L A W O F T H E S E A

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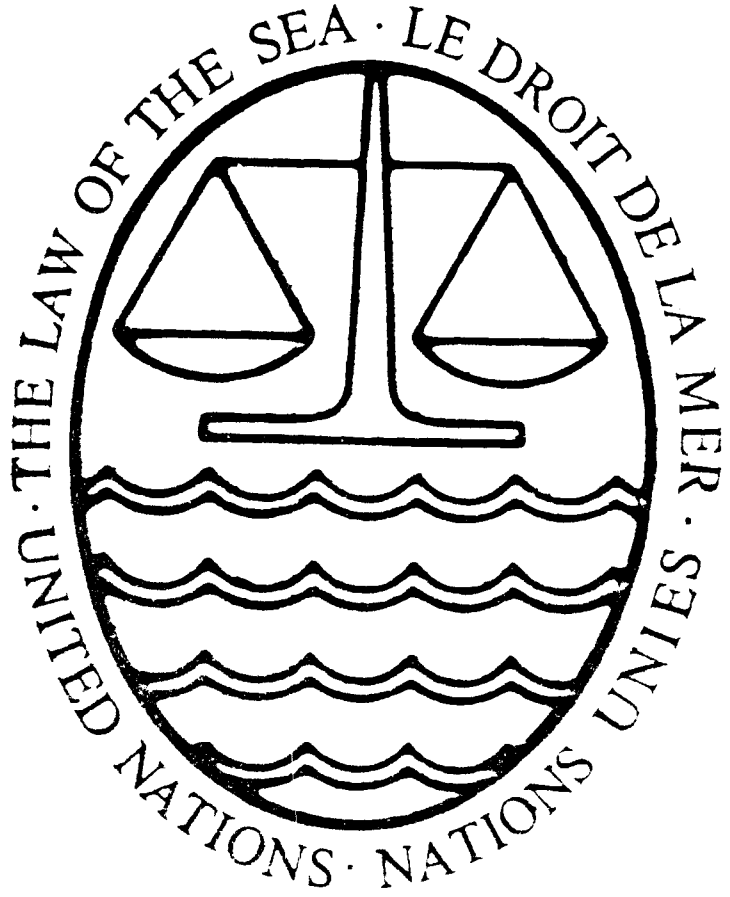

OFFICE OF THE SPECIAL REPRESENTATIVE
OF THE SECRETARY-GENERAL FOR THE LAW OF THE SEA

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

(a) Statement by the Secretary-General on 10 December 1984

I am very pleased to announce that, as of 9 December 1984, the closing date for the signature of the 1982 United Nations Convention on the Law of the Sea, 159 signatures had been appended. These include 51 from Africa, 45 from Asia, 30 from Latin America, 10 from Eastern Europe and 23 from Western Europe and Others (which also includes the signature of the European Economic Community).

Such overwhelming support for a Convention of this universal character is unprecedented. Of those few States which have not signed, most support the Convention as a whole but have specific problems with it peculiar to their national concerns.

This achievement is even more remarkable given the comprehensiveness and the breadth and complexity of the subject matter covered by the Convention. In elaborating it, the Third United Nations Conference on the Law of the Sea reviewed the existing law, modified and clarified it and, where necessary, introduced innovations to meet the aspirations of the evolving international community. It has created certainty in an area of law which had largely become uncertain and has made a substantial contribution to the progressive development of international law and to the rule of law in international relations.

The Convention is thus a unique law-making instrument which will have direct impact on all States, large or small, coastal or landlocked. It will have far-reaching effect on the scope of the national jurisdictions of States over their adjacent seas and the rights and duties of States in areas beyond national jurisdiction. It has indeed irreversibly transformed the political map of the world. I have no doubts that future developments in the law of the sea will revolve around this Convention.

I recognize that a few States, though supporting the Convention as a whole, find the deep sea-bed mining part of it not entirely satisfactory. In my capacity as Secretary-General of the United Nations, I would like to affirm that this Organization will continue to work to promote the uniform and consistent application of the Convention. In areas where divergences remain, we will endeavour to bring about reconciliation. I believe this can be achieved through flexibility, understanding and goodwill on all sides, so that we can make this global achievement a truly universal one.

I hope, therefore, that all States will continue to participate in the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea and will contribute fully to the important task of formulating a satisfactory set of regulations for the implementation of the international régime for the exploitation of the sea-bed.

The United Nations Convention on the Law of the Sea remains one of the most significant achievements of the international community in recent history. It is a cogent example of how States can resolve global issues through multilateral negotiations.

It is my hope that the Convention will enter into force at an early date.

I. (b) TABLE OF SIGNATURES AND RATIFICATIONS
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA AND FINAL ACT
AS OF 9 DECEMBER 1984

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE 1/	CONVENTION RATIFICATION
Afghanistan		18/3/83	
Albania			
Algeria * 2/	x	x	
Angola	x	x	
Antigua and Barbuda		7/2/83	
Argentina *		5/10/84	
Australia	x	x	
Austria	x	x	
Bahamas	x	x	29/7/83
Bahrain	x	x	
Bangladesh	x	x	
Barbados	x	x	
Belgium *	x	05/12/84	
Belize	x	x	13/8/83
Benin	x	30/8/83	
Bhutan	x	x	
Bolivia *		27/11/84	
Botswana	x	05/12/84	
Brazil*	x	x	
Brunei Darussalam 3/		05/12/84	
Bulgaria	x	x	
Burkina Faso 4/	x	x	
Burma	x	x	
Burundi	x	x	
Byelorussian SSR *	x	x	
Cameroon	x	x	
Canada	x	x	
Cape Verde *	x	x	
Central African Republic		04/12/84	
Chad	x	x	
Chile *	x	x	
China	x	x	
Colombia	x	x	
Comoros		06/12/84	
Congo	x	x	

1/ Those States which signed the Convention on 10 December 1982 are indicated by an "x". Those that signed at a later date are indicated by that date.

2/ Those States which have made declarations at the time of signature of the Convention are indicated with an "*".

3/ Became a member of the United Nations on 18 September 1984.

4/ Formerly Upper Volta.

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Costa Rica *	x	x	
Cuba * ** 5/	x	x	15/8/84
Cyprus	x	x	
Czechoslovakia	x	x	
Democratic Kampuchea		1/7/83	
Democratic People's Rep. of Korea	x	x	
Democratic Yemen	x	x	
Denmark	x	x	
Djibouti	x	x	
Dominica		28/3/83	
Dominican Republic	x	x	
Ecuador	x		
Egypt **	x	x	26/8/83
El Salvador		05/12/84	
Equatorial Guinea	x	30/1/84	
Ethiopia	x	x	
Fiji	x	x	10/12/82
Finland *	x	x	
France *	x	x	
Gabon	x	x	
Gambia	x	x	22/5/84
German Democratic Republic *	x	x	
Germany, Federal Republic of	x		
Ghana	x	x	7/6/83
Greece *	x	x	
Grenada	x	x	
Guatemala		8/7/83	
Guinea *		4/10/84	
Guinea-Bissau	x	x	
Guyana	x	x	
Haiti	x	x	
Holy See	x		
Honduras	x	x	
Hungary	x	x	
Iceland	x	x	
India	x	x	
Indonesia	x	x	
Iran (Islamic Republic of) *	x	x	
Iraq *	x	x	
Ireland	x	x	
Israel	x		
Italy *	x	07/12/84	
Ivory Coast	x	x	26/3/84
Jamaica	x	x	21/3/83
Japan	x	7/2/83	

5/ Those States which have made declarations at the time of ratification of the Convention are indicated with a "***".

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Jordan	x		
Kenya	x	x	
Kiribati			
Kuwait	x	x	
Lao People's Democratic Republic	x	x	
Lebanon		07/12/84	
Lesotho	x	x	
Liberia	x	x	
Libyan Arab Jamahiriya	x	3/12/84	
Liechtenstein		30/11/84	
Luxembourg *	x	05/12/84	
Madagascar		25/2/83	
Malawi		07/12/84	
Malaysia	x	x	
Maldives	x	x	
Mali *		19/10/83	
Malta	x	x	
Mauritania	x	x	
Mauritius	x	x	
Mexico	x	x	18/3/83
Monaco	x	x	
Mongolia	x	x	
Morocco	x	x	
Mozambique	x	x	
Nauru	x	x	
Nepal	x	x	
Netherlands	x	x	
New Zealand	x	x	
Nicaragua		09/12/84	
Niger	x	x	
Nigeria	x	x	
Norway	x	x	
Oman *	x	1/7/83	
Pakistan	x	x	
Panama	x	x	
Papua New Guinea	x	x	
Paraguay	x	x	
Peru	x		
Philippines *	x	x	8/5/84
Poland	x	x	
Portugal	x	x	
Qatar		27/11/84	
Republic of Korea	x	14/3/83	
Romania *	x	x	
Rwanda	x	x	

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
St. Christopher and Nevis 6/		07/12/84	
Saint Lucia	x	x	
St. Vincent and the Grenadines	x	x	
Samoa	x	28/9/84	
San Marino			
Sao Tome and Principe *		13/7/83	
Saudi Arabia		07/12/84	
Senegal	x	x	25/10/84
Seychelles	x	x	
Sierra Leone	x	x	
Singapore	x	x	
Solomon Islands	x	x	
Somalia	x	x	
South Africa *		05/12/84	
Spain *	x	04/12/84	
Sri Lanka	x	x	
Sudan *	x	x	
Suriname	x	x	
Swaziland		18/1/84	
Sweden *	x	x	
Switzerland	x	17/10/84	
Syrian Arab Republic			
Thailand	x	x	
Togo	x	x	
Tonga			
Trinidad and Tobago	x	x	
Tunisia	x	x	
Turkey			
Tuvalu	x	x	
Uganda	x	x	
Ukrainian SSR *	x	x	
Union of Soviet Socialist Reps. *	x	x	
United Arab Emirates	x	x	
United Kingdom	x		
United Republic of Tanzania	x	x	
United States of America	x		
Uruguay *	x	x	
Vanuatu	x	x	
Venezuela	x		
Viet Nam	x	x	
Yemen *	x	x	
Yugoslavia	x	x	
Zaire	x	22/8/83	
Zambia	x	x	7/3/83
Zimbabwe	x	x	
TOTAL FOR STATES	140	155	13

6/ Became a member of the United Nations on 23 September 1983.

OTHERS (under Art. 305(1)(b),(c),(d), (e) and (f))	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Cook Islands	x	x	
European Economic Community *	x	07/12/84	
Namibia (United Nations Council for)	x	x	18/4/83
Niue		05/12/84	
Trust Territory of the Pacific Islands	x		
West Indies Associated States			
TOTAL FOR STATES AND OTHERS	144	159	14

ENTITIES WHICH SIGNED THE FINAL ACT OF THE CONFERENCE

African National Congress
Netherlands Antilles
Palestine Liberation Organization
Pan Africanist Congress of Azania
South West Africa People's Organization

I. (c) LIST OF SIGNATURES AND RATIFICATIONS, AS OF 9 DECEMBER 1984, DIVIDED ACCORDING TO REGION

African Group: 51 States and entities

Algeria
Angola
Benin
Botswana
Burkina Faso
Burundi
Cameroon
Cape Verde
Central African Republic
Chad
Comoros
Congo
Djibouti
Egypt *
Equatorial Guinea
Ethiopia
Gabon
Gambia *
Ghana *
Guinea
Guinea-Bissau
Ivory Coast *
Kenya
Lesotho
Liberia
Libyan Arab Jamahiriya
Madagascar
Malawi
Mali
Mauritania
Mauritius
Morocco
Mozambique
Namibia (UN Council for)*
Niger
Nigeria
Rwanda
Sao Tome and Principe
Senegal *
Seychelles
Sierra Leone
Somalia
Sudan
Swaziland
Togo
Tunisia
Uganda
United Republic of Tanzania
Zaire
Zambia *
Zimbabwe

Asian Group: 44 States and entities

Afghanistan
Bahrain
Bangladesh
Bhutan
Brunei Darussalam
Burma
China
Cook Islands
Cyprus
Democratic Kampuchea
Dem. People's Rep. of Korea
Democratic Yemen
Fiji *
India
Indonesia
Iran (Islamic Rep. of)
Iraq
Japan
Kuwait
Lao People's Dem. Rep.
Lebanon
Malaysia
Maldives
Mongolia
Nauru
Nepal
Niue
Oman
Pakistan
Papua New Guinea
Philippines *
Qatar
Republic of Korea
Samoa
Saudi Arabia
Singapore
Solomon Islands
Sri Lanka
Thailand
Tuvalu
United Arab Emirates
Vanuatu
Viet Nam
Yemen

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* States or entities which have ratified the Convention.

Latin American Group: 30 States

Antigua and Barbuda
Argentina
Bahamas *
Barbados
Belize *
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba *
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica *
Nicaragua
Mexico *
Panama
Paraguay
Saint Lucia
St. Christopher and Nevis
St. Vincent and the Grenadines
Suriname
Trinidad and Tobago
Uruguay

Eastern European Group: 10 States

Bulgaria
Byelorussian SSR
Czechoslovakia
German Democratic Republic
Hungary
Poland
Romania
Ukrainian Soviet Socialist Rep.
Union of Soviet Socialist Reps.
Yugoslavia

Western European and Others Group: 22 States

Australia
Austria
Belgium
Canada
Denmark
Finland
France
Greece
Iceland
Ireland
Italy
Liechenstein
Luxembourg
Malta
Monaco
Netherlands
New Zealand
Norway
Portugal
Spain
Sweden
Switzerland

Other States and Entities: 2

European Economic Community
South Africa

SUMMARY

African Group	51
Asian Group	44
Latin American Group	30
Eastern European Group	10
Western European and Others Group	22
Other States and entities	2
TOTAL	159

I. (d) DECLARATIONS MADE UPON SIGNATURE OF THE CONVENTION *

I. ARGENTINA

UPON SIGNATURE, the Government of ARGENTINA made the following declaration:

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.62/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 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.

Further, 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.

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* The text of earlier declarations made at the time of signature can be found in the Law of the Sea Bulletin Nos. 1 and 3.

II. BELGIUM

UPON SIGNATURE, the Government of the Kingdom of BELGIUM made the following declaration:

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 provisisions 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 régime of the sea-bed 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 Sea-Bed 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 régime 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 régime, the effective establishment of the International Sea-Bed 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 régime of the sea-bed 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.

III. BOLIVIA

UPON SIGNATURE, the Government of BOLIVIA made the following declaration:

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.

Bolivia is confident that the Convention will ensure, in the near future, the joint development of the resources of the sea-bed, with equal opportunities and rights for all nations, especially developing countries.

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.

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.

IV. GUINEA

UPON SIGNATURE, the Government of the REPUBLIC OF GUINEA made the following declaration:

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.

V. ITALY

UPON SIGNATURE, the Government of ITALY made the following declaration:

The Government of 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 of the International Sea-Bed Authority and 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 maneuvers or to authorize them.

- Moreover, the rights 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 corresponds 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.

VI. LUXEMBOURG

UPON SIGNATURE, the Government of the GRAND DUCHY OF LUXEMBOURG made the following declaration:

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 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 Sea-Bed 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 sea-bed mining régime that will be generally acceptable and therefore conducive to promoting the activities of the international zone of the sea-bed.

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 régime of the sea-bed 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.

VII. NICARAGUA

UPON SIGNATURE the Government of NICARAGUA made the following declaration:

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.

VIII.SOUTH AFRICA

UPON SIGNATURE, the Government of SOUTH AFRICA made the following declaration:

The South African Government declares that 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.

IX. SPAIN

UPON SIGNATURE, the Government of SPAIN made the following declaration:

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 régime 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 air space 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, it 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.

X. EUROPEAN ECONOMIC COMMUNITY

UPON SIGNATURE, the EUROPEAN ECONOMIC COMMUNITY made the following declaration:

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 co-operation 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 Member States of the Community have already expressed their position that this Part contains considerable deficiencies and flaws which require rectification. The Community recognises the importance of the work which remains to be done and hopes that conditions for the implementation of a sea bed mining regime, which are generally acceptable and which are therefore likely to promote activities in the international sea bed 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 (1) 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 organisation shall be subject to a declaration specifying the matters governed by the Convention in respect of which competence has been transferred to the organisation by its member states.

