of legal force the statement made by the Philippines upon signature, and confirmed upon ratification, of the Convention.

"The People's Republic of Bulgaria will oppose in the future as well any attempts aimed at unilaterally modifying the legal regime established by the United Nations Convention on the Law of the Sea."

Annex

Note verbale dated 3 May 1985 from the Ministry for Foreign
Affairs of the People's Republic of Bulgaria addressed to
the Embassy of the Philippines in Belgrade

The Ministry for Foreign Affairs of the People's Republic of Bulgaria presents its compliments to the Embassy of the Philippines in Belgrade and, in reference to depository notification C.N.104.1984.TREATIES-3 of 22 May 1984, [circulated] by the United Nations Secretariat, concerning the ratification by the Government of the Philippines of the United Nations Convention on the Law of the Sea, has the honour to communicate the following:

The People's Republic of Bulgaria considers that paragraphs 6 and 7 of the statement made by the Philippines upon signature, and confirmed upon ratification, of the United Nations Convention on the Law of the Sea in essence contain reservations and exceptions to the Convention, which are inadmissible under article 309 of the Convention. At the same time, this statement is incompatible with article 310 of the Convention under which States may make declarations and statements only "provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State".

Paragraph 6 of the statement of the Philippines affirms that "the concept of archipelagic waters is similar to the concept of internal waters under the Constitution of the Philippines, and removes straits connecting these waters with the economic zone or high sea from the rights of foreign vessels to transit passage for international navigation". Such a concept of the legal status of archipelagic waters is in contravention of part IV of the United Nations Convention on the Law of the Sea. The statement repeatedly emphasizes, inter alia, that, despite its ratification of the Convention, the Philippines will continue to be guided in matters relating to the law of the sea by its domestic legislation, which equates the legal status of archipelagic waters with that of internal waters. Thus, the Philippines not only has failed to harmonize its legislation with the Convention, but also is refusing to fulfil one of its fundamental obligations under the Convention, namely to respect the regime of archipelagic waters, which provides that foreign vessels enjoy the right of archipelagic passage through, and foreign aircraft the right of overflight over, such waters.

Proceeding from the foregoing, the People's Republic of Bulgaria can not recognize as lawful the statement of the Philippines and considers it to be devoid of legal effect due to its discrepancy with the provisions of the United Nations Convention on the Law of the Sea. Bulgarian ships and aircraft will respect the regime of archipelagic passage and overflight as set forth in part IV of the Convention.

The Ministry for Foreign Affairs of the People's Republic of Bulgaria avails itself of this opportunity to renew to the Embassy of the Philippines in Belgrade the assurances of its highest consideration.

4. CHINA

[Original: English]

The Secretary-General received from the Government of China, on 12 June 1985, the following declaration:

"With reference to depositary notification C.N.7.1983.TREATIES-1 (Annex B) [of 23 February 1983] and C.N.104.1984.TREATIES-3 ^{1/} [of 22 May 1984] which involve the sovereignty and interests of the People's Republic of China over its territory of the Nansha Islands, [China] has the honour to reiterate as follows:

"The so-called Kalayaan Islands are part of the Nansha Islands, which have always been Chinese territory. The Chinese Government has stated on many occasions that China has indisputable sovereignty over the Nansha Islands and the adjacent waters and resources."

5. CZECHOSLOVAKIA

[Original: English]

The Secretary-General received from the Government of Czechoslovakia, on 29 May 1985, the following objection concerning the understanding recorded by the Philippines:

"The Permanent Representative of the Czechoslovak Socialist Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and wishes to draw the Secretary-General's attention to the concern of the Czechoslovak Socialist Republic about the fact that certain States made upon signature of the United Nations Convention on the Law of the Sea declarations which are incompatible with the Convention and which, if reaffirmed upon ratification of the Convention by those States, would constitute a violation of the obligations to be assumed by them under the Convention. Such approach would lead to a breach of the universality of the obligations embodied in the Convention, to the disruption of the legal regime established thereunder and, in the long run, even to the undermining of the Convention as such.

"A concrete example of such declaration as referred to above is the understanding made upon signature and reaffirmed upon ratification of the Convention by the Philippines which was communicated to Member States by notification C.N.104.1984 TREATIES-3 of the United Nations Secretariat dated 22 May 1984.

"The Czechoslovak Socialist Republic considers that this understanding of the Philippines:

- Is inconsistent with article 309 of the Convention on the Law of the Sea because it contains, in essence, reservations to the provisions of the Convention;
- Contravenes article 310 of the Convention which stipulates that declarations can be made by States upon signature or ratification of or accession to the Convention only provided that they 'do not purport to exclude or to modify the legal effect of the provisions of this Convention';

^{1/} This depositary reference relates to the understanding submitted by the Philippines at the time of ratification; see above p. 18.

- Indicates that in spite of having ratified the Convention, the Philippines intends to follow its national laws and previous agreements rather than the obligations under the Convention, not only taking no account of whether those laws and agreements are in harmony with the Convention but even, as proved in paragraphs 6 and 7 of the Philippines understanding, deliberately contravening the obligations set forth therein.

"Given the above-mentioned circumstances, the Czechoslovak Socialist Republic cannot recognize the above-mentioned understanding of the Philippines as having any legal effect.

"In view of the significance of the matter, the Czechoslovak Socialist Republic considers it necessary that the problem of such declarations made upon signature or ratification of the Convention which endanger the universality of the Convention and the unified mode of its implementation be dealt with by the Secretary-General in his capacity as depositary of the Convention and that the States Members of the United Nations be informed thereof."

6. ETHIOPIA

[Original: English]

The Secretary-General received from the Government of Ethiopia on 8 November 1986 the following declaration with regard to a declaration made by the Yemen Arab Republic at the time of signature.

"Paragraph 3 of the declaration relates to claims of sovereignty over unspecified islands in the Red Sea and the Indian Ocean which clearly is outside the purview of the Convention. Although the declaration, not constituting a reservation as it is prohibited by article 309 of the Convention, is made under article 310 of same and as such is not governed by articles 19 to 23 of the Vienna Convention on the Law of Treaties providing for acceptance of and objections to reservations, nevertheless, the Provisional Military Government of Socialist Ethiopia wishes to place on record that paragraph 3 of the declaration by the Yemen Arab Republic cannot in any way affect Ethiopia's sovereignty over all the islands in the Red Sea forming part of its national territory."

7. ISRAEL

[Original: English]

The Secretary-General received from the Government of Israel, on 11 December 1984, the following communication concerning a declaration made by Egypt:

"The concerns of the Government of Israel, with regard to the law of the sea, relate principally to ensuring maximum freedom of navigation and overflight everywhere and particularly through straits used for international navigation.

"In this regard, the Government of Israel states that the regime of navigation and overflight, confirmed by the 1979 Treaty of Peace between Israel and Egypt, in which the Strait of Tiran and the Gulf of Aqaba are considered by the parties to be international waterways open to all nations for unimpeded and non-suspendable freedom of navigation and overflight, is applicable to the said areas. Moreover, being fully compatible with the United Nations Convention on the Law of the Sea, the regime of the Peace Treaty will continue to prevail and to be applicable to the said areas.

"It is the understanding of the Government of Israel that the declaration of the Arab Republic of Egypt in this regard, upon its ratification of the Convention (C.N.272.1983 Treaties 16 Depositary Notification, 10 November 1983), is consonant with the above declaration."

8. RUSSIAN FEDERATION

[Original: Russian]

The Secretary-General received from the Government of the Union of Soviet Socialist Republics, on 25 February 1985, the following objection concerning the understanding recorded by the Philippines:

"The Union of Soviet Socialist Republics considers that the statement made by the Philippines upon signature, and then confirmed upon ratification, of the United Nations Convention on the Law of the Sea in essence contains reservations and exceptions to the Convention, which is prohibited under article 309 of the Convention. At the same time, the statement of the Philippines is incompatible with article 310 of the Convention, under which a State, when signing or ratifying the Convention, may make declarations or statements only 'provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State'.

"The discrepancy between the Philippine statement and the Convention can be seen, inter alia, from the affirmation by the Philippines that 'the concept of archipelagic waters is similar to the concept of internal waters under the Constitution of the Philippines, and removes straits connecting these waters with the economic zone or high sea from the rights of foreign vessels to transit passage for international navigation'. Moreover, the statement emphasizes more than once that, despite its ratification of the Convention, the Philippines will continue to be guided in matters relating to the sea, not by the Convention and the obligations under it, but by its domestic law and by agreements it has already concluded which are not in line with the Convention. Thus, the Philippines not only is evading the harmonization of its legislation with the Convention but also is refusing to fulfil one of its most fundamental obligations under the Convention - namely, to respect the regime of archipelagic waters, which provides that foreign ships enjoy the right of archipelagic passage through, and foreign aircraft the right of overflight over, such waters.

"In view of the foregoing, the USSR cannot recognize as lawful the statement of the Philippines and considers it to be without legal effect in the light of the provisions of the Convention.

"Furthermore, the Soviet Union is gravely concerned by the fact that, upon signing the Convention, a number of other States have also made statements of a similar type conflicting with the Convention. If such statements are also made later on, at the ratification stage or upon accession to the Convention, the purport and meaning of the Convention, which establishes a universal and uniform regime for the use of the oceans and seas and their resources, could be undermined and this important instrument of international law impaired.

"Taking into account the statement of the Philippines and the statements made by a number of other countries upon signing the Convention, together with the statements that might possibly be made subsequently upon ratification of and accession to the Convention, the Permanent Mission of the USSR considers that it would be appropriate for the Secretary-General of the United Nations to conduct, in accordance with article 319, paragraph 2(a), a study of a general nature on the problem of ensuring universal application of the provisions of the Convention, including the question of the harmonization of the national legislation of States with the Convention. The results of such a study should be included in the report of the Secretary-General to the United Nations General Assembly at its fortieth session under the agenda item entitled 'Law of the sea'."

9. UKRAINE

[Original: Russian]

The Secretary-General received from the Government of the Ukrainian Soviet Socialist Republic, on 8 July 1985, the following objection concerning the understanding recorded by the Philippines:

"The Ukrainian Soviet Socialist Republic believes that the statement which was made by the Government of the Republic of the Philippines when signing the United Nations Convention on the Law of the Sea and subsequently confirmed upon ratification thereof contains elements which are inconsistent with articles 309 and 310 of the Convention. In accordance with those articles, statements which a State may make upon signature, ratification or accession should not purport "to exclude or to modify the legal effect of the provisions of this Convention in their application to that State" (art. 310). Such exceptions or reservations are legitimate only when they are "expressly permitted by other articles of this Convention" (art. 309). Article 310 also emphasizes that statements may be made by a State "with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention."

"However, the statement by the Government of the Republic of the Philippines not only provides no evidence of the intention to harmonize the laws of that State with the Convention, but on the contrary has the purpose, as implied particularly in paragraphs 2, 3 and 5 of the statement, of granting precedence over the Convention to domestic legislation and international agreements to which the Republic of the Philippines is a party. For example, this applies, inter alia, to the Mutual Defence Treaty between the Philippines and the United States of America of 30 August 1951.

"Furthermore, paragraph 5 of the statement not only grants priority over the Convention to the pertinent laws of the Republic of the Philippines which are currently in force, but also reserves the right to amend such laws in future pursuant only to the Constitution of the Philippines, and consequently without harmonizing them with the provisions of the Convention.

"Paragraph 7 of the statement draws an analogy between internal waters of the Republic of the Philippines and archipelagic waters and contains a reservation, which is inadmissible in the light of article 309 of the Convention, depriving foreign vessels of the right of transit passage for international navigation through the straits connecting the archipelagic waters with the economic zone or high sea. This reservation is evidence of the intention not to carry out the obligation under the Convention of parties thereto to comply with the regime of archipelagic waters and transit passage and to respect the rights of other States with regard to international navigation and overflight by aircraft. Failure to comply with this obligation would seriously undermine the effectiveness and significance of the United Nations Convention on the Law of the Sea.

"It follows from the above that the statement by the Government of the Republic of the Philippines has the purpose of establishing unjustified exceptions for that State and in fact of modifying the legal effect of important provisions of the Convention as applied thereto. In view of this, the Ukrainian Soviet Socialist Republic cannot regard the above-mentioned statement as having legal force. Such statements can only be described as harmful to the unified international legal regime for seas and oceans which is being established under the United Nations Convention on the Law of the Sea.

"In the opinion of the Ukrainian Soviet Socialist Republic, the harmonization of national laws with the Convention would be facilitated by an examination within the framework of the United Nations Secretariat of the uniform and universal application of the Convention and the preparation of an appropriate study by the Secretary-General."

F. Declaration concerning an objection

PHILIPPINES

[Original: English]

"On 26 October 1988, the Secretary-General received from the Government of the Philippines the following declaration concerning the said objection made by Australia:

"The Philippine declaration was made in conformity with article 310 of the United Nations Convention the Law of the Sea. The declaration consists of interpretative statements concerning certain provisions of the Convention.

"The Philippine Government intends to harmonize its domestic legislation with the provisions of the Convention.

"The necessary steps are being undertaken to enact legislation dealing with archipelagic sea lanes passage and the exercise of Philippine sovereign rights over archipelagic waters, in accordance with the Convention.

"The Philippine Government, therefore, wishes to assure the Australian Government and the States parties to the Convention that the Philippines will abide by the provisions of said Convention."

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. United Nations General Assembly resolutions of interest

General Assembly resolution 48/28 of 11 January 1994

Law of the sea

The General Assembly,

Recalling its previous resolutions, including resolution 47/65 of 11 December 1992, on the law of the sea,

Recognizing that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea, 1/ the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose,

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

Recalling that the Convention provides the regime to be applied to the Area and its resources,

Recalling with satisfaction the expressions of willingness to explore all possibilities of addressing issues of concern to some States in order to secure universal participation in the Convention, 2/

Noting that the sixtieth instrument of ratification of, or accession to, the Convention was deposited on 16 November 1993 and that, as a consequence, the Convention shall enter into force twelve months after the date of deposit of that instrument,

Recognizing the need for cooperation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea, 3/

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration of six pioneer investors and the designation by the Preparatory Commission of reserved

^{1/} Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

^{2/} See A/44/650 and Corr.1, paras. 156 and 158.

^{3/} Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I.

areas for the International Seabed Authority from the application areas submitted by the pioneer investors pursuant to resolution II, bearing in mind that such registration entails both rights and obligations for pioneer investors,

Noting also the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal regime established by the Convention,

Concerned that the developing countries are as yet unable to take effective measures for the full realization of these benefits owing to the lack of resources and of the necessary scientific and technological capabilities,

Recognizing the need to enhance and supplement the efforts of States and competent international organizations aimed at enabling developing countries to acquire such capabilities,

Recognizing also that the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

Deeply concerned at the current state of the marine environment,

Mindful of the importance of the Convention for the protection of the marine environment,

Noting with concern the use of fishing methods and practices, including those aimed at evading regulations and controls, which can have an adverse impact on the conservation and management of living marine resources,

Considering the need for effective and balanced conservation and management of living marine resources, giving full effect to the relevant provisions in the Convention,

Taking note of activities carried out in 1993 under Programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, as revised, ^{4/} taking into account the restructuring of the Secretariat of the Organization, and of the report of the Secretary-General, prepared pursuant to paragraph 21 of General Assembly resolution 47/65, ^{5/}

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;
2. Expresses its satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and sixty ratifications or accessions, and notes that, as a consequence, the Convention will enter into force on 16 November 1994;
3. Invites all States to make renewed efforts to facilitate universal participation in the Convention;

^{4/} See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 6 (A/47/6/Rev.1), vol. I.

