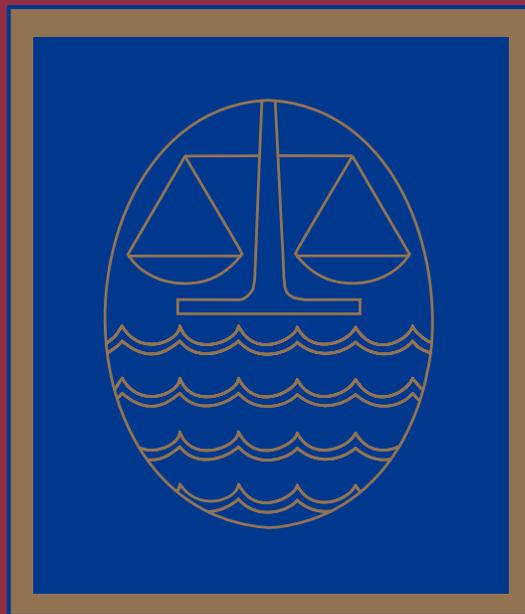


Bulletin No. 88

Law of the Sea



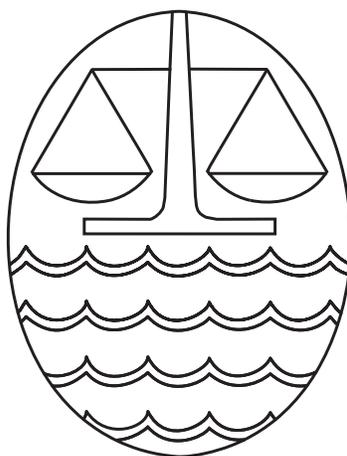
*Division for Ocean Affairs
and the Law of the Sea
Office of Legal Affairs*



United Nations

Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

Law *of the Sea*



Bulletin No. 88



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New York, 2017

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I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, OF THE AGREEMENT RELATING TO THE IMPLEMENTATION OF PART XI OF THE CONVENTION AND OF THE AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION RELATING TO THE CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS¹

1. Table recapitulating the status of the Convention and of the related Agreements, as at 31 July 2015

This consolidated table, prepared by the Division for Ocean Affairs and the Law of the Sea, Office of the Legal Affairs, provides unofficial, quick reference information related to the participation in UNCLOS and the two implementing Agreements. For official information on the status of these treaties, please refer to the publication entitled *Multilateral Treaties Deposited with the Secretary-General* (<https://treaties.un.org>).

The symbol □ indicates (i) that a declaration or statement was made at the time of signature; at the time of ratification/accession or anytime thereafter, or (ii) declarations confirmed upon succession.

A double icon □□ indicates that two declarations were made by the State. The abbreviation (fc) indicates a formal confirmation; (a) an accession; (s) a succession; (ds) a definitive signature; (p) the consent to be bound; (sp) a simplified procedure. Names of States in italics indicate non-members of the United Nations; shaded rows indicate landlocked States.

State or entity	United Nations Convention on the Law of the Sea (in force as from 16/11/1994)			Agreement relating to the implementation of Part XI of the Convention (in force as from 28/07/1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
TOTALS	157	167		79	147	59	82	
Afghanistan	18/03/83							
Albania		23/06/03(a)			23/06/03(p)			
Algeria	10/12/82□	11/06/96	□	29/07/94	11/06/96(p)			
Andorra								
Angola	10/12/82□	05/12/90	□		07/09/10(a)			
Antigua and Barbuda	07/02/83	02/02/89						

¹ Source: Chapter XXI of the publication entitled *Multilateral Treaties Deposited with the Secretary-General*, available at <https://treaties.un.org>, under “Status of Treaties Deposited with the Secretary-General”. Note by the editor: No changes in the status of the Convention and the Related Agreements have occurred since 31 March 2015 (*Law of the Sea Bulletin No. 87*).

State or entity	United Nations Convention on the Law of the Sea (in force as from 16/11/1994)			Agreement relating to the implementation of Part XI of the Convention (in force as from 28/07/1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Argentina	05/10/84	01/12/95		29/07/94	01/12/95	04/12/95		
Armenia		09/12/02(a)			09/12/02(a)			
Australia	10/12/82	05/10/94		29/07/94	05/10/94	04/12/95	23/12/99	
Austria	10/12/82	14/07/95		29/07/94	14/07/95	27/06/96	19/12/03	
Azerbaijan								
Bahamas	10/12/82	29/07/83		29/07/94	28/07/95(sp)		16/01/97(a)	
Bahrain	10/12/82	30/05/85						
Bangladesh	10/12/82	27/07/01			27/07/01(a)	04/12/95	05/11/12	
Barbados	10/12/82	12/10/93		15/11/94	28/07/95(sp)		22/09/00(a)	
Belarus	10/12/82	30/08/06			30/08/06(a)			
Belgium	05/12/84	13/11/98		29/07/94	13/11/98(p)	03/10/96	19/12/03	
Belize	10/12/82	13/08/83			21/10/94(ds)	04/12/95	14/07/05	
Benin	30/08/83	16/10/97			16/10/97(p)			
Bhutan	10/12/82							
Bolivia (Plurinational State of)	27/11/84	28/04/95			28/04/95(p)			
Bosnia and Herzegovina		12/01/94(s)						
Botswana	05/12/84	02/05/90			31/01/05(a)			
Brazil	10/12/82	22/12/88		29/07/94	25/10/07	04/12/95	08/03/00	
Brunei Darussalam	05/12/84	05/11/96			05/11/96(p)			
Bulgaria	10/12/82	15/05/96			15/05/96(a)		13/12/06(a)	
Burkina Faso	10/12/82	25/01/05		30/11/94	25/01/05(p)	15/10/96		
Burundi	10/12/82							
Cabo Verde	10/12/82	10/08/87		29/07/94	23/04/08			
Cambodia	01/07/83							

Cameroon	10/12/82	19/11/85		24/05/95	28/08/02			
Canada	10/12/82	07/11/03	☐	29/07/94	07/11/03	04/12/95	03/08/99	☐
Central African Republic	04/12/84							
Chad	10/12/82	14/08/09			14/08/09(p)			
Chile	10/12/82☐	25/08/97	☐		25/08/97(a)			
China	10/12/82	07/06/96	☐☐	29/07/94	07/06/96(p)	06/11/96☐		
Colombia	10/12/82							
Comoros	06/12/84	21/06/94						
Congo	10/12/82	09/07/08			09/07/08(p)			
<i>Cook Islands</i>	10/12/82	15/02/95			15/02/95(a)		01/04/99(a)	
Costa Rica	10/12/82☐	21/09/92			20/09/01(a)		18/06/01(a)	
Côte d'Ivoire	10/12/82	26/03/84		25/11/94	28/07/95(sp)	24/01/96		
Croatia		05/04/95(s)	☐☐		05/04/95(p)		10/09/13(a)	
Cuba	10/12/82☐	15/08/84	☐		17/10/02(a)			
Cyprus	10/12/82	12/12/88		01/11/94	27/07/95		25/09/02(a)	
Czech Republic	22/02/93	21/06/96	☐	16/11/94	21/06/96		19/03/07(a)	☐
Democratic People's Republic of Korea	10/12/82							
Democratic Republic of the Congo	22/08/83	17/02/89						
Denmark	10/12/82	16/11/04	☐	29/07/94	16/11/04	27/06/96	19/12/03	☐
Djibouti	10/12/82	08/10/91						
Dominica	28/03/83	24/10/91						
Dominican Republic	10/12/82	10/07/09			10/07/09(p)			
Ecuador		24/09/12(a)	☐		24/09/12(p)			
Egypt	10/12/82	26/08/83	☐	22/03/95		05/12/95		
El Salvador	05/12/84							
Equatorial Guinea	30/01/84	21/07/97	☐		21/07/97(p)			
Eritrea								
Estonia		26/08/05(a)	☐		26/08/05(a)		07/08/06(a)	☐
Ethiopia	10/12/82							
<i>European Union</i>	07/12/84☐	01/04/98(fc)	☐	29/07/94	01/04/98(fc)	27/06/96☐	19/12/03	☐

State or entity	United Nations Convention on the Law of the Sea (in force as from 16/11/1994)			Agreement relating to the implementation of Part XI of the Convention (in force as from 28/07/1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Fiji	10/12/82	10/12/82		29/07/94	28/07/95	04/12/95	12/12/96	
Finland	10/12/82	21/06/96		29/07/94	21/06/96	27/06/96	19/12/03	
France	10/12/82	11/04/96		29/07/94	11/04/96	04/12/96	19/12/03	
Gabon	10/12/82	11/03/98		04/04/95	11/03/98(p)	07/10/96		
Gambia	10/12/82	22/05/84						
Georgia		21/03/96(a)			21/03/96(p)			
Germany		14/10/94(a)		29/07/94	14/10/94	28/08/96	19/12/03	
Ghana	10/12/82	7/06/83						
Greece	10/12/82	21/07/95		29/07/94	21/07/95	27/06/96	19/12/03	
Grenada	10/12/82	25/04/91		14/11/94	28/07/95(sp)			
Guatemala	08/07/83	11/02/97			11/02/97(p)			
Guinea	04/10/84	06/09/85		26/08/94	28/07/95(sp)		16/09/05(a)	
Guinea Bissau	10/12/82	25/08/86				04/12/95		
Guyana	10/12/82	16/11/93			25/09/08(a)			
Haiti	10/12/82	31/07/96			31/07/96(p)			
<i>Holy See</i>								
Honduras	10/12/82	05/10/93			28/07/03(a)			
Hungary	10/12/82	05/02/02			05/02/02(a)		16/05/08(a)	
Iceland	10/12/82	21/06/85		29/07/94	28/07/95(sp)	04/12/95	14/02/97	
India	10/12/82	29/06/95		29/07/94	29/06/95		19/08/03(a)	
Indonesia	10/12/82	03/02/86		29/07/94	02/06/00	04/12/95	28/09/09	
Iran (Islamic Republic of)	10/12/82						17/04/98(a)	
Iraq	10/12/82	30/07/85						
Ireland	10/12/82	21/06/96		29/07/94	21/06/96	27/06/96	19/12/03	