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(1) "Formal confirmation" is the term used in the Convention for ratification by international organisations (see Article 306 and Annex IX, Article 3).

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 (1).

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 organisations.

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.

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(1) The Treaty of Paris establishing the European Coal and Steel Community was registered at the Secretariat of the United Nations on 15.3.1957 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.

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, 10.12.1981, 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, 18.5.1976, p. 23).

Council Directive of 16 June 1975 on the disposal of waste oils (75/439/EEC)
(OJ No L 194, 25.7.1975, p. 23).

Council Directive of 20 February 1978 on waste from the titanium dioxide industry (78/176/EEC)
(OJ No L 54, 25.2.1978, p. 19).

Council Directive of 30 October 1979 on the quality required of shellfish waters (79/923/EEC)
(OJ No L 281, 10.11.1979, 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, 27.3.1982, p. 29).

Council Directive of 26 September 1983 on limit values and quality objectives for cadmium discharges (83/513/EEC)
(OJ No L 291, 24.10.1983, 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, 17.3.1984, 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, 25.7.1975, p. 5).

Convention on long-range transboundary air pollution (Council Decision of 11 June 1981 published in OJ No L 171, 27.6.1981, p. 11).

Convention for the protection of the Mediterranean Sea against pollution and the 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, 19.9.1977, p. 1).

Protocol concerning co-operation 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, 19.6.1981, p. 4).

Protocol of 2 and 3 April 1983 concerning Mediterranean specially protected areas (OJ No L 68/36, 10.3.1984).

I. (e) DECLARATIONS MADE UPON RATIFICATION OF THE CONVENTION *

I. CUBA

UPON RATIFICATION, the Government of CUBA made the following declarations:

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 either the jurisdiction of the Court with respect to the provisions of either 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.

II. PHILIPPINES

UPON RATIFICATION, the Government of the PHILIPPINES made the following declaration:

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 December 10, 1898, and the Treaty of Washington between the United States of America and Great Britain of January 2, 1930;

3. Such signing shall not diminish or in any manner affect the rights and obligations of the contracting parties under the Mutual Defense Treaty between the Philippines and the United States of America of August 30, 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;

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* The text of earlier delarations made at the time of ratification can be found in the Law of the Sea Bulletin Nos. 1 and 3.

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.

I. (f) NOTES VERBALES

I. ETHIOPIA

The Permanent Mission of Ethiopia to the United Nations sent to the Secretary-General of the United Nations a Note dated 7 November 1984, which reads as follows:

The Ministry of Foreign Affairs of the Provisional Military Government of Socialist Ethiopia presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the declaration by the Yemen Arab Republic upon signature of the United Nations Convention on the Law of the Sea as it appears in the latest issue of Multilateral Treaties deposited with the Secretary-General, status as at 31 December 1982. It appears the Ministry of Foreign Affairs has not received any depositary notification containing the aforementioned declaration.

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 19-23 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.

The Ministry for Foreign Affairs avails itself of this opportunity to renew to the Secretary-General the assurances of its highest consideration.

II. ISRAEL

The Permanent Mission of Israel to the United Nations sent to the Secretary-General of the United Nations a Note dated 9 December 1984, which reads as follows:

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.

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

(a) RECENT NATIONAL LEGISLATION RECEIVED FROM GOVERNMENTS

(1) Law of the Union of Soviet Socialist Republics on the State Frontier of the USSR 24 November 1982 (Excerpts)

The Union of Soviet Socialist Republics unswervingly pursues a Leninist peace policy, advocates the strengthening of the people's security and proceeds from the principle of the inviolability of State frontiers, which are the embodiment of territorial integrity, political independence, sovereignty and unity of the State.

In accordance with the Constitution of the USSR, the definition of the State frontier of the USSR and the protection of the State frontiers and the territory of the USSR fall within the jurisdiction of the Union of Soviet Socialist Republics as represented by its supreme organs of State power and administration.

The protection of the State frontier of the USSR is the most important and inalienable part of the defence of the socialist fatherland. The State frontier of the USSR is inviolable. Any attempts to violate it shall be resolutely suppressed.

I. GENERAL PROVISIONS

Article 1. State frontier of the USSR

The State frontier of the USSR shall be the line, and the surface perpendicular to this line, defining the boundaries of the territory of the USSR - land, water, subsoil and airspace.

Article 2. Definition of the State frontier of the USSR and ensuring its protection

The State frontier of the USSR is defined by the decisions of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR and also by international treaties concluded by the USSR.

The Council of Ministers of the USSR, within the limits of its powers, takes measures to ensure the protection of the State frontier of the USSR and the territory of the USSR.

Article 3. Establishment of the State frontier of the USSR

The State frontier of the USSR, unless otherwise stipulated in international treaties concluded by the USSR, shall be established:

(1) On land - according to distinctive points and lines or clearly visible landmarks;

(2) At sea - along the outer limit of the territorial waters (territorial sea) of the USSR;

(3) On navigable rivers - by the median line dividing the main fairway or by the thalweg of the river, on unnavigable rivers (streams) - by the median line dividing them or dividing the river's main arm; on lakes and other water expanses - along the straight line joining the points where the State frontier of the USSR intersects the shore of the lake or other body of water.

The State frontier of the USSR running along a river (stream), lake or other water expanses shall not be shifted as a result of either a change in the contour of the riverbank or lakeshore or in the water level, or of a deviation of the course of the river (stream) in either direction;

(4) On the reservoirs of hydraulic centres and other manmade water expanses - in accordance with the State frontier line of the USSR running through the locality prior to their being filled;

(5) On railroad and motor road bridges, dams and other structures traversing the frontier sections of navigable and unnavigable rivers (streams) - along the center of these structures or along their structural axis, irrespective of where the State frontier of the USSR runs on the water.

Article 4. Marking the State frontier of the USSR

The State frontier of the USSR shall be designated on terrain by clearly visible boundary markers.

The shape and dimensions of boundary markers and the procedure for installing them shall be determined by the legislation of the USSR and by the international treaties concluded by the USSR.

Article 5. Territorial waters (territorial sea) of the USSR

The territorial waters (territorial sea) of the USSR shall include coastal maritime waters to an extent of 12 nautical miles measured from the low-water line, both with respect to the mainland and with respect to islands belonging to the USSR, or from straight baselines joining the relevant points. The geographical co-ordinates of these points shall be established according to the procedure, laid down by the Council of Ministers of the USSR.

In individual cases, a different breadth for the territorial waters (territorial sea) of the USSR may be established by international treaties concluded by the USSR and in the absence of treaties - in accordance with the generally recognized principles and norms of international law.

Article 6. Internal waters of the USSR

The internal waters of the USSR shall include:

(1) The maritime waters on the landward side of the straight baselines adopted for the measurement of the breadth of the territorial waters (territorial seas) of the USSR;

(2) The waters of USSR ports bounded by a line passing through the outermost seaward points of the hydraulic and other port installations;

(3) The waters of gulfs, bays, inlets and estuaries, the shores of which belong in their entirety to the USSR, up to a straight line drawn from one shore to the other at the place where, on the seaward side, one or more passages begin to take form, provided that the width of each passage does not exceed 24 nautical miles;

(4) The waters of gulfs, bays, inlets, estuaries, seas and straits which have historically belonged to the USSR;

(5) The waters of rivers, lakes and other reservoirs, the shores of which belong to the USSR.

...

Article 8. Definition of the régime of the State frontier of the USSR

The régime of the State frontier of the USSR - the procedure for crossing the State frontier of the USSR, the navigation through and staying in the territorial waters (territorial sea) of the USSR and in the Soviet part of the waters of frontier rivers, lakes and other reservoirs of Soviet and foreign non-military vessels, for the entry into and stay in the internal waters and ports of the USSR of foreign non-military vessels and warships, for the maintenance of the State frontier of the USSR and the carrying out of various operations, fishing and other activity on the State frontier of the USSR - is defined by this Law, by other legislative acts of the USSR and by international treaties concluded by the USSR.

Article 9. Crossing of the State frontier of the USSR

Rail, motor, maritime, river, air and other traffic across the State frontier of the USSR shall be effected at control points established by the Council of Ministers of the USSR in accordance with the legislation of the USSR and the international treaties concluded by the USSR. At control points for crossing the State frontier of the USSR, the frontier troops' checkpoints and customs establishments shall be set up.

Non-military maritime and river vessels, as well as warships, shall cross the State frontier of the USSR in accordance with this Law, other legislative acts of the USSR and the rules issued by competent Soviet organs and published in "Notices to Mariners".

Aircraft shall cross the State frontier of the USSR in specially designated flight corridors in accordance with this Law, other legislative acts of the USSR and the rules issued by competent Soviet organs and published in the "Collection of Air Navigation Information". Flights across the State frontier of the USSR outside the air corridors shall be permitted only with the authorization of the competent Soviet organs.

Article 10. Take-off and landing of aircraft

Soviet and foreign aircraft shall leave the USSR, as well as, after entering the USSR, land at airports (airfields) open to international flights where there are frontier troops' checkpoints and customs establishments. A different procedure for the departure and landing of aircraft is permitted only with the authorization of the competent Soviet organs.

Article 11. Control of the crossing of the State frontier of the USSR

Persons, means of transportation, freight, and other property crossing the State frontier of the USSR shall be subject to frontier and customs control. In relevant instances, sanitary and quarantine, veterinary and plant-sanitation control, control over the export of cultural treasures from the USSR and other controls shall be also exercised.

Control shall be organized and exercised by the competent Soviet organs according to the procedure prescribed by the laws of the USSR.

Article 12. Passage of persons, means of transport, freight and other property across the State frontier of the USSR

Persons crossing the State frontier of the USSR shall be permitted to do so by the frontier troops on the basis of valid entry or exit documents.

Means of transportation, freight, and other property shall cross the State frontier of the USSR in accordance with the legislation of the USSR and the international treaties concluded by the USSR.

In accordance with the international treaties concluded by the USSR, entry procedures for persons, means of transportation, freight and other property crossing the State frontier of the USSR may be simplified.

Article 13. Innocent passage through the territorial waters (territorial sea) of the USSR

Innocent passage through the territorial waters (territorial sea) of the USSR shall be permitted for the purpose of traversing those waters without entering the internal waters of the USSR or for the purpose of proceeding to the internal waters and ports of the USSR or leaving them for the high seas.

Foreign non-military vessels shall enjoy the right of innocent passage through the territorial waters (territorial sea) of the USSR in accordance with the legislation of the USSR and with international treaties concluded by the USSR.

Foreign non-military vessels exercising the right of innocent passage shall follow the customary navigational route or the route recommended by the Soviet competent organs, as well as the sea lanes and traffic separation schemes.

The master of a foreign non-military vessel which has violated the rules of innocent passage shall be held liable in accordance with Soviet legislation.

Foreign warships and underwater vehicles shall enjoy the right of innocent passage through the territorial waters (territorial sea) of the USSR in accordance with the procedure to be established by the Council of Ministers of the USSR. However, submarines and other underwater vehicles are required to navigate on the surface and undo their flag.

Article 14. Procedure governing the entry of foreign non-military vessels and warships into the internal waters and ports of the USSR

Foreign non-military vessels may enter the roadsteads and ports of the USSR that are open to such vessels. The list of roadsteads and ports open to foreign non-military vessels and the arrangements governing entry into and stay in them, including the arrangements governing freight and passenger operations, the vessel's communications with the shore, the disembarkation of members of the vessel's crew, visits to the vessel by persons other than members of the crew, together with other rules related to the entry of foreign non-military vessels into the internal waters and ports of the USSR and the Soviet part of the waters of frontier rivers, lakes and other bodies of water and their stay in such waters, shall be established by the legislation of the USSR and by the rules published in the "Notices to Mariners".

Unless otherwise provided, foreign warhips shall enter the internal waters and ports of the USSR with the prior permission of the Council of Ministers of the USSR and in accordance with the rules governing the visits of such ships published in the "Notices to Mariners".

Article 15. Obligation of foreign non-military vessels and warships to comply with navigational and other regulations in the waters of the USSR

Foreign non-military vessels and warships shall, while navigating through and staying in the territorial waters (territorial sea) of the USSR, the internal waters of the USSR or in the Soviet part of the waters of frontier rivers, lakes and other reservoirs, be obliged to comply with the radio, navigation, port, customs, health and other regulations.

If an emergency obliges foreign non-military vessels and warships to enter the territorial waters (territorial sea) of the USSR, the internal waters of the USSR or the Soviet part of the waters of frontier rivers, lakes or other reservoirs or prevents them from complying with the regulations governing navigation through and staying in those waters, they shall immediately so inform the authorities of the nearest Soviet port.

Article 16. Prohibition of harvesting, research and prospecting activity by foreign non-military vessels and warships in USSR waters

Harvesting, research and prospecting activity by foreign non-military vessels and warships in the territorial waters (territorial sea) of the USSR, in the internal waters of the USSR and in the Soviet part of the waters of frontier rivers, lakes and other reservoirs shall be prohibited except when such activity is authorized by the competent Soviet organs or under international treaties concluded by the USSR.

Article 17. Prohibition of navigation and stopping by non-military vessels and warships in certain areas of USSR waters

Within the territorial waters (territorial sea) of the USSR and the internal waters of the USSR, there may be established by decision of the competent Soviet organs areas in which navigation by and the stay of Soviet and foreign non-military vessels and warships are prohibited. The establishment of such areas shall be announced in the "Notices to Mariners".

Article 18. Procedure governing economic activities on the State frontier of the USSR

Navigation, the use of bodies of water for timber-rafting and other uses of water, the installation of miscellaneous waterworks, and other activities in the Soviet part of the waters of frontier rivers, lakes and other water bodies, the exploitation of lands, forests and fauna, mining, geological prospecting and other economic activities on the State frontier of the USSR shall take place in accordance with Soviet legislation and international treaties concluded by the USSR and shall be carried out in such a way as to ensure proper order on the State frontier of the USSR.

The competent Soviet authorities, in agreement with the frontier troops and taking into account local conditions, shall establish the procedure governing all forms of economic activity on the State frontier of the USSR.

Article 19. Temporary suspension of traffic across the State frontier of the USSR in the event of a threatened spread of infectious diseases. Quarantine

In the event of a threatened spread of especially dangerous infectious diseases in the territory of the USSR or of a foreign State, traffic across the State frontier of the USSR in the areas under threat may, upon the decision of the Council of Ministers of the USSR, be temporarily limited or suspended and quarantine established for persons, animals, freight, seeds and planting materials and other animal and plant products crossing the State frontier of the USSR.

Article 20. Violators of the State frontier of the USSR

The following shall be considered violators of the State frontier of the USSR:

(1) Persons crossing or attempting to cross the State frontier of the USSR in a way other than by the entry points on the State frontier of the USSR, or at the entry points on the State frontier of the USSR but in violation of the rules governing the crossing of the frontier;

(2) Persons who have boarded or who attempt to board foreign or Soviet means of transportation heading for the frontier for the purposes of illegal exit from the USSR;

(3) Foreign non-military vessels and warships which have entered the territorial waters (territorial sea) of the USSR or the internal waters of the USSR or the Soviet part of the waters of frontier rivers, lakes and other bodies of water in violation of the rules established for entry into such waters. Foreign submarines and other submersibles shall also be considered violators of the State frontier of the USSR in the event that they cross the State frontier of the USSR while underwater or are in such a position while navigating through and staying in the waters of the USSR;

(4) Aircraft and other airborne machines which have crossed the State frontier of the USSR without the necessary permission of the competent Soviet organs or which have committed other violations of the rules governing flight across the State frontier of the USSR.

It shall also be a violation of the State frontier of the USSR to cross it by any other technical or other means without appropriate permission or in violation of the established procedure.

Article 21. Frontier representatives of the USSR

In order to settle questions related to the maintenance of the régime of the State frontier of the USSR and also to settle frontier incidents, on certain sections of the State frontier of the USSR, frontier representatives of the USSR (frontier commissars, frontier plenipotentiaries and their deputies) shall be appointed from among officers of the frontier troops in accordance with the established procedure.

The frontier representatives of the USSR shall be guided by the legislation of the USSR, international treaties concluded by the USSR and instruments issued by the competent Soviet organs.

Questions not settled by the frontier representatives shall be decided through the diplomatic channel.