^{5/} A/48/527 and Add.1.

4. Notes with appreciation the new developments and the active participation of States in the consultations under the auspices of the Secretary-General aimed at promoting dialogue and at addressing issues of concern to some States in order to achieve universal participation in the Convention; ^{6/}

5. Also invites all States to participate in the consultations held under the auspices of the Secretary-General and to increase efforts to achieve universal participation in the Convention as early as possible;

6. Recognizes that political and economic changes, including particularly a growing reliance on market principles, underscore the need to re-evaluate, in the light of the issues of concern to some States, ^{7/} matters in the regime to be applied to the Area and its resources, and that a productive dialogue on such issues involving all interested parties would facilitate the prospect of universal participation in the Convention, for the benefit of mankind as a whole;

7. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date, and also calls upon all States to take appropriate steps to promote universal participation in the Convention, including through dialogue aimed at addressing the issues of concern to some States;

8. Also calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose;

9. Calls upon States to observe the provisions of the Convention when enacting their national legislation;

10. Notes the progress made by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea in all areas of its work, including the completion of its draft provisional final report at its eleventh session;

11. Recalls the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States adopted by the Preparatory Commission on 30 August 1990, ^{8/} as well as the understandings adopted on 12 March 1992, ^{9/} and 18 August 1992; ^{10/}

12. Expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of Programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, and requests him, in the execution of Programme 10, to continue to provide an effective response to the increased needs of States for assistance in the implementation of the Convention;

^{6/} See A/48/527, paras. 8-15.

^{7/} Ibid., para. 10.

^{8/} LOS/PCN/L.87, annex.

^{9/} LOS/PCN/L.102, annex.

^{10/} LOS/PCN/L.108, annex.

13. Also expresses its appreciation to the Secretary-General for the report prepared pursuant to paragraph 21 of General Assembly resolution 47/65, 5/ and requests him to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal regime of the sea;

14. Calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the legal regime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the organs and organizations of the United Nations system to cooperate and enhance assistance in these endeavours;

15. Urges interested Member States, in particular States with advanced marine capabilities, to review relevant policies and programmes in the context of the integration of the marine sector in national development strategies, and to explore prospects for intensifying cooperation with developing countries, including those of regions active in this field;

16. Requests the competent international organizations, the United Nations Development Programme, the World Bank and other multilateral funding agencies, in accordance with their respective policies, to intensify financial, technological, organizational and managerial assistance to the developing countries in their efforts to realize the benefits of the comprehensive legal regime established by the Convention and to strengthen cooperation among themselves and with donor States in the provision of such assistance;

17. Requests the Secretary-General to keep under review, in cooperation with States and the competent international organizations, the measures being undertaken and any necessary follow-up action, in order to facilitate the realization by States of the benefits of the comprehensive legal regime established by the Convention, and to report thereon periodically to the General Assembly;

18. Recognizes that the protection of the marine environment will be significantly enhanced by the implementation of applicable provisions of the Convention;

19. Reiterates its call to States and other members of the international community to strengthen their cooperation and to take measures with a view to giving full effect to the provisions in the Convention on the conservation and management of living marine resources, including the prevention of fishing methods and practices which can have an adverse impact on the conservation and management of living marine resources and, in particular, to comply with bilateral and regional measures applicable to them aimed at effective monitoring and enforcement;

20. Requests the Secretary-General to continue and to accelerate the consultations in order to achieve universal participation in the Convention as early as possible and to provide the necessary services for these consultations, the next meeting of which will take place from 31 January to 4 February 1994;

21. Also requests the Secretary-General to provide for the convening of the twelfth regular session of the Preparatory Commission at Kingston from 7 to 11 February 1994, during which arrangements will be made for meetings of the Training Panel, and, if necessary, to provide for a further meeting of up to two weeks during the summer in New York;

22. Takes note of the decision of the Preparatory Commission to convene a meeting of the Group of Technical Experts to review the state of deep seabed mining and to make an assessment of the time when commercial production may be expected to commence; 11/

^{11/} LOS/PCN/L.87, annex, para. 12.

23. Notes the need to make arrangements for the first meeting of the Assembly of the International Seabed Authority and a meeting of States parties to the Convention, if required, including arrangements for the participation of observers;

24. Further requests the Secretary-General to report to the General Assembly at its forty-ninth session, and earlier if appropriate, on developments pertaining to the Convention and all related activities and on the implementation of the present resolution;

25. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Law of the sea".

B. Recent national legislation received from Governments

1. ESTONIA

Law on the boundaries of the maritime tract, 10 March 1993

Article 1

In the present law, the maritime tract shall be determined to be the part of the sea which is bordered by the mainland and falls under the jurisdiction of the Republic of Estonia.

Article 2

The basis of the determination of the maritime tract shall be the provisions of the Convention on the Territorial Sea and the Contiguous Zone, 1958, concluded in Geneva and United Nations Convention on the Law of the Sea, 1982.

Article 3

The normal baseline of territorial sea is an imaginary line which at low tide joins the points farthest from the shoreline of the mainland, islands, islets, rocks and single boulders. The coordinates of the normal baseline of the territorial sea are established in appendix 1.

Article 4

Internal sea is a maritime tract which lies between the normal baseline of territorial sea and the shoreline.

Article 5

Territorial sea is a maritime tract adjacent to the internal sea whose external boundary shall be determined by the present law. The coordinates of the boundary of the territorial sea are established in appendix 2.

Article 6

The breadth of the territorial sea shall be twelve nautical miles. Exceptions shall be made in the breadth of the territorial sea due to international conventions and agreements made with neighbouring states.

Article 7

The exclusive economic zone is a maritime tract beyond and adjacent to the territorial sea whose outer limit is determined in coordination with neighbouring States. The coordinates of the boundary of the exclusive economic zone are established in appendix 3.

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° ' "	Longitude (E) ° ' "		
1.	59 34,17	28 05,87	25013 23002 22000	Border between the Republic of Estonia and the Russian Federation at the shore of the Bay of Narva in accordance with the Estonian-Russian Peace Treaty
2.	59 25,70	27 32,20	23002 22000	The western jetty of Pühajõgi
Continuing along the shore at the point of low tide until point 3				
3.	59 25,70	27 13,50	23002 22000 22001	The shoreline near Saka
4.	59 31,26	26 45,27	25014 23002 22000 22001	Rock east of Mahu beacon
5.	59 49,35	26 21,85	23002 22001	Boulder north of Vaindlo Island
6.	59 49,30	26 21,60	23002 22001	Boulder north of Vaindlo Island
7.	59 40,56	25 41,98	28015 23005 22001	Boulder north of Purikarineen
8.	59 42,09	25 01,10	25016 23005 23006 22001	Rock north-west of Keri Island
9.	59 36,40	24 30,55	25016 23006 22001	Boulder west of Pikasäär (Nais-saar Island)
10.	59 23,40	24 02,43	28018 23006 23008 23010 22001 22002	Boulder north of Pakri lighthouse

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° ' "	Longitude (E) ° ' "		
11.	59 18,28	23 21,69	25020 23008 23010 22002	Rock north-west of Osmussaar Island
12.	59 05,28	22 51,82	28025 23009 23010 22002	Rock at Selgrahu
13.	59 05,70	22 35,10	23009 23014 22002 22003	Point of Tahkunassa
14.	58 56,80	22 03,40	25026 23009 23014 22002 22003	Rock 358° 3,5 cables from Ristna lighthouse
15.	58 56,50	22 02,70	25026 23014	Rock 288,8° 3,8 cables from Ristna lighthouse
16.	58 56,40	22 02,60	25026 23014 22003	Rock 278,8° 4,3 cables from Ristna lighthouse
17.	58 55,60	22 02,30	25026 23014 22003	Boulder 215,2° 10,4 cables from Ristna lighthouse
18.	58 55,30	22 03,00	25026 23014	Point 192,3° 11,4 cables from Ristna lighthouse
19.	58 53,60	22 08,20	25026 23014 22003	Rock 236,8° 24,4 cables from Kopu lighthouse
20.	58 31,36	21 54,46	25028 23014 22003	Boulder north-west of the point of Undva
21.	58 30,91	21 48,04	25028 23014 22003	Boulder north-west of the tip of Kiipsaarennuk
22.	58 19,29	21 45,67	28028 25028	Boulder west of Nootaman Island

Point No.	<u>Geographical coordinates</u>		Chart No.	Remarks
	<u>Latitude</u> (N) ° ' ,	<u>Longitude</u> (E) ° ' ,		
23.	58 19,26	21 45,67	28028 25028 23014 22003	Boulder west of Nootamaa Island
24.	57 57,45	21 58,40	25029 23015 22003	Rock south of the point of Loodeneeme
25.	57 53,28	22 02,45	25030 23015 22003	Southern Point of the Vesitškima Islet
26.	57 58,08	22 11,38	25031 23015 22003 22004	Rock south-west of the point of Kaavinina
27.	58 09,07	22 49,01	25024 23015 22003 22004	Boulder south-east of Allirahu beacon
28.	57 48,82	23 12,50	28040 23015 22004	Rock north-west of the Pärsineeme (western shore of Ruhnu Island)
29.	57 48,19	23 12,27	28040	Rock
30.	57 47,81	23 12,41	28040	Rock
31.	57 47,26	23 13,03	28040	Rock west of the point of Holmineem
32.	57 47,13	23 13,62	28040	Boulder
33.	57 46,72	23 15,73	28040 23012 22004	Rock
34.	57 46,80	23 16,43	28040 23012 22004	Western jetty of the Port of Rinksi

Point No.	<u>Geographical coordinates</u>		Chart No.	Remarks
	Latitude (N) ° '	Longitude (E) ° '		
35.	58 05,69	23 58,42	25037 23012 22004	Rock south of Kihnu lighthouse
36.	57 52,48	24 21,47	23012 22004	Border between the Republic of Estonia and the Republic of Latvia at the shore of the Bay of Riga

APPENDIX 2

The boundary of the territorial sea of the Republic of Estonia

(The sea border of Estonia)

Point No.	<u>Geographical coordinates</u>		Chart No.	Remarks
	Latitude (N) ° '	Longitude (E) ° '		
1.	59 34,17		28 05,87	25013 23002 22000
37.	59 37,9		26 54,9	23002, 22000 22001
38.	59 56,3		26 26,4	23002 23004 22001
39.	59 54,0		26 09,2	23004 23005 22001
40.	59 48,9		26 01,3	23005 22001
41.	59 49,6		25 34,7	23005 22001
42.	59 42,2		24 28,9	23006 22001
43.	59 34,6		23 57,2	23006 23008 22001 22002

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° ' ,	Longitude (E) ° ' ,		
44.	59 28,9	23 31,3		23008 23010 22002
45.	59 29,0	23 11,5		23008 23010 22002
46.	59 28,2	23 08,6		23010 22002
Point 46 to be connected to point 47 by an arc with a radius of 12 nautical miles from point 11, coordinates of which are 59°18,28' N 23°21,69' E.				
47.	59 27,4	23 06,5		23008 23010 22002
48.	59 17,5	22 44,0		23009 23010 22002
49.	59 17,7	22 36,2		23009 23010 22002
Point 49 to be connected to point 50 by an arc with a radius of 12 nautical miles from point 13, coordinates of which are 59°05,70' N 22°35,10' E.				
50.	59 16,2	22 23,9		23009 22002
51.	59 14,7	22 18,5		23009 22002 22003
52.	59 03,4	21 51,0		23009 22002 22003
53.	58 55,1	21 39,1		23014 22003
Point 53 to be connected to point 54 by an arc with a radius of 12 nautical miles from point 17, coordinates of which are 58°55,60' N 22°02,30' E.				
54.	58 49,9	21 41,8		23014 22003

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° '	Longitude (E) ° '		
55.	58 41,3		21 36,4	23014 22003
Point 55 to be connected to point 56 by an arc with a radius of 12 nautical miles from point 21, coordinates of which are 58°30,91' N 21°48,04' E.				
56.	58 32,2		21 25,3	23014 22003
57.	58 21,1		21 23,2	23014 22003
Point 57 to be connected to point 58 by an arc with a radius of 12 nautical miles from point 23, coordinates of which are 58°19,26' N 21°45,67' E.				
58.	58 15,4		21 24,2	23015 23014 22003
59.	57 53,7		21 36,8	23015 22003
Point 59 to be connected to point 58 by an arc with a radius of 12 nautical miles from point 24, coordinates of which are 57°57,45' N 21°58,40' E.				
60.	57 51,4		21 38,8	23015 22003
61.	57 47,2		21 43,0	23015 22003
62.	57 45,3		21 53,6	23015 22003
63.	57 54,9		22 43,3	23015 22003 22004
64.	57 35,0		23 11,0	23012 23015 22004
Point 64 to be connected to point 65 by an arc with a radius of 12 nautical miles from point 33, coordinates of which are 57°46,72' N 23°15,73' E.				
65.	57 35,2		23 22,1	23012 22004
Point 65 to be connected to point 66 by an arc with a radius of 12 nautical miles from point 34, coordinates of which are 57°46,80' N 23°16,43' E.				

Point No.	<u>Geographical coordinates</u>		Chart No.	Remarks
	Latitude (N) ° ' "	Longitude (E) ° ' "		
66.	57 37,5		23 30,6	23012 22004
67.	57 49,2		23 56,6	23012 22004
68.	57 48,7		23 57,3	23012 22004
69.	57 54,0		24 18,2	23012 22004
<p>Point 69 to be connected by a straight line to point 36, coordinates of which are 57°52,48' N 24°21,47' E.</p> <p>Remarks:</p> <p>1. Since the boundary of the territorial sea within the Bay of Narva has not been determined at the negotiations between the Republic of Estonia and the Russian Federation, the boundary of the territorial sea extending from point 1 to point 39 through points 37 and 38 may change as a result of these negotiations.</p> <p>2. Since the boundary of the territorial sea in the Strait of Irben and the Bay of Riga has not been determined at the negotiations between the Republic of Estonia and the Republic of Latvia, the boundary of the territorial sea extending from point 60 to point 69 through points 61, 62, 63, 64, 65, 66, 67 and 68 may change as a result of these negotiations.</p>				

APPENDIX 3

The boundary of the exclusive economic zone and continental shelf of the Republic of Estonia

Point No.	<u>Geographical coordinates</u>		Chart No.	Remarks
	Latitude (N) ° ' "	Longitude (E) ° ' "		
38.	59 56,3		26 26,4	23004 22001
70.	60 00,0		26 20,8	23004 22001
71.	59 59,4		26 13,1	23004 22001
72.	59 58,4		26 08,4	23004 22001
73.	59 52,0		25 58,5	23005 22001

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° ' "	Longitude (E) ° ' "		
74.	59 52,9	25 28,0	23005 22001	
75.	59 53,6	25 10,6	23005 22001	
76.	59 52,4	24 57,6	23006 22001	
77.	59 50,8	24 49,7	23006 22001	
78.	59 44,5	24 24,8	23006 22001	
79.	59 37,4	23 54,8	23008 22001 22002	
80.	59 31,9	23 30,1	23010 22002	
81.	59 32,0	23 10,0	23010 22002	
82.	59 25,2	22 45,5	23010 22002	
83.	59 23,1	22 10,3	23009 22002 22003	
84.	59 18,7	21 46,7	23009 22003	
85.	59 11,5	21 11,3	22003	
Point 85 is not connected to point 86.				
86.	58 46,8	20 28,6	22003	
87.	58 29,0	20 26,5	22003	
88.	58 12,0	20 22,4	22003	
89.	58 00,9	20 24,0	22003	
61.	57 47,2	21 43,0	23015 22003	
Point 61 is not connected to point 64.				