Israel						04/12/95		
Italy	07/12/84	13/01/95		29/07/94	13/01/95	27/06/96	19/12/03	
Jamaica	10/12/82	21/03/83		29/07/94	28/07/95(sp)	04/12/95		
Japan	07/02/83	20/06/96		29/07/94	20/06/96	19/11/96	07/08/06	
Jordan		27/11/95(a)			27/11/95(p)			
Kazakhstan								
Kenya	10/12/82	02/03/89			29/07/94(ds)		13/07/04(a)	
Kiribati		24/02/03(a)			24/02/03(p)		15/09/05(a)	
Kuwait	10/12/82	02/05/86			02/08/02(a)			
Kyrgyzstan								
Lao People's Democratic Republic	10/12/82	05/06/98		27/10/94	05/06/98(p)			
Latvia		23/12/04(a)			23/12/04(a)		05/02/07(a)	
Lebanon	07/12/84	05/01/95			05/01/95(p)			
Lesotho	10/12/82	31/05/07			31/05/07(p)			
Liberia	10/12/82	25/09/08			25/09/08(p)		16/09/05(a)	
Libya	03/12/84							
Liechtenstein	30/11/84							
Lithuania		12/11/03(a)			12/11/03(a)		01/03/07(a)	
Luxembourg	05/12/84	05/10/00		29/07/94	05/10/00	27/06/96	19/12/03	
Madagascar	25/02/83	22/08/01			22/08/01(p)			
Malawi	07/12/84	28/09/10			28/09/10(p)			
Malaysia	10/12/82	14/10/96		02/08/94	14/10/96(p)			
Maldives	10/12/82	07/09/00		10/10/94	07/09/00(p)	08/10/96	30/12/98	
Mali	19/10/83	16/07/85						
Malta	10/12/82	20/05/93		29/07/94	26/06/96		11/11/01(a)	
Marshall Islands		09/08/91(a)				04/12/95	19/03/03	
Mauritania	10/12/82	17/07/96		02/08/94	17/07/96(p)	21/12/95		
Mauritius	10/12/82	04/11/94			04/11/94(p)		25/03/97(a)	
Mexico	10/12/82	18/03/83			10/04/03(a)			

State or entity	United Nations Convention on the Law of the Sea (in force as from 16/11/1994)			Agreement relating to the implementation of Part XI of the Convention (in force as from 28/07/1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Micronesia (Federated States of)		29/04/91(a)		10/08/94	06/09/95	04/12/95	23/05/97	
Monaco	10/12/82	20/03/96		30/11/94	20/03/96(p)		09/06/99(a)	
Mongolia	10/12/82	13/08/96		17/08/94	13/08/96(p)			
Montenegro		23/10/06(d)	☐		23/10/06(d)			
Morocco	10/12/82	31/05/07	☐	19/10/94	31/05/07	04/12/95	19/09/2012	
Mozambique	10/12/82	13/03/97			13/03/97(a)		10/12/08(a)	
Myanmar	10/12/82	21/05/96			21/05/96(a)			
Namibia	10/12/82	18/04/83		29/07/94	28/07/95(sp)	19/04/96	08/04/98	
Nauru	10/12/82	23/01/96			23/01/96(p)		10/01/97(a)	
Nepal	10/12/82	02/11/98			02/11/98(p)			
Netherlands	10/12/82	28/06/96	☐	29/07/94	28/06/96	28/06/96☐	19/12/03	☐
New Zealand	10/12/82	19/07/96		29/07/94	19/07/96	04/12/95	18/04/01	
Nicaragua	09/12/84☐	03/05/00	☐		03/05/00(p)			
Niger	10/12/82	07/08/13			07/08/13(p)			
Nigeria	10/12/82	14/08/86		25/10/94	28/07/95(sp)		02/11/09(a)	
Niue	05/12/84	11/10/06			11/10/06(p)	04/12/95	11/10/06	
Norway	10/12/82	24/06/96	☐		24/06/96(a)	04/12/95	30/12/96	☐
Oman	01/07/83☐	17/08/89	☐		26/02/97(a)		14/05/08(a)	
Pakistan	10/12/82	26/02/97	☐	10/08/94	26/02/97(p)	15/02/96		
Palau		30/09/96(a)	☐		30/09/96(p)		26/03/08(a)	
Panama	10/12/82	01/07/96	☐		01/07/96(p)		16/12/08(a)	
Papua New Guinea	10/12/82	14/01/97			14/01/97(p)	04/12/95	04/06/99	
Paraguay	10/12/82	26/09/86		29/07/94	10/07/95			

Peru								
Philippines	10/12/82	08/05/84		15/11/94	23/07/97	30/08/96	24/09/14	
Poland	10/12/82	13/11/98		29/07/94	13/11/98(p)		14/03/06(a)	
Portugal	10/12/82	03/11/97		29/07/94	03/11/97	27/06/96	19/12/03	
Qatar	27/11/84	09/12/02			09/12/02(p)			
Republic of Korea	14/03/83	29/01/96		07/11/94	29/01/96	26/11/96	01/02/08	
Republic of Moldova		06/02/07(a)			06/02/07(p)			
Romania	10/12/82	17/12/96			17/12/96(a)		16/07/07(a)	
Russian Federation	10/12/82	12/03/97			12/03/97(a)	04/12/95	04/08/97	
Rwanda	10/12/82							
Saint Kitts and Nevis	07/12/84	07/01/93						
Saint Lucia	10/12/82	27/03/85				12/12/95	09/08/96	
Saint Vincent and the Grenadines	10/12/82	01/10/93					29/10/10(a)	
Samoa	28/09/84	14/08/95		07/07/95	14/08/95(p)	04/12/95	25/10/96	
San Marino								
Sao Tome and Principe	13/07/83	03/11/87						
Saudi Arabia	07/12/84	24/04/96			24/04/96(p)			
Senegal	10/12/82	25/10/84		09/08/94	25/07/95	04/12/95	30/01/97	
Serbia	²	12/03/01(s)		12/05/95	28/07/95(sp) ²			
Seychelles	10/12/82	16/09/91		29/07/94	15/12/94	04/12/96	20/03/98	
Sierra Leone	10/12/82	12/12/94			12/12/94(p)			
Singapore	10/12/82	17/11/94			17/11/94(p)			
Slovakia	28/05/93	08/05/96		14/11/94	08/05/96		06/11/08(a)	
Slovenia		16/06/95(s)		19/01/95	16/06/95		15/06/06(a)	
<i>Solomon Islands</i>	10/12/82	23/06/97			23/06/97(p)		13/02/97(a)	
Somalia	10/12/82	24/07/89						
South Africa	05/12/84	23/12/97		03/10/94	23/12/97		14/08/03(a)	

² For further details, see Chapter XXI, sections 6 and 6.a, of the publication entitled *Multilateral Treaties Deposited with the Secretary-General*, available at https://treaties.un.org/Pages/Treaties.aspx?id=21&subid=A&clang=_en.

State or entity	United Nations Convention on the Law of the Sea (in force as from 16/11/1994)			Agreement relating to the implementation of Part XI of the Convention (in force as from 28/07/1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
South Sudan								
Spain	04/12/84	15/01/97		29/07/94	15/01/97	03/12/96	19/12/03	
Sri Lanka	10/12/82	19/07/94		29/07/94	28/07/95(sp)	09/10/96	24/10/96	
State of Palestine		02/01/15(a)			02/01/15(p)			
Sudan	10/12/82	23/01/85		29/07/94				
Suriname	10/12/82	09/07/98			09/07/98(p)			
Swaziland	18/01/84	24/09/12		12/10/94	24/09/12(p)			
Sweden	10/12/82	25/06/96		29/07/94	25/06/96	27/06/96	19/12/03	
Switzerland	17/10/84	01/05/09		26/10/94	01/05/09			
Syrian Arab Republic								
Tajikistan								
Thailand	10/12/82	15/05/11			15/05/11(a)			
The former Yugoslav Republic of Macedonia		19/08/94 (s)			19/08/94(p)			
Timor-Leste		08/01/13(a)			08/01/13(p)			
Togo	10/12/82	16/04/85		03/08/94	28/07/95(sp)			
Tonga		02/08/95(a)			2/08/95(p)	04/12/95	31/07/96	
Trinidad and Tobago	10/12/82	25/04/86		10/10/94	28/07/95(sp)		13/09/06(a)	
Tunisia	10/12/82	24/04/85		15/05/95	24/05/02			
Turkey								
Turkmenistan								
Tuvalu	10/12/82	09/12/02			09/12/02(p)		02/02/09(a)	
Uganda	10/12/82	09/11/90		09/08/94	28/07/95(sp)	10/10/96		
Ukraine	10/12/82	26/07/99		28/02/95	26/07/99	04/12/95	27/02/03	

United Arab Emirates	10/12/82							
United Kingdom of Great Britain and Northern Ireland		25/07/97(a)	☐☐	29/07/94	25/07/97	04/12/95	10/12/01 19/12/03 ³	
United Republic of Tanzania	10/12/82	30/09/85	☐	07/10/94	25/06/98			
United States of America				29/07/94		04/12/95	21/08/96	☐
Uruguay	10/12/82☐	10/12/92	☐	29/07/94	07/08/07	16/01/96☐	10/09/99	☐
Uzbekistan								
Vanuatu	10/12/82	10/08/99		29/07/94	10/08/99(p)	23/07/96		
Venezuela (Bolivarian Republic of)								
Viet Nam	10/12/82	25/07/94	☐		27/04/06(a)			
Yemen	10/12/82☐	21/07/87	☐		13/10/14(a)			
Zambia	10/12/82	07/03/83		13/10/94	28/07/95(sp)			
Zimbabwe	10/12/82	24/02/93		28/10/94	28/07/95(sp)			
TOTALS	157	167		79	147	59	82	

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³ For further details, see Chapter XXI, section 7, of the publication entitled *Multilateral Treaties Deposited with the Secretary-General*, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XXI-7&chapter=21&clang=_en.