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VI. RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION CONCERNING THE STATE FRONTIER OF THE USSR

Article 40. Responsibility for violation of the legislation concerning the State frontier of the USSR

Persons guilty of violating or attempting to violate the State frontier of the USSR, its régime, the frontier régime or the régime governing control points on the State frontier of the USSR, of illegally transporting or attempting to transport across the State frontier of the USSR freight, materials, documents and other articles, or of violating in other ways the legislation concerning the State frontier of the USSR, shall bear criminal, administrative or other responsibility in accordance with the legislation of the USSR and the Union Republics.

II. (a) (2) DECREE OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ECONOMIC ZONE

The Presidium of the Supreme Soviet of the USSR has adopted a Decree on the Economic Zone of the USSR. For the conservation and optimum utilization of living and other resources and the protection of other economic interests of the USSR in maritime areas adjacent to the coast of the USSR, taking into consideration the relevant provisions of the United Nations Convention on the Law of the Sea designed to establish a uniform régime of economic zones, and with the aim of promoting the implementation of those provisions, the Decree states that there shall be established in the maritime areas beyond and adjacent to the territorial waters (territorial sea) of the USSR, including areas surrounding islands belonging to the USSR, an economic zone of the USSR, the outer limit of which shall be situated at a distance of 200 nautical miles, measured from the same baselines as the territorial waters (territorial sea) of the USSR.

It is established that in its economic zone the USSR shall exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, situated on the sea-bed, in its subsoil and in the superjacent waters; the USSR shall exercise sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, have jurisdiction with regard to the establishment and use of artificial islands, installations and structures, marine scientific research and the protection and preservation of the marine environment, and have other rights provided for in the Decree, in other legislative instruments of the USSR and in the generally recognized norms of international law.

In the economic zone of the USSR, all States, whether coastal or land-locked, shall enjoy, subject to the provisions of the Decree and other relevant legislative instruments of the USSR, as well as the generally recognized norms of international law, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to those freedoms.

The USSR shall have the exclusive right to construct, permit and regulate the establishment, operation and utilization in the economic zone of the USSR of any artificial islands, as well as any kind of installations and structures intended for conducting scientific research in its economic zone, for the exploration and exploitation of its natural resources and for other economic purposes.

It is provided that persons guilty of illegal exploration or exploitation of the natural resources of the economic zone of the USSR, of polluting the marine environment as a result of the illegal discharge in the economic zone of the USSR of substances harmful to human health or to the living resources of the sea, or as a direct consequence of drilling or other activities for the exploration or exploitation of mineral resources of the sea-bed in the economic zone of the USSR, persons guilty of conducting marine scientific research in the economic zone of the USSR without the consent of the competent Soviet authorities, persons guilty of establishing artificial islands,

constructing installations and structures in the economic zone of the USSR and establishing safety zones around them without the required permission, and likewise persons guilty of violating other provisions of the Decree, shall bear administrative liability, unless those violations by their nature entail criminal liability in accordance with the current legislation of the USSR.

The Decree of the Presidium of the Supreme Soviet of the USSR on the economic zone of the USSR shall enter into force on 1 March 1984.

The full text of the Decree is published in the Gazette of the Supreme Soviet of the USSR.

"IZVESTIA", 29 February 1984

Decree of the Presidium of the Supreme Soviet of the USSR on the Economic Zone of the USSR 28 February 1984

For the conservation and optimum utilization of living and other resources and the protection of other economic interests of the USSR in maritime areas adjacent to the coast of the USSR, taking into consideration the relevant provisions of the United Nations Convention on the Law of the Sea designed to establish a uniform régime of economic zones, and with the aim of promoting the implementation of those provisions, the Presidium of the Supreme Soviet of the USSR determines:

1. In maritime areas beyond and adjacent to the territorial waters (territorial sea) of the USSR, including areas surrounding islands belonging to the USSR, there shall be established an economic zone of the USSR, the outer limit of which shall be situated at a distance of 200 nautical miles measured from the same baselines as the territorial waters (territorial sea) of the USSR.

The delimitation of the economic zone between the USSR and States with coasts opposite or adjacent to the coast of the USSR shall be effected, taking into account the legislation of the USSR, by agreement on the basis of international law, in order to achieve an equitable solution.

2. In its economic zone, provided for in article 1 of this Decree, the USSR shall have:

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, situated on the sea-bed, in its subsoil and in the superjacent waters;

(b) sovereign rights with regard to other activities for the economic exploration and exploitation of the zone;

(c) jurisdiction with regard to:

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

(d) other rights provided for in this Decree, in other relevant legislative instruments of the USSR and in the generally recognized norms of international law.

The rights and jurisdiction set out in this article with respect to the sea-bed of the economic zone and its subsoil shall be exercised in accordance with the legislation of the USSR concerning the continental shelf of the USSR.

3. The USSR shall exercise the rights stemming from its primary interest in and responsibility for anadromous stocks of fish which originate in its rivers.

The competent Soviet authorities shall ensure the conservation of such anadromous stocks by the adoption of appropriate measures and by the establishment of rules regulating their fishing, including the establishment of total allowable catches, both in its economic zone and beyond the limits of the zone.

The USSR shall ensure compliance with the measures and rules pertaining to anadromous stocks beyond the limits of its economic zone on the basis of treaties between the USSR and other interested States.

Fishing by other States of anadromous stocks originating in the rivers of the USSR, beyond the outer limits of the economic zone of the USSR, shall be conducted on the basis of treaties between the USSR and other interested States concerning the terms and conditions of such fishing, giving due regard to the conservation requirements and the needs of the USSR in respect of such stocks.

The terms and conditions of the utilization and conservation of anadromous stocks originating in the rivers of the USSR shall be determined by the Council of Ministers of the USSR.

4. In the economic zone of the USSR, all States, whether coastal or land-locked, shall enjoy, subject to the provisions of this Decree and other relevant legislative instruments of the USSR, as well as the generally recognized norms of international law, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to those freedoms.

5. The USSR shall ensure the optimum utilization of fish and other living resources in its economic zone through proper conservation and management measures, taking into account the best scientific evidence and, where appropriate, in co-operation with the competent international organizations.

To this end, for instance, the competent Soviet authorities shall determine annually the total allowable catch of every species of fish and other living resources and the portion of this catch to which access may be granted to foreign States, and shall take measures to ensure rational conduct of fishing, conservation and reproduction of living resources as well as their protection, including inspection, detention and arrest of ships.

The terms and conditions of the utilization and protection of fish and other living resources of the economic zone of the USSR shall be determined by the Council of Ministers of the USSR.

6. The harvesting of fish and other living resources, as well as research, exploration and other operations connected with such harvesting, hereinafter referred to as "fishing", may be performed by foreign juridical or natural persons in the economic zone of the USSR only on the basis of international treaties or other agreements between the USSR and the foreign States concerned.

Foreign juridical or natural persons engaging in fishing in the economic zone of the USSR in accordance with the first paragraph of this article shall comply with the measures for the conservation of living resources and the other provisions and conditions established by this Decree, by other relevant legislative instruments of the USSR and by the rules adopted on the basis thereof.

7. In the economic zone of the USSR, the USSR shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of any artificial islands and any kind of installations and structures for the purpose of conducting scientific research in its economic zone, as well as for the exploration and exploitation of its natural resources and for other economic purposes. This right shall also cover the construction, operation and use of installations and structures which may interfere with the exercise of the rights of the USSR in the economic zone.

The USSR 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.

Around such artificial islands, installations and structures, safety zones shall be established wherever necessary, which shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. The competent Soviet authorities shall determine in these zones the appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

Soviet organizations, foreign States and their juridical or natural persons responsible for the maintenance and operation of the above mentioned artificial islands, installations and structures shall provide for the maintenance in good working order of permanent means for giving warning of their presence. Any installations, structures and equipment which are abandoned or disused shall be removed as soon as possible and to such an extent as to create no obstacle to navigation and fishing and no danger of polluting the marine environment.

The construction of artificial islands, the erection of installations and structures, the establishment of safety zones around them, as well as the complete or partial liquidation of these installations and structures, shall be announced in "Notices to Mariners".

8. Marine scientific research in the economic zone of the USSR shall be carried out in accordance with the legislation of the USSR and in accordance with the international treaties concluded by the USSR.

Marine scientific research in the economic zone of the USSR may be carried out by foreign States and competent international organizations only with the consent of the competent Soviet authorities. In normal circumstances, the competent Soviet authorities shall grant their consent for marine scientific research by foreign States in the economic zone of the USSR on condition that this research is carried out exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind.

Such consent may be withheld if the marine scientific research:

(1) is of direct significance for the exploration and exploitation of the natural resources of the economic zone of the USSR, whether living or non-living;

(2) involves drilling into the sea-bed of the economic zone, the use of explosives or the introduction of harmful substances into the marine environment;

(3) involves the construction, operation or use of artificial islands, installations and structures.

Foreign States and competent international organizations which intend to undertake marine scientific research in the economic zone of the USSR shall, not less than six months in advance of the expected starting date of the research, provide the competent Soviet authorities with complete information about the planned research.

If the information provided in accordance with the fourth paragraph of this article is inaccurate, or if the foreign State and the competent international organization carrying out the research have outstanding obligations towards the USSR stemming from previous marine scientific research, the competent Soviet authorities may withhold consent for such research.

9. Foreign States and competent international organizations shall be obliged, while carrying out marine scientific research in the economic zone of the USSR:

(1) to ensure the right of Soviet representatives to participate in the marine scientific research, especially on board research vessels and other craft or scientific research installations;

(2) to provide the competent Soviet authorities, at their request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;

(3) to provide access for the competent Soviet authorities, at their request, to all data and samples derived from the marine scientific research and likewise to furnish them with data which may be copied and samples which may be divided without detriment to their scientific value;

(4) if requested, to provide the competent Soviet authorities with an assessment of such data, samples and research results;

(5) not to obstruct activity carried out in exercise of the sovereign rights and jurisdiction envisaged in articles 2 and 3 of this Decree;

(6) to inform the competent Soviet authorities immediately of any major change in the research programme;

(7) unless otherwise agreed, to remove as quickly as possible the scientific research installations or equipment once the research is completed.

10. Marine scientific research in the economic zone of the USSR which is not being conducted in accordance with the information communicated under article 8 of this Decree, or which violates the provisions of article 9 of this Decree, may be suspended by the competent Soviet authorities. Resumption of the research shall be permitted only after the elimination of the violations committed and the receipt of guarantees that such violations will not occur in future.

Marine scientific research in the economic zone of the USSR conducted without the consent of the competent Soviet authorities, or with a deviation from the information communicated under article 8 of this Decree which amounts to a major change in the original research project, shall be liable to immediate termination.

11. The terms and conditions for the carrying out of marine scientific research, for the construction of artificial islands, for the erection, maintenance, operation, protection and removal of installations, structures and safety zones around them, as well as for the issue of permits for the execution of all the aforementioned work in the economic zone of the USSR, shall be established by the Council of Ministers of the USSR.

12. The prevention, reduction and control of pollution of the marine environment arising out of or connected with activity in the economic zone of the USSR shall be effected in accordance with the legislation of the USSR, as well as with international treaties concluded by the USSR.

13. With regard to particular clearly defined areas of the economic zone of the USSR, where the establishment of special mandatory measures for the prevention of pollution from vessels is required for technical reasons in relation to their oceanographical and ecological conditions, as well as their utilization or the protection of their resources and the particular character of their traffic, such measures, including those relating to navigational practice, may be established by the Council of Ministers of the USSR in areas determined by it. The limits of such special areas shall be published in "Notices to Mariners".

14. The competent Soviet authorities may, in the manner determined by the legislation of the USSR, establish regulations for the prevention, reduction and control of pollution of the marine environment, and also for the safety of navigation, and enforce such regulations in ice-covered areas possessing special natural characteristics, where pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance.

15. Where there are clear grounds for believing that a vessel navigating in the territorial waters (territorial sea) of the USSR or in the economic zone of the USSR has, in that zone, committed a violation of the legislation mentioned in articles 12 to 14 of this Decree or of applicable international rules for the prevention, reduction and control of pollution of the marine environment from vessels, the competent Soviet authorities may:

(1) require the vessel to give the information necessary to establish whether a violation has occurred;

(2) undertake an inspection of the vessel in connection with the violation, if it has resulted in a susbstantial discharge of polluting substances causing or threatening significant pollution of the marine environment and if, at the same time, the vessel has refused to give the necessary information or the information is at variance with the evident factual situation.

Where there is clear objective evidence that a vessel navigating in the territorial waters (territorial sea) of the USSR or in the economic zone of the USSR has, in that zone, committed a violation of the laws and regulations mentioned in the first paragraph of this article through a discharge of polluting substances causing major damage or threat of major damage to the coastline of the USSR, to interests relating to that coastline or to any resources of the territorial waters (territorial sea) of the USSR or of the economic zone of the USSR, proceedings may be instituted in respect of this violation, including detention of the vessel in accordance with the laws of the USSR.

When a foreign vessel enters a Soviet port, the competent Soviet authorities may institute proceedings in respect of any violation of the laws or regulations mentioned in the first paragraph of this article committed by the vessel in the economic zone of the USSR.

The procedure for the exercise by the competent Soviet authorities of the rights provided for in this article shall be determined by the Council of Ministers of the USSR.

16. Dumping within the limits of the economic zone of the USSR of wastes or other materials and objects shall be carried out only with the permission and under the control of the competent Soviet authorities. The terms and conditions for dumping and for the issue of such permits shall be determined by the Council of Ministers of the USSR.

17. If a collision of vessels, the stranding of a vessel or other maritime casualty occurring in the economic zone of the USSR or beyond its outer limits, or acts relating to such a casualty may result in major harmful consequences for the coastline of the USSR and related interests, including fishing, the competent Soviet authorities shall be entitled, pursuant to international law, to take the necessary measures proportionate to the actual or threatened damage, with the aim of preventing pollution or threat of pollution.

18. Where there is good reason to believe that a foreign ship has violated the provisions of this Decree or of other relevant legislative instruments of the USSR, and when it attempts to flee, the right to pursue the offender with a view to making an arrest and subsequently establishing liability shall be exercised in the manner established by the competent Soviet authorities. Such pursuit shall commence when the offending ship or one of its boats is within the limits of the economic zone of the USSR, after a signal to stop has been given, and shall cease as soon as the ship pursued enters the territorial waters (territorial sea) of its own country or of any third State.

19. Persons guilty of:

(1) illegal exploration or exploitation of the natural resources of the economic zone of the USSR;

(2) illegal removal, for the purpose of dumping within the limits of the economic zone of the USSR, from vessels and other floating devices, from aircraft or from artificial islands constructed in the sea, from installations and structures of substances harmful to human health or to the living resources of the sea, or of other wastes, materials and objects which may harm or obstruct lawful forms of utilization of the sea;

(3) pollution of the marine environment resulting from the illegal discharge in the economic zone of the USSR from vessels and other floating devices, from aircraft or from artificial islands constructed in the sea, from installations and structures of substances harmful to human health or to the living resources of the sea, of compounds containing such substances in amounts exceeding established norms, or of other wastes, materials and objects which may harm recreational zones or prevent other lawful forms of utilization of the sea;

(4) pollution of the marine environment directly resulting from drilling or other types of work for the exploration or exploitation in the economic zone of the USSR of the mineral resources of the sea-bed;

(5) other violations of regulations pertaining to the prevention, reduction and control of pollution of the marine environment in the economic zone of the USSR;

(6) the conduct in the economic zone of the USSR of marine scientific research without the consent of the competent Soviet authorities;

(7) the creation of artificial islands, the construction of installations and structures in the economic zone of the USSR, as well as the establishment of safety zones around them, without the required permission;

(8) failure to provide installations and other structures in the economic zone of the USSR with permanent means for giving warning of their presence, violation of regulations concerning the maintenance of those means in good working order and of regulations concerning the removal of installations and structures, the operation of which has finally ceased, as well as violations of other provisions of this Decree as connected with the performance of obligations stemming from international treaties concluded by the USSR,

shall be liable to measures of administrative punishment consisting of a fine of up to 10,000 roubles imposed at the place where the violation was discovered.

If the said violations have caused substantial damage or other major consequences, or if they have been repeated, those guilty shall be liable to a fine of up to 100,000 roubles, imposed by the regional (urban) people's court. In cases of violations provided for in subparagraghs 1, 6 and 7 of the first paragraph of this article, the court may order, as an additional administrative penalty, the confiscation of the vessel, installations, fishing implements, equipment, instruments and other objects which were used by the offender, as well as of everything illegally harvested.