Point No.	<u>Geographical coordinates</u>		Chart No.	Remarks
	Latitude (N) ° '	Longitude (E) ° '		
64.	57 35,0	23 11,0		23012 2301 22004
90.	57 34,4	23 11,8		23012 23015 22004
91.	57 31,4	23 42,7		23012 22004
68.	57 48,7	23 57,3		23012 22004
Remarks: 1. Since the boundary of the exclusive economic zone and continental shelf near Vaindlo Island in the Gulf of Finland has not been determined at the negotiations between the Republic of Estonia and the Russian Federation, the boundary of the exclusive economic zone and continental shelf extending from point 38 to point 70 may change as a result of the negotiations. 2. Since the boundary of the exclusive economic zone and continental shelf between the Republic of Estonia and the Republic of Latvia has not been determined at the negotiations between the Republic of Estonia and the Republic of Latvia, the boundary of the exclusive economic zone and continental shelf extending from point 88 to point 61 through point 89, as well as from point 64 to point 68 through to points 90 and 91, may change as a result of these negotiations.				

2. FRANCE

Prefectural Order No. 1/93

**Prohibiting the movement in the Bouches de Bonifacio
of tankers carrying oil and ships carrying dangerous
or toxic substances, 15 February 1993.**

Squadron Vice-Admiral Tripier, Maritime Prefect of the Mediterranean,

In view of the ordinance of 14 June 1844 concerning the administrative service in the Navy,

In view of article 63 of the Act of 17 December 1926 containing the disciplinary and penal code of the Merchant Marine,

In view of decree No. 78.272 of 9 March 1978, as amended, on the organization of State actions at sea,

In view of decree No. 78.421 of 24 March 1978 relating to the campaign against accidental marine pollution,

In view of decree No. 79.703 of 7 August 1979 defining the dangerous substances referred to in articles 2 and 3 of Act No. 79.1 of 2 January 1979,

In view of decree No. 86.38 of 7 January 1986 relating to maritime police measures with regard to ships, aircraft, apparatuses or platforms which may cause accidental marine pollution,

In view of decree No. 89.490 of 12 July 1989 publishing the Convention between the Government of the French Republic and the Government of the Italian Republic relating to the delimitation of maritime frontiers in the region of the Bouches de Bonifacio, done at Paris on 28 November 1986,

In view of the decree of 1 February 1930 stating the competence of Maritime Prefects with regard to police power and the regulation of coastal fishing,

In view of article R.26 of the Penal Code,

In view of Act No. 76.599 of 7 July 1976 relating to the prevention and elimination of marine pollution resulting from immersion operations carried out by ships and aircraft and to the campaign against accidental marine pollution,

In view of Act No. 86.2 of 3 January 1986 relating to the management, protection and exploitation of the coast,

In view of decree No. 75.553 of 26 June 1975 publishing the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, opened for signature at Brussels on 29 November 1969, and decree No. 86.1076 of 24 September 1986, as amended, publishing the 1973 Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances Other than Oil, done at London at 2 November 1973,

In view of decree No. 83.874 of 27 September 1983 publishing the 1973 International Convention for the Prevention of Pollution from Ships, done at London on 2 November 1973, as amended by the 1978

Protocol relating to the said Convention, done at London on 17 February 1978 (MARPOL 73/78), and decree No. 87.788 of 24 September 1987 publishing annex II to the said Convention,

ORDERS:

Article 1

Ships flying the French flag and carrying oil or dangerous substances such as those which appear in the annexed lists 1/ shall not be authorized to navigate in the Bouches de Bonifacio except by virtue of a dispensation granted for one ship and one specified itinerary in case of force majeure.

Article 2

The provisions of the preceding article shall also apply to all ships carrying the same substances and engaged in cabotage navigation between two French ports.

Article 3

This order shall not apply to French warships or to any other ship of the French State used for non-commercial purposes.

Article 4

This order shall take effect as from the date of the publication by the Italian authorities of a text establishing measures of the same nature. The said date shall be specified by an order.

Article 5

The officers and agents authorized to act in matters of navigation police shall be responsible, each within his sphere of competence, for the execution of this order, which shall be posted at the Maritime Affairs Offices and Port Commanders' Offices concerned and shall be published in the appropriate volumes of nautical instructions (Mediterranean Sea - Southern coasts of France - Texts and plates).

3. ITALY

Decree of the Minister of the Merchant Marine, 26 February 1993

In view of article 2 of the Navigation Code,

In view of article 256 of the regulation for the safety of navigation and human life at sea, approved by DPR No. 438 of 8 November 1991,

In view of regulation V/8 of the International Convention for the Safety of Life at Sea, approved at London on 1 September 1974, made executory in Italy by Act No. 313 of 23 May 1980, as amended,

In view of the Protocol relating to the International Convention for the Prevention of Pollution from Ships and to intervention on the high seas in cases of pollution by substances other than oil, done at London on 17 February 1978 and ratified by Act No. 438 of 4 June 1982,

1/ Annexed list not attached to the present Order.

In view of resolution MEPC 49(31), adopted at London on 4 July 1991,

In view of resolution A 670(16), adopted at London on 19 October 1989,

Considering that the zone of the Bouches de Bonifacio has a high density of merchant, fishing and pleasure traffic, with consequent difficulties in manoeuvring in narrow waters,

Taking account of the need to adopt, as part of the cooperation between Italy and France, urgent measures capable of avoiding the risk of maritime accidents in the Bouches de Bonifacio which involve ships carrying oil, gas, chemical products or other substances capable of polluting the sea or the coast,

Considering the need to protect the archipelago of La Maddalena, set aside as a marine reserve by article 36 of Act No. 394 of 6 December 1991,

Considering that in order to regulate the movement of foreign ships in the Bouches de Bonifacio, it is necessary to make use of the procedures provided for by chapter V of the SOLAS Convention 74(83),

In view of the exchange of notes between the Italian and French Governments,

Considering the need to regulate, with immediate effect, the transit of ships flying the Italian flag in the Bouches de Bonifacio,

DECREES:

Article 1

Navigation in the Bouches de Bonifacio is prohibited to ships flying the Italian flag which are tankers, gas transporters or chemical transporters and which have on board a cargo of oil, chemical products or other polluting substances dangerous and harmful to the marine environment, as they are defined by the international conventions in force in Italy.

Article 2

Violators shall be subject to the sanctions provided for by article 124 of the Navigation Code.

Article 3

- 1. The execution of this decree shall be entrusted to the maritime authority competent for the territory.**
- 2. This decree shall take effect on the thirtieth day following the date of its publication in the Official Gazette.**

4. LATVIA

Decision of the Supreme Council of the Republic of Latvia on procedure for the law of the Republic of Latvia "On the Border of the Republic of Latvia" going into effect 10 December 1990

The Supreme Council of the Republic of Latvia has decided:

- 1. To determine, that the law of the Republic of Latvia "On the Border of the Republic of Latvia" will go into effect at the moment this decision is adopted.**

2. To charge the Council of Ministers of the Republic of Latvia to form a delegation for the renewal of the inter-State boundary, and grant its head with the powers to conclude international treaties on the renewal of the border between the Republic of Latvia, on one side, and the Republic of Lithuania, the Russian Federated Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic, on the other side.
3. To determine, that the Council of Ministers of the Republic of Latvia will appoint to the bilateral or multilateral border commissions experts for the delineation of the boundary in maps, and for its renewal in nature.
4. The international bilateral and multilateral border commissions are to fulfil their duties in accordance with the international treaties entered into on the renewal of boundaries.
5. The border of the Republic of Latvia is to be regarded as final from the moment when the international bilateral or multilateral border commissions will have signed the description of the boundary line, the legislation approving the description of the boundary line, and the boundary map.
6. To charge the Council of Ministers of the Republic of Latvia to submit - by 1 March 1991 - recommendations for changes in legislation having to do with the law "On the Border of the Republic of Latvia" going into effect.

A. Gorbunovs: Chairman of the Supreme Council of the Republic of Latvia
I. Daudiss: Secretary of the Supreme Council of the Republic of Latvia

Riga, 10 December 1990.

Law of the Republic of Latvia "On the Border of the Republic of Latvia"

PART 1

General Conditions

Paragraph 1.

The boundary of the Republic of Latvia.

The boundary of the Republic of Latvia is the line and the vertical surface coincident with this line, which divides the territory of the Republic of Latvia on dry land and on the waters, the underground and airspace of this land from the neighbouring countries and from the neutral waters in the Baltic Sea.

Paragraph 2.

The determination of the boundary of the Republic of Latvia, and its guarding and security.

The State boundary of the Republic of Latvia is determined by the international treaties the Republic of Latvia entered into and ratified by 16 June 1940, and later by the bilateral treaties entered into with neighbouring countries on the renewal of the boundary.

The Government of the Republic of Latvia, within its legal powers, shall take steps to guard and secure the State borders and territories.

Paragraph 3.

The marking of the border of the Republic of Latvia.

The State border of the Republic of Latvia, if other provisions have not been made in the international treaties entered into by the Republic of Latvia, shall be marked:

- (1) On dry land - according to characteristic contours and clearly visible landmarks and reference points;
- (2) In the Baltic sea - along the outer edge of the territorial waters of the Republic of Latvia;
- (3) In the Irbe Strait and in the Gulf of Riga - in accordance with bilateral agreements with the Republic of Estonia;
- (4) Along navigable rivers - along the middle of the main river shipping channel; along non-navigable rivers (streams) - along their middle or along the middle of the main side branch of the river; in lakes and other still bodies of water - along a straight line, which joins two points, where the border of the Republic of Latvia exits the banks of this lake or other body of water.

The State border of the Republic of Latvia which goes along a river, stream, lake or other body of water shall not be moved if there is a change in the configuration of the coastline, or in the river or stream bed;

- (5) On bridges and other structures, which span the boundary as it has been marked on water - along the middle of these bridges or other structures, or along their technological axes.

Paragraph 4.

The territorial waters of the Republic of Latvia.

Among the territorial waters of the Republic of Latvia shall be regarded the waters of the Baltic Sea to the width of 12 sea miles, counting from the maximum low tide line from the Latvian coast.

Paragraph 5.

The inland waters of the Republic of Latvia.

The inland waters of the Republic of Latvia are the following:

- (1) Harbour waters, which are marked by a straight line, which join concrete hydrotechnical or other structural points on opposite sides of the harbour, which are located the furthest towards the sea.
- (2) In the Irbe Strait and in the Gulf of Riga - the waters from the middle of the base, which go between the southern part of the cliff of the Horn of Loade, the Horn of Ovisi and the end point of the border on dry land on the Republic of Latvia on the eastern coast of the Gulf of Riga. The configuration of the boundary line in the waters of the Gulf of Riga shall be determined by international treaty.
- (3) The waters of those gulfs and bays, the coasts of which fully belong to the Republic of Latvia.
- (4) The waters of those rivers, lakes and other bodies of water, the coasts and banks of which fully belong to the Republic of Latvia.

CHAPTER II

The Regime of the State Border of the Republic of Latvia and its Border Areas

Paragraph 6.

The regime of the State border of the Republic of Latvia.

The regime of the State border of the Republic of Latvia determines how the border will be maintained, how its security will be maintained, and also the procedure for crossing the border, the procedure for entering, staying and working in the border area, in the Latvian part on the boundary rivers, boundary lakes and other bodies of water; it also provides for the necessary control, to ensure that this procedure will be observed. The regime of the State border of the Republic of Latvia is to be regulated by this law, by other legislation of the Republic of Latvia and by international treaties.

Paragraph 7.

The State border area of the Republic of Latvia.

In order to ensure the necessary order on the State border of the Republic of Latvia, along the border shall be fixed a border area. The border area is part of the State border, and the regime of the State border of the Republic of Latvia shall apply to it as well. The border area, in accordance with international treaties, shall be defined by the Government of the Republic of Latvia.

Paragraph 8.

The border zone.

In the interests of security of the Republic of Latvia and its State border, the Government of the Republic of Latvia will fix a border zone in the counties in the border area which is not to be narrower than 15 kilometres along the State border and the coastline of the Baltic Sea.

Paragraph 9.

The regime in the border zone.

The regime in the border zone determines the procedure for entering, staying and working in the border zone of the State border of the Republic of Latvia, and on its territorial and those inland waters, which are contiguous to the border.

The regime of the border zone is set by this law, by other legislation of the Republic of Latvia, as well as by international treaties.

Paragraph 10.

Crossing the State border of the Republic of Latvia.

Railroad, automobile, sea, river, air and other traffic across the border of the Republic of Latvia shall take place at the border-crossing points determined by the Government of the Republic of Latvia - in accordance with the laws of the Republic of Latvia and the international treaties entered into by the Republic of Latvia. At the border crossing points there shall be installed border-guard control points.

Sea and river ships, warships and other floating objects shall cross the State border of the Republic of Latvia in accordance with this law and other legislative acts and regulations of the Republic of Latvia, which are to be published according to specified procedure.

Aeroplanes and other aircraft engaged in air traffic shall cross the State border of the Republic of Latvia along air traffic corridors specified for border crossings in accordance with legislative acts and regulations of the Republic of Latvia, which are to be published according to specified procedure.

Paragraph 11.

The departure and arrival of aircraft engaged in air traffic in the Republic of Latvia.

The departure of airplanes and other aircraft engaged in air traffic from the Republic of Latvia and their arrival after entering the Republic of Latvia shall take place only at airfields which have been designated for international flights and at airfields where there are border-guard control points and customs offices.

The procedure of arrival and departure of airplanes and other aircraft engaged in air traffic shall be determined - or changed - by the Government of the Republic of Latvia and its subordinate agencies.

Paragraph 12.

Procedure according to which foreign ships and other floating objects shall arrive in the territorial waters and the inland waters and harbours of the Republic of Latvia.

Foreign ships and other floating objects shall arrive and remain in the territorial waters of the Republic of Latvia according to procedure specified in acts of legislation of the Republic of Latvia and international treaties recognized by the Republic of Latvia.

Foreign warships shall arrive in the territorial waters of the Republic of Latvia according to procedure specified by the Government of the Republic of Latvia.

Foreign submarines may remain in the territorial waters of the Republic of Latvia only above water, and with raised flag that shows the country to which it belongs.

The procedure for the arrival and stay of foreign ships and other floating objects in the inland waters, roadsteads and harbours of the Republic of Latvia shall be specified by laws and regulations of the Republic of Latvia, which are to be published according to specified procedure.

Foreign warships, if other procedures have not been foreseen, shall enter the inland waters, roadsteads and harbours of the Republic of Latvia with the permission of the Government of the Republic of Latvia, which must be obtained beforehand.

Foreign ships and other floating objects, if they are compelled to enter the territorial and inland waters of the Republic of Latvia without having observed procedures specified by the Republic of Latvia, must notify of the situation the nearest harbour administration of the Republic of Latvia.

Paragraph 13.

Controls for crossing the State border of the Republic of Latvia.

Persons, as well as traffic vehicles, cargoes and other goods which cross the State border of the Republic of Latvia are to be subject to border and customs controls in accordance with this law as well as other relevant legislation.

If it should prove to be necessary, they shall be subject to quarantine, veterinary and phytosanitary control, as well as control of export of objects of cultural value, and also other controls.

The border is to be crossed, and the border-crossing control shall be organized and applied according to procedure, which has been specified in legislative acts of the Republic of Latvia.