2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 July 2015

(a) The Convention

1. Fiji (10 December 1982)
2. Zambia (7 March 1983)
3. Mexico (18 March 1983)
4. Jamaica (21 March 1983)
5. Namibia (18 April 1983)
6. Ghana (7 June 1983)
7. Bahamas (29 July 1983)
8. Belize (13 August 1983)
9. Egypt (26 August 1983)
10. Côte d'Ivoire (26 March 1984)
11. Philippines (8 May 1984)
12. Gambia (22 May 1984)
13. Cuba (15 August 1984)
14. Senegal (25 October 1984)
15. Sudan (23 January 1985)
16. Saint Lucia (27 March 1985)
17. Togo (16 April 1985)
18. Tunisia (24 April 1985)
19. Bahrain (30 May 1985)
20. Iceland (21 June 1985)
21. Mali (16 July 1985)
22. Iraq (30 July 1985)
23. Guinea (6 September 1985)
24. United Republic of Tanzania (30 September 1985)
25. Cameroon (19 November 1985)
26. Indonesia (3 February 1986)
27. Trinidad and Tobago (25 April 1986)
28. Kuwait (2 May 1986)
29. Nigeria (14 August 1986)
30. Guinea-Bissau (25 August 1986)
31. Paraguay (26 September 1986)
32. Yemen (21 July 1987)
33. Cabo Verde (10 August 1987)
34. Sao Tome and Principe (3 November 1987)
35. Cyprus (12 December 1988)
36. Brazil (22 December 1988)
37. Antigua and Barbuda (2 February 1989)
38. Democratic Republic of the Congo (17 February 1989)
39. Kenya (2 March 1989)
40. Somalia (24 July 1989)
41. Oman (17 August 1989)
42. Botswana (2 May 1990)
43. Uganda (9 November 1990)
44. Angola (5 December 1990)
45. Grenada (25 April 1991)
46. Micronesia (Federated States of) (29 April 1991)
47. Marshall Islands (9 August 1991)
48. Seychelles (16 September 1991)
49. Djibouti (8 October 1991)
50. Dominica (24 October 1991)
51. Costa Rica (21 September 1992)
52. Uruguay (10 December 1992)
53. Saint Kitts and Nevis (7 January 1993)
54. Zimbabwe (24 February 1993)
55. Malta (20 May 1993)
56. Saint Vincent and the Grenadines (1 October 1993)
57. Honduras (5 October 1993)
58. Barbados (12 October 1993)
59. Guyana (16 November 1993)
60. Bosnia and Herzegovina (12 January 1994)
61. Comoros (21 June 1994)
62. Sri Lanka (19 July 1994)
63. Viet Nam (25 July 1994)
64. The former Yugoslav Republic of Macedonia (19 August 1994)
65. Australia (5 October 1994)
66. Germany (14 October 1994)
67. Mauritius (4 November 1994)
68. Singapore (17 November 1994)
69. Sierra Leone (12 December 1994)
70. Lebanon (5 January 1995)
71. Italy (13 January 1995)
72. Cook Islands (15 February 1995)
73. Croatia (5 April 1995)
74. Bolivia (Plurinational State of) (28 April 1995)
75. Slovenia (16 June 1995)
76. India (29 June 1995)
77. Austria (14 July 1995)
78. Greece (21 July 1995)
79. Tonga (2 August 1995)
80. Samoa (14 August 1995)

81. Jordan (27 November 1995)
82. Argentina (1 December 1995)
83. Nauru (23 January 1996)
84. Republic of Korea (29 January 1996)
85. Monaco (20 March 1996)
86. Georgia (21 March 1996)
87. France (11 April 1996)
88. Saudi Arabia (24 April 1996)
89. Slovakia (8 May 1996)
90. Bulgaria (15 May 1996)
91. Myanmar (21 May 1996)
92. China (7 June 1996)
93. Algeria (11 June 1996)
94. Japan (20 June 1996)
95. Czech Republic (21 June 1996)
96. Finland (21 June 1996)
97. Ireland (21 June 1996)
98. Norway (24 June 1996)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatemala (11 February 1997)
113. Pakistan (26 February 1997)
114. Russian Federation (12 March 1997)
115. Mozambique (13 March 1997)
116. Solomon Islands (23 June 1997)
117. Equatorial Guinea (21 July 1997)
118. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
119. Chile (25 August 1997)
120. Benin (16 October 1997)
121. Portugal (3 November 1997)
122. South Africa (23 December 1997)
123. Gabon (11 March 1998)
124. European Union (1 April 1998)
125. Lao People's Democratic Republic (5 June 1998)
126. Suriname (9 July 1998)
127. Nepal (2 November 1998)
128. Belgium (13 November 1998)
129. Poland (13 November 1998)
130. Ukraine (26 July 1999)
131. Vanuatu (10 August 1999)
132. Nicaragua (3 May 2000)
133. Maldives (7 September 2000)
134. Luxembourg (5 October 2000)
135. Serbia (12 March 2001)
136. Bangladesh (27 July 2001)
137. Madagascar (22 August 2001)
138. Hungary (5 February 2002)
139. Armenia (9 December 2002)
140. Qatar (9 December 2002)
141. Tuvalu (9 December 2002)
142. Kiribati (24 February 2003)
143. Albania (23 June 2003)
144. Canada (7 November 2003)
145. Lithuania (12 November 2003)
146. Denmark (16 November 2004)
147. Latvia (23 December 2004)
148. Burkina Faso (25 January 2005)
149. Estonia (26 August 2005)
150. Belarus (30 August 2006)
151. Niue (11 October 2006)
152. Montenegro (23 October 2006)
153. Republic of Moldova (6 February 2007)
154. Lesotho (31 May 2007)
155. Morocco (31 May 2007)
156. Congo (9 July 2008)
157. Liberia (25 September 2008)
158. Switzerland (1 May 2009)
159. Dominican Republic (10 July 2009)
160. Chad (14 August 2009)
161. Malawi (28 September 2010)
162. Thailand (15 May 2011)
163. Ecuador (24 September 2012)
164. Swaziland (24 September 2012)
165. Timor-Leste (8 January 2013)
166. Niger (7 August 2013)
167. State of Palestine (2 January 2015)

(b) *Agreement relating to the Implementation of Part XI of the Convention*

1. Kenya (29 July 1994)
2. The former Yugoslav Republic of Macedonia (19 August 1994)
3. Australia (5 October 1994)
4. Germany (14 October 1994)
5. Belize (21 October 1994)
6. Mauritius (4 November 1994)
7. Singapore (17 November 1994)
8. Sierra Leone (12 December 1994)
9. Seychelles (15 December 1994)
10. Lebanon (5 January 1995)
11. Italy (13 January 1995)
12. Cook Islands (15 February 1995)
13. Croatia (5 April 1995)
14. Bolivia (Plurinational State of) (28 April 1995)
15. Slovenia (16 June 1995)
16. India (29 June 1995)
17. Paraguay (10 July 1995)
18. Austria (14 July 1995)
19. Greece (21 July 1995)
20. Senegal (25 July 1995)
21. Cyprus (27 July 1995)
22. Bahamas (28 July 1995)
23. Barbados (28 July 1995)
24. Côte d'Ivoire (28 July 1995)
25. Fiji (28 July 1995)
26. Grenada (28 July 1995)
27. Guinea (28 July 1995)
28. Iceland (28 July 1995)
29. Jamaica (28 July 1995)
30. Namibia (28 July 1995)
31. Nigeria (28 July 1995)
32. Sri Lanka (28 July 1995)
33. Togo (28 July 1995)
34. Trinidad and Tobago (28 July 1995)
35. Uganda (28 July 1995)
36. Serbia (28 July 1995)
37. Zambia (28 July 1995)
38. Zimbabwe (28 July 1995)
39. Tonga (2 August 1995)
40. Samoa (14 August 1995)
41. Micronesia (Federated States of) (6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)
47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)
53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (30 September 1996)
69. Malaysia (14 October 1996)
70. Brunei Darussalam (5 November 1996)
71. Romania (17 December 1996)
72. Papua New Guinea (14 January 1997)
73. Spain (15 January 1997)
74. Guatemala (11 February 1997)
75. Oman (26 February 1997)
76. Pakistan (26 February 1997)
77. Russian Federation (12 March 1997)
78. Mozambique (13 March 1997)
79. Solomon Islands (23 June 1997)
80. Equatorial Guinea (21 July 1997)
81. Philippines (23 July 1997)
82. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
83. Chile (25 August 1997)
84. Benin (16 October 1997)
85. Portugal (3 November 1997)
86. South Africa (23 December 1997)
87. Gabon (11 March 1998)
88. European Union (1 April 1998)