In cases of arrest or detention of foreign vessels, the competent Soviet authorities shall promptly notify the flag State of the action taken and of any penalties subsequently imposed. Detained vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.

20. Persons guilty of violations covered by article 19 of this Decree shall bear administrative liability, unless such violations by their nature entail criminal liability in accordance with the current legislation of the USSR.

21. The adoption of the administrative measures provided for in this Decree shall not absolve offenders from compensating for damage caused by them to living and other resources of the economic zone of the USSR, in accordance with the existing legislation of the USSR.

22. The procedure for the protection of the economic zone of the USSR shall be established by the Council of Ministers of the USSR.

23. This Decree shall enter into force on 1 March 1984.

24. The following are suspended:

Decree dated 10 December 1976 of the Presidium of the Supreme Soviet of the USSR "On Provisional Measures to Conserve Living Resources and Regulate Fishing in the Sea Areas Adjacent to the Coast of the USSR" (Gazette of the Supreme Soviet of the USSR, 1976, No. 50, page 728; 1982, No. 15, page 238);

Resolution dated 22 March 1977 of the Presidium of the Supreme Soviet of the USSR on the procedure for the implementation of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR "On Provisional Measures to Conserve Living Resources and Regulate Fishing in the Sea Areas Adjacent to the Coast of the USSR" (Gazette of the Supreme Soviet of the USSR, 1977, No. 13, page 217).

25. The Council of Ministers of the USSR shall bring the decisions of the Government of the USSR into line with this Decree.

II. (a) (3) Second Ordinance for the Implementation of the Law on the State Frontier of the German Democratic Republic (Frontier Ordinance) 20 December 1984

On the basis of articles 4, para. (4) and 40 of the Frontier Law of 25 March 1982 (Gesetzblatt I, No. 11, p. 197) the following is decreed:

Article 1

(1) The breath of the territorial sea of the German Democratic Republic shall be extended in compliance with article 4, para. (3) of the Frontier Law.

(2) The outer limit of the territorial sea of the German Democratic Republic (maritime boundary) shall, beginning from the State frontier of the German Democratic Republic to the Federal Republic of Germany, be defined by the lines connecting the co-ordinates of the following points:

1. Latitude 53°57'30" N
   Longitude 10°54'18" E

2. Latitude 53°57'55" N
   Longitude 10°54'18" E

3. Latitude 53°59'38" N
   Longitude 10°56'50" E

4. Latitude 54°02'36" N
   Longitude 11°00'36" E

5. Latitude 54°03'32" N
   Longitude 11°02'45" E

State frontier between the German Democratic Republic and the Federal Republic of Germany:

6. Latitude 54°09'04" N
   Longitude 11°15'30" E

7. Latitude 54°21'10" N
   Longitude 11°48'00" E

8. Latitude 54°21'10" N
   Longitude 12°08'40" E

9. Latitude 54°26'40" N
   Longitude 12°16'45" E

10. Latitude 54°36'40" N
    Longitude 12°23'18" E

11. Latitude 54°44'02" N
    Longitude 12°41'54" E

continuing from this point at a distance of 12 nautical miles, measured from the baseline in accordance with article 21 of the frontier regulations of 25 March 1982 (Gesetzblatt I, No. 11, p. 208) up to the point defined by the following co-ordinates:

12. Latitude 54°08'38" N
Longitude 14°20'48" E

continuing from this point in accordance with an agreement to be concluded between the German Democratic Republic and the Polish People's Republic up to the points defined by the following co-ordinates:

13. Latitude 54°01'42" N
Longitude 14°15'16" E

14. Latitude 53°55'46" N
Longitude 14°13'42" E

State frontier between the German Democratic Republic and the Polish People's Republic.

(3) The course of the outer limit of the territorial sea of the German Democratic Republic (maritime boundary) shall not prejudice pending delimitations of the continental shelf and the fishery zone of the German Democratic Republic with States with adjacent or opposite coasts.

Article 2

The presence of foreign warships and other Government ships operated for non-commercial purposes in the territorial sea shall be subject to the provisions of article 15 of the Frontier Law and of section VI of the frontier regulations, except such ships which, for the purpose of entering or leaving their ports, have to pass through the territorial sea of the German Democratic Republic on the immediate approach routes.

Article 3

The permissions issued in accordance with the frontier regulations for the navigation of sporting boats in the territorial sea or the international waters beyond the frontier zone continue to be applicable only to the designated area, but not more than three nautical miles measured from the baseline. In the case of sports events exceptions may be granted by consent of the Chief of the Coastal Frontier Brigade.

Article 4

This ordinance shall enter into force on 1 January 1985

II (b) DECLARATION BY STATES

PERMANENT COMMISSION FOR THE SOUTH PACIFIC (CPPS)
SECOND MEETING OF MINISTERS FOR FOREIGN AFFAIRS OF MEMBER COUNTRIES OF THE PERMANENT COMMISSION FOR THE SOUTH PACIFIC
8 to 10 February 1984

Viña del Mar Declaration

I. GOALS

1. The Ministers for Foreign Affairs of the countries members of the Permanent Commission for the South Pacific, Their Excellencies Rodrigo LLoreda Caicedo (Colombia), Jaime del Valle Alliende (Chile), Luis Valencia Rodríguez (Ecuador), and Fernando Schwalb López Aldana (Perú), as well as the Secretary-General of the Permanent Commission for the South Pacific, Luis Arriaga Mosquera, met on 8, 9 and 10 February 1984 in the city of Viña del Mar with a view to:

(a) Evaluating major new developments in international maritime activity in relation to the present and projected state of development of the Pacific System;

(b) Determining guidelines and courses of action in the light of the purposes and principles set forth in the Santiago Declaration of 1952 and the Cali Declaration of 1981 in order to face up, in a gradual and appropriate manner, to the obligations and responsibilities stemming from the new international maritime order; and

(c) Adapting the South Pacific System to the new responsibilities and obligations which it must shoulder.

II. REAFFIRMATION OF PRINCIPLES

2. The Ministers reiterate the determination of the States of the South-East Pacific Maritime System to conserve and protect the resources of the sea adjacent to their coasts in accordance with the obligation jointly undertaken in the Santiago Declaration, to ensure for their peoples access to necessary food supplies and to furnish them with the means of developing their economy.

3. Accordingly, they reaffirm what they proclaimed in the Santiago Declaration, namely, that, for that purpose and without prejudice to international communication, each country possesses sole sovereignty and jurisdiction over the sea adjacent to its coast up to a distance of 200 nautical miles and over the corresponding continental shelf, in accordance with international law.

4. In that regard, they affirm the unswerving adhesion of their respective countries to the principles and purposes of the Santiago Declaration of 1952 and of the Cali Declaration of 1981 and reiterate their determination to become even more united in the common defence of their rights over their respective maritime zones and to recommend whatever action may be necessary in order to achieve those goals.

III. RECOGNITION OF THE RESULTS ACHIEVED BY THE PERMANENT COMMISSION FOR THE SOUTH PACIFIC

5. The Ministers express their satisfaction with the results achieved by CPPS, especially in so far as the latter has:

(a) Contributed decisively to the universal acceptance of one of the fundamental principles which gave rise to the Santiago Declaration, namely, that of the sole sovereignty and jurisdiction of a coastal State over the sea adjacent to its coast up to a distance of 200 nautical miles;

(b) Maintained proper co-operation between the countries of the South-East Pacific Maritime System in establishing joint policies and programmes - among themselves and with other regional and international bodies - relating to research, preservation of the marine environment and conservation of its resources, thus creating a means of promoting integration;

(c) Co-ordinated the action of those countries in regulating the development and rational utilization of resources in that maritime zone.

6. Accordingly, they reiterate the whole-hearted support of their Governments for the efficient and satisfactory work of CPPS.

IV. THE PERMANENT COMMISSION FOR THE SOUTH PACIFIC AND THE NEW LAW OF THE SEA

7. The Ministers point out that coastal States are given broad powers and important responsibilities under existing modalities of international maritime activity and the large body of positive norms established in the new law of the sea. This makes it necessary to adopt innovative courses of action, and to that end they reaffirm the political will of their respective Governments to continue acting jointly in such matters.

V. CPPS AND THE PACIFIC BASIN

8. Conscious of the growing importance of the Pacific and of the efforts that coastal and island States are already making to be better equipped to meet the challenges presented by that vast region, the Ministers agree that one of the main objectives of CPPS shall be the gradual expansion of the scope of its activities throughout the Basin.

9. They express their determination to ensure through CPPS that their countries make their presence more actively felt in the general Pacific area, and to that end they recommend that exchanges of information and other linking mechanisms should be strengthened, in harmony with the pan-Pacific co-operation studies and outlines proposed by various international and regional bodies.

10. They point out that it would be advantageous to link countries of this area of the Pacific more closely with the rest of the Pacific Basin, and they draw attention, in that connection, to the task of the Committees for Economic Co-operation in the Pacific, which have already been established in Chile and Peru; the creation of such Committees in Colombia and Ecuador would be extremely useful in securing more effective regional participation in the activities being carried out in other areas of the Basin.

11. They also recommend that in those countries members of the System which have a Committee for Economic Co-operation in the Pacific, the relevant national section of CPPS should maintain close ties with such Committees on matters relating to the affairs of the Commission so as to co-ordinate actions and strategies on the basis of established overall policy.

VI. LINKS BETWEEN CPPS AND LATIN AMERICAN COUNTRIES OF THE PACIFIC

12. Considering that the other Latin American countries of the Pacific share the same fundamental interests as the member countries of the South-East Pacific Maritime System, the Ministers declare that it would be desirable for them to combine their efforts in order to work out joint policies with regard to the Pacific Basin.

13. They express the very strong determination of the System and of the countries belonging to the System speedily to develop a process for intensifying links with the other Latin American countries of the Pacific in matters relating to the sea.

VII. THE ROLE OF CPPS IN THE REGIONAL AND INTERNATIONAL MARITIME AREA

14. The Ministers reiterate what they stated in the Cali Declaration and confirm the resolution, adopted by CPPS at its seventeenth regular meeting, reaffirming that CPPS has the status of the appropriate regional maritime body in its relations with international bodies relating to ocean space. They point out that CPPS must be injected with new vigour and must be adapted to the new approach to juridical development and international activities and that it would be desirable for CPPS to draw up suitable strategies with a view to enhancing and increasing the effectiveness of the System's presence in international forums dealing with the sea and the utilization of its living and mineral resources.

VIII. POLICIES REGARDING CONSERVATION, PROTECTION AND OPTIMUM UTILIZATION OF THE LIVING RESOURCES OF THE SEA

15. It is the responsibility of the coastal States to conserve and protect the living resources in the maritime zones under their jurisdiction and in adjacent areas.

16. The Ministers note that it would be desirable for their Governments to exchange through the General Secretariat of CPPS, available scientific and technical information and other data relevant to the conservation of such resources and express their full support for the work being done by the Scientific Research Co-ordinating Commission.

17. At the request of the Governments, the General Secretariat of CPPS shall formulate such recommendations for States Members of the System as may be necessary to ensure the conservation, protection and optimum utilization of the living resources of the sea.

18. The Ministers reaffirm the principle that it is the exclusive responsibility of each State to determine the allowable catch in the waters under their jurisdiction and to determine their harvesting capacity in order to contribute to their development and meet the food and nutritional needs of their respective peoples.

19. Bearing in mind that the Cali Declaration of 1981 drew attention to the plan to consider the possibility of an understanding between the countries of the System to ensure the conservation and rational utilization of tuna as a resource at the free and sovereign disposition of the coastal countries, the Ministers agree that the countries of the System should continue their efforts to work out an agreement on the conservation, protection and optimum utilization of thunnidae in the East Pacific; to that end they have approved, as a basis for negotiations, the outline of an agreement on the conservation, protection and optimum utilization of thunnidae in the East Pacific which is annexed to the Final Act of the second Meeting of Ministers. The outline will have to be considered by the appropriate technical and scientific bodies so that it may be properly completed.

20. The Ministers urge the General Secretariat of CPPS to take appropriate steps, in co-ordination with States parties to the System, in order to bring about the adoption of this agreement as soon as possible.

21. Likewise, considering that the new law of the sea recognizes that coastal States have a legitimate interest in the conservation and optimum utilization of marine resources beyond their 200-mile maritime zones, where such resources are composed of the same populations as exist within those zones or of associated species, they agree to instruct the General Secretariat of CPPS, acting in co-ordination with the relevant national authorities, to initiate consultations among the countries of the System for the establishment of principles and courses of action to permit the entry into operation of appropriate mechanisms for the conservation and optimum utilization of such resources within a framework ensuring international co-operation with other States interested in the subject, bearing in mind the conservation measures which coastal States may adopt in the waters within their respective jurisdictions.

22. The achievement of these goals requires the preparation of scientific and technical studies, co-ordinated by the General Secretariat of CPPS, in order that timely and appropriate information may be obtained for the adoption of the said measures in a spirit of regional co-operation and the indiscriminate exploitation of resources avoided.

IX. POLICY REGARDING PROTECTION OF THE MARINE ENVIRONMENT

23. The Ministers draw attention to the effectiveness of the Action Plan for the Protection of the Marine Environment and Coastal Areas of the South-East Pacific being implemented by the countries of the System and Panama with the support of the UNEP regional seas programme, with a view to achieving overall protection of the marine environment and its resources.

24. To that end, they agree to instruct their respective national authorities to step up, in co-ordination with the General Secretariat, the research projects and the regional contingency plan which have already been approved, to provide the technical co-operation necessary for the plan's implementation and to seek links with other similar programmes in the Basin.

25. They also agree that, in working towards the above objectives, account should be taken of pollution stemming from radioactive sources and reaffirm the opposition of their Governments to nuclear explosions and to dumping.

X. POLICIES REGARDING EXPLORATION AND EXPLOITATION OF THE SEA-BED

26. The Ministers reiterate the principles contained in the Cali Declaration of 1981, namely, that the area of the sea-bed and ocean floor beyond the limits of national jurisdiction and the non-living resources thereof are the common heritage of mankind and that the exploitation of these resources must be subject to an international régime that ensures that they are used rationally for the benefit of mankind as a whole, bearing in mind, above all, the interests of the developing countries, particularly those exporting such resources.

27. They recognize how vitally important the non-living resources in that area of the South Pacific beyond national jurisdiction are to the economic and social development of their peoples and consider it essential that CPPS should study means of regional co-operation in order to carry out activities on these resources and seek co-ordinated links with the Preparatory Commission for the International Sea-Bed Authority and other competent international organizations. In that regard they recommend that resolution No. 11 adopted at the seventeenth regular session of CPPS should be implemented as soon as possible.

XI. AREAS OF IMMEDIATE CO-OPERATION

28. In keeping with the principles reaffirmed in this Declaration and the work of policy formulation envisaged therein, the Ministers agree that it would be advantageous to undertake activities involving co-operation between the countries of the South Pacific System in the following areas:

(a) Scientific

Scientific co-operation should be encouraged so as to ensure that the countries of CPPS achieve sufficient autonomous capacity in the area of joint scientific research and that they pursue activities and procedures that will regulate such work in their respective maritime areas and, generally, enhance knowledge of the marine environment in the South-East Pacific.

(b) Technical

Convinced of the all-important role that technical co-operation plays in the economic, social and technological development of peoples, and of the particular importance of such co-operation among developing countries, the Ministers decide to encourage through CPPS, joint actions and technical co-operation programmes among member countries in order to achieve optimum utilization of the resources of the maritime zone for which the System is responsible.

They also recognize the importance of technical co-operation in the ocean space and agree, therefore, that Governments must endeavour to obtain, also through CPPS, as much technical assistance as possible, both from the specialized agencies of the United Nations system and from other external bilateral and multilateral sources and other international bodies or agencies.

(c) They agree that it would be advantageous to increase economic co-operation among their countries, in order to put into practice economic co-operation policies and mechanisms for the development of marine resources covering such aspects as marketing, trading and reservation of common resources.