Paragraph 14.

Procedure for economic activity on the State border of the Republic of Latvia.

Shipping, the floating of timber and other forms of utilization of the waterways, the erection of hydro-structures and other works in the Latvian part of boundary rivers, lakes and other bodies of water; the exploitation of land, its underground resources, forests and fauna; geological surveys and other economic activity in the border zone of the State border of the Republic of Latvia may take place in accordance with the laws of the Republic of Latvia, and international treaties.

Paragraph 15.

The temporary closing of the State border of the Republic of Latvia to traffic, if there is danger of the spread of infectious disease. Quarantine.

If in the territory of Latvia or a neighbouring State there exists a threat of a spread of particularly infectious diseases, in the affected areas by a decision of the Government of the Republic of Latvia the traffic across the border may be state of quarantine for humans, animals, cargoes, seed materials, planting materials or materials for other animal or plant production.

Paragraph 16.

Violators of the State border of the Republic of Latvia.

The violators of the State border of the Republic of Latvia are the following:

- (1) Persons who have crossed or tried to cross the State border of the Republic of Latvia in any way outside of the places designated for this purpose, or ignoring the required procedure.
- (2) Foreign ships and other floating objects, which have entered the territorial waters of the Republic of Latvia or the inland waters along border zones, or the Latvian side of border rivers, lakes or other bodies of water, or which remain therein, in violation of existing regulations.
- (3) Aeroplanes and other aircraft engaged in air traffic, which have crossed the State border of the Republic of Latvia without the proper permits, or which have otherwise violated regulations concerning flying across the State border of the Republic of Latvia.

Paragraph 17.

Accredited representatives of the State border of the Republic of Latvia.

In order to solve problems which are tied to the maintaining of the regime of the State border of the Republic of Latvia, as well as to deal with border incidents, the Government of the Republic of Latvia shall select accredited State border representatives. The questions which have not been dealt with by the accredited State border representatives shall be solved through diplomatic negotiations.

Paragraph 18.

Responsibility for violations of border legislation of the Republic of Latvia.

Persons who have violated, or have tried to violate the regime of the State border or its border areas, are to be called to account in accordance with legislation then in force.

CHAPTER III

The Guarding and Securing of the State Border of the Republic of Latvia

Paragraph 19.

The duties and functions of guarding and securing the border.

For the purpose of guarding and securing the territory of the Republic of Latvia, and to strengthen the regime of the State border and its customs control, there shall be organized a system for guarding the State border of the Republic of Latvia on land, water and in the air.

Paragraph 20.

The border guard.

The guarding of the State border of the Republic of Latvia is the province of the Department of the Border Guard created for this purpose, and its subordinate units, thus making up the system of the Border Guard Service.

Paragraph 21.

The regulation of the duties of border guard.

The duties of the Border Guard Service are regulated by this law, other legislative acts of the Republic of Latvia and international treaties, as well as normative acts issued by the competent institutions of the Republic of Latvia.

Paragraph 22.

The main duties of the border guard.

The main duties of the border guard of the Republic of Latvia are:

- (1) To guard the border, the boundary markers which have been placed there and other border structures, to foil any and all illegal attempts to change the placement of the State border of the Republic of Latvia;
- (2) To prevent that persons or vehicles, cargoes and other goods cross the State border of the Republic of Latvia outside of the (designated) border crossing points or in any other illegal manner, (and) to discover and to detain those violating the State border of the Republic of Latvia;
- (3) To maintain specified order at the border crossing points, to organize the work at the border crossing points and allow to cross the State border of the Republic of Latvia persons, as well as vehicles, cargoes and other goods, if the documents necessary for crossing the border have been obtained and are in order;
- (4) In accordance with proper procedure, independently or together with the customs services and consulting specialists, to prevent the illegal transfer of explosives, radioactive and narcotic materials, weapons, ammunition and other prohibited objects and contraband across the State border of the Republic of Latvia;
- (5) Together with the police (militia) to ensure that the (prescribed) regime of the border areas will be observed;

- (6) To ensure that the international treaties which the Republic of Latvia has entered into as regards having to do with the State border will be fulfilled;
- (7) To control that ships and other floating objects will observe the specified procedure as to movement and staying within the territorial waters and the inland waters of the Republic of Latvia in border areas, as well as in the Latvian part of border rivers, lakes and other bodies of water;
- (8) To provide to specially accredited institutions of the Republic of Latvia all necessary help to ensure that regulations for the preserving of natural resources, and for the regulation of economic activity, for the protection of the environment against pollution, for the fighting of fires, and for the liquidation of the consequences of natural disasters in the border areas are being observed.

Paragraph 23.

The basic rights of the border guard.

Fulfilling the functions of the State border guard of the Republic of Latvia, the employees of the border guard along the State border, in the territory of the border zone, in the territorial and inland waters of the Republic of Latvia which are contiguous to the border and in the Latvian part of border rivers, lakes and other bodies of water have the following rights:

- (1) To place border-guard posts; fulfilling official duties, to move along all areas of the border zone; to check documents; to examine vehicles and their cargoes, and in case of necessity to escort vehicles;
- (2) To make inquiries in matters of violations of the State border of the Republic of Latvia; to make the necessary relevant investigations, examinations, searches and interrogations in accordance with the legislation on criminal procedures of the Republic of Latvia then in effect, and to detain the violators until such time when the inquiry materials shall have been taken over by investigatory agencies, but no longer than 24 hours, notifying of it the (nearest) city (or regional) prosecutor. These guidelines apply also to citizens of other countries and to stateless persons;
- (3) To make use of State communications equipment and vehicles, as well as those belonging to social organizations, corporations, enterprises, physical persons, in order to be able to follow and detain border violators;
- (4) In fulfilling official duties, to carry a service weapon and to use it in accordance with procedures prescribed by law;
- (5) The rights of the employees of the border guard in relation to floating objects - foreign, and those of the Republic of Latvia - is regulated by separate law;

Paragraph 24.

The participation of the State agencies, social organizations and the citizens of the Republic of Latvia in the guarding of the State border of the Republic of Latvia.

The duty of State agencies, social organizations and their functionaries is to provide maximum assistance to the border guard for the guarding of the State border of the Republic of Latvia.

The inhabitants of the border zone are to provide assistance to the employees of the border guard in guarding the State border of the Republic of Latvia on a voluntary basis.

5. LITHUANIA

Legislation on the territorial sea, 25 June 1992

One of the issues facing a State upon (re)gaining independence is the definition of its boundaries and the regime applicable to its boundaries. Lithuania is one of the former Soviet Republics that has adopted legislation on its boundaries. The Lithuanian Law on the State Boundary contains a number of provisions concerning Lithuania's territorial sea.

At sea the Lithuanian State boundary is defined as passing along the line which limits its territorial sea, giving expression to the general rule that the sovereignty of the coastal State extends to the territorial sea. The breadth of the territorial sea of Lithuania is set at 12 n.m. The limits of the territorial area are measured from a straight baseline "connecting the two outermost points of the coast". At first sight the Lithuanian coast does not seem to be such that it would warrant the drawing of straight baselines. It is smooth and only very slightly concave, and there are no islands fringing the mainland coast. The waters on the landward side of the territorial sea form part of the internal waters of Lithuania. A different limit of the territorial sea can be established by an international agreement of Lithuania.

The Law on the State Boundary provides the general rules on the regime of navigation applicable to the Lithuanian territorial sea. To designate passage through the territorial sea the law uses the term "peaceful navigation" instead of the generally used "innocent passage". This diverging terminology does not seem to result in a regime of passage that differs considerably from that of innocent passage. Peaceful navigation applies both to ships passing the territorial sea without entering internal waters and to ships entering the internal waters of Lithuania. The law does not define the meaning of peaceful navigation, except that it includes stopping or anchoring if necessary for ordinary navigation or for rendering assistance to persons, ships or aircraft in distress.

Ships that enter the territorial sea are to comply with the procedure established by the Law on the State Boundary and other laws and international agreements of Lithuania and rules established by its competent State institutions. As regards the passage of warships, the law establishes a right-based on reciprocity. Peaceful navigation exists for warships of States that have granted this same right to the warships of foreign States. This right does not seem to be accorded to ships carrying nuclear or other weapons of mass destruction, as the law provides that it is prohibited to carry such weapons "across the State boundary of the Republic of Lithuania by any means".

For ships carrying dangerous cargoes, tankers and ships with nuclear engines, sea lanes may be designated. Authorized State institutions are to provide sea charts with clearly marked sea lanes. Special rules of navigation for such ships will be established. Foreign submarines and other submarine vessels are required to navigate on the surface and must show their flag. Article 11 of the Law on the State Boundary establishes the procedures for entry of foreign ships into the internal waters and the ports of Lithuania.

Foreign ships which violate the established rules of entry upon entering the territorial sea or internal waters of Lithuania shall be pursued and arrested. Proceedings shall be instituted against the persons having violated the Law on the State Boundary.

The Law on the State Boundary provides that international agreements of Lithuania establishing other norms and rules than those provided for in that law shall be applied, and not the norms of the law.

Appendix 1

**Law of the Republic of Lithuania on the State Boundary of
the Republic of Lithuania**

I. GENERAL PROVISIONS

Article 1

The State Boundary of the Republic of Lithuania

The State boundary of the Republic of Lithuania is the line and the vertical surface lying along this line, defining the limits of the territory of the Republic of Lithuania - land, waters, subsoil, and airspace.

The State boundary of the Republic of Lithuania is inviolable.

The State boundary of the Republic of Lithuania may be realigned only by an international agreement of the Republic of Lithuania.

Article 2

Protection of the State Boundary of the Republic of Lithuania

The protection of the State boundary of the Republic of Lithuania shall be the aggregate of measures guaranteeing the inviolability of the State boundary.

The protection of the State boundary of the Republic of Lithuania shall be ensured by the Government of the Republic of Lithuania on the basis of this Law and other laws of the Republic of Lithuania.

Article 3

The Line of the State Boundary of the Republic of Lithuania

The State boundary of the Republic of Lithuania shall pass:

- 1. On land - along a line passing the points established by international agreement;**
- 2. At sea - along a line limiting the territorial sea;**
- 3. On navigable rivers until the delta - in the centre on the channel; in non-navigable rivers (rivulets) on the centre of the river or the riverbed; on lakes or other bodies of water - along the line which connects the intersections of the State boundary with the shoreline of a lake or other body of water. The line of the State boundary of the Republic of Lithuania passing on rivers (rivulets), lakes or any other bodies of water shall not change in the course of the river (rivulet) passes in a new riverbed or in case the water level in the lake or other water body changes;**
- 4. On bridges or other structures passing over frontier water bodies - along their centre or technological axis.**

The State boundary of the Republic of Lithuania shall be marked on the ground by frontier marks. The form and size of boundary marks and the procedure for their installation shall be established by the Government of the Republic of Lithuania, on the basis of the laws and international agreements of the Republic of Lithuania.

Article 4
The Territorial Sea of the Republic of Lithuania

The territorial sea of the Republic of Lithuania comprises the coastal waters of Lithuania 12 miles in breadth. The limits of the territorial sea shall be established by measuring from the straight line connecting the two outermost points of the coast. The geographical coordinates of these points shall be confirmed by the Government of the Republic of Lithuania.

An international agreement of the Republic of Lithuania may establish different limits of the territorial sea of the Republic of Lithuania.

Article 5
The Internal Waters of the Republic of Lithuania

The internal waters of the Republic of Lithuania shall be:

1. Sea waters of the landward side of the territorial sea;
2. Port waters limited by the line connecting the points furthest in the sea of hydrotechnical and other port structures; and
3. Rivers, lakes, bays and other bodies of water, the shores of which belong to the Republic of Lithuania.

II. THE STATE BOUNDARY REGIME OF THE REPUBLIC OF LITHUANIA

Article 6
The State Boundary Regime of the Republic of Lithuania

The State boundary regime of the Republic of Lithuania consists of:

1. The procedure for crossing the State boundary;
2. The procedure for carrying freight and other goods across the State boundary;
3. The procedure for navigation and sojourn of Lithuanian and foreign ships in the territorial sea and in the Lithuanian part of waters of frontier rivers, lakes, bays or other bodies of water and for the entry and sojourn of foreign ships in the internal waters and ports of Lithuania;
4. The procedure for the flights of aircraft;
5. The procedure for the maintenance of the State boundary, and for carrying out various work, commercial and other activities at the State boundary of Lithuania.

The State boundary regime of the Republic of Lithuania specified in this Law shall be established by this Law and other laws and regulatory acts of the Republic of Lithuania and international agreements of Lithuania.

Article 7
Crossing Points of the State Boundary
of the Republic of Lithuania

The crossing points of the State boundary of the Republic of Lithuania shall be established by an international agreement of the Republic of Lithuania, or by the Government of the Republic of Lithuania.

Boundary check posts and customs posts shall be established at the crossing points of the State boundary of the Republic of Lithuania, and at international sea or river ports and airports.

Article 8
Procedure for Crossing the State Boundary of the Republic
of Lithuania for Persons and for Carrying Freight
and Other Goods across it

The State boundary of the Republic of Lithuania may be crossed only at the established points.

Persons crossing the State boundary of the Republic of Lithuania must present a passport or other documents conforming to international requirements for passport control.

Foreign citizens crossing the State boundary of the Republic of Lithuania must have a visa of the Republic of Lithuania. The Government of the Republic of Lithuania, provided that the Supreme Council has no objections, may establish a simplified procedure for foreign citizens for crossing the State boundary of the Republic of Lithuania.

The admission of persons, means of transport and freight shall be effected after customs inspection.

Article 9
Procedure for Crossing the Boundary by Aircraft

Aircraft shall cross the State boundary of the Republic of Lithuania on special air corridors in accordance with the rules established by this Law and other laws of the Republic of Lithuania, international agreements of the Republic of Lithuania and competent State institutions. An aircraft may cross the State boundary of the Republic of Lithuania outside the air corridors only upon obtaining prior permission from an institution authorized by the Government of the Republic of Lithuania.

Upon entering the airspace of the Republic of Lithuania, aircraft may land or take off for departure only at international airports (from airfields).

Article 10
Peaceful Navigation in the Territorial Sea
of the Republic of Lithuania

Navigation in the territorial sea of the Republic of Lithuania shall be considered peaceful when it is not foreseen to enter the internal waters of the Republic of Lithuania or when it is foreseen to enter or leave the internal waters or ports of the Republic of Lithuania.

During peaceful navigation, a ship may stop or anchor if it is necessary for ordinary navigation or for rendering assistance to persons, ships or aircraft in distress.

Ships or river boats shall cross the State boundary of the Republic of Lithuania in accordance with the procedure established by this and other laws of the Republic of Lithuania, international agreements of the Republic of Lithuania and rules established by the competent State institutions.

In relation to States which have established a right of permission of peaceful navigation of foreign warships, the right of permission of peaceful navigation for warships of those States in the territorial sea of the Republic of Lithuania shall be established in accordance with a regulatory act of the Republic of Lithuania.

The Government of the Republic of Lithuania may designate sea lanes for ships carrying dangerous cargo, tankers and ships with nuclear engines.

Authorized State institutions shall establish special rules for the navigation of such ships, and provide sea charts with clearly marked sea lanes.

While crossing the State boundary of the Republic of Lithuania and during navigation in the territorial sea of the Republic of Lithuania, foreign submarines and other submarine transport must navigate on the surface and must show the national flag of their State.