89. Lao People's Democratic Republic (5 June 1998)
90. United Republic of Tanzania (25 June 1998)
91. Suriname (9 July 1998)
92. Nepal (2 November 1998)
93. Belgium (13 November 1998)
94. Poland (13 November 1998)
95. Ukraine (26 July 1999)
96. Vanuatu (10 August 1999)
97. Nicaragua (3 May 2000)
98. Indonesia (2 June 2000)
99. Maldives (7 September 2000)
100. Luxembourg (5 October 2000)
101. Bangladesh (27 July 2001)
102. Madagascar (22 August 2001)
103. Costa Rica (20 September 2001)
104. Hungary (5 February 2002)
105. Tunisia (24 May 2002)
106. Cameroon (28 August 2002)
107. Kuwait (2 August 2002)
108. Cuba (17 October 2002)
109. Armenia (9 December 2002)
110. Qatar (9 December 2002)
111. Tuvalu (9 December 2002)
112. Kiribati (24 February 2003)
113. Mexico (10 April 2003)
114. Albania (23 June 2003)
115. Honduras (28 July 2003)
116. Canada (7 November 2003)
117. Lithuania (12 November 2003)
118. Denmark (16 November 2004)
119. Latvia (23 December 2004)
120. Botswana (31 January 2005)
121. Burkina Faso (25 January 2005)
122. Estonia (26 August 2005)
123. Viet Nam (27 April 2006)
124. Belarus (30 August 2006)
125. Niue (11 October 2006)
126. Montenegro (23 October 2006)
127. Republic of Moldova (6 February 2007)
128. Lesotho (31 May 2007)
129. Morocco (31 May 2007)
130. Uruguay (7 August 2007)
131. Brazil (25 October 2007)
132. Cabo Verde (23 April 2008)
133. Congo (9 July 2008)
134. Guyana (25 September 2008)
135. Liberia (25 September 2008)
136. Switzerland (1 May 2009)
137. Dominican Republic (10 July 2009)
138. Chad (14 August 2009)
139. Angola (7 September 2010)
140. Malawi (28 September 2010)
141. Thailand (15 May 2011)
142. Ecuador (24 September 2012)
143. Swaziland (24 September 2012)
144. Timor-Leste (8 January 2013)
145. Niger (7 August 2013)
146. Yemen (13 October 2014)
147. State of Palestine (2 January 2015)

(c) *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)
3. United States of America (21 August 1996)
4. Sri Lanka (24 October 1996)
5. Samoa (25 October 1996)
6. Fiji (12 December 1996)
7. Norway (30 December 1996)
8. Nauru (10 January 1997)
9. Bahamas (16 January 1997)
10. Senegal (30 January 1997)
11. Solomon Islands (13 February 1997)
12. Iceland (14 February 1997)
13. Mauritius (25 March 1997)
14. Micronesia (Federated States of) (23 May 1997)
15. Russian Federation (4 August 1997)
16. Seychelles (20 March 1998)
17. Namibia (8 April 1998)
18. Iran (Islamic Republic of) (17 April 1998)
19. Maldives (30 December 1998)
20. Cook Islands (1 April 1999)
21. Papua New Guinea (4 June 1999)
22. Monaco (9 June 1999)
23. Canada (3 August 1999)
24. Uruguay (10 September 1999)
25. Australia (23 December 1999)
26. Brazil (8 March 2000)
27. Barbados (22 September 2000)
28. New Zealand (18 April 2001)
29. Costa Rica (18 June 2001)
30. Malta (11 November 2001)
31. United Kingdom of Great Britain and Northern Ireland (10 December 2001), (19 December 2003)
32. Cyprus (25 September 2002)
33. Ukraine (27 February 2003)
34. Marshall Islands (19 March 2003)
35. South Africa (14 August 2003)
36. India (19 August 2003)
37. European Union (19 December 2003)
38. Austria (19 December 2003)
39. Belgium (19 December 2003)
40. Denmark (19 December 2003)
41. Finland (19 December 2003)
42. France (19 December 2003)
43. Germany (19 December 2003)
44. Greece (19 December 2003)
45. Ireland (19 December 2003)
46. Italy (19 December 2003)
47. Luxembourg (19 December 2003)
48. Netherlands (19 December 2003)
49. Portugal (19 December 2003)
50. Spain (19 December 2003)
51. Sweden (19 December 2003)
52. Kenya (13 July 2004)
53. Belize (14 July 2005)
54. Kiribati (15 September 2005)
55. Guinea (16 September 2005)
56. Liberia (16 September 2005)
57. Poland (14 March 2006)
58. Slovenia (15 June 2006)
59. Estonia (7 August 2006)
60. Japan (7 August 2006)
61. Trinidad and Tobago (13 September 2006)
62. Niue (11 October 2006)
63. Bulgaria (13 December 2006)
64. Latvia (5 February 2007)
65. Lithuania (1 March 2007)
66. Czech Republic (19 March 2007)
67. Romania (16 July 2007)
68. Republic of Korea (1 February 2008)
69. Palau (26 March 2008)
70. Oman (14 May 2008)
71. Hungary (16 May 2008)
72. Slovakia (6 November 2008)
73. Mozambique (10 December 2008)
74. Panama (16 December 2008)
75. Tuvalu (2 February 2009)
76. Indonesia (28 September 2009)
77. Nigeria (2 November 2009)
78. Saint Vincent and the Grenadines (29 October 2010)
79. Morocco (19 September 2012)
80. Bangladesh (5 November 2012)
81. Croatia (10 September 2013)
82. Philippines (24 September 2014)

3. *Declarations by States*⁴

(a) *Panama: Declaration under Article 287, 29 April 2015*⁵

In accordance with paragraph 1 of article 287 of the United Nations Convention on the Law of the Sea of December 10th, 1982, the Government of the Republic of Panama declares that it accepts the competence and jurisdiction of the International Tribunal of the Law of the Sea for the settlement of the dispute between the Government of the Republic of Panama and the Government of the Italian Republic concerning the interpretation or application of UNCLOS that arose from the detention of the Motor Tanker NORSTAR, flying the Panamanian flag.

(b) *Objections to the Interpretative Declaration made by the Democratic Republic of the Congo, 15 April 2014*⁶

(i) *Germany, 10 April 2015*⁷

“The Permanent Mission of the Federal Republic of Germany to the United Nations in New York presents its compliments to the Secretary-General of the United Nations acting in his capacity as treaty depository and, with reference to depository notification C.N.221.2014.TREATIES-XXI.6 of 15 April 2014, regarding the interpretative declaration and declarations under Articles 287 and 298 of the United Nations Convention on the Law of Sea of 10 December 1982 made by the Democratic Republic of the Congo, has the honour to communicate the following:

The Federal Republic of Germany would like to point out that under Articles 309 and 310 of the United Nations Convention on the Law of the Sea, the formulation of reservations or exceptions to the Convention is prohibited, and that the Democratic Republic of the Congo is not permitted to exclude or modify the legal effect of the provisions of the Convention in their application to the Democratic Republic of the Congo.

The Federal Republic of Germany is of the view that the interpretative declaration made by the Democratic Republic of the Congo is unclear in important respects, leaves open to what extent the Democratic Republic of the Congo feels bound by the provisions of the Convention, and in substance may constitute a reservation that excludes or modifies the legal effects of the provisions of the Convention in their application to the Democratic Republic of the Congo.

The Federal Republic of Germany would also like to point out that declarations or statements under Article 310 of the Convention may only be made when signing, ratifying or acceding to the Convention.

The Democratic Republic of the Congo had deposited its instrument of ratification on 17 February 1989, whereas the interpretative declaration was effected only on 15 April 2014. Apart from the inadmissible timing of the interpretative declaration, Article 310 only permits declarations or statements made with a view, *inter alia*, to harmonizing States’ domestic laws and regulations with the provisions of the Convention, and provided that such declarations or statements do not purport to exclude or modify the legal effects of the provisions of the Convention in their application to these States.

The Federal Republic of Germany therefore objects to the interpretative declaration made by the Democratic Republic of the Congo to the extent that any part of it constitutes a reservation not otherwise permitted by the Convention or purports to exclude or modify the legal effects of any of the provisions of the Convention in their application to the Democratic Republic of the Congo.

This objection shall not preclude the continued application of the Convention between the Federal Republic of Germany and the Democratic Republic of the Congo.”

⁴ Depository notifications are issued in electronic format only. Depository notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <https://treaties.un.org>, under “Depository Notifications (CNs)”. In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depository notifications by e-mail through the Treaty Section’s “Automated Subscription Services”, which is also available at <https://treaties.un.org>.

⁵ *Original*: Spanish and English. Refer to depository notifications C.N.291.1996.TREATIES.6 of 29 October 1996 (Ratification: Panama) and C.N.291.2015.TREATIES-XXI.6 of 11 May 2015.

⁶ Refer to depository notification C.N.221.2014.TREATIES-XXI.6 of 29 April 2014 (Interpretative Declaration and Declarations under articles 287 and 298: Democratic Republic of the Congo).

⁷ Refer to depository notification C.N.251.2015.TREATIES-XXI.6 of 15 April 2015.