XII. POLICIES REGARDING TIES AND CO-OPERATION BETWEEN CPPS AND INTERNATIONAL BODIES AND INSTITUTIONS CONCERNED WITH MARINE SCIENCE AND MARINE RESOURCES

29. Recognizing that, in so far as regional and international bodies provide financing, vocational and technical training suited to the policies, plans and programmes formulated by the countries of CPPS, they can contribute significantly to enhancing and hastening the achievement of the objectives of the South Pacific System, the Ministers entrust the General Secretariat of CPPS with the task of carrying out a broad evaluation of current links and programmes being carried out within that framework in order to adapt them to the new responsibilities and courses of action established in this Declaration for the South Pacific System.

30. Given the tremendous socio-economic importance of fishing in the region, the Ministers request the General Secretariat to arrange for the signing of a technical co-operation agreement between FAO and CPPS, in its capacity as the appropriate regional maritime body to tackle problems relating to the regulation and development of fishing, and to co-ordinate and implement programmes of action which are part of its extensive global plan of activities.

XIII. HEIGHTENED EFFORTS OF COUNTRIES BELONGING TO THE SYSTEM TO INCREASE RESEARCH RELATING TO THE "EL NINO" PHENOMENON AND OTHER SCIENTIFIC RESEARCH RELATING TO THE MARINE ENVIRONMENT AND ITS RESOURCES

31. Considering that the socio-economic effects of the "El Niño" phenomenon stem from large-scale oceanic and atmospheric changes throughout the entire Pacific Ocean, the Ministers recommend that research in the Pacific Basin be intensified and that specific forms of subregional and regional co-ordination be established; they emphasize the research which countries members of CPPS have been conducting with their own means and economic resources and the fact that it is none the less necessary to add to those resources with new contributions in order to gain a better understanding of the phenomenon that will make it possible to predict its occurrence, with a view to intensifying studies of the marine environment and marine resources. Accordingly, they agree to request their respective Governments to allocate more economic resources and to provide appropriate means to carry out the ERFEN research programmes.

32. They also appeal to the competent international bodies and institutions to provide the technical and financial co-operation required for that purpose.

XIV. GUIDELINES FOR ADAPTING CPPS TO ITS NEW AIMS

33. The Ministers entrust the General Secretariat with the task of preparing, in the course of the year, a Plan of Action providing for specific measures for the achievement of the goals outlined in this Declaration and, in keeping with the plan, also to prepare a new functional approach for its work. For that purpose, the General Secretariat shall take this Declaration and the corresponding resolution annexed to the Final Act of the second Meeting of Ministers as its basis.

34. This Declaration shall be known as the "Viña del Mar Declaration".

In witness whereof, the Ministers for Foreign Affairs hereby sign this Declaration on the tenth day of February 1984.

II. (c) TREATIES

TREATY BETWEEN ARGENTINA AND CHILE

Treaty of Peace and Friendship
18 October 1984

"In the Name of Almighty God"

The Government of the Republic of Chile and the Government of the Republic of Argentina,

Recalling that on the eighth of January in the year nineteen hundred seventy-nine they requested the Holy See to act as mediator in the dispute that had arisen in the southern zone, in order to guide them in the negotiations and help them to find a solution; and that they sought its valuable assistance for the purpose of fixing a line of delimitation that would determine the respective jurisdictions to the east and west of such a line, based on the end-point of the existing demarcation;

Convinced that it is the inescapable duty of both Governments to give expression to their peoples' aspirations toward peace;

Bearing in mind the Boundary Treaty of 1881, an unshakeable foundation of the relations between the Argentine Republic and the Republic of Chile, and the related complementary and explanatory instruments;

Reiterating the obligation always to resolve all their disputes by peaceful means and never to resort to the threat or the use of force in their mutual relations;

Prompted by the aim of enhancing economic co-operation and physical integration between their respective countries;

Taking into special consideration the "Mediator's proposal, suggestion and recommendations" of the twelfth of December, nineteen hundred eighty;

Expressing thanks, on behalf of their peoples, to His Holiness Pope John Paul II for his enlightened efforts to achieve a settlement of the dispute and to strengthen friendship and understanding between the two Nations;

Have resolved to execute the following Treaty, which represents a compromise settlement:

Peace and friendship

Article 1

The High Contracting Parties, responding to the fundamental interests of their peoples, solemnly reassert their undertaking to preserve, strengthen and develop their bonds of unchanging peace and perpetual friendship.

The Parties shall hold periodic meetings of consultation at which they shall examine, in particular, any fact, event or situation that might possibly impair the harmony between them, shall seek to prevent any divergence between their viewpoints from giving rise to a dispute, and shall suggest or adopt measures aimed at maintaining and securing good relations between the two countries.

Article 2

The Parties confirm their obligation to refrain from resorting directly or indirectly to any manner of threat or use of force or from taking any other measure that might adversely affect harmony in any sector of their mutual relations.

They likewise confirm their undertaking always and exclusively to use peaceful means to settle any and all disputes, regardless of their nature, which for any reason may have arisen or may arise between them, in accordance with existing legal provisions.

Article 3

If a dispute should arise, the Parties shall take suitable measures for maintaining the best general conditions of coexistence in all areas of their relations and for preventing any aggravation or prolongation of the dispute.

Article 4

The Parties shall strive to settle any dispute between them by means of direct negotiations conducted in good faith and in a spirit of co-operation.

If, in the opinion of either or both of the Parties, direct negotiations should fail to produce a satisfactory result, either of the Parties may invite the other to submit the dispute to a means of peaceful settlement chosen by mutual consent.

Article 5

In the event that, within a period of four months from the invitation referred to in the foregoing article, the Parties should fail to reach agreement concerning another means of peaceful settlement and concerning the time-limits and other terms of its application, or in the event that, although such agreement has been reached, a settlement has not been achieved for any reason, the conciliation procedure stipulated in annex N° 1, chapter I, shall be applied.

Article 6

If either or both of the Parties should fail to agree to the terms of settlement proposed by the Conciliation Commission within the time-limit set by its Chairman, or if the conciliation procedure should prove unsuccessful for any reason, either or both of the Parties may submit the dispute to the arbitration procedure established in annex N° 1, chapter II.

This same procedure shall be applicable whenever, pursuant to article 4, the Parties select arbitration as and means of settling the dispute, unless they agree upon other rules.

Questions which have been the object of final settlements between the Parties may not be revived under this article. In such cases, arbitration shall be confined exclusively to such questions as may arise concerning the validity and interpretation of, and compliance with, such settlements.

Maritime delimitation

Article 7

The boundary between the respective sovereignties over the sea, soil and subsoil of the Republic of Argentina and the Republic of Chile in the Sea of the Southern Zone starting from the end of the existing delimitation in the Beagle Channel, namely, the point determined by the co-ordinates 55°07.3' south latitude and 66°25.0' west longitude, shall be the line joining the following points:

Starting from the point determined by the co-ordinates 55°07.3' south latitude and 66°25.0' west longitude (point A), the delimitation shall proceed in a south-westerly direction along a rhumb-line to a point situated between the coasts of Isla Nueva and Isla Grande de Tierra del Fuego, having the co-ordinates 55°11.0' south latitude and 66°04.7' west longitude (point B); from there it shall continue south-easterly at a forty-five-degree angle, measured at the said point B, and shall extend to a point having as its co-ordinates 55°22.9' south latitude and 65°43.6' west longitude (point C); it shall continue directly south along the said meridian as far as the parallel 56°22.8' south latitude (point D); from there it shall continue along this parallel, located twenty-four nautical miles to the south of the southernmost tip of Isla Hornos, in a westward direction until it intersects the meridian corresponding to the southernmost point of the said Isla Hornos at co-ordinates 56°22.8' south latitude and 67°16.0' west longitude (point E); whence the boundary shall continue southward to a point having the co-ordinates 58°21.1' south latitude and 67°16.0' west longitude (point F).

The maritime delimitation line described above is shown on the annexed map N° 1.

The exclusive economic zones of the Argentine Republic and the Republic of Chile shall extend respectively to the east and to the west of the boundary thus described.

To the south of the end-point of the boundary (point F) the exclusive economic zone of the Republic of Chile shall extend, to the distance permitted under international law, to the west of meridian 67°16.0' west longitude, bordering on the east with the open sea.

Article 8

The Parties agree that in the area comprised between Cape Horn and the easternmost point of Isla de los Estados the legal effects of territorial waters are limited, in their mutual relations, to a three-nautical-mile strip measured from their respective baselines.

Within the area indicated in the foregoing paragraph, each Party may invoke vis-à-vis third States the maximum width of territorial waters permitted under international law.

Article 9

The Parties agree to designate as "Sea of the Southern Zone" the maritime area delimited in the preceding two articles.

Article 10

The Argentine Republic and the Republic of Chile agree that at the eastern end of the Strait of Magellan, determined by Punta Dungeness in the north and Cabo del Espíritu Santo in the south, the boundary between their respective sovereignties shall be the straight line connecting the boundary marker formerly known as the Punta Dungeness Beacon, located at the end of the Strait of Magellan and boundary marker N° I on Cabo Espíritu Santo on Tierra del Fuego.

The line of delimitation described above is shown on the annexed map N° II.

The sovereignty of the Argentine Republic and the sovereignty of the Republic of Chile over the sea, soil and subsoil shall extend, respectively, to the east and to the west of the said boundary.

The delimitation herein agreed in no way alters what is laid down in the Boundary Treaty of 1881, whereby the Strait of Magellan is neutralized in perpetuity and unrestricted navigation in it is assured for the flags of all nations in accordance with the terms of its article V.

The Argentine Republic agrees to maintain, at any time and under any circumstances, the right of ships of all flags to sail freely and unimpeded through the waters under its jurisdiction to and from the Strait of Magellan.

Article 11

The Parties mutually recognize the straight baselines drawn by them in their respective territories.

Economic Co-operation and Physical Integration

Article 12

The Parties resolve to establish a Binational Commission of a permanent character, with a view to enhancing economic co-operation and physical integration. The Binational Commission shall be responsible for promoting and developing initiatives on the following subjects, among others: global system of ground communications, reciprocal improvements of ports and customs-free areas, land transport, aviation, electrical interconnections and telecommunications, development of natural resources, environmental protection and tourist facilities.

Within six months from the entry into force of this Treaty the Parties shall set up the Binational Commission and establish its rules of procedure.

Article 13

The Republic of Chile, in exercise of its sovereign rights, grants to the Argentine Republic the navigation facilities specified in annex N° 2, articles 1 to 9.

The Republic of Chile declares that ships of third-party registries may navigate unimpeded along the routes indicated in annex N° 2, articles 1 to 8, provided that they shall be subject to the relevant Chilean regulations.

Both Parties agree to the rules of navigation and pilotage in the Beagle Channel specified in the said annex N° 2, articles 11 to 16.

The provisions on navigation in the southern zone contained in this Treaty supersede any prior agreement thereon that may exist between the Parties.

Final Clauses

Article 14

The Parties solemnly declare that this Treaty constitutes the complete and definitive solution to the questions to which it pertains.

The boundaries set forth in this Treaty constitute the definitive and immovable border between the sovereignties of the Argentine Republic and the Republic of Chile.

The Parties undertake not to present claims or interpretations that are incompatible with what is established in this Treaty.

Article 15

Articles 1 to 6 of this Treaty shall be applicable in the Antarctic territory. The remaining provisions shall in no way affect, nor shall they be construed in such a way that they might affect, either directly or indirectly, the sovereignty, the rights or the legal positions of the Parties or the delimitations in Antarctica or in their adjacent maritime areas, including the soil and the subsoil.

Article 16

Welcoming the generous offer of the Holy Father, the High Contracting Parties place this Treaty under the moral protection of the Holy See.

Article 17

The following constitute integral parts of this Treaty:

a) Annex N° 1 on conciliation and arbitration procedures, which consists of 41 articles;

b) Annex N° 2 relating to navigation, which consists of 16 articles;

c) The maps referred to in articles 7 and 10 of the Treaty and in annex N° 2, articles 1, 8 and 11.

References to this Treaty are to be understood as also made to its related annexes and maps.

Article 18

This Treaty is subject to ratification and shall enter into force on the date on which the instruments of ratification are exchanged.

Article 19

This Treaty shall be registered in conformity with Article 102 of the Charter of the United Nations.

ANNEX N° 1

Chapter 1

Conciliation procedure provided for under article 5 of the Treaty of Peace and Friendship

Article 1

Within a period of six months from the date on which this Treaty enters into force the Parties shall establish an Argentine-Chilean Permanent Conciliation Commission, hereinafter referred to as "the Commission."

The Commission shall be made up of three members. Each of the Parties shall designate a member, who may be chosen from among its nationals. The third member, who shall act as Chairman of the Commission, shall be elected by both Parties from among nationals of third-party States who are not in the service, and whose usual residence is not within the territory, of either of them.

The members shall be appointed for a period of three years and may be re-elected. Either of the Parties may at any time replace the member designated by it. The third member may be replaced during his term of office by consent between the Parties.

Vacancies occurring as a result of death or for any other reason shall be filled in the same manner as the initial appointments, within a period of no more than three months.

If the appointment of the third member of the Commission cannot be made within the six-month period from the effective date of this Treaty or within three months after this office becomes vacant, as the case may be, either of the Parties may request the Holy See to make the appointment.

Article 2

In the situation provided for in article 5 of the Treaty of Peace and Friendship the dispute shall be submitted to the Commission in a written petition, either jointly or separately by the two Parties or by one of them, addressed to the Chairman of the Commission. The petition shall indicate the object of the dispute in summary form.

If the petition is not joint, the applicant Party shall immediately notify the other Party.

Article 3

In so far as possible, the written petition or petitions whereby the dispute is submitted to the Commission shall contain the designation of the delegate or delegates who are to represent the applicant Party or Parties on the Commission.

It shall be the responsibility of the Chairman of the Commission to request any Party that has not designated a delegate to do so promptly.

Article 4

When a dispute has been brought before the Commission, and solely for the purpose of such dispute, the Parties may, by mutual consent, designate two more members to join it. The Commission shall continue to be presided over by the previously designated third member.

Article 5

If, at the time when the dispute is brought before the Commission, any of the members designated by the Parties should not be in a position to participate fully in the conciliation proceedings, the Party in question shall replace him within the shortest possible time, solely for the purposes of the said conciliation.

At the request of either of the Parties, or on his own initiative, the Chairman may request the other Party to make such a replacement.

Should the Chairman of the Commission be unable to participate fully in the conciliation proceedings, the Parties must replace him by mutual consent, within the shortest possible time, with another person, solely for the purposes of the conciliation in question. If there is no agreement, either of the Parties may request the Holy See to effect the designation.

Article 6

Once he has received a petition, the Chairman shall fix the place and time for the first meeting and convene the members of the Commission and the delegates of the Parties.

At the first meeting the Commission shall appoint its Secretary, who shall not be a national of either of the Parties or be in the service of, or have a permanent residence in the territory of, either of them. The Secretary shall remain in office for the duration of the conciliation procedure.

At the same meeting the Commission shall determine the procedure to be followed in the conciliation. Unless otherwise agreed by the Parties, such procedure shall involve the hearing of full arguments on both sides.

Article 7

The Parties shall be represented on the Commission by their delegates; they may further secure the assistance of advisers and experts designated by them for this purpose and ask for such testimonies as they may see fit.

The Commission shall have the power to ask for explanations from the delegates, advisers and experts of the Parties and from such other persons as it may deem useful.

Article 8

The Commission shall meet in a place to be agreed upon between the Parties, and in the absence of such agreement, in the place designated by the Chairman.

Article 9

The Commission may recommend to the Parties measures aimed at preventing the dispute from being aggravated or conciliation from being made difficult.

Article 10

The Commission may not sit without all its members being present.

Unless otherwise agreed by the Parties, all decisions of the Commission shall be adopted by a majority vote of its members. The records shall not mention whether decisions were taken unanimously or by a majority vote.

Article 11

The Parties shall facilitate the work of the Commission and, to the greatest extent possible, shall provide it with all useful documents and information. In addition, they shall permit it to summon and hear witnesses or experts in their respective territories as well as carry out inspections at first hand.

Article 12

At the conclusion of the examination of the dispute the Commission shall endeavour to define the terms of a settlement acceptable to both Parties. For this purpose, the Commission may exchange views with the delegates of the Parties, whom it may hear either jointly or separately.

The terms proposed by the Commission shall only constitute recommendations submitted to the Parties for consideration with a view to facilitating a mutually acceptable settlement.