Article 11

Procedure for Entry of Foreign Ships into the Internal Waters and Ports of the Republic of Lithuania

Foreign ships shall have the right to enter the roadsteads and ports of the Republic of Lithuania, the list of which shall be established by the Government of the Republic of Lithuania.

State institutions authorized by the Government of the Republic of Lithuania shall establish:

- 1. The rules for entry and sojourn of foreign ships in the internal waters, roadsteads and ports of the Republic of Lithuania;**
- 2. The rules for servicing passengers and cargo;**
- 3. The rules for the communication between ships and shore, and disembarkation of the crew members of a ship;**
- 4. The procedure for visiting a ship by persons who are not free members of a crew;**
- 5. The rules for entry and sojourn of foreign ships in the internal waters and ports of the Republic of Lithuania in the Lithuanian part of waters of frontier rivers, lakes and other bodies of water.**

Article 12

Prohibition of Carrying Nuclear or Other Weapons of Mass Destruction across the State Boundary of the Republic of Lithuania

It shall be prohibited to carry nuclear or other weapons of mass destruction across the State boundary of the Republic of Lithuania by any means.

Article 13
Military Transit across the State Boundary
of the Republic of Lithuania

Army contingents of a foreign State and military freight may be carried in transit across the State boundary of Lithuania only in accordance with the procedure established by an international agreement of the Republic of Lithuania.

Article 14
Temporary Restrictions or Closure of Communications across the
State Boundary of the Republic of Lithuania in connection
with the Spreading of Infectious Diseases

In the event of a threat of the spreading of particularly dangerous infectious diseases on the territory of the Republic of Lithuania or a foreign State, the Government of the Republic of Lithuania may:

1. Temporarily restrict or close communication across the boundary of the Republic of Lithuania;
2. Enforce quarantine on persons, cattle, birds, animals and all plant or animal products and other freight crossing the State boundary of the Republic of Lithuania.

Article 15
Violators of the State Boundary of the Republic of Lithuania

Violators of the State boundary of the Republic of Lithuania shall be:

1. Persons, who, while crossing or attempting to cross the State boundary of the Republic of Lithuania, violated the established procedure for crossing the boundary;
2. Foreign ships, which upon entering into the territorial sea or the internal waters of the State boundary of the Republic of Lithuania, as well as the Lithuanian part of waters of frontier rivers, lakes or other water bodies violated the established rules of entry;
3. Aircraft, having crossed the State boundary of the Republic of Lithuania without permission or otherwise having committed another violation of the rules for crossing the State boundary of the Republic of Lithuania;
4. Means of land transport, having crossed the State boundary of the Republic of Lithuania without permission or otherwise having committed a violation of the rules for crossing the State boundary of the Republic of Lithuania.

Article 16
Institution of Proceedings against Violators
of the State Boundary

Violators of the State boundary of the Republic of Lithuania shall be pursued and arrested in accordance with the laws of the Republic of Lithuania. Against persons having violated the Law on the State Boundary of the Republic of Lithuania proceedings shall be instituted in accordance with legislation of the Republic of Lithuania. Foreign citizens having violated the Law on the State boundary may be extradited from the territory of the Republic of Lithuania.

III. FINAL PROVISIONS

Article 17

Procedure for the Publication of Documents regulating the Regime of the State Boundary of the Republic of Lithuania

Documents regulating the crossing of the State boundary of the Republic of Lithuania shall be published in accordance with the general procedure for the publication of regulatory acts and also in special information bulletins.

Article 18

Effect of International Agreements Establishing Other Norms

In case an international agreement of the Republic of Lithuania establishes other norms or rules than provided for in this Law, the norms and rules of the international agreement of the Republic of Lithuania shall be applied.

President of the Supreme Council of the
Republic of Lithuania
Vytautas Landsbergis

Vilnius, 25 June 1992, No. I-2671

Appendix 2

Resolution of the Supreme Council of the Republic of Lithuania

Concerning the bringing into force of the Law on the State boundary of the Republic of Lithuania.

The Supreme Council of the Republic of Lithuania resolves:

1. The Law on the State boundary of the Republic of Lithuania shall be brought into force on 1 July 1992.
2. The procedure for the compliance and implementation of the requirements of paragraph 2 of article 8 of this Law shall be established by the Government prior to 1 August 1992.
3. To propose to the Government that citizens of the Republic of Iceland, the Republic of Latvia, the Republic of Estonia, and the United Kingdom of Great Britain and Northern Ireland shall be entitled to the right to cross the State boundary of the Republic of Lithuania without a visa of the Republic of Lithuania.

President of the Supreme Council of the
Republic of Lithuania
Vytautas Landsbergis

Vilnius, 25 June 1992, No. I-2671

6. PERU

Political Constitution of Peru, promulgated on 29 December 1993

...

Article 54

The territory of the Republic is inviolable. It includes the soil, the subsoil, the maritime dominion and the superjacent airspace.

The maritime dominion of the State includes the sea adjacent to its coasts, as well as the bed and subsoil thereof, up to the distance of two hundred nautical miles measured from the baselines determined by the law. In its maritime dominion, Peru exercises sovereignty and jurisdiction, without prejudice to the freedoms of international communication, in accordance with the law and the treaties ratified by the State.

The State exercises sovereignty and jurisdiction on the airspace over its territory and its adjacent sea up to the limit of two hundred miles, without prejudice to the freedoms of international communication, in conformity with the law and the treaties ratified by the State.

...

7. THAILAND

Announcement of the Office of the Prime Minister concerning straight baselines and internal waters of Thailand Area 4, 17 August 1992

Whereas the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand dated 11 June 1970 was published in Official Gazette, Special vol. 87, Chapter 52, dated 12 June 1970, ^{1/} to proclaim the straight baselines and internal waters of Thailand in 3 areas.

Whereas the Cabinet has deemed it appropriate to proclaim the straight baselines and internal waters of Thailand in another area, that is Area 4, pursuant to the generally accepted principles of international law, as follows:

^{1/} As amended by the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand No. 2 (1993), Official Gazette, vol. 110, chap. 18, dated 18 February 1993. See Law of the Sea Bulletin No. 23.

Area 4

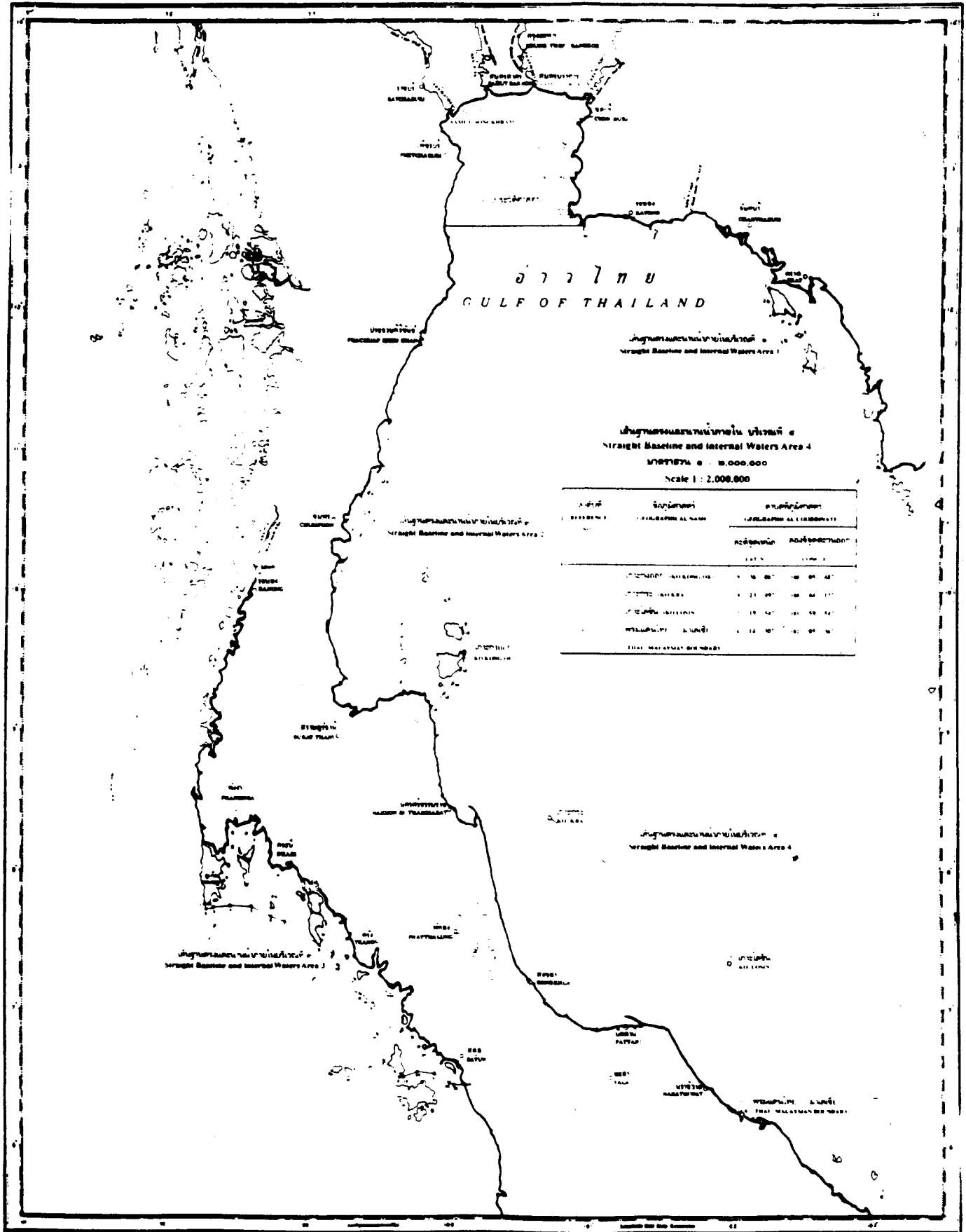
REFERENCE NO.	GEOGRAPHICAL NAME	GEOGRAPHICAL COORDINATES	
		LAT. N.	LONG. E.
1.	KO KONG OK	9° - 36' - 06"	100° - 05' - 48"
2.	KO KRA	8° - 23' - 49"	100° - 44' - 13"
3.	KO LOSIN	7° - 19' - 54"	101° - 59' - 54"
4.	THAI-MALAYSIAN BOUNDARY	06° - 14' - 30"	102° - 05' - 36"

Whereupon the waters within the aforementioned straight baselines are the internal waters of Thailand.

Details of straight baselines and internal waters of Thailand Area 4 appear in the map annexed to this present Announcement.

Announced on 17 August 1992. ^{2/}

^{2/} Published in Official Gazette, vol. 109, chap. 89, dated 19 August 1992.



8. UKRAINE

Statute of Ukraine concerning the State frontier, 4 November 1991

PART ONE

I. General provisions

Article 1

The State frontier of Ukraine

The State frontier of Ukraine is a line and the vertical surface passing through that line which determine the limits of the territory of Ukraine - land, water, mineral resources and airspace.

Article 2

Determination of the State frontier of Ukraine and arrangements for its protection

The State frontier of Ukraine is determined by the decisions of the Supreme Soviet of Ukraine and also by the international treaties entered into by Ukraine. The Cabinet of Ministers of Ukraine shall, within the limits of its powers, take steps to ensure the protection and defence of the State frontier and the territory of Ukraine.

Article 3

Establishment of the State frontier of Ukraine

Except as otherwise provided by the international treaties concluded by Ukraine, the State frontier of Ukraine shall be established:

(1) On land: on the basis of the characteristic points and lines of the terrain or clearly visible landmarks;

(2) At sea: along the outer limit of the territorial sea of Ukraine;

(3) On navigable rivers: along the midline of the main channel or thalweg of the river; on non-navigable rivers (streams): along their midline or along the midline of the main branch of the river; on lakes and other bodies of water: along a straight line joining the points at which the State frontier of Ukraine intersects the shores of the lake or other body of water. The State frontier of Ukraine passing through a river (stream), lake or other body of water shall not be shifted when there is a change in the contour of its shores or its water level or when there is a deviation of the bed of the river (stream) in either direction;

(4) On the reservoirs of hydroelectric power plants and other artificial bodies of water: in accordance with the line of the State frontier of Ukraine which passed through the area before it was flooded;

(5) On the railway and highway bridges, dams and other structures passing through the frontier sectors of navigable and non-navigable rivers (streams): along the midline or the technological axis of the said structures, irrespective of the course of the State frontier of Ukraine on the water.

Article 4

Marking of the State frontier of Ukraine

The State frontier of Ukraine shall be marked in situ by clearly visible frontier markers, whose shape, dimensions and method of erection shall be determined by the legislation of Ukraine and by the international treaties concluded by Ukraine.

Article 5

The territorial sea of Ukraine

The territorial sea of Ukraine includes the coastal marine waters having a width of 12 nautical miles measured from the line of minimum low tide both on the mainland and on islands belonging to Ukraine, or from the straight baselines joining the corresponding points. The geographical coordinates of the said points shall be confirmed by a procedure established by the Cabinet of Ministers of Ukraine. In individual cases, a different width of the territorial sea of Ukraine may be established by the international treaties concluded by Ukraine, and if there are no such treaties, then in accordance with the generally recognized principles and norms of international law.

Article 6

The internal waters of Ukraine

The internal waters of Ukraine include:

- (1) Marine waters situated on the landward side of the straight baselines adopted for the measurement of the width of the territorial sea of Ukraine;
- (2) Such waters of the ports of Ukraine as are bounded by a line passing through the permanent port structures which extend farthest seaward;
- (3) The waters of bays, bights, inlets and estuaries, harbours and roadsteads whose shores belong in their entirety to Ukraine, out to a straight line drawn from one shore to the other at the point where one or several passages are first formed from the seaward side, provided that the width of each of them is not more than 24 nautical miles;
- (4) The waters of bays, bights, inlets and estuaries, seas and straits historically belonging to Ukraine;
- (5) The waters of those rivers, lakes and other bodies of water out to the line of the State frontier whose shores belong to Ukraine.

II. Regime of the State frontier of Ukraine

Article 8

Determination of the regime of the State frontier of Ukraine

The regime of the State frontier of Ukraine - the procedure for crossing the State frontier of Ukraine, navigation by Ukrainian and foreign non-military vessels and warships in the territorial sea and the internal waters of Ukraine and their stay therein, visits by foreign non-military vessels and warships to the internal waters and the ports of Ukraine and their stay therein, the maintenance of the State frontier of Ukraine, the performance of work of various kinds, the carrying on of industrial and other activity on the State frontier of Ukraine - shall be determined by this Statute, by other acts forming part of the legislation of Ukraine and by the international treaties concluded by Ukraine.

Article 9

Crossing of the State frontier of Ukraine

Railway, motor-vehicle, marine, river, air and other transport across the State frontier of Ukraine shall be carried on at points of admission established by the Cabinet of Ministers of Ukraine, in accordance with the legislation of Ukraine and the international treaties concluded by Ukraine. Admission checkpoints of the Frontier Forces, customs offices and other offices engaged in monitoring the State frontier shall be established at the points of admission across the State frontier of Ukraine.

Marine and river non-military vessels and warships shall cross the State frontier of Ukraine in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the rules issued by the competent authorities of Ukraine and published in the established manner. Aircraft shall cross the State frontier of Ukraine within specially designated air flight corridors in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the rules issued by the competent authorities of Ukraine and published in the established manner.

Flight across the State frontier of Ukraine outside the air flight corridors shall be permitted only with the consent of the competent authorities of Ukraine.