(ii) *Sweden, 24 April 2015*⁸

“The Permanent Mission of Sweden to the United Nations presents its compliments to the Secretary-General of the United Nations acting in his capacity as treaty depositary and has the honour to refer to the Secretary-General's note C.N.221.2014.TREATIES-XXI.6 (Depositary Notification) of 29 April 2014, communicating an interpretative declaration and declarations under articles 287 and 298 to the United Nations Convention on the Law of the Sea (UNCLOS) made by the Democratic Republic of the Congo.

The Government of Sweden has examined the interpretative declaration made by the Democratic Republic of the Congo to UNCLOS.

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the interpretative declaration made by the Democratic Republic of the Congo may in substance constitute a reservation limiting or modifying the scope of the Convention.

The Government of Sweden also recalls that according to article 309 of UNCLOS no reservations or exceptions may be made to the Convention unless expressly permitted in the Convention. If the interpretative declaration in any way intends to deviate from the provisions of the Convention, it will have no effect on the content and extent to which the Democratic Republic of the Congo is bound by the Convention.

The Government of Sweden also recalls that declarations or statements under Article 310 of the Convention may only be made when signing, ratifying or acceding to the Convention and that Article 310 only permits declarations or statements made with a view, inter alia, to harmonizing States' domestic laws and regulations with the provisions of the Convention, and provided that such declarations or statements do not purport to exclude or modify the legal effects of the provisions of the Convention in their application to these States.

The Government of Sweden therefore objects to the interpretative declaration made by the Democratic Republic of the Congo to the extent that any part of it constitutes a reservation not otherwise permitted by the Convention or purports to exclude or modify the legal effects of any of the provisions of the Convention in their application to the Democratic Republic of the Congo.

This objection shall not affect the continued application of the Convention between Sweden and the Democratic Republic of the Congo.”

(iii) *Netherlands, 27 April 2015*⁹

“The Government of the Kingdom of the Netherlands has taken note of the interpretative declaration made by the Democratic Republic of the Congo with respect to the United Nations Convention on the Law of the Sea, as communicated by the Secretary-General via depositary notification C.N.221.2014. TREATIES-XXI.6 of 29 April 2014, and has the honour to communicate the following:

The Kingdom of the Netherlands would like to point out that under Articles 309 and 310 of the United Nations Convention on the Law of the Sea, the formulation of reservations or exceptions to the Convention is prohibited, and that the Democratic Republic of the Congo is not permitted to exclude or modify the legal effect of the provisions of the Convention in their application to the Democratic Republic of the Congo.

The Kingdom of the Netherlands is of the view that the interpretative declaration made by the Democratic Republic of the Congo is unclear in important respects, leaves open to what extent the Democratic Republic of the Congo feels bound by the provisions of the Convention, and in substance may constitute a reservation that excludes or modifies the legal effects of the provisions of the Convention in their application to the Democratic Republic of the Congo.

The Kingdom of the Netherlands would also like to point out that declarations or statements under Article 310 of the Convention may only be made when signing, ratifying or acceding to the Convention.

⁸ Refer to depositary notification C.N.285.2015.TREATIES-XXI.6 of 5 May 2015.

⁹ Refer to depositary notification C.N.275.2015.TREATIES-XXI.6 of 30 May 2015.

The Democratic Republic of the Congo deposited its instrument of ratification on 17 February 1989, whereas the interpretative declaration was deposited only on 15 April 2014. Apart from the inadmissible timing of the interpretative declaration, Article 310 only permits declarations or statements made with a view, *inter alia*, to harmonizing States' domestic laws and regulations with the provisions of the Convention, and provided that such declarations or statements do not purport to exclude or modify the legal effects of the provisions of the Convention in their application to these States.

The Kingdom of the Netherlands therefore objects to the interpretative declarations made by the Democratic Republic of the Congo to the extent that any part of it constitutes a reservation not otherwise permitted by the Convention or purports to exclude or modify the legal effects of any of the provisions of the Convention in their application to the Democratic Republic of the Congo.

This objection shall not preclude the continued application of the Convention between the Kingdom of the Netherlands and the Democratic Republic of the Congo.”

(iv) *France, 28 April 2015*¹⁰

The Permanent Mission of France to the United Nations presents its compliments to the United Nations Secretariat (Office of Legal Affairs, Treaty Section), and has the honour to refer to the depositary notification (C.N.221.2014.TREATIES-XXI.6) of 15 April 2014, relating to the interpretative declaration made by the Democratic Republic of the Congo with respect to the United Nations Convention on the Law of the Sea, signed in Montego Bay on 10 December 1982.

The Government of the French Republic has examined the interpretative declaration made by the Democratic Republic of the Congo on 15 April 2014, which contains the following statement: “The Government of the Democratic Republic of the Congo reserves the right to interpret any and all articles of the Convention in the context of and with due regard to the sovereignty of the Democratic Republic of the Congo and its territorial integrity as it applies to land, space and sea. Details of these interpretations will be placed on record in the instruments of ratification of the Convention. The present signature is without prejudice to the position taken by the Government of the Democratic Republic of the Congo or to be taken by it on the Convention in the future.”

The French Government notes that the Democratic Republic of the Congo has been a party to the Convention since 17 February 1989. In accordance with article 310 of the Convention and customary international law as codified in the Vienna Convention on the Law of Treaties, of 23 May 1969, a State may make a declaration “when signing, ratifying or acceding to this Convention”.

The interpretative declaration of the Democratic Republic of the Congo dated 15 April 2014 is therefore untimely. The acceptance of such a practice would represent a risk in terms of legal certainty.

In the interpretative declaration, moreover, the Democratic Republic of the Congo “reserves the right to interpret any and all articles of the Convention in the context of and with due regard to [its] sovereignty [...] and its territorial integrity as it applies to land, space and sea”.

The French Government notes that the interpretative declaration has the legal effect of limiting the scope of certain provisions of the Convention. The interpretative declaration must therefore be examined as a reservation.

Although article 310 authorizes the issuance of declarations and statements by States, its provisions require that “such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application”. However, those very characteristics seem to apply to the Democratic Republic of the Congo’s declaration, whose wide-ranging nature would appear to give it particularly unpredictable effects.

The Government of the French Republic therefore objects the above-mentioned interpretative declaration made by the Democratic Republic of the Congo. This objection does not preclude the entry into force of the Convention between France and the Democratic Republic of the Congo.

¹⁰ *Original: French.* Refer to depositary notification C.N.282.2015.TREATIES-XXI.6 of 1 May 2015.

(v) *Finland, 28 April 2015*¹¹

“The Government of Finland has carefully examined the contents of the interpretative declaration made by the Government of the Democratic Republic of the Congo to the United Nations Convention on the Law of the Sea, and is of the view that the interpretative declaration raises certain legal concerns.

The Government of Finland wishes to recall that according to Article 309 no reservations or exceptions may be made to the Convention unless expressly permitted by other articles of the Convention. Article 310 of the Convention further provides that declarations and statements made by a State when signing, ratifying or acceding to it cannot purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned.

Pursuant to Article 310, the interpretative declaration was formulated too late by the Government of the Democratic Republic of the Congo. The Government of Finland is also of the view that the interpretative declaration does not clearly specify its contents leaving open the extent to which the Government of the Democratic Republic of the Congo is committed to the provisions of the Convention, and consequently, it may in substance constitute a reservation that excludes or modifies the legal effect of the provisions of the Convention in their application to the Democratic Republic of the Congo.

Therefore, the Government of Finland objects to the interpretative declaration for its late formulation and to the extent that any part of it constitutes a reservation not otherwise permitted by the Convention or purports to exclude or modify the legal effect of any of the provisions in their application to the Democratic Republic of the Congo. The Government of Finland considers the interpretative declaration devoid of any legal effect.

This objection shall not preclude the continued application of the Convention between Finland and the Democratic Republic of the Congo.”

(vi) *United Kingdom of Great Britain and Northern Ireland, 28 April 2015*¹²

“The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations in New York presents its compliments to the Secretary-General of the United Nations acting in his capacity as treaty depository and has the honour to refer to his note C.N.221.2014.TREATIES-XXI.6 (Depository Notification) of 29 April 2014, which communicated that an interpretative declaration to the United Nations Convention on the Law of the Sea (Montego Bay, 10 December 1982) (“the Convention”) had been received from the Democratic Republic of the Congo, together with declarations under Articles 287 and 298 of the Convention.

The Government of the United Kingdom notes that Article 309 prohibits reservations and exceptions to the Convention, except where expressly permitted. Article 310 clarifies that Article 309 does not preclude a State, when signing, ratifying or acceding to the Convention, from making a declaration or statement with a view, inter alia, to the harmonisation of its laws and regulations with the provisions of the Convention, provided that the declaration or statement does not purport to exclude or modify the legal effect of the provisions of the Convention in their application to that State.

The United Kingdom notes that the interpretative declaration is out of time as it was not made at the time of ratification (17 February 1989), in accordance with Article 310.

The United Kingdom further notes that the interpretative declaration is unclear. The Democratic Republic of the Congo purports to reserve the right to interpret the Convention “in the context of and with due regard to the sovereignty of the Democratic Republic of the Congo and its territorial integrity as it applies to land, space and sea”. It may be intended to modify the application of the Convention, which is prohibited under article 310. Alternatively, it may amount to a reservation or exception which is prohibited under Article 309.

For these reasons, the United Kingdom objects to the interpretative declaration, although this does not preclude the continued application of the Convention between the United Kingdom and the Democratic Republic of the Congo.”

¹¹ Refer to depository notification C.N.284.2015.TREATIES-XXI.6 of 4 May 2015.

¹² Refer to depository notification C.N.283.2015.TREATIES-XXI.6 of 4 May 2015.

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 69/292 of 19 June 2015, Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

[...]