The terms of such settlement shall be communicated to the delegates of the Parties in writing by the Chairman, who shall request them to notify him, within a period fixed by him, whether or not the respective Governments accept the proposed settlement.

In making the notification the Chairman shall personally state the reasons which, in the opinion of the Commission, make it advisable for the Parties to accept the settlement.

If the dispute involves exclusively questions of fact, the Commission shall confine itself to the investigation thereof and shall record its conclusions in a document.

Article 13

If both Parties accept the settlement proposed by the Commission, there shall be drawn up a document recording the said settlement, signed by the Chairman, the Secretary of the Commission and the delegates. A copy of the document, signed by the Chairman and the Secretary, shall be sent to each of the Parties.

Article 14

If either or both of the Parties do not accept the proposed settlement and the Commission considers it superfluous to endeavour to obtain agreement on different terms of settlement, a document shall be drawn up, which shall be signed by the Chairman and the Secretary and in which it shall be stated, without reproducing the terms of the proposed settlement, that the Parties could not be conciliated.

Article 15

The proceedings of the Commission must be concluded within a period of six months from the day on which the dispute was brought before it, unless the Parties agree otherwise.

Article 16

No statement or communication by a delegate or a member of the Commission relating to the merits of the dispute shall be entered in the records of the meetings, unless the delegate or member from whom it emanates shall consent thereto. On the other hand, the written or oral testimony of experts and the reports of first-hand inspections and of statements by witnesses, shall be annexed to the records, unless the Commission shall otherwise decide.

Article 17

Certified copies of the records of the meetings and their related annexes shall be sent to the delegates of the Parties through the offices of the Secretary of the Commission, unless the Commission shall decide otherwise.

Article 18

The proceedings of the Commission shall not be public unless a decision to the contrary shall be taken by the Commission with the assent of both Parties.

Article 19

No admission or proposal formulated during the course of the conciliation proceedings, either by one of the Parties or by the Commission, may in any way prejudice or affect the rights or claims of either Party in the event that the conciliation procedure should prove unsuccessful. Similarly, acceptance by either Party of a proposed settlement formulated by the Commission in no way implies acceptance of the considerations of fact or of law on which such settlement might be based.

Article 20

Once the proceedings of the Commission are terminated, the Parties shall consider whether to authorize the total or partial publication of the related documentation. The Commission may make a recommendation to them in this connection.

Article 21

During the proceedings of the Commission each of its members shall receive monetary compensation, the amount of which shall be fixed by joint agreement between the Parties, which shall each pay half the cost thereof.

Each of the Parties shall defray its own costs and half the joint expenses of the Commission.

Article 22

At the conclusion of the conciliation procedure, the Chairman of the Commission shall deposit all the documentation relating to it in the archives of the Holy See, the confidential character of such documentation being maintained, within the limits set forth in articles 18 and 20 of this annex.

Chapter II

Arbitration procedure provided for under article 6 of the Treaty of Peace and Friendship

Article 23

The Party intending to resort to arbitration shall notify the other Party thereof in writing. In the same communication it shall request the establishment of the Arbitration Tribunal, indicate in summary form the matter in dispute, mention the name of the arbitrator selected by it to be part of the Tribunal, and invite the other Party to execute an arbitration agreement or undertaking.

The Party thus notified must co-operate in the establishment of the Tribunal and in the execution of the undertaking.

Article 24

Subject to an agreement to the contrary by the Parties, the Arbitration Tribunal shall be made up of five members designated in their personal capacity. Each of the Parties shall designate one member, who may be one of its nationals. The other three members, one of whom shall be Chairman of the Tribunal, shall be elected by mutual consent from among nationals of third States. These three arbitrators must be of different nationalities and must not be in the service of, or have their usual place of residence within the territory of, either of the Parties.

Article 25

If all the members of the Arbitration Tribunal have not been designated within a period of three months from the receipt of the communication provided for in article 23, the designation of the members to be appointed shall be made by the Government of the Swiss Confederation at the request of either of the Parties.

The Chairman of the Tribunal shall be designated by mutual consent of the Parties within the time-limit stated in the foregoing paragraph. In the absence of agreement, such designation shall be made by the Government of the Swiss Confederation at the request of either of the Parties.

Once all the members have been appointed, the Chairman shall convene them to a meeting for the purpose of declaring the Tribunal established and adopting such other agreements as may be necessary for its operation. The meeting shall be held in the place, on the day and at the hour indicated by the Chairman, and the provisions of article 34 of this annex shall be applicable to it.

Article 26

Vacancies occurring as a result of death, resignation or any other cause shall be filled in the following manner:

If the vacancy pertains to a member of the Tribunal designated by one Party only, that Party shall fill it within the shortest possible time, and in any event within a period of thirty days from the date on which the other Party shall have invited it in writing to do so.

If the vacancy pertains to one of the members of the Tribunal designated by mutual consent, the vacancy shall be filled within a period of sixty days from the date on which one of the Parties shall have invited the other in writing to do so.

If within the time-limits specified in the foregoing paragraphs the vacancies in question have not been filled, either of the Parties may request the Government of the Swiss Confederation to do so.

Article 27

In the event that the undertaking to submit the dispute to the Arbitration Tribunal is not executed within a period of three months from the date of the establishment of the Tribunal, either of the Parties may submit the dispute to it by means of a written petition.

Article 28

The Tribunal shall adopt its own rules of procedure, without prejudice to such rules as the Parties may have agreed on in the undertaking.

Article 29

The Arbitration Tribunal shall have the power to interpret the undertaking and to rule on its own competence.

Article 30

The Parties shall co-operate in the work of the Arbitration Tribunal and shall provide it with all useful documents, facilities and information. In addition, they shall permit it to summon and hear witnesses or experts in their respective territories as well as to carry out inspections at first hand.

Article 31

The Arbitration Tribunal shall have the power to order provisional measures aimed at safeguarding the rights of the Parties.

Article 32

Should either of the Parties to the dispute fail to appear before the Tribunal or abstain from defending its case, the other Party may request the Tribunal continue the proceedings and pronounce its decision. The fact that either of the Parties is absent or fails to appear shall not prevent the Tribunal from proceeding with the case or pronouncing a decision.

Article 33

The Arbitration Tribunal shall decide the case in accordance with international law, unless the Parties shall have provided otherwise in the arbitration undertaking.

Article 34

Decisions of the Arbitration Tribunal shall be adopted by a majority of its members. The absence or abstention of one or two of its members shall not prevent the Tribunal from sitting or reaching a decision. In the case of a tie, the Chairman's vote shall be decisive.

Article 35

The decision of the Tribunal shall contain a statement of the reasons therefor. It shall mention the names of the members of the Arbitration Tribunal who took part in its adoption and the date on which it was pronounced. Every member of the Tribunal shall have the right to have his or her separate or dissenting opinion added to the decision.

Article 36

The decision shall be binding on the Parties, final and inappellable. Compliance with it is entrusted to the honour of the signatory nations of the Treaty of Peace and Friendship.

Article 37

The decision shall be executed without delay in such a manner and within such time-limits as the Tribunal shall indicate.

Article 38

The Tribunal shall continue to remain in operation until such time as it shall declare that, in its opinion, the decision has been materially and fully executed.

Article 39

Unless otherwise agreed by the Parties, disagreements arising between the Parties over the interpretation or the manner of execution of the arbitral decision may be submitted by either of the Parties, for settlement, to the Tribunal which pronounced it.

For this purpose, any vacancy occurring in the Tribunal shall be filled in the manner laid down in article 26 of this annex.

Article 40

Either of the Parties may request the reconsideration of the decision by the Tribunal which pronounced it, provided that such a request is presented before the expiration of the time-limit set for its execution, and in the following cases:

1. If a decision has been pronounced on the basis of spurious or adulterated document.

2. If the award was wholly or partly the consequence of an error of fact, as it appears from the proceedings or documents of the case.

For this purpose, any vacancy occurring in the Tribunal shall be filled in the manner laid down in article 26 of this annex.

Article 41

Each member of the Arbitration Tribunal shall receive monetary compensation, the amount of which shall be fixed by joint agreement between the Parties, which shall each pay half the cost thereof.

Each of the Parties shall defray its own costs and half the joint expenses of the Tribunal.

ANNEX N° 2

Navigation

Navigation between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa

Article 1

For maritime traffic between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa, via Chilean inland waters, Argentine vessels shall enjoy navigation facilities solely for passage along the following route:

Canal Magdalena, Canal Cockburn, Paso Brecknock or Canal Ocasión, Canal Ballenero, Canal O'Brien, Paso Timbales, north-west arm of Beagle Channel and Beagle Channel as far as meridian 68°36'38.5" west longitude and vice versa.

The description of the said route is indicated on attached map N° III.

Article 2

Passage shall take place with a Chilean pilot, who shall serve as technical adviser to the Commander or Captain of the vessel.

For the timely designation and embarkation of the pilot, the Argentine authority shall communicate the date on which the vessel is to begin navigation to the Commander-in-Chief of the Chilean Third Naval Zone no less than forty-eight hours in advance.

The pilot shall exercise his functions between the point having as its geographical co-ordinates 54°02.8' south latitude and 70°54.9' west longitude and the meridian 68°36'38.5" west longitude in the Beagle Channel.

In navigation from or to the eastern mouth of the Strait of Magellan the pilot shall board or leave the vessel at the Bahía Posesión Pilot Station in the Strait of Magellan. In navigation to or from the western mouth of the Strait of Magellan, he shall embark or disembark at the corresponding point indicated in the foregoing paragraph. He shall be conducted to and from the aforementioned points by a Chilean means of transport.

In navigation from or to Argentine ports in the Beagle Channel, the pilot shall board or leave the ship at Ushuaia, and he shall be conducted from Puerto Williams to Ushuaia or from the latter port to Puerto Williams by an Argentine means of transport.

Merchant vessels must pay the pilotage charges established in the Tariff Regulations of the Dirección General del Territorio Marítimo y de Marina Mercante of Chile.

Article 3

The passage of Argentine vessels shall take place in a continuous, uninterrupted manner. In the event that a vessel is stopped or drops anchor owing to force majeure on the route indicated in article 1, the Commander or Captain of the Argentine vessel shall report the fact to the nearest Chilean naval authority.

Article 4

In cases for which no provision is made in this Treaty, Argentine vessels shall be subject to the rules of international law. During passage, such ships shall refrain from any activity not directly connected with the passage, such as the following: exercises or practice with arms of any type; launching, landing or reception of aircraft or military devices on board; embarkation or disembarkation of persons; fishing activities; investigations; hydrographic surveys; and such activities as might disturb the security or the communication systems of the Republic of Chile.

Article 5

Submarines and any other submersible vehicles must navigate on the surface. All ships shall sail with lights on and with flag flying.

Article 6

The Republic of Chile may temporarily suspend the passage of ships in the event of a hindrance to navigation owing to force majeure and solely for the duration of such hindrance. Such suspension shall become effective as soon as the Argentine authority shall have been notified thereof.

Article 7

The number of Argentine warships sailing on the route described in article 1 may not exceed three at any one time. Vessels may not carry landing units aboard.

Navigation between Argentine ports in the Beagle Channel and Antarctica and vice versa; or between Argentine ports in the Beagle Channel and the Argentine exclusive economic zone adjacent to the maritime boundary between the Republic of Chile and the Argentine Republic and vice versa

Article 8

For maritime traffic between Argentine ports in the Beagle Channel and Antarctica and vice versa, or between Argentine ports in the Beagle Channel and the Argentine exclusive economic zone adjacent to the maritime boundary between the Republic of Chile and the Argentine Republic and vice versa, Argentine vessels shall enjoy navigation facilities for passage through Chilean inland waters exclusively via the following route:

Picton and Richmond passages (pasos), then, starting from the point defined by the co-ordinates 55°21.0' south latitude and 66°41.0' west longitude, following the general direction of the arc comprised between 090° and 180° true bearing, emerging into the Chilean territorial sea; or crossing the Chilean territorial sea in the general direction of the arc comprised between 270° and 000° true bearing, and continuing through the Richmond and Picton passages.

Such passage shall take place without any Chilean pilot or notice.

The description of the said route is indicated on the attached map N° III.

Article 9

The provisions contained in articles 3, 4 and 5 of this annex shall apply to passage via the route indicated in the foregoing article.

Navigation towards and from the north through the Estrecho de Le Maire

Article 10

For maritime traffic toward and from the north via the Estrecho de Le Maire, Chilean vessels shall enjoy navigation facilities for passage through this strait without any Argentine pilot and without notice.

The provisions contained in articles 3, 4 and 5 of this annex shall be applicable, mutatis mutandis, to passage via this route.

Rules of navigation and pilotage in the Beagle Channel

Article 11

Within the Beagle Channel, on both sides of the existing boundary between the meridian 68°36'38.5" west longitude and the meridian 66°25.0' west longitude, as indicated on the attached map N° IV, there shall be established rules of navigation and pilotage as defined in the following articles.

Articles 12

The Parties agree to unrestricted navigation for Chilean and Argentine vessels within the area of water indicated in the foregoing article.

Within the stated area of water merchant ships of third-party registry shall enjoy the right of passage, provided that they shall be subject to the rules established in this annex.

Article 13

Warships of third-party flags heading for a port of either of the Parties located within the area indicated in article 11 of this annex must obtain prior authorization from the said Party, which shall notify the other of the arrival or departure of a foreign warship.

Article 14

The Parties mutually undertake to provide aids to navigation in the zones under their respective jurisdictions within the area indicated in article 11 of this annex and to co-ordinate such aids between themselves so as to facilitate navigation and guarantee its security.

The usual routes of navigation shall at all times be kept clear of any and all obstacles and activities that might affect navigation.

The Parties shall agree upon traffic-regulating systems for the security of navigation in geographical areas where passage is difficult.

Article 15

Chilean and Argentine vessels shall not be required to take on pilots within the area indicated in article 11 of this annex.

Third-party-flag vessels sailing to or from a port located within the said area must comply with the rules of pilotage of the country of the port of destination or departure.

Whenever such vessels navigate between ports of the two Parties, they shall comply with the rules of pilotage of the Party of the port of departure and the rules of pilotage of the Party of the port of arrival.

Article 16

The Parties shall apply their own rules of pilotage in the ports located within their respective jurisdictions.

Vessels using pilots shall hoist the flag of the country whose rules are being applied.

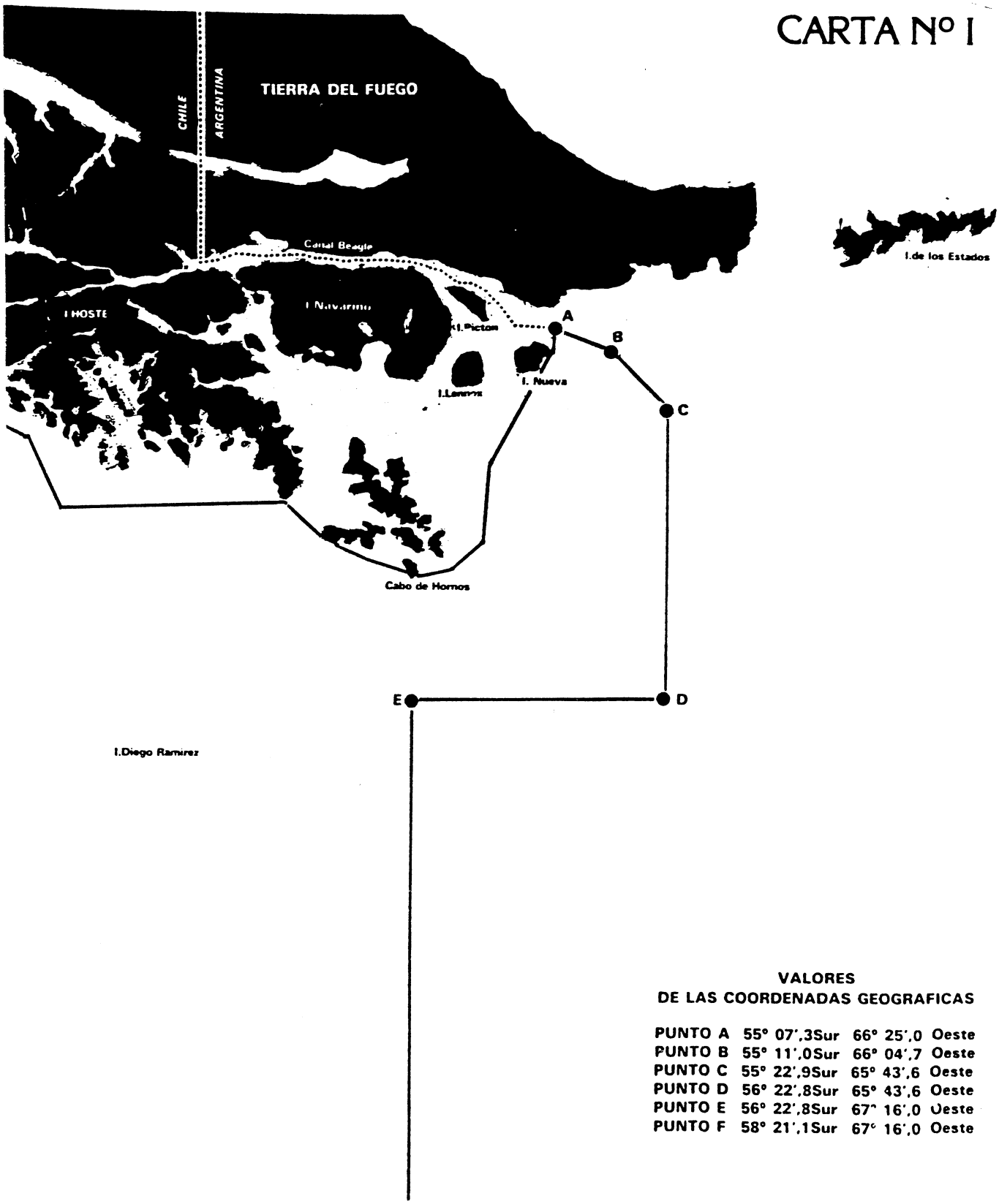
Any vessel using pilotage services must pay the fees for such services as well as any other charges that may exist under the rules of the Party performing the pilotage.