Article 10

Take-off and landing of aircraft

The take-off of Ukrainian and foreign aircraft from the territory of Ukraine and the landing of such aircraft after flying into the territory of Ukraine shall be carried out at airfields (aerodromes) which are open to international flights and at which there are admission checkpoints of the Frontier Forces for Ukraine and customs offices. Any other procedure for the take-off and landing of aircraft shall be permitted only with the consent of the competent authorities of Ukraine.

Article 11

Inspection at the time of crossing the State frontier of Ukraine

Persons, means of transport, freight and other property crossing the State frontier of Ukraine shall be subject to frontier and customs inspection. In appropriate cases health and quarantine inspections, veterinary and plant-health inspections, inspections to monitor the export of objects of cultural value from the territory of Ukraine and other inspections shall be carried out. The inspections shall be organized and carried out in a manner established by acts forming part of the legislation of Ukraine.

Article 12

Permission of the passage of persons, means of transport, freight and other property across the State frontier of Ukraine

The passage of persons crossing the State frontier of Ukraine shall be permitted by the Frontier forces of Ukraine on the basis of valid documents conferring the right to enter the territory of Ukraine or to leave Ukraine. The passage of means of transport, freight and other property across the State frontier of Ukraine shall be permitted in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine. In accordance with the international treaties concluded by Ukraine, simplified procedures may be established by the Cabinet of Ministers of Ukraine for the passage of persons, means of transport, freight and other property across the State frontier of Ukraine.

Article 13

Innocent passage through the territorial sea of Ukraine

Innocent passage through the territorial sea of Ukraine shall be engaged in for the purpose of crossing it without entering the internal waters of Ukraine or for the purpose of passing through it into the internal waters and the ports of Ukraine, or else for the purpose of leaving them and entering the open sea. Passage shall be deemed to be innocent if the peace of Ukraine and the law and order or security of Ukraine are not violated thereby.

Foreign non-military vessels and warships may exercise the right of innocent passage through the territorial sea of Ukraine in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine.

Foreign non-military vessels engaged in innocent passage must follow the usual navigation route or a route recommended by the competent authorities of Ukraine and must also follow marine corridors or traffic-separation schemes. Marine corridors and traffic-separation schemes shall be indicated on marine charts published in the established manner. The master of a foreign non-military vessel which has violated the rules of innocent passage shall bear responsibility in accordance with the legislation of Ukraine.

Foreign warships and underwater means of transport shall engage in innocent passage through the territorial sea of Ukraine in the manner established by the Cabinet of Ministers of Ukraine. Submarines and other underwater means of transport must navigate on the surface and fly their flag. In the event of failure to comply with the legislation of Ukraine relating to the passage of a foreign non-military vessel or warship (submarine, other underwater means of transport) through the territorial sea of Ukraine and of disregard of a notification that it must comply with the said demands, the competent authorities of Ukraine shall have the right to demand that the vessel (warship) should immediately quit the territorial sea of Ukraine.

Article 14

Procedure for the entry of foreign non-military vessels and warships into the internal waters and the ports of Ukraine

Foreign non-military vessels may enter those roadsteads and ports of Ukraine which are open for the entry of such vessels. A list of the roadsteads and ports open for the entry of foreign non-military vessels and the procedure for entry into them and stay in them, for the carrying on of cargo and passenger operations, for communication between ships and shore, for the disembarkation of the members of a vessel's crew and for visits to vessels by persons who are not members of the vessels' crews and other rules relating to the entry of foreign non-military vessels into the internal waters and the ports of Ukraine or into any part of the waters of frontier rivers, lakes and other bodies of water belonging to Ukraine and relating to stay in such waters shall be established by the legislation of Ukraine and by the rules published in the established manner.

Except as otherwise provided, foreign warships shall enter the internal waters and the ports of Ukraine in accordance with the rules governing their visits, published in the established manner.

Article 15

**Obligation of foreign non-military vessels and warships to
comply with the rules of navigation and other rules while
in the waters of Ukraine**

Foreign non-military vessels and warships shall, while navigating and staying in the territorial sea and the internal waters of Ukraine, be required to comply with the rules governing radio communication and with navigational, port, customs, health and other rules. Foreign non-military vessels and warships shall, in the event of a forced entry into the territorial sea or the internal waters of Ukraine or in the event of a forced failure to comply with the rules governing navigation and stay in such waters, be required to communicate the fact without delay to the administration of the nearest port of Ukraine.

Article 16

**Prohibition of industrial, research and prospecting
by foreign non-military vessels and warships
in the waters of Ukraine**

Industrial, research and prospecting activity of any kind by foreign non-military vessels and warships in the territorial sea and the internal waters of Ukraine is prohibited, with the exception of cases in which such activity is carried on with the permission of the competent authorities of Ukraine or on the basis of international treaties concluded by Ukraine.

Article 17

**Prohibition of navigation by non-military vessels and warships
in individual areas of the waters of Ukraine and
of their stay therein**

In the territorial sea of Ukraine and the internal waters of Ukraine, areas in which navigation by Ukrainian and foreign non-military vessels and warships or the stay of such non-military vessels and warships is temporarily prohibited may be established by a decision of the competent authorities of Ukraine.

Notice of the establishment of such areas shall be given in the established manner.

Article 18

**Procedure for the conduct of economic activities on the
State frontier of Ukraine**

Navigation, utilization of water installations for the needs of timber-rafting and other forms of water utilization, the construction of various hydraulic structures, the performance of other work in the internal waters of Ukraine, the utilization of fields, forests and fauna, the pursuit of mining, geological prospecting and other economic activities on the State frontier of Ukraine shall be carried on in accordance with the legislation of Ukraine and the international treaties concluded by Ukraine and in such a way as to ensure that proper order is maintained on the State frontier of Ukraine. The competent authorities of Ukraine may, by agreement with the Frontier Forces of Ukraine, due regard being given to local conditions, establish a procedure for the carrying on of all forms of economic activity on the State frontier of Ukraine.

Article 19
Temporary halting of travel across the State frontier of
Ukraine in the event of the threat of the spread of infectious
diseases. Quarantine

In the event of the threat of the spread of particularly dangerous infectious diseases in the territory of Ukraine or of a foreign State, travel across the State frontier of Ukraine on the threatened sectors may, by a decision of the Cabinet of Ministers of Ukraine, be temporarily restricted or halted, or a quarantine may be established for persons, animals, loads or cargoes, seeds or planting material and other products of animal or plant origin crossing the State frontier of Ukraine.

Article 20
Violators of the State frontier of Ukraine

The following shall be deemed to be violators of the State frontier of Ukraine:

(1) Persons who have crossed or who attempt to cross the State frontier of Ukraine in any manner at a place other than the points of admission across the State frontier of Ukraine, or at points of admission across the State frontier of Ukraine but in violation of the regulations governing its crossing;

(2) Persons who have come on board or who attempt to come on board Ukrainian or foreign means of transport engaged in foreign traffic for the purpose of unlawfully leaving the territory of Ukraine;

(3) Foreign non-military vessels and warships which have entered the territorial sea or the internal waters of Ukraine in violation of the established rules governing entry into those waters. Foreign submarines and other underwater means of transport shall also be deemed to be violators of the State frontier of Ukraine in those cases in which they cross the international frontier of Ukraine in the underwater position or are in that position during their navigation and stay in the waters of Ukraine;

(4) Aircraft and other flying vehicles which have crossed the State frontier of Ukraine without appropriate permission from the competent authorities of Ukraine or which have committed other violations of the rules governing flight across the State frontier of Ukraine. Crossing of the State frontier of Ukraine by any other technical or non-technical means without permission appropriate thereto or in violation of the established procedure shall also be deemed to be a violation of the State frontier of Ukraine.

Article 21
Frontier representatives of Ukraine

Frontier representatives of Ukraine shall, in a manner prescribed by the Cabinet of Ministers of Ukraine, be appointed from among the officers of the Frontier Forces of Ukraine for the purpose of resolving problems connected with the maintenance of the regime of the State frontier of Ukraine and also for the settlement of frontier incidents on a specific sector of the State frontier of Ukraine. The frontier representatives of Ukraine shall act in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine. When crossing the State frontier (on foot or by any means of transport), the frontier representatives shall do so on the basis of special powers granted by the State Committee for Matters relating to the Protection of the State Frontier of Ukraine.

Matters not settled by the frontier representatives shall be resolved through the diplomatic channel.

...

IV. Protection of the State frontier of Ukraine

Article 27

Protection of the State frontier of Ukraine by the Frontier Forces and the Air Defence Forces of Ukraine

The protection of the State frontier of Ukraine on land, sea, rivers, lakes and other bodies of water shall be the responsibility of the Frontier Forces of Ukraine, and in airspace the responsibility of the Air Defence Forces of Ukraine. The Frontier Forces and the Air Defence Forces of Ukraine shall, in the performance of their tasks for the defence of the State frontier of Ukraine, act in accordance with this Statute, with the Statute of Ukraine "On the Frontier Forces of Ukraine", with other acts forming part of the legislation of Ukraine, with the international treaties concluded by Ukraine and also with acts issued by the competent authorities of Ukraine. The obligations and rights of the Frontier Forces and the Air Defence Forces of Ukraine with regard to the protection of the State frontier of Ukraine shall be determined by this Statute, by the Statute of Ukraine "Concerning the Frontier Forces of Ukraine" and by other acts forming part of the legislation of Ukraine and also by acts issued by the competent authorities of Ukraine.

Article 28

The rights of the Frontier Forces of Ukraine with regard to foreign and Ukrainian non-military vessels

In the territorial sea and the internal waters of Ukraine the Frontier Forces of Ukraine shall, in the performance of their tasks with regard to foreign and Ukrainian non-military vessels, have the right:

- (1) To call upon the vessel to show its national flag if the flag is not being flown and to conduct an interrogation concerning the purposes of the vessel's entry into the waters of Ukraine;
- (2) To call upon the vessel to change its course if that course leads to an area closed to navigation;
- (3) To halt the vessel and carry out an inspection thereof if it does not respond to an interrogation signal, if it is in an area closed to navigation, if it is violating other rules governing entry into the waters of Ukraine or navigation and stay in them, and also if it engages in industrial and other activity in violation of the legislation of Ukraine or of the international treaties concluded by Ukraine. The inspection of the vessel shall include an examination of the ship's documents and the navigational documents, of the documents of members of the crew and passengers, of the documents relating to the cargo and, where necessary, of the compartments of the vessel. After the vessel has been inspected, it may be given permission to continue its navigation in the waters of Ukraine, subject to compliance with the established rules, may be called upon to leave the waters of Ukraine or may be detained in accordance with the legislation in force;
- (4) To place a frontier detachment on board the vessel, where necessary, in order to accompany the vessel into a port or from a port to the State frontier of Ukraine;
- (5) To remove from the vessel and detain persons who have committed offences and who are subject to prosecution under the criminal law of Ukraine and to deliver such persons to the investigative and prosecutorial authorities, save as otherwise provided by the international treaties concluded by Ukraine;
- (6) To pursue and detain on the high seas a vessel which is a violator of the State frontier of Ukraine or a vessel which has violated the statutes or the rules governing navigation and stay in the waters of Ukraine, until it enters the territorial sea of its own country or of a third State if the pursuit was begun in the territorial sea or the internal waters of Ukraine and has been carried on without interruption.

Article 29

Grounds for the detention of foreign and Ukrainian non-military vessels by the Frontier Forces of Ukraine

A foreign non-military vessel staying in the territorial sea and the internal waters of Ukraine shall be detained by the Frontier Forces of Ukraine and convoyed to the nearest port or other appropriate point in the following cases:

- (1) If the vessel, to the detriment of the security of Ukraine, is engaged in the collection of information or is carrying on any other action harmful to Ukraine;
- (2) If the vessel is in an area which has been declared by the competent authorities of Ukraine in the established manner to be temporarily closed to navigation;
- (3) If the vessel is unlawfully engaging in any industrial, research or prospecting activity or in the dumping and burial of substances harmful to the health of persons or of the living resources of the waters, or other wastes and materials;
- (4) If the vessel is engaged in disembarking or embarking persons or unloading or loading freight at places not established therefor, or at established places but without permission from the competent authorities of Ukraine;
- (5) If the vessel is, without permission from the competent authorities of Ukraine, engaged in launching or taking on board any flying vehicles;
- (6) If the members of the crew or other persons on board the vessel are damaging frontier markers, navigational barriers, communications cables or other underwater or above-water installations belonging to Ukraine;
- (7) If the master of the vessel has failed to exhibit the necessary ship's documents and cargo documents;
- (8) If the vessel does not obey the instructions of the representatives of the Frontier Forces of Ukraine or other competent authorities of Ukraine;
- (9) If the vessel is in the territorial sea of Ukraine or the internal waters of Ukraine in violation of the rules established by this Statute, by the international treaties concluded by Ukraine or by the generally recognized principles and norms of international law.

A decision to detain a foreign non-military vessel shall be taken by the Frontier Forces of Ukraine after inspection of the vessel. A vessel which has committed the violations referred to in paragraphs (2)-(9) of this article shall be detained by the Frontier Forces of Ukraine while they determine whether the violation committed was premeditated, or if the vessel is causing harm to the security or other interests of Ukraine. The Frontier Forces of Ukraine shall also have the right to detain a Ukrainian non-military vessel which has committed the violations referred to in paragraphs (2)-(9) of this article and to convoy it to the nearest port or other appropriate point.

Article 30

Record of inspection or detention of a non-military vessel

The inspection or detention of a non-military vessel shall be noted in a record which shall be signed by the representative of the Frontier Forces of Ukraine and by the master of the inspected or detained vessel.

The record shall be drawn up in the Ukrainian and English languages. In the event of the detention of a vessel, the ship's documents and cargo documents shall be taken from the master of the vessel and attached to the record. If the master of the inspected or detained vessel considers the actions of the Frontier Forces of Ukraine to be unjustified or inconsistent with the content of the record, he may express a reservation in any language in the record itself or in a separate document attached to the record. If the master refuses to sign the record, an appropriate notation to that effect shall be made.

Article 31

Consequences of the detention of foreign non-military vessels

Foreign non-military vessels which have been detained shall be delivered in the established manner to the authorized representatives of the appropriate foreign States or shall be expelled beyond the limits of the territorial sea and the internal waters of Ukraine or, in the cases provided for by the legislation of Ukraine, shall be confiscated in accordance with the decision of a court.

Article 32

Rules applicable to foreign warships violating the provisions governing navigation and stay in the waters of Ukraine

Special rules shall apply to foreign warships violating the statutes of Ukraine or the rules relating to navigation and stay in the territorial sea and the internal waters of Ukraine.

RESOLUTION OF THE SUPREME SOVIET OF UKRAINE

Concerning the procedure for the entry into force of the Statute of Ukraine
"Concerning the State frontier of Ukraine"

The Supreme Soviet of Ukraine resolves:

1. To cause the Statute of Ukraine "Concerning the State frontier of Ukraine" to enter into force as from the date of its publication.
2. To instruct the Cabinet of Ministers of Ukraine:

To consider before 1 February 1992 the question of the legal delineation of the frontiers of Ukraine with contiguous States, including the republics of the former Union of Soviet Socialist Republics, and to ensure the necessary conditions for the protection of the State frontier of Ukraine;

To bring the decisions of the Government of Ukraine which relate to the protection of the State frontier of Ukraine into harmony before 1 January 1992 with the Statute that has been adopted.