Note: The text of this resolution is available through the Official Document System of the United Nations (<https://documents.un.org>) as well as on the web site entitled “Oceans and Law of the Sea” prepared and maintained by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations (www.un.org/depts/los).

B. NATIONAL LEGISLATION

1. Samoa¹

Maritime Zones Order, 21 April 2014

I, TUI ATUA TUPUA TAMASESE EFI, Head of State of the Independent State of Samoa, acting on the advice of Cabinet and section 10 of the Maritime Zones Act 1999 declare the following to be the official list of geographical coordinates for:

- (a) the baseline—from which the breadth of the territorial sea, the outer limits of the contiguous zone, exclusive economic zone and continental shelf of Samoa are to be measured; and
- (b) the points to be used in determining the outer limits of the territorial sea—which are 12 nautical miles from the baseline; and
- (c) the points to be used in determining the outer limits of the contiguous zone—which are 24 nautical miles from the baseline.

For each table the columns show the point identifier in the first column and the geographic coordinates for each point, determined by reference to the World Geodetic System 1984 (SIG84)², in the second and third columns.

A. BASELINE GEOGRAPHIC COORDINATES³

B. TERRITORIAL SEA GEOGRAPHIC COORDINATES⁴

C. CONTIGUOUS ZONE GEOGRAPHIC COORDINATES⁵

¹ Transmitted by note verbale dated 15 May 2015 from the Permanent Mission of the Independent State of Samoa to the United Nations addressed to the Secretariat of the United Nations. Annexed lists of geographical coordinates of points were deposited with the Secretary-General under article 16(2) of the Convention (see Maritime Zone Notification M.Z.N.116.2015.LOS of 14 August 2015).

² As clarified by note verbale dated 11 August 2015 from the Permanent Mission of the Independent State of Samoa to the United Nations addressed to the Secretariat of the United Nations the coordinates were determined using the World Geodetic System 1984 (WSG 84).

³ *Note by the editor:* For a complete list of geographic coordinates, see www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/DEPOSIT/wsm_mzn116_2015.pdf.

⁴ *Ibid.*

⁵ *Ibid.*

2. *Guyana*⁶

*Regulations made under the Maritime Zones Act (Cap. 63:01), 22 July 2015*⁷

In exercise of the powers conferred upon me by section 9 of the Maritime Zones Act, in accordance with article 9 of the United Nations Convention on the Law of the Sea 1982, and after consultation with the minister responsible for lands and surveys, I make the following regulations:

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
 2. Coordinates.
 3. Baselines.
- Schedule

1. *Citation*

These Regulations may be cited as the Maritime Zones (Internal Waters and River Closing Baselines) Regulations 2015.

2. *Coordinates*

The geodetic coordinates of the points of the straight baselines which close the mouths of the Essequibo, Demerara and Berbice Rivers, are-

- (a) based on the World Geodetic System 1984 (WGS 84) datum; and
- (b) specified in the Schedule.

3. *Baselines*

The baselines specified in the Schedule in regulation 2 constitute the outer limits of the internal waters of the Cooperative Republic of Guyana at the mouths of the Essequibo, Demerara and Berbice Rivers.

SCHEDULE⁸

⁶ Transmitted by note verbale dated 31 July 2015 from the Permanent Representative of the Republic of Guyana to the United Nations addressed to the Secretary-General of the United Nations. Annexed lists of geographical coordinates of points were deposited with the Secretary-General under article 16(2) of the Convention (see Maritime Zone Notification M.Z.N.115.2015.LOS of 11 August 2015). According to this note verbale, the Regulations are dated 22 July 2015.

⁷ Ibid.

⁸ *Note by the editor:* For a complete list of geographic coordinates, see www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/DEPOSIT/guy_mzn115_2015.pdf.

III. COMMUNICATION BY STATES

MONTENEGRO¹

*Note verbale from the Permanent Mission of Montenegro to the United Nations
addressed to the Secretary-General of the United Nations, 18 May 2015*

The Permanent Mission of Montenegro to the United Nations presents its compliments to the Secretary-General of the United Nations as depositary of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and has the honor to provide this communication to register its strong protest to a number of unilateral acts and activities which the Republic of Croatia has conducted or authorized in the maritime area of the Adriatic Sea south of the line of azimuth of 231°, in which Montenegro has sovereign rights of long standing, and which area has been agreed in principle between the two States to be the subject of a reference to the International Court of Justice.

Since 2003, the Government of Montenegro has addressed to the Government of Croatia, and subsequently also to the UN and finally to all involved and interested companies, numerous notes protesting both against the decision of the Croatian Parliament on the unilateral extension of jurisdiction in the above area of the Adriatic Sea and against activities that Croatia has commenced with certain private companies in that area since September 2013. None of these actions of Croatia had secured the prior agreement of Montenegro, nor is there in place a decision by the International Court of Justice, in accordance with UNCLOS and customary international law.

The following key notes of protest by Montenegro are attached to this note as an integral part thereof: (1) Note of the Prime Minister of the Government of Montenegro addressed to the Prime Minister of the Government of the Republic of Croatia, dated October 15, 2003; (2) Note of protest of the Ministry of Foreign Affairs and European Integration of Montenegro to the Ministry of Foreign and European Affairs of the Republic of Croatia, No. 09/16-167/109, dated November 19, 2014; (3) Note of protest of the Permanent Mission of Montenegro to the UN No. 1274/2014, dated December 2, 2014; (4) Note of protest to the Norwegian seismic-survey company Spectrum, No. 03/116-167/110, dated November 19, 2014, which was also forwarded to the Embassy of the Kingdom of Norway; (5) Note of protest of Montenegro's Ministry of Foreign Affairs and European Integration to the Government of Croatia, No. 09/16-109/1, dated January 5, 2015; and (6) Note of protest to Marathon Oil Netherlands/OMV, Marathon Oil Netherlands ONE.BV, OMV Croatia, No. 09-16-109/10, dated January 27, 2015.

Croatia's unilateral extension of its jurisdiction beyond its territorial sea has also been the subject of a formal protest before the UN by two other neighboring States, namely Italy and Slovenia.

The Protocol on the Interim Regime along the Southern Border, which was signed in 2002 by the Federal Republic of Yugoslavia and the Republic of Croatia and is guaranteed by the UN Security Council, defines the extent of jurisdiction of Montenegro and Croatia in a twelve nautical mile territorial sea only, on a provisional basis and without prejudice to a final delimitation. The 2002 Protocol does not apply to the continental shelf, the exclusive economic zone, or similar zones of functional jurisdiction (such as Croatia's ecological and fisheries protection zone (EFPZ)). Accordingly, the Republic of Croatia is not entitled unilaterally to define the outer limit of its jurisdiction beyond the territorial sea by extending the 2002 Protocol line that delimits only the territorial sea and only on a provisional basis. The 2002 Protocol furthermore stipulates the "unacceptability of unilateral acts", and Croatia's unilateral line is against this key principle memorialized in the Protocol.

From the period when the two States were constituent republics of the Socialist Federal Republic of Yugoslavia, the line delimiting the jurisdiction of Montenegro and Croatia, followed the line of azimuth of 231°. Accordingly, the exploration blocks pertaining to the two constituent republics in the continental shelf were separated by that line of azimuth. The spatial extent of the jurisdiction of each constituent Yugoslav republic of course remains applicable absent subsequent contrary agreement between the two States.

¹ *Note by the editor:* For the complete list of attachments to this note, see www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/communications/MNG_note20150619en.pdf.

In response to the protest of Italy and Slovenia, supported by the European Commission, the Republic of Croatia in 2008 suspended the application of the EFPZ vis-à-vis EU Member States, while Montenegro and Croatia have agreed since 2008 to negotiate the text of a special agreement to submit their land and maritime boundary dispute to the International Court of Justice.

Montenegro has acted in good faith throughout the negotiations in order to give effect to the Parties' agreement on the principle of a submission to the Court. However, Croatia has not been forthcoming at all, and no agreement has yet been reached.

Croatia's negotiating posture becomes even more problematic in the light of the unilateral initiatives that it has taken in parallel. Montenegro has refrained from unilateral measures in the area around the line of azimuth of 231°, although it would be fully entitled to exercise jurisdiction. Instead, Montenegro has fully reserved its position, pending a reference to the International Court of Justice. In contrast, Croatia authorized a Norwegian company, Spectrum, to conduct seismic surveys in areas appertaining to Montenegro in September 2013 and, subsequently, granted a licence for hydrocarbon exploration and exploitation in areas appertaining to Montenegro to a consortium of Marathon Oil and OMV. Croatia failed to seek Montenegro's consent prior to taking these decisions.

Croatia's unilateral declaration of its EFPZ amounts to a breach of international law, which prohibits unilateral appropriation of areas of the continental shelf, the exclusive economic zone, or other zones of functional jurisdiction without agreement with neighboring states or third-party adjudication in accordance with international law. Croatia's plan to proceed unilaterally with its hydrocarbon exploration and exploitation programme creates a risk of irreparable prejudice to the rights and interests of Montenegro in areas which appertain to Montenegro.

Consequently, Montenegro registers once again its strong protest against the 2003 Decision of the Croatian Parliament, under which Croatia unilaterally (i) extended its EFPZ to areas in the Adriatic Sea appertaining to Montenegro, and (ii) decided to exercise jurisdiction in the EFPZ pursuant to Articles 33, 34(1), 35, 41 and 42 of Chapter IV (Economic Zone) of the Maritime Code of Croatia. Montenegro does not accept, nor is it bound by, the outer limit of Croatia's EFPZ as determined by a series of coordinates that Croatia submitted to the UN on 2 September 2005. Nor does Montenegro accept any official or unofficial depiction of the EFPZ allegedly based on the 2003 Decision, extending beyond the line of azimuth of 231°.