The Parties shall afford pilots the maximum facilities in the performance of their task. Such pilots may freely disembark in the ports of either Party.

The Parties shall endeavour to establish concordant, uniform rules for pilotage.

MAP No. I

CARTA Nº I

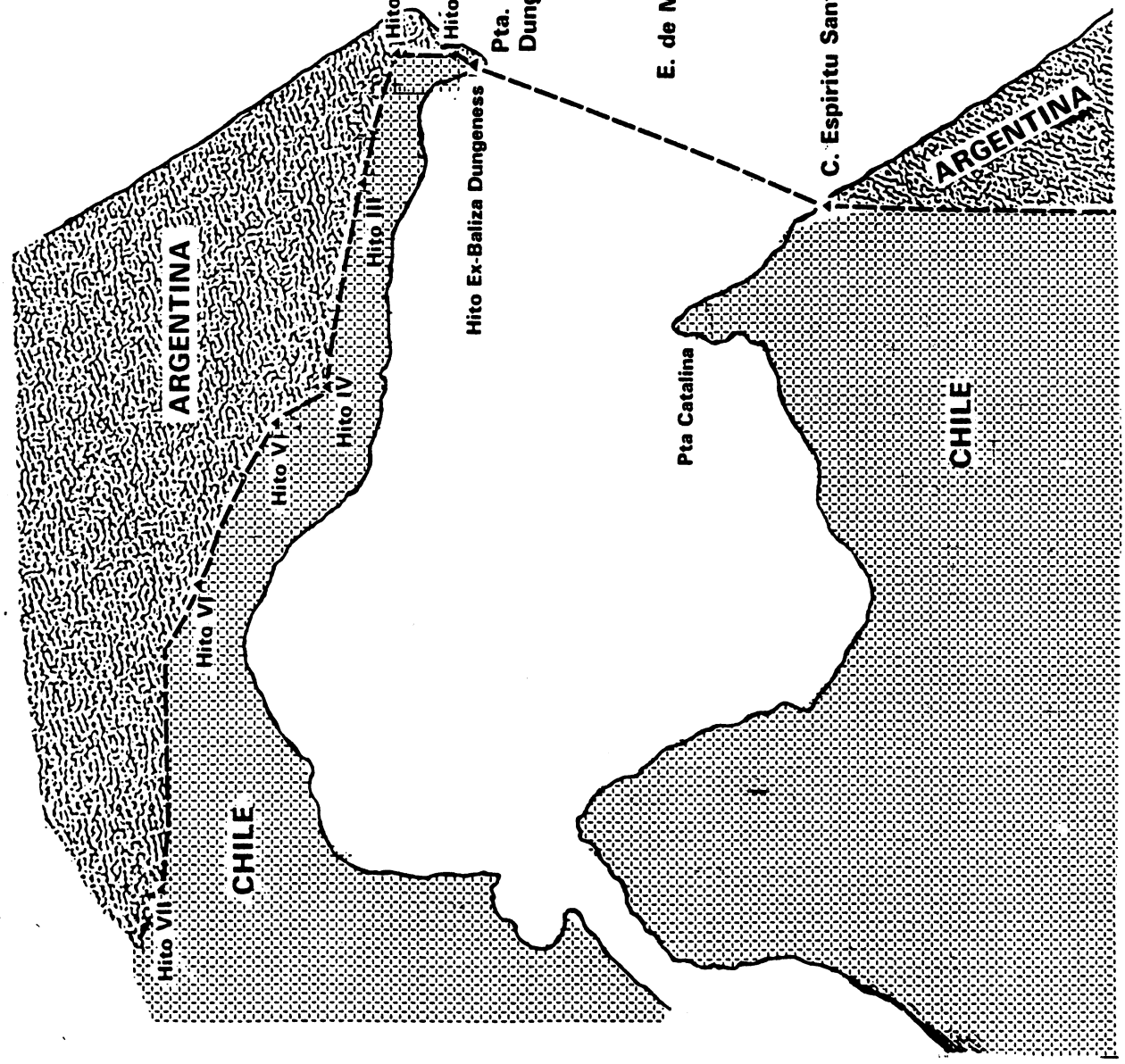


VALORES
DE LAS COORDENADAS GEOGRAFICAS

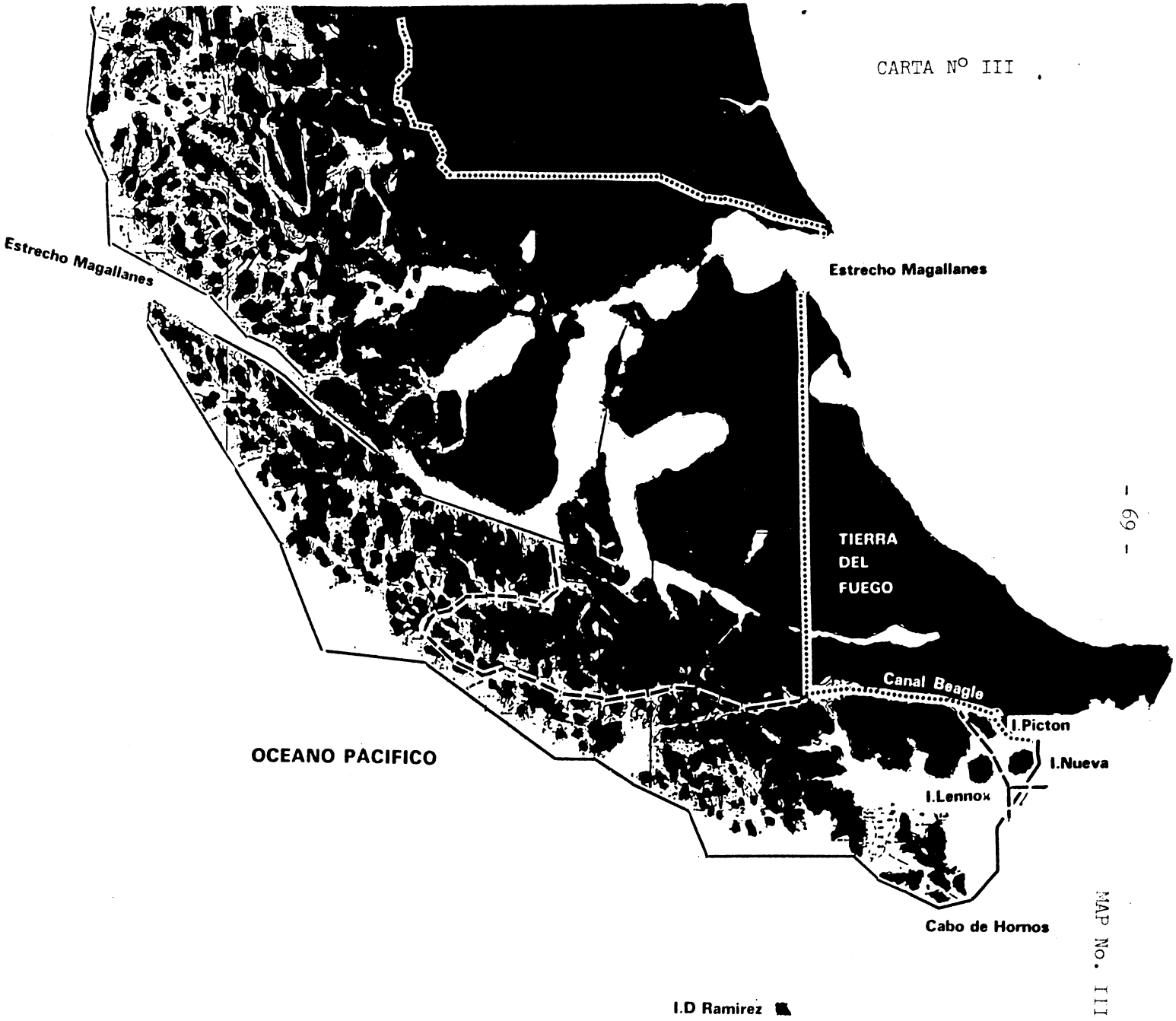
PUNTO A	55° 07',3Sur	66° 25',0 Oeste
PUNTO B	55° 11',0Sur	66° 04',7 Oeste
PUNTO C	55° 22',9Sur	65° 43',6 Oeste
PUNTO D	56° 22',8Sur	65° 43',6 Oeste
PUNTO E	56° 22',8Sur	67° 16',0 Oeste
PUNTO F	58° 21',1Sur	67° 16',0 Oeste

MAP No. II

CARTA Nº II

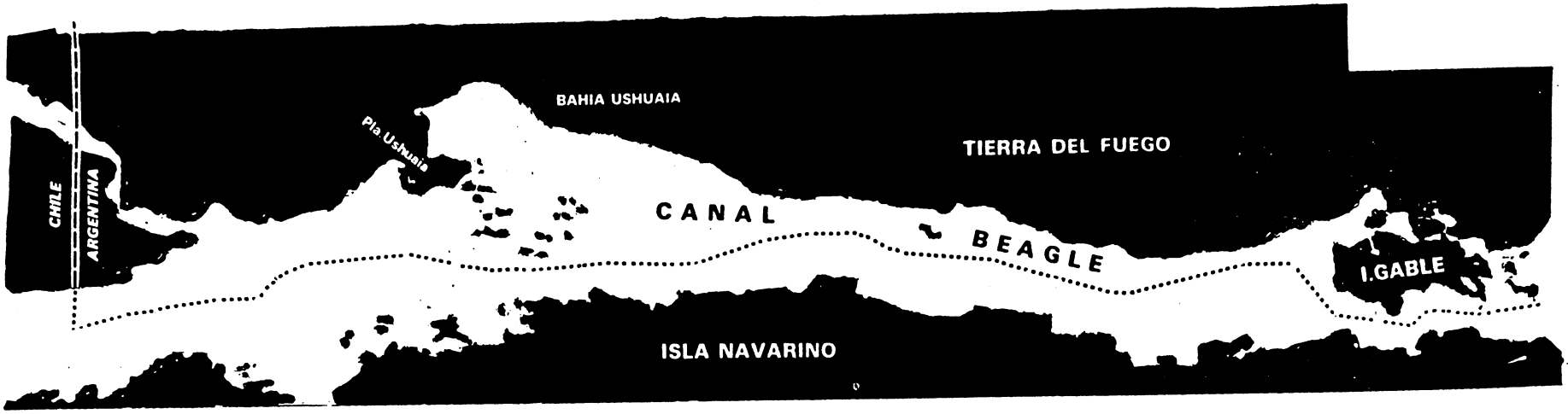


CARTA Nº III



MAP No. III

CARTA Nº IV, parte 1

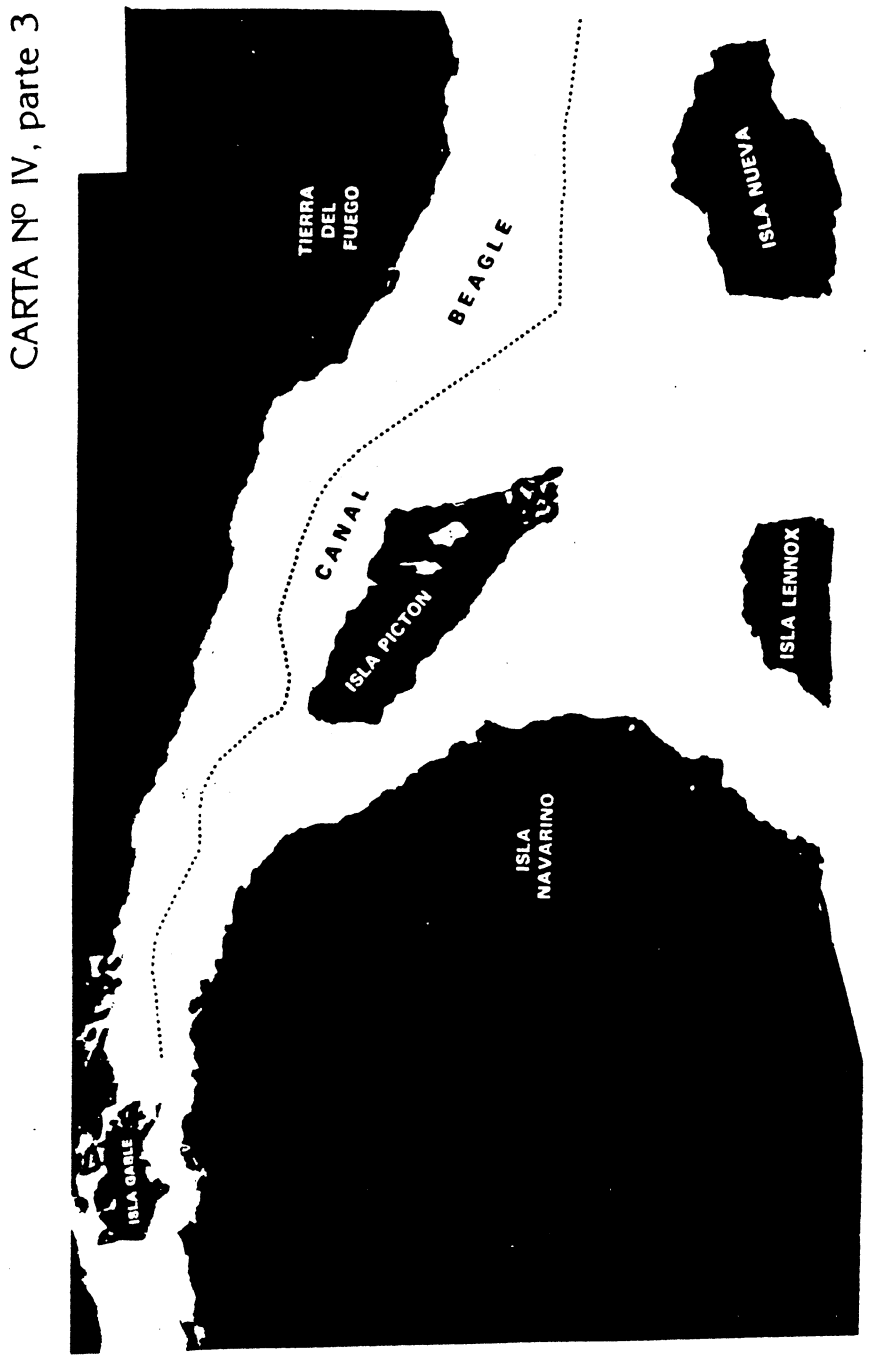


MAP No. IV, Part 1

MAP No. IV, Part 2

CARTA Nº IV, parte 2

MAP No. IV, Part 3



II. (d) JUDICIAL DECISION

JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE ON THE DELIMITATION OF THE MARITIME BOUNDARY IN THE GULF OF MAINE AREA CANADA/UNITED STATES OF AMERICA 12 October 1984

On 12 October 1984, the International Court of Justice announced its decision in the case between Canada and the United States of America concerning the maritime delimitation of the fishery zones and continental shelf in the Gulf of Maine area. The case was referred to a five-member Chamber of the Court, in accordance with a Special Agreement between the parties concluded on 29 March 1979, in an effort to resolve the longstanding dispute between the two countries which impacted heavily upon the fishing industries of each. The referral of the case to the Chamber represented the first instance in the history of the Court that the parties to a dispute have made use of the chamber mechanism envisioned in both the Statute and the Rules of the Court.