Kiev, 4 November 1991

9. UNITED ARAB EMIRATES

Federal Law No. 19 of 1993 in respect of the delimitation of the maritime zones of the United Arab Emirates, 17 October 1993

[Original: Arabic]

We, Zayed bin Sultan Al Nahayyan, the President of the United Arab Emirates,
Having perused:
The Interim Constitution.
Federal Law No. 1 of 1972 in respect of the Terms of Reference of the
Ministries and Ministers and its Amendments.
Federal Law No. 45 of 1992 in respect of the Organization of the Ministry of Foreign Affairs.
And acting upon the submission presented by the Ministers of Defence and Foreign Affairs and
approved by the Council of Ministers and sanctioned by the Federal Supreme Council,
Hereby promulgate the following Law:

DEFINITIONS

Article 1

In the implementation of this Law, unless the context otherwise requires, the following words and terms shall have the meanings hereunder assigned to them:

"the State" the United Arab Emirates;

"baseline" the line from which the territorial sea shall be measured;

"island" a natural formation of land surrounded by water and emerging above water at high tide";

"group of islands" a formation of two or more islands constituting with their interconnecting waters an interrelated geographical and economic entity;

"low-tide elevation" a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide;

"bay" a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast;

"coast" means the coast of the Arabian Gulf and that of the Gulf of Oman;

"nautical mile" one thousand eight hundred and fifty two metres.

CHAPTER ONE

INTERNAL WATERS

Article 2

The internal waters are the waters on the landward side of the baseline from which the breadth of the territorial sea of the State is measured. The internal waters of the State specifically include:

1. The waters of bays located along the entire length of the coast;
2. The waters of any low-tide elevation lying at a distance not exceeding 12 nautical miles from the mainland or from any island belonging to the State;
3. The waters between the mainland of the State and any island belonging thereto whose distance from the mainland does not exceed 12 nautical miles;
4. The waters between the islands belonging to the State, the distance between each of which does not exceed 12 nautical miles.

Article 3

The State shall determine the conditions for entry into its internal waters and shall enforce these conditions against any ship wishing to enter.

CHAPTER TWO

TERRITORIAL SEA

Article 4

The sovereignty of the State extends beyond its land territory and internal waters, to its territorial Sea, the airspace over the territorial Sea as well as its bed and subsoil. The State shall exercise its sovereignty over the territorial sea in accordance with the provisions of this Law and the rules of international law.

The territorial sea of the State means the belt of sea waters beyond its land territory and internal waters and adjacent to its coast. It extends towards the sea with a breadth of 12 ...

Article 5

1. Foreign commercial ships shall enjoy the right of innocent passage through the territorial sea of the State in accordance with the rules of this right recognized by international law.
2. Entry and passage of foreign warships including submarines and other underwater vehicles through the territorial sea shall be subject to prior permission from the competent authorities in the State.
3. Submarines and other underwater vehicles shall navigate on the surface and show their flag during their passage through the territorial sea of the State.
4. Foreign nuclear-powered ships and ships carrying nuclear substances or radioactive products or other inherently dangerous or noxious substances shall notify in advance the competent authorities in the State of their entry and passage through the territorial sea.

Article 6

The territorial sea of the State shall be measured in accordance with the following provisions:

1. The low-water mark where the coast of the mainland or a shore is exposed to the open sea. In localities where the coastline is deeply indented or cut into there shall be applied the method of straight baselines joining appropriate points to be determined by the competent authorities in the State.

2. Straight lines not exceeding 24 nautical miles in length joining the low-water marks of the entrance of bays. If the width of the entrance of the bay exceeds this distance, the straight line shall be drawn within the bay between any two low-water marks being the closest to its entrance provided that the distance between them does not exceed 24 nautical miles.

3. In the case of a group of islands it shall be measured from straight lines joining the outer points of the outermost islands forming the group.

4. In the case of a port or harbour it shall be measured from lines drawn adjacent to the seaward side of the outermost port or harbour installations and lines drawn between the outer points of such installations provided that such works are an integral part of the port or harbour system.

5. Where the low-tide elevation is wholly or partly situated at a distance from the mainland or from any island not exceeding the width of the territorial sea, such low-tide elevation may be used as a baseline for measuring the breadth of the territorial sea.

Article 7

If the measurement of the territorial sea in accordance with the provisions of this Law leaves an area of the exclusive economic zone wholly surrounded by the territorial sea and extending not more than 12 nautical miles in any direction, such area shall form part of the territorial sea of the State. The same rule shall apply to any area of the exclusive economic zone which may be enclosed by drawing a single straight line not more than 12 nautical miles long.

Article 8

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 9

The right of fishing in the territorial sea of the State shall be confined to its nationals.

Article 10

The State shall, in the zone contiguous to its territorial sea, exercise supervision and control for the following purposes:

1. To prevent infringement of its security, customs, fiscal, sanitary or immigration laws within its land territory, internal waters or territorial sea;
2. To punish infringement of the laws referred to in paragraph 1 of this article if committed within the land territory of the State, its internal waters or territorial sea.

Article 11

The breadth of the contiguous zone referred to in article 10 above shall be 12 nautical miles measured from the outer limits of the territorial sea of the State.

CHAPTER THREE

EXCLUSIVE ECONOMIC ZONE

Article 12

Subject to the provisions of articles 23/2 and 24 of this Law, the State shall have an exclusive economic zone beyond and adjacent to its territorial sea and extending seawards to a distance not exceeding 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Article 13

The State shall have in the exclusive economic zone sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

Article 14

The State shall have in the exclusive economic zone jurisdiction with regard to the following:

1. The establishment and use of artificial islands, installations and structures;
2. Marine scientific research;
3. The protection and preservation of the marine environment.

Article 15

Fishing rights in the exclusive economic zone shall be confined to the nationals of the State. The competent authorities in the State may, nevertheless, in accordance with the conditions and restrictions laid down, permit non-nationals to fish in this zone taking into account the measures regarding the conservation of living resources.

Article 16

The State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings against vessels, as may be necessary to ensure compliance with its laws and regulations. Arrested vessels and their crews shall not be released until after the posting of bond or security. In cases of arrest of foreign vessels, the flag State shall be notified of the action taken.

CHAPTER FOUR

CONTINENTAL SHELF

Article 17

Subject to articles 23/2 and 24 of this Law, the continental shelf of the State comprises the seabed and subsoil of the submarine areas extending beyond its territorial sea and considered a natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from

the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

Article 18

The State shall exercise over its continental shelf sovereign rights for the purposes of exploring and exploiting its natural resources. These rights shall be exclusive rights shall be exclusive to the State in the sense that no one shall exercise them without its express consent. These rights do not depend on occupation, effective or notional, or on any express proclamation.

The natural resources referred to in the preceding paragraph consist of the mineral and other non-living resources of the seabed and subsoil together with the living organisms belonging to sedentary species, meaning the organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

GENERAL PROVISIONS

Article 19

The provisions of this Law pertaining to the delimitation of the maritime zones of the mainland shall be applicable to the delimitation of the maritime zones of islands belonging to the State.

Article 20

1. In the exclusive economic zone and the continental shelf, the State shall have the exclusive right to construct, operate and use:

- (a) Artificial islands;
- (b) Installations and structures for the purposes of scientific research, preservation of the environment or other economic purposes;
- (c) Installations and structures which enable the State to exercise its rights.

2. The State shall have exclusive jurisdiction over such artificial islands, installations and structures including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

Article 21

The State may, where necessary, establish safety zones around the artificial islands, installations and structures in which it may take appropriate measures to ensure the safety of the artificial islands, installation and structures. The State shall determine the breadth of the safety zones taking into account applicable international standards. The safety zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations and structures and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except where excess is authorized by generally accepted international standards.

Article 22

The competent authorities in the State shall issue rules in respect of the following matters:

- 1. The construction, erection or operation of installations or equipment or artificial islands in or on the continental shelf or exclusive economic zone with the aim of exploring or exploiting their natural resources provided that these installations or equipment should not be erected in locations which would hamper access to the mainland or interfere with international navigation;**
- 2. The establishment of the safety zones referred to in article 21 of this Law;**
- 3. The instructions to be observed for the protection of the installations and equipment;**
- 4. The regulation or prevention of entry of vessels into the safety zones;**
- 5. The instructions to be followed for the purpose of protecting the living and non-living resources of the economic zone and the continental shelf;**
- 6. The environment, scientific research and transfer of technology;**
- 7. Any other similar matters.**

Article 23

- 1. Where the territorial sea of the State is opposite or adjacent to the territorial sea of another State, the outer limit of the territorial sea of the State shall be the median line.**
- 2. In the absence of an agreement between the State and another opposite or adjacent State, the outer limit of the contiguous zone and the continental shelf and the exclusive economic zone shall be the median line every point of which is equidistant from the nearest points on the baselines.**

Article 24

The State shall publish official charts to show accurately the outer limits of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf.

Article 25

(a) The implementation of this Law shall not affect the validity of contracts and concessions concluded prior to its promulgation for the exploration and exploitation of the living and non-living resources in the maritime zones. It shall also not affect the constitutional rights and other rights acquired by the Emirates as a result of the exploitation of the living and non-living resources in their maritime zones or the rights which may be acquired by virtue of any agreements or contracts to be concluded between them regarding these zones.

(b) The implementation of this Law shall not affect the validity of agreements concluded between the Emirates prior to its promulgation. The Emirates shall also have the right to enter into agreements regulating maritime boundaries between them.

Article 26

Subject to the principles and rules of international law and without prejudice to the imposition of severer penalties provided for by any other law or to a claim for damages:

1. Any violation of the provisions of article 5 of this Law shall be punishable with imprisonment for a term of not less than three years and not exceeding seven years and a fine of not less than dirhams 100,000.00 (DIRHAMS ONE HUNDRED THOUSAND) and not exceeding dirhams 2,000,000.00 (DIRHAMS TWO MILLION) or either of these penalties;

2. Any violation of the provisions of articles 13, 14, 18 and 20 of this Law shall be punishable with imprisonment for a term of not less than three years and not exceeding five years and a fine of not less than dirhams 50,000.00 (DIRHAMS FIFTY THOUSAND) and not exceeding dirhams 1,000,000.00 (DIRHAMS ONE MILLION) or either of these penalties;

3. Any violation of the provisions of articles 9 and 15 of this Law shall be punishable with imprisonment for a term of not less than one year and not exceeding three years and a fine of not less than dirhams 25,000.00 (DIRHAMS TWENTY-FIVE THOUSAND) and not exceeding dirhams 1,000,000.00 (DIRHAMS ONE MILLION) or either of these penalties.

Article 27

This Law shall be published in the official Gazette and shall enter into force from the date of publication.

C. Protests from States

Protest from the United States of America

11 January 1994

The Permanent Mission of the United States of America to the United Nations presents its compliments to the United Nations and has the honour to advise that the Government of the United States of America has studied carefully the legislative acts of the Islamic Republic of Iran setting forth the Islamic Republic of Iran's maritime claims, including the Act on the Marine Areas of the Islamic Republic of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea of 2 May 1993, and Decree-Law No. 2/250-67, 31 Tir 1352 [22 July 1973] of the Council of Ministers, taking into account the relevant provisions of international law as reflected in the 1982 United Nations Convention on the Law of the Sea, which will enter into force on 16 November 1994.

The United States is of the view that certain provisions of these acts are inconsistent with international law, and the United States reserves its rights and the rights of its nationals in that regard.

The United States wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, except where otherwise provided in the Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State. Only in localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, may the coastal State elect to use the method of straight baselines joining appropriate points in drawing the baseline from which the breadth of the territorial sea is measured.

The United States notes that, notwithstanding the fact that the Iranian coastline is rarely deeply indented or fringed by islands, the Islamic Republic of Iran has employed straight baselines along most of its coastline and that, in the vicinity of most segments, the Iranian coastline is quite smooth. Consequently, the appropriate baseline for virtually all of the Iranian coast in the Persian Gulf and the Gulf of Oman is the normal baseline, the low-water line.

While the Convention does not set a maximum length for baseline segments, many of the segments set out in Iranian law are excessively long. In fact, 11 of the 21 segments are between 30 and 120 miles long. The United States believes that the maximum length of an appropriately drawn straight baseline segment normally should not exceed 24 nautical miles.

The United States also wishes to recall that islands may not be used to define internal waters, except for situations where the islands are part of a valid straight baseline system, or of a closing line for a juridical bay. Article 3 of the 1993 Marine Areas Act of the Islamic Republic of Iran asserts that waters between islands belonging to the Islamic Republic of Iran where the distance of such islands does not exceed 24 nautical miles form part of the internal waters of the Islamic Republic of Iran. This claim has no basis in international law. The United States notes that article 19 (2) (h) of the 1982 Law of the Sea Convention provides that "any act of wilful and serious pollution contrary to this Convention" may be considered prejudicial to the peace, good order or security of the coastal State. In specifying activities in its territorial sea that the Islamic Republic of Iran does not consider to be innocent, article 6 (g) of the 1993 Marine Areas Act includes "any act of pollution of the marine environment contrary to the rules and regulations of the Islamic Republic of the Islamic Republic of Iran." The United States assumes that the relevant Iranian rules and regulations will conform to the accepted rule of international law set out in article 19 (2) (h) of the 1982 Law of the Sea Convention.

The United States recalls that, under articles 21 and 24 of the 1982 Law of the Sea Convention, a coastal State may adopt laws and regulations relating to innocent passage relating to the design, construction, manning or equipment of foreign ships only if they are giving effect to generally accepted international rules or standards, and may not adopt requirements that have the practical effect of denying or impairing the right of innocent passage or of discriminating in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.

The United States notes that the Islamic Republic of Iran's claim in article 7 of the right to adopt "such other regulations as are necessary for the protection of its national interests and the proper conduct of innocent passage" cannot confer upon it any greater rights than those authorized under international law.

The United States also notes that international law permits a coastal State to suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security, and that such suspension may take effect only after having been duly published.

Article 8 of the Islamic Republic of Iran's 1993 Marine Areas Act cannot be accepted as removing the requirements that any suspension of innocent passage through parts of its territorial sea be temporary and that it take effect only after being duly published.

Article 9 of the 1993 Marine Areas Act impermissibly seeks to require foreign warships, and vessels carrying dangerous or noxious substances harmful to the environment, to obtain prior authorization from the Islamic Republic of Iran to pass through the Islamic Republic of Iran's territorial sea.

Such a requirement has no foundation in the provisions of the 1982 Law of the Sea Convention, and the United States will continue to reject, as contrary to international law, any attempt to impose such a requirement on the exercise of the right of innocent passage of all ships.

The United States assumes that the Islamic Republic of Iran will not seek to exercise criminal jurisdiction, pursuant to article 10 of the 1993 Marine Areas Act, on board ships other than merchant ships and government ships operated for commercial purposes, or to exercise civil jurisdiction, pursuant to article 11 of this Act, in situations not contemplated by article 28 of the 1982 Law of the Sea Convention.

The United States further recalls that the scope of a coastal State's authority in its contiguous zone, a maritime zone contiguous to and seaward of the territorial sea in which freedoms of navigation and overflight may be exercised, is limited to the exercise of the control necessary to prevent and punish infringement of its customs, fiscal, immigration and sanitary laws and regulations committed within its territory or territorial sea, and that the authority of the coastal State to enforce its environmental laws seaward of its territorial sea is as prescribed in article 220 of the Convention.

The claim in article 13 of the 1993 Act to adopt measures in the Islamic Republic of Iran's contiguous zone necessary to prevent infringement of its security, maritime and environmental laws exceeds that permitted by international law.