Montenegro further reiterates its protest against the unilateral authorization of seismic surveys, and against the granting of a licence for hydrocarbon exploration and exploitation in Blocks 23, 26, 27, and 28, all of which encroach on areas appertaining to Montenegro. Montenegro also requests that Croatia immediately suspend all the current and planned activities, which prejudice, possibly irreparably, Montenegro's rights and interests in that area.

The Permanent Mission of Montenegro to the United Nations would be grateful to the Secretary-General for notifying all Parties to the UNCLOS of this Note and for publishing it in the next "Law of the Sea Bulletin" and on the website of the Division for Ocean Affairs and the Law of the Sea.

[...]

IV. OTHER INFORMATION RELEVANT TO THE LAW OF THE SEA

RECENT JUDGMENTS, AWARDS, AND ORDERS

*Permanent Court of Arbitration: Chagos Marine Protected Area Arbitration—Award (Mauritius v. United Kingdom), 18 March 2015*¹

The Tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea (the “Convention”) in the matter of the *Chagos Marine Protected Area Arbitration*, between the Republic of Mauritius and the United Kingdom of Great Britain and Northern Ireland, has issued its Award. This arbitration concerned the establishment by the United Kingdom on 1 April 2010 of a Marine Protected Area (“MPA”) around the Chagos Archipelago. The Chagos Archipelago is presently administered by the United Kingdom as the British Indian Ocean Territory.

In its Award dated 18 March 2015, the Tribunal found by a majority of three votes to two that it lacked jurisdiction to consider Mauritius’ claim that the United Kingdom was not the “coastal State” in respect of the Chagos Archipelago for the purposes of the Convention. By the same vote, the Tribunal found that it also lacked jurisdiction to consider Mauritius’ alternative claim that certain undertakings by the United Kingdom had endowed Mauritius with rights as a “coastal State” in respect of the Archipelago. The Tribunal held that the dispute between the Parties expressed through these claims in fact concerned the question of sovereignty over the Chagos Archipelago; that this was not a matter concerning the interpretation or application of the Convention; and that the Tribunal did not therefore have jurisdiction to decide the matter.

The Tribunal unanimously found, however, that it did have jurisdiction to consider Mauritius’ claim that the United Kingdom’s declaration of the MPA was not compatible with the United Kingdom’s obligations under the Convention. The Tribunal went on to find unanimously that, as a result of undertakings given by the United Kingdom in 1965 and repeated thereafter, Mauritius holds legally binding rights to fish in the waters surrounding the Chagos Archipelago, to the eventual return of the Chagos Archipelago to Mauritius when no longer needed for defence purposes, and to the preservation of the benefit of any minerals or oil discovered in or near the Chagos Archipelago pending its eventual return. The Tribunal held that in declaring the MPA, the United Kingdom failed to give due regard to these rights and declared that the United Kingdom had breached its obligations under the Convention. The Tribunal also unanimously held that there was not a dispute between the Parties concerning submissions to the Commission on the Limits of the Continental Shelf and that it was therefore unnecessary for the Tribunal to exercise jurisdiction in respect of Mauritius’ claim on this issue.

Two members of the Tribunal issued a joint Dissenting and Concurring Opinion, setting out their view that the Tribunal should have found that it had jurisdiction to consider Mauritius’ claims concerning the identity of the “coastal State”. The Dissenting and Concurring Opinion also expressed the view that the Tribunal should have exercised that jurisdiction to hold that the United Kingdom’s detachment of the Chagos Archipelago from the colony of Mauritius in 1965 was contrary to the principles of decolonization and self-determination.

An expanded summary of the Tribunal’s reasoning is set out below.

SUMMARY OF THE AWARD

1. FACTUAL BACKGROUND

This arbitration concerned the declaration by the United Kingdom on 1 April 2010 of a Marine Protected Area in the waters surrounding the Chagos Archipelago. Located in the central portion of the Indian Ocean, the Chagos Archipelago is composed of a number of coral atolls and has been administered by the United Kingdom since 1965 as the British Indian Ocean Territory.

¹ Source: Press Release of 19 March 2015.

Prior to 1965, the Chagos Archipelago was administered as a dependency of the then-colony of Mauritius. The Archipelago was detached from the colony of Mauritius on 8 November 1965, following a series of meetings with certain Mauritian political leaders, leading ultimately to the agreement of the Mauritius Council of Ministers to detachment. In exchange for Mauritian agreement, the United Kingdom made certain undertakings, including that it would provide compensation to Mauritius; that fishing rights would remain available to Mauritius as far as practicable; that the Archipelago would be returned to Mauritius when no longer needed for defence purposes; and that the benefit of any oil or minerals discovered would be preserved for Mauritius. The meetings between Mauritian leaders and the United Kingdom on the issue of detachment coincided with the 1965 Constitutional Conference that led to the decision that Mauritius would become independent. In the course of this arbitration, the Parties disagreed as to whether the issue of detachment was linked to independence and whether Mauritian consent to detachment was given voluntarily.

Mauritius became independent on 12 March 1968. Following the detachment of the Archipelago, the resident population of the Archipelago, known as Chagossians, was removed and the Archipelago became the site of a U.S. military installation on the island of Diego Garcia. Since at least 1980, Mauritius has asserted in a variety of fora that detachment was improper and that it has sovereignty over the Chagos Archipelago. The United Kingdom has rejected these claims. Additionally, since 1975, the Chagossian population and their descendants have pursued a series of legal claims in the courts of England and Wales and before the European Court of Human Rights, seeking compensation for their removal from the Archipelago and a right to return.

Beginning in early 2009, the United Kingdom began to consider declaring an MPA in the waters surrounding the Chagos Archipelago in which all fishing would be prohibited. The proposed MPA was the subject of limited discussion during bilateral talks between Mauritius and the United Kingdom in July 2009 and in diplomatic exchanges between the two governments in which Mauritius indicated its opposition to the proposal. Between November 2009 and March 2010, the United Kingdom conducted a public consultation on the proposed MPA. Shortly after receiving the results of the public consultation, the United Kingdom declared the MPA on 1 April 2010. On 20 December 2010, Mauritius commenced this arbitration.

2. THE PARTIES' CLAIMS

Mauritius made four submissions in these proceedings, requesting the Tribunal to find that:

1. the United Kingdom is not entitled to declare an MPA or other maritime zones because it is not the "coastal State" for the purposes of the Convention;
2. given the commitments that it made to Mauritius, the United Kingdom is not entitled unilaterally to declare an MPA or other maritime zones because Mauritius has rights as a "coastal State" for the purposes of the Convention;
3. the United Kingdom may not prevent the Commission on the Limits of the Continental Shelf from acting on any submission that Mauritius may make regarding the Chagos Archipelago; and
4. the MPA is incompatible with the United Kingdom's substantive and procedural obligations under the Convention and the UN Fish Stocks Agreement.

The United Kingdom submitted that the Tribunal lacked jurisdiction to consider any of Mauritius' four submissions and also opposed each of Mauritius' submissions on the merits.

3. THE TRIBUNAL'S JURISDICTION

(a) *Mauritius' First Submission*

With respect to Mauritius' First Submission, the United Kingdom objected to jurisdiction on the grounds that the real issue in dispute between the Parties was Mauritius' claim to sovereignty over the Chagos Archipelago and that sovereignty is not an issue relating to the interpretation or application of the Convention. In response, Mauritius argued that it was seeking an interpretation of the term "coastal State" as it is used in the Convention. Mauritius also argued that the Convention permits a tribunal to apply rules of international law other than the law of the sea when they arise in connection with a dispute relating to the Convention.

The Tribunal found, by a majority of three to two, that it lacked jurisdiction to consider Mauritius' First Submission. The Tribunal accepted that it had the jurisdiction to make ancillary findings of fact or determinations of law where necessary to resolve a dispute concerning the Convention. It nevertheless held that where the real issue in the case and the object of the claim do not relate to the Convention, an incidental connection between the dispute and some matter regulated by the Convention is insufficient to give the Tribunal jurisdiction over the dispute as a whole. On the facts of the case, the Tribunal recognized that a dispute exists between the Parties concerning sovereignty over the Chagos Archipelago and that a dispute also exists over the manner in which the United Kingdom declared the MPA. The Tribunal found, however, that the Parties' disagreement over the meaning of the term "coastal State" was simply one aspect of their larger dispute over sovereignty and that this did not concern the interpretation or application of the Convention.

(b) *The Tribunal's Jurisdiction on Mauritius' Second Submission*

With respect to Mauritius' Second Submission, the United Kingdom objected to jurisdiction on the grounds that Mauritius was again asking the Tribunal to engage in issues of sovereignty. In response, Mauritius argued that it was not asking the Tribunal to address sovereignty, but rather to presume that the United Kingdom was sovereign and to consider whether through the undertakings given in 1965 the United Kingdom had accorded Mauritius attributes of a "coastal State".

The Tribunal found, again by a majority of three to two, that it lacked jurisdiction to consider Mauritius' Second Submission. The Tribunal held that the Parties' underlying dispute regarding sovereignty over the Archipelago was predominant and that the determination sought by Mauritius would effectively constitute a finding that the United Kingdom is less than fully sovereign over the Chagos Archipelago. Accordingly, the Tribunal found that Mauritius' Second Submission was properly characterized as relating to the same dispute in respect of land sovereignty over the Chagos Archipelago as Mauritius' First Submission and did not therefore concern the interpretation or application of the Convention.