Although a coastal State may establish, in accordance with article 60, paragraphs 4 and 5, of the 1982 Law of the Sea Convention, safety zones of a radius not exceeding 500 metres around artificial islands and other installations and structures located within its exclusive economic zone, international law does not authorize a coastal State to establish so-called security zones in such areas. Article 14 (b) (1) of the 1993 Marine Areas Act impermissibly asserts the right to do so. That provision also appears to claim more authority to control the laying of submarine cables and pipelines on the Islamic Republic of Iran's

continental shelf than is permitted by international law as reflected in article 79 of the 1982 Law of the Sea Convention.

Further, international law permits a coastal State to regulate only marine scientific research in its exclusive economic zone, not "any kind of research" as claimed in article 14 (b) (2) of the 1993 Marine Areas Act. In particular, hydrographic surveys conducted seaward of the territorial sea are not marine scientific research and are not subject to coastal State jurisdiction.

The United States notes that, to the extent article 16 of the 1993 Marine Areas Act seeks to prohibit in the Iranian exclusive economic zone the exercise by foreign warships and military aircraft of their freedoms of navigation and overflight, it contravenes international law. The United States has previously protested the Islamic Republic of Iran's claim in this regard, and will continue to operate its ships and aircraft consistent with its rights under international law.

The Government of the United States wishes to assure the Government of the Islamic Republic of Iran that its objections to these claims should not be viewed as singling out the Islamic Republic of Iran for criticism, but is part of its worldwide effort to preserve the internationally recognized rights and freedoms of the international community in navigation and overflight and other related high seas uses, and thereby maintain the balance of interests reflected in the Convention.

This is only one of a number of United States protests of those claims by coastal States which are not consistent with international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

The Government of the United States requests that this Note be circulated by the United Nations as part of the next Law of the Sea Bulletin.

D. National claims over maritime zones

1. Table of claims to maritime zones ^{1/}

State	Convention ratification/ accession/ ^{2/} recognition ^{3/}	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
AFGHANISTAN ^{2/}		-	-	-	-	-
ALBANIA		12				200m/EXP ^{3/}
ALGERIA		12				
ANDORRA*		-	-	-	-	-
ANGOLA	5/12/90	20 ^{4/}			200	
ANTIGUA AND BARBUDA	2/2/89	12	24	200		200/CM ^{2/}
ARGENTINA		12	24	200		200/CM
ARMENIA*		-	-	-	-	-
AUSTRALIA		12			200	200m/EXP
AUSTRIA*		-	-	-	-	-
AZERBAIJAN*		-	-	-	-	-
BAHAMAS	29/7/83	3			200	200m/EXP
BAHRAIN	30/5/85	12	24			
BANGLADESH		12	18	200		CM ^{2/}

^{1/} On the basis of information available as at 16 April 1994.

^{2/} States indicated by an asterisk (*) are land-locked States.

^{3/} For the nomenclature used for the limits of the continental shelf, see the summary of claims in section D. 2 below.

State	Convention ratification/ accession/ ^{a/} succession ^{b/}	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
BARBADOS	12/10/93	12		200		
BELARUS*		-	-	-	-	-
BELGIUM		12			Up to median line with neighbouring States	Delimitation with opposite and adjacent States in conformity with article 83 of UNCLOS ^{c/}
BELIZE	13/8/83	12/3 ^{d/}		200		
BENIN		200				
BHUTAN*		-	-	-	-	-
BOLIVIA*		-	-	-	-	-
BOSNIA AND HERZEGOVINA	12/1/94 ^{b/}					
BOTSWANA*	2/5/90	-	-	-	-	-
BRAZIL	22/12/88	12	24	200		
BRUNEI DARUSSALAM		12		200		
BULGARIA		12	24	200		
BURKINA FASO*		-	-	-	-	-
BURUNDI*		-	-	-	-	-
CAMBODIA		12	24	200		200 ^{3/}
CAMEROON	19/11/85	50				
CANADA		12			200	200/CM

^{4/} Agreements concluded with France on 8 October 1990 and with the United Kingdom of Great Britain and Northern Ireland on 29 May 1991.

^{5/} The limit of 3 miles applies from the mouth of Saratoon River to Ranguana Caye.

State	Convention ratification/ accession/ succession ^{6/}	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
CAPE VERDE	10/8/87	12		200		
CENTRAL AFRICAN REPUBLIC*		-	-	-	-	-
CHAD*		-	-	-	-	200/350 ^{3/ 4/}
CHILE		12	24	200		
CHINA		12	24			200m/EXP
COLOMBIA		12		200		
COMOROS		12		200		
CONGO		200				200/CM
COOK ISLANDS		12		200		200 ¹⁰ /EXP
COSTA RICA	21/9/92	12		200		200
COTE D'IVOIRE	26/3/84	12		200		
CROATIA						
CUBA	15/8/84	12		200		
CYPRUS	12/12/88	12				EXP ^{2/}
CZECH REPUBLIC*		-	-	-	-	-
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ^{7/}		12		200		
DENMARK		3	4		200	200m/EXP

6/ The 350-mile limit applies to Sala y Gómez and Easter Island.

7/ A military zone of 50 miles is claimed in the Sea of Japan.

State	Convention ratification/ accession/ ^{g/} succession ^{9/}	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
DJIBOUTI	8/10/91	12	24	200		
DOMINICA	24/10/91	12	24	200		
DOMINICAN REPUBLIC		6	24	200		200/CM
ECUADOR		200				200/iso ^{2/}
EGYPT	26/8/83	12	24	Limits to be determined ^{9/}		200nm/EXP
EL SALVADOR		200				
EQUATORIAL GUINEA		12		200		
ERITREA ^{2/}		12				
ESTONIA		12		Limits to be determined in coordination with neighbouring States		Defined by coordinate
ETHIOPIA*						
FIJI	10/12/82	12		200		100m/EXP
FINLAND		4	6		12	100m/EXP
FRANCE		12	24	200		200m/EXP
GABON		12	24	200		
GAMBIA	22/5/84	12	18		200	
GEORGIA						

^{8/} To be established in accordance with the United Nations Convention on the Law of the Sea.

^{9/} Eritrea, which was previously part of Ethiopia, became a Member of the United Nations on 28 May 1993. Ethiopia is no longer a coastal State.

State	Convention ratification/ accession/ g/ succession h/	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
GERMANY		3/12/16 ^{10/}			200	200m/EXP
GHANA	7/6/83	12	24	200		200
GREECE		6/10 ^{11/}				200m/EXP
GRENADA	25/4/91	12		200		
GUATEMALA		12		200		200m/EXP
GUINEA	6/9/85	12		200		
GUINEA-BISSAU	25/8/86	12		200		
GUYANA	16/11/93	12 ^{12/}			200	200/CM
HAITI		12	24	200		EXP
HOLY SEE*		-	-	-	-	-
HONDURAS	5/10/93	12	24	200		200m/EXP
HUNGARY*		-	-	-	-	-
ICELAND	21/6/85	12		200		200/CM
INDIA		12	24	200		200/CM
INDONESIA	3/2/86	12		200		EXP
IRAN (Islamic Republic of)		12	24	Up to a line determined by agreement or equidistant line		
IRAQ	30/7/85	12		-		

^{10/} The 3-mile limit claimed by the Federal Republic of Germany before the unification and the 12-mile limit claimed by the German Democratic Republic have not been changed after the unification. At one point in the German Bight the territorial sea extends to 16 miles.

^{11/} The 10-mile limit applies for the purpose of regulating civil aviation.

State	Convention ratification/ accession/ p/ succession ^{1/}	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
IRELAND		12			200	
ISRAEL		12				EXP
ITALY		12				200m/EXP
JAMAICA	21/3/83	12		200		200m/EXP
JAPAN		3/12 12/			200	
JORDAN		3				
KAZAKHSTAN*		-	-	-	-	-
KENYA	2/3/89	12		200		200m/EXP
KIRIBATI		12		200		
KUWAIT	2/5/86	12				
KYRGYZSTAN*		-	-	-	-	-
LAO PEOPLE'S DEMOCRATIC REPUBLIC*		-	-	-	-	-
LATVIA		12				
LEBANON		12				
LESOTHO*		-	-	-	-	-
LIBERIA		200				
LIBYAN ARAB JAMAHIRIYA		12				
LIECHTENSTEIN*		-	-	-	-	-
LITHUANIA		12				

12/ The 3-mile limit applies to the Soya Strait, the Tuguru Strait, the eastern and western channels of the Tsushima Strait and the Osumi Straits only.

State	Convention ratification/ accession/ a/ succession b/	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
LUXEMBOURG*		-	-	-	-	-
MADAGASCAR		12	24	200		200/m/so
MALAWI*		-	-	-	-	-
MALAYSIA		12		200		200m/EXP
MALDIVES		12		Defined by coordinates		
MALI*	16/7/85	-	-	-	-	-
MALTA	20/5/93	12	24		25	200m/EXP
MARSHALL ISLANDS	9/8/91 a/	12	24	200		
MAURITANIA		12	24	200		200/CM
MAURITIUS		12		200		200/CM
MEXICO	18/3/83	12	24	200		200/CM
MICRONESIA (Federated States of)	29/4/91 a/	12		200		
MONACO		12				
MONGOLIA*		-	-	-	-	-
MOROCCO		12	24	200		
MOZAMBIQUE		12		200		
MYANMAR		12	24	200		200/CM
NAMIBIA	18/4/83	12	24	200		
NAURU		12			200	
NEPAL*		-	-	-	-	-
NETHERLANDS		12			200	200m/EXP

State	Convention ratification/ accession/ p/ succession by	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
NEW ZEALAND		12		200		200/CM
NICARAGUA		200				
NIGER*		-	-	-	-	-
NIGERIA	14/8/86	30		200		200m/EXP
NIUE		12		200		
NORWAY		4	10	200		200+np ^{3/}
OMAN	17/8/89	12	24	200		
PAKISTAN		12	24	200		200/CM
PANAMA		200				
PAPUA NEW GUINEA		12			200	200m/EXP
PARAGUAY*	26/9/86	-	-	-	-	-
PERU		200				200
PHILIPPINES	8/5/84			200		EXP
POLAND		12		Up to a line to be determined by treaties		
PORTUGAL		12		200		200m/EXP
QATAR		12	24	Up to equidistant line or a line to be determined by agreement		
REPUBLIC OF KOREA		12				
REPUBLIC OF MOLDOVA*		-	8	-	-	-
ROMANIA		12	24	200		200m/EXP
RUSSIAN FEDERATION		12		200		200m/EXP

State	Convention ratification/ accession/ a/ succession b/	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
RWANDA*		-	-	-	-	-
SAINT KITTS AND NEVIS	7/1/93	12	24	200		200/CM
SAINT LUCIA	27/3/85	12	24	200		200/CM
SAINT VINCENT AND THE GRENADINES	1/10/93	12	24	200		200
SAMOA		12		200		
SAN MARINO*		-	-	-	-	-
SAO TOME AND PRINCIPE	3/11/87	12		200		
SAUDI ARABIA		12	18			
SENEGAL	25/10/84	12	24	200		200/CM
SEYCHELLES	16/9/91	12		200		200/CM
SIERRA LEONE		200				200m/EXP
SINGAPORE		3				
SLOVAKIA*		-	-	-	-	-
SLOVENIA						
SOLOMON ISLANDS		12		200		200
SOMALIA	24/7/89	200				
SOUTH AFRICA		12			200	200m/EXP
SPAIN		12	24	200		200m/EXP
SRI LANKA		12	24	200		200/CM
SUDAN	23/1/85	12	18			200m/EXP
SURINAME		12		200		

State	Conavention ratification/ a/ accession b/ succession	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
SWAZILAND*		-	-	-	-	-
SWEDEN		12		Up to equidistant line with neighbouring States		200m/EXP
SWITZERLAND*		-	-	-	-	-
SYRIAN ARAB REPUBLIC		35	41			200m/EXP
TAJIKISTAN*		-	-	-	-	-
THAILAND		12		200		200m/EXP
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA*		-	-	-	-	-
TOGO	16/4/85	30		200		
TONGA		12		200		200m/EXP
TRINIDAD AND TOBAGO	25/4/86	12	24	200		200m/EXP
TUNISIA	24/4/85	12	24			
TURKEY		6/12 13/		200 14/		
TURKMENISTAN*		-	-	-	-	-
TUVALU		12	24	200		
UGANDA*	9/11/90	-	-	-	-	-
UKRAINE		12		200		200m/EXP
UNITED ARAB EMIRATES		12	24	200		

13/ The 12-mile territorial sea is claimed in the Mediterranean Sea and the Black Sea.

14/ Claimed in the Black Sea.

State	Convention ratification/ accession/ g/ secession h/	Territorial sea (nm)	Contiguous zone (nm)	Exclusive economic zone (nm)	Fishery zone (nm)	Continental shelf
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND		12			200	200m/EXP
UNITED REPUBLIC OF TANZANIA	30/9/85	12		200		
UNITED STATES OF AMERICA		12		200		200m/EXP
URUGUAY	10/12/92	200				200m/EXP
UZBEKISTAN*		-	-	-	-	-
VANUATU		12	24	200		200/CM
VENEZUELA		12	15	200		200m/EXP
VIET NAM		12	24	200		200/CM
YEMEN	21/7/87	12	24	200		200/CM
YUGOSLAVIA	5/5/86	12				200m/EXP
ZAIRE	17/2/89	12		Limits to be determined by agreement		
ZAMBIA*	7/3/83	-	-	-	-	-
ZIMBABWE*	24/2/93	-	-	-	-	-

2. Summary of claims to maritime zones

Number of coastal States ^{15/} 150
Number of land-locked States 42

TERRITORIAL SEA

<u>Breadth</u> (miles)	<u>Number of States</u>
3	4
4	2
6	3
12	120
20	1
30	2
35	1
50	1
200	11

^{15/} Including Cook Islands and Niue, which have signed the United Nations Convention on the Law of the Sea under article 305 (1) (c).

CONTIGUOUS ZONE

<u>Outer limit</u> (miles from territorial sea baseline))	<u>Number of States</u>
4	1
6	1
10	1
15	1
18	4
24	44
41	1

EXCLUSIVE ECONOMIC ZONE

<u>Outer limit</u>	<u>Number of States</u>
- 200 miles from territorial sea baseline	84
- Up to equidistant line with neighbouring States or to be determined by agreement	6
- To be determined in accordance with the United Nations Convention on the Law of the Sea	1
- Determined by coordinates	1

FISHERY ZONE

<u>Outer limit</u> (miles from territorial sea baseline)	<u>Number of States</u>
12	1
25	1
200	15
Up to equidistant line with neighbouring State	1

CONTINENTAL SHELF

<u>Outer limit criteria</u>	<u>Number of States</u>
- Depth (200 metres) plus exploitability (200m/EXP)	40
- Breadth (200 miles) plus continental margin (200/CM)	22
- Breadth (200 miles) (200)	6
- Exploitability (EXP)	5
- Breadth (200 miles or 100 miles from the 2,500-metre isobath) (200/iso)	2
- Continental margin (CM)	1
- Breadth (200/350 miles) (200/350)	1
- Breadth (200 miles) plus natural prolongation (200+np)	1
- Delimitation in conformity with article 83 of UNCLOS	1
- Defined by coordinates	1

III. OTHER INFORMATION

Succession

On 12 January 1994 the instrument of succession to the following treaties was received from the Government of Bosnia and Herzegovina:

Convention on Fishing and Conservation of the Living Resources of the High Seas, done at Geneva on 29 April 1958;

Convention on the Continental Shelf, done at Geneva on 29 April 1958;

Optional protocol of Signature concerning the Compulsory Settlement of Disputes, done at Geneva on 29 April 1958;

United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982.