(c) *The Tribunal's Jurisdiction on Mauritius' Third Submission*

With respect to Mauritius' Third Submission, the United Kingdom objected to jurisdiction on the grounds that Mauritius' claimed right to make submissions to the Commission on the Limits of the Continental Shelf is a further manifestation of its claim to sovereignty over the Archipelago. The United Kingdom also objected to jurisdiction on the grounds that any dispute arose only during the course of the arbitration. In response, Mauritius argued that a dispute over whether Mauritius can make submissions to the Commission is a dispute concerning the provisions of the Convention relating to the Continental Shelf.

The Tribunal found unanimously that there was no dispute between the Parties on this issue. The Tribunal noted that the United Kingdom had previously agreed, in the context of the governments' joint talks, to a joint submission to the Commission under a sovereignty umbrella (an agreement that the submission was without prejudice to questions of sovereignty). Mauritius had previously accepted this approach. While the Parties had made arguments in the course of the arbitration, no objection had been made to the Commission itself and the proceedings made clear that the United Kingdom's offer of cooperation under a sovereignty umbrella remained open. The Tribunal concluded that there was no risk of Mauritius losing potential rights before the Commission and that it was not required to rule on its jurisdiction or the merits of Mauritius' Third Submission.

(d) *The Tribunal's Jurisdiction on Mauritius' Fourth Submission*

With respect to Mauritius' Fourth Submission, the United Kingdom objected to jurisdiction on the grounds that the MPA was a fisheries measure and that the Convention excludes disputes over fisheries from compulsory dispute settlement. In response, Mauritius argued that the MPA was an environmental measure and that the Convention expressly provides for the Tribunal's jurisdiction over disputes relating to the protection of the marine environment.

The Tribunal found unanimously that it had jurisdiction to consider Mauritius' Fourth Submission. The Tribunal held that the United Kingdom had repeatedly justified the MPA on broad environmental grounds, in particular in relation to the protection of coral, and that it was not open to the United Kingdom to limit the Tri-

bunal's jurisdiction with the argument that the MPA was merely a fisheries measure. The Tribunal also held that Mauritius' rights in the waters of the Chagos Archipelago were not limited to fishing, noting in particular that the United Kingdom's undertaking to eventually return the Archipelago gives Mauritius a significant interest in whether or not the Archipelago will be covered by an MPA. In reaching this decision the Tribunal analysed the scope of the various provisions of the Convention providing for the settlement of disputes.

(e) *The Parties' Exchange of Views in advance of the Arbitration*

In addition to the objections set out above, the United Kingdom objected to jurisdiction with respect to each of Mauritius' submissions on the grounds that Mauritius had failed to fulfil the Convention's requirement to exchange views regarding the settlement of the dispute before resorting to arbitration. In response, Mauritius argued that it had repeatedly raised the subject matter of all of its claims with the United Kingdom and had accordingly met the requirements of the Convention.

The Tribunal considered the United Kingdom's objection only with respect to Mauritius' Fourth Submission (the only claim with respect to which it had otherwise found jurisdiction). The Tribunal analysed the Convention and concluded that it requires the Parties to exchange views regarding the means for resolving their dispute, but does not require the Parties to in fact engage in negotiations before resorting to arbitration. The Tribunal noted that this requirement was intended to ensure that a State would not be taken entirely by surprise, but considered that it should be applied without undue formalism as to the manner and precision with which views were exchanged and understood. Based on correspondence in the record before it, the Tribunal found that the requirement to exchange views had been met.

4. THE MERITS OF MAURITIUS' FOURTH SUBMISSION

With respect to the merits of Mauritius' Fourth Submission, the Parties differed both with respect to whether Mauritius held legally binding rights in the waters of the Chagos Archipelago and as to whether the United Kingdom had fulfilled its obligations under the Convention.

(a) *The Nature of Mauritius' Rights*

On the question of its rights, Mauritius argued that the United Kingdom's undertakings in 1965, which were repeated on numerous occasions after independence, were binding legal obligations. Mauritius considered this to be the case notwithstanding its view that Mauritian consent to the detachment of the Archipelago was obtained by coercion and therefore not valid. In response, the United Kingdom argued that the understanding it reached with Mauritius in 1965 was never intended to be legally binding and could not have been legally binding as a matter of British constitutional law.

The Tribunal found unanimously that the United Kingdom's undertakings with respect to (a) fishing rights, (b) the eventual return of the Archipelago, and (c) the benefit of mineral and oil resources were legally binding on the United Kingdom. The Tribunal reviewed the circumstances surrounding the detachment of the Archipelago and concluded that the United Kingdom's undertakings were part of the bargain by which Mauritian agreement to detachment was obtained and demonstrated an intent to bind the United Kingdom, whether or not they were legally binding prior to independence. As a legal matter, the Tribunal noted that the United Kingdom had repeated the undertakings on many occasions since the independence of Mauritius and concluded that the United Kingdom was prevented, by the legal principle of estoppel, from now denying that the undertakings were binding upon it.

(b) *The United Kingdom's Obligations*

On the question of the United Kingdom's obligations under the Convention, Mauritius argued that the Convention required the United Kingdom to have due regard for Mauritius' rights and to comply with its undertakings to Mauritius when taking actions with respect to the Chagos Archipelago. Mauritius contended that the United Kingdom breached these obligations by neglecting to provide Mauritius with information regarding the proposed MPA, by declining to consult with Mauritius, and by failing to respect its undertakings to Mauritius. Mauritius also argued that the MPA was not actually declared in pursuit of environmental objectives. In response, the United Kingdom denied that the Convention requires it to comply with

any undertakings it may have made and emphasized that paying due regard to Mauritius' rights is not the same as giving effect to those rights. The United Kingdom further argued that its extensive exchanges with Mauritius and the public consultation sufficed to meet any obligation to consult with Mauritius. The United Kingdom also denied that it had any improper purpose in declaring the MPA.

The Tribunal found unanimously that the Convention requires the United Kingdom to have due regard for Mauritius' rights and to act in good faith with respect to its undertakings to Mauritius. Reviewing the record of events from February 2009 to April 2010, the Tribunal found that the consultations that took place were characterized by a lack of full information regarding the proposed MPA and the absence of sufficiently reasoned exchanges between the Parties. The Tribunal noted, in particular, that the United Kingdom engaged far less with Mauritius than it did with the United States as another State with interests in the Chagos Archipelago. Ultimately, the Tribunal found that the United Kingdom created reasonable expectations that Mauritius would have further opportunities to respond and exchange views before any final decision was taken and that these expectations had not been met before the United Kingdom announced the MPA. Accordingly, the Tribunal found that the United Kingdom failed to meet its obligations under the Convention. The Tribunal declined, however, to find any improper purpose in the declaration of the MPA.

SUMMARY OF THE DISSENTING AND CONCURRING OPINION

Two Members of the Tribunal, Judges James Kateka and Rüdiger Wolfrum, concurred in part and dissented in part with the decision reached by the majority of the Tribunal and attached a joint Dissenting and Concurring Opinion to the Award.

Judges Kateka and Wolfrum agreed with the majority that there was no dispute that would require the Tribunal to address Mauritius' Third Submission and that the Tribunal had jurisdiction to address Mauritius' Fourth Submission. Judges Kateka and Wolfrum also agreed with the majority on the merits of Mauritius' Fourth Submission and the finding that the United Kingdom had failed to meet its obligations under the Convention. Judges Kateka and Wolfrum would have gone further, however, and found that the Convention imposed an obligation on the United Kingdom to comply with the undertakings. Judges Kateka and Wolfrum also considered that there was evidence that the United Kingdom had ulterior motives in declaring the MPA and would have found that the United Kingdom violated the standard of good faith.

Judges Kateka and Wolfrum disagreed with the majority's finding that the Tribunal lacked jurisdiction to consider Mauritius' First and Second Submissions. In Judges Kateka and Wolfrum's view, the Tribunal should have been guided strictly by the wording of Mauritius' First Submission and should have concluded that the dispute before it concerned the identity of the "coastal State", with the Parties' differing views on sovereignty merely forming part of Mauritius' reasoning. Judges Kateka and Wolfrum similarly considered Mauritius' Second Submission to be a dispute not over sovereignty, but over whether the United Kingdom ceded certain rights as a coastal State through its undertakings. On the merits, Judges Kateka and Wolfrum would have found that the Mauritian Ministers were coerced in 1965 into agreeing to detachment and that the United Kingdom's detachment of the Archipelago violated the international law of self-determination.

The Tribunal in this matter is composed of Professor Ivan Shearer AM, Judge Sir Christopher Greenwood CMG QC, Judge Albert Hoffmann, Judge James Kateka and Judge Rüdiger Wolfrum. Professor Ivan Shearer served as President of the Tribunal. The Permanent Court of Arbitration acted as Registry in this arbitration.

These arbitral proceedings were initiated on 20 December 2010 by the Republic of Mauritius.

On 11 January 2013, the Tribunal conducted a hearing in Dubai, United Arab Emirates on the procedure to be followed in respect of preliminary objections raised by the United Kingdom to the Tribunal's jurisdiction.

Between 22 April and 9 May 2014, the Tribunal conducted a hearing in Istanbul, Turkey on the Tribunal's jurisdiction to consider the claims brought by Mauritius and on the merits of those claims.

Further information about the case, including the Parties' full written submissions, is available on the website of the Permanent Court of Arbitration at <https://pca-cpa.org/en/cases/11/>.

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