The proceedings were instituted on 25 November 1981 by the filing of the Special Agreement with the Court. The Agreement called upon the Court to decide upon the conflicting claims in accordance with "the principles and rules of international law applicable in the matter between the Parties". Memorials, Courter-Memorials and Replies were filed in 1982 and 1983, and the oral presentations were heard in April and May 1984.

The text which follows is a summary of the Judgment of the Chamber of the Court.

Analysis of the Judgment 1/

I. The Special Agreement and the Chamber's Jurisdiction (paras. 1-27)

After recapitulating the various stages in the proceedings and setting out the formal submission of the Parties (paras. 1-13), the Chamber takes note of the provisions of the Special Agreement by which the case was brought before it. Under Article II, paragraph 1, of that Special Agreement, it was:

> "requested to decide, in accordance with the principles and rules of international law applicable in the matter as between the Parties, the following question:

1/ The analysis of the Judgment has been prepared by the Registry of the Court for the use of the press, Communiqué No. 84/35. It cannot be quoted against the actual text of the judgment, of which it does not constitute an interpretation.

> What is the course of the single maritime boundary that divides the continental shelf and fisheries zones of Canada and the United States of America from a point in latitude 44°11'12"N, longitude 67°16'46"W to a point to be determined by the Chamber within an area bounded by straight lines connecting the following sets of geographic co-ordinates: latitude 40°N, longitude 67°W; latitude 40°N, longitude 65°W; latitude 42°N, longitude 65°W ?"

(For the location of the starting point and terminal area of the delimitation, see Annex 2, Map No. 1).

The Chamber notes that the Special Agreement imposes no limitation on its jurisdiction other than that resulting from the terms of this question, and that the rights of third States in the marine and submarine areas to which the case related could not in any way be affected by the delimitation. It also notes that, the case having been submitted by special agreement, no preliminary question of jurisdiction arose. The only initial problem that might theoretically arise is whether and to what extent the Chamber is obliged to adhere to the terms of the Special Agreement as regards the starting-point of the line to be drawn - called point A - and the triangular area within which that line is to terminate. Noting the reasons for the Parties' choice of the point and area in question, the Chamber sees a decisive consideration for not adopting any other starting-point or terminal area in the fact that, under international law, mutual agreement between States concerned is the preferred procedure for establishing a maritime delimitation; since Canada and the United States of America had by mutual agreement taken a step towards the solution of their dispute which must not be disregarded, the Chamber must, in performing the task conferred upon it, conform to the terms by which the Parties have defined it.

The Chamber notes that there are profound differences between the case before it and other delimitation cases previously brought before the Court in that (a) the Chamber is requested to draw the line of delimitation itself and not merely to undertake a task preliminary to the determination of a line, and (b) the delimitation requested does not relate exclusively to the continental shelf but to both the shelf and the exclusive fishing zone, the delimitation to be by a single boundary. With regard to (b), the Chamber is of the view that there is certainly no rule of international law, or any material impossibility, to prevent it from determining such a line.

II. The delimitation area (paras. 28-59)

The Chamber finds it indispensable to define with greater precision the geographical area - "the Gulf of Maine area" - within which the delimitation has to be carried out. It notes that the Gulf of Maine properly so called is a broad indentation in the eastern coast of the North-American continent, having roughly the shape of an elongated rectangle whose short sides are made up mainly by the coasts of Massachusetts in the west and Nova Scotia in the east, whose long landward side is made up by the coast of Maine from Cape Elizabeth to the terminus of the international boundary between the United States and Canada, and whose fourth, Atlantic side would be an imaginary line, between Nantucket and Cape Sable, agreed by the Parties to be the "closing line" of the Gulf of Maine.

The Chamber emphasizes the quasi-parallel direction of the opposite coasts of Massachusetts and Nova Scotia. It points out that the reference to "long" and "short" sides is not to be interpreted as an espousal of the idea of distinguishing "primary" and "secondary" coastal fronts. The latter distinction is merely the expression of a human value judgment, which is necessarily subjective and may vary on the basis of the same facts, depending on the ends in view. It points out, with reference to certain arguments put forward by the Parties, the geographical facts are the result of natural phenomena and can only be taken as they are.

The delimitation, the Chamber observes, is not limited to the Gulf of Maine but comprises, beyond the Gulf closing line, another maritime expanse including the whole of the Georges Bank, the main focus of the dispute. The Chamber rejects however the arguments of the Parties tending to involve coasts other than those directly surrounding the Gulf so as to extend the delimitation area to expanses which have in fact nothing to do with it.

After noting that it has up to this point based itself on aspects inherent in physical geography, the Chamber goes on to consider the geological and geomorphological characteristics of the area. It notes that the Parties are in agreement that geological factors are not significant and finds that, given the unity and uniformity of the sea-bed, there are no geomorphological reasons for distinguishing between the respective natural prolongations of the United States and Canadian coasts in the continental shelf of the delimitation area: even the Northeast Channel, which is the most prominent feature, does not have the characteristics of a real trough dividing two geomorphologically distinct units.

As regards another component element of the delimitation area, the "water column", the Chamber notes that while Canada emphasized its character of overall unity, the United States invoked the existence of three distinct ecological régimes separated by natural boundaries the most important of which consisted of the Northeast Channel; the Chamber, however, is not convinced of the possibility of discerning, in so fluctuating an environment as the waters of the ocean, any natural boundaries capable of serving as a basis for carrying out a delimitation of the kind requested.

III. Origins and development of the dispute (paras. 60-78)

Beginning with a reference to the Truman Proclamations of 1945, the Chamber summarizes the origins and development of the dispute, which first materialized in the 1960s in relation to the continental shelf, as soon as petroleum exploration had begun on either side, more particularly in certain locations on Georges Bank. In 1976-1977 certain events occurred which added to the continental shelf dimension that of the waters and their living resources, for both States proceeded to institute an exclusive 200-mile fishery zone off their coasts and adopted regulations specifying the limits of the zone and continental shelf they claimed. In its account of the negotiations which eventually led to the reference of the dispute to the Court, the Chamber notes that in 1976 the United States adopted a line limiting both the continental shelf and the fishing zones and the adoption by Canada of a first line in 1976 (Annex 2, Map No. 2).

The Chamber takes note of the respective delimitation lines now proposed by each Party (Annex 2, Map No. 3). The Canadian line, described like that of 1976 as an equidistance line, is one constructed almost entirely from the nearest points of the baselines from which the breadth of the territorial sea is measured. Those points happen to be exclusively islands, rocks or low-tide elevations, yet the basepoints on the Massachusetts coast which had initially been chosen for the 1976 line have been shifted westward so that the new line no longer takes account of the protrusion formed by Cape Cod and Nantucket Island and is accordingly displaced west. The line proposed by the United States is a perpendicular to the general direction of the coast from the starting-point agreed upon by the Parties, adjusted to avoid the splitting of fishing banks. It differs from the "Northeast Channel line" adopted in 1976 which, according to its authors, had been based upon the "equidistance/special circumstances" rule of Article 6 of the 1958 Geneva Convention. The Chamber notes that the two successive lines put forward by Canada were both drawn primarily with the continental shelf in mind, whereas the United States lines were both drawn up initially on the basis of different considerations though both treated the fishery régime as essential.

IV. The applicable principles and rules of international law (paras. 79-112)

After observing that the terms "principles and rules" really convey one and the same idea, the Chamber stresses that a distinction has to be made between such principles or rules and what, rather, are equitable criteria or practical methods for ensuring that a particular situation is dealt with in accordance with those principles and rules. Of its nature, customary international law can only provide a few basic legal principles serving as guidelines and cannot be expected also to specify the equitable criteria to be applied or the practical methods to be followed. The same may however not be true of international treaty law.

To determine the principles and rules of international law governing maritime delimitation, the Chamber begins by examining the Geneva Convention of 29 April 1958 on the Continental Shelf, which has been ratified by both the Parties to the case, who both also recognize that it is in force between them. In particular the Chamber examines Article 6, paragraphs 1 and 2, from which a principle of international law may be deduced to the effect that any delimitation of a continental shelf effected unilaterally by one State regardless of the views of the other State or States concerned is not opposable to those States. To this principle may conceivably be added a latent rule that any agreement or other, equivalent solution should involve the application of equitable criteria. The Chamber goes on to consider the bearing on the problem of various judicial decisions and to comment upon the work of the Third United Nations Conference on the Law of the Sea, noting that certain provisions concerning the continental shelf and the exclusive economic zone were, in the Convention of 1982, adopted without any objections and may be regarded as consonant at present with general international law on the question.

As regards the respective positions of the Parties in the light of those findings, the Chamber notes their agreement as to the existence of a fundamental norm of international law calling for a single maritime boundary to be determined in accordance with the applicable law, in conformity with equitable principles, having regard to all relevant circumstances, in order to achieve an equitable result. However, there is no longer agreement between

the Parties when each separately seeks to ascertain whether international law might also contain other mandatory rules in the same field. The Chamber rejects the Canadian argument from geographical adjacency to the effect that a rule exists whereby a State any part of whose coasts is less distant from the zones to be attributed than those of the other State concerned would be entitled to have the zones recognized as its own. The Chamber also finds unacceptable the distinction made by the United States between "primary" and "secondary" coasts and the consequent preferential relationship said to exist between the "principal" coasts and the maritime and submarine areas situated frontally before them.

In concluding this part of its considerations, the Chamber sets out a more precise reformulation of the fundamental norm acknowledged by the Parties:

> "No maritime delimitation between States with opposite or adjacent coasts may be effected unilaterally by one of those States. Such delimitation must be sought and effected by means of an agreement, following negotiations conducted in good faith and with the genuine intention of achieving a positive result. Where, however, such agreement cannot be achieved, delimitation should be effected by recourse to a third party possessing the necessary competence.
>
> In either case, delimitation is to be effected by the application of equitable criteria and by the use of practical methods capable of ensuring, with regard to the geographic configuration of the area and other relevant circumstances, an equitable result." (Para. 112.)

V. The equitable criteria and practical methods applicable to the delimitation (paras. 113-163)

Turning to the question of the criteria and methods which are capable of ensuring an equitable result and whose application is prescribed by the above norm, the Chamber is of the view that they must be looked for not in customary international law but in positive international law, and in that connection it examines those provided for by the 1958 Convention on the Continental Shelf, in Article 6 (median line in the case of opposite coasts, lateral equidistance line in the case of adjacent coasts). The Chamber points out that a treaty obligation concerning the delimitation of the continental shelf cannot be extended so as to apply to the superjacent waters and, after rejecting the Canadian argument that the combined equidistance/special-circumstances rule has become a rule of general international law, finds that Article 6, while in force between the Parties, does not entail either for them or for the Chamber any legal obligation to apply its provisions to the present delimitation.

The Chamber next turns to the question whether any obligation of that kind can have resulted from the conduct of the Parties and whether the conduct of one of them might not have constituted an acquiescence in the application of a specific method or resulted in a *modus vivendi* with regard to a line corresponding to such an application. Dealing first with a Canadian argument that the conduct of the United States have evinced a form of consent to the application of the equidistance method, especially in the Georges Bank sector, the Chamber finds that reliance on acquiescence or estoppel is not warranted in the circumstances and that the conduct of the Parties does not prove the existence of any such *modus vivendi*. As for the argument of the United States based on Canada's failure to react to the Truman Proclamation, that amounted to claiming that delimitation must be effected in accordance with equitable

principles; consequently, the United States position on that point merely referred back to the "fundamental norm" acknowledged by both Parties. On the basis of that analysis, the Chamber concludes that the Parties, in the current state of the law governing relations between them, are not bound, under a rule of treaty law or other rule, to apply certain criteria or certain methods for the establishment of the single maritime boundary, and that the Chamber is not so bound either.

Regarding possible criteria, the Chamber does not consider that it would be useful to undertake a more or less complete enumeration in the abstract of those that might be theoretically conceivable, or an evaluation of their greater or lesser degree of equity. It also notes, in regard to the practical methods, that none would intrinsically bring greater justice or be of greater practical usefulness than others, and that there must be willingness to adopt a combination of different methods whenever circumstances so require.

VI. The criteria and methods proposed by the Parties and the lines resulting from their application to the delimitation (paras. 164-189)

Once the dispute had taken on its present dual dimension (first the continental shelf and subsequently fisheries) both Parties took care to specify and publish their respective claims, proposing the application of very different criteria and the use of very different practical methods. Each had successively proposed two delimitation lines (Annex 2, Maps Nos. 2 and 3).

The United States had first proposed, in 1976, a criterion attaching determinative value to the natural, especially ecological, factors of the area. Its line corresponded approximately to the line of the greatest depths, leaving German Bank to Canada and Georges Bank to the United States. The Chamber considers that this line, inspired as it was by the objective of distributing fishery resources in accordance with a "natural" criterion, was too biased towards one aspect (fisheries) to be considered as equitable in relation to the overall problem. In 1982 the United States proposed a second line with the general direction of the coast as its central idea, the criterion applied being that of the frontal projection of the primary coastal front. This application resulted in a perpendicular to the general direction of the coastline, adjusted however to take account of various relevant circumstances, in particular such ecological circumstances as the existence of fishing banks. The Chamber considers it almost an essential condition for the use of such a method that the boundary to be drawn should concern two countries whose territories lie successively along a more or less rectilinear coast, for a certain distance at least. But it would be difficult to imagine a case less conducive to the application of that method than the Gulf of Maine case. The circumstances would moreover entail so many adjustments that the character of the method would be completely distorted.

As for the Canadian proposals, the Chamber considers together the two lines proposed respectively in 1976 and 1977, as they are essentially based on the same criterion, that of the equal division of disputed areas - and the same method - equidistance. Canada described the first line as a strict equidistance line, and the second as an equidistance line corrected on account of the special circumstance formed by the protrusion of Nantucket Island and the Cape Cod peninsula, alleged to be geographical anomalies that Canada is entitled to discount, so that its delimitation line is displaced towards the west. The Chamber notes that in the case before it the difference in the lengths of the two States' coastlines within the delimitation area is

particularly marked and would constitute a valid ground for making a correction even if this factor in itself furnished neither a criterion nor a method of delimitation. Furthermore, the Canadian line appears to neglect the difference between two situations clearly distinguished by the 1958 Convention, namely that of adjacent coasts and that of opposite coasts, and fails to take account of the fact that the relationship of lateral adjacency between, on the one hand, part of the coast of Nova Scotia and its prolongation across the opening of the Bay of Fundy and, on the other hand, the coast of Maine, gives way to a relationship of frontal opposition between the other relevant part of the coast of Nova Scotia and the coast of Massachusetts. The Canadian line fails to allow for this new relationship, which is nevertheless the most characteristic feature of the objective situation in the context of which the delimitation is to be effected.

VII. The criteria and methods held by the Chamber to be applicable. Line resulting from their application to the delimitation (paras. 190-229)

The Chamber considers that, having regard to all those considerations, it must put forward its own solution independently of the Parties. It must exclude criteria which, however equitable they may appear in themselves, are not suited to the delimitation of both of the two objects in respect of which the delimitation is requested - the continental shelf and the fishery zones. Inevitably, criteria will be preferred which, by their more neutral character, are best suited for use in a multi-purpose delimitation. The Chamber feels bound to turn in the present case to criteria more especially derived from geography, and it is inevitable that its basic choice should favour the criterion whereby one should aim at an equal division of areas where the maritime projections of the coasts of the States between which delimitation is to be effected converge and overlap. However, some corrections must be made to certain effects of applying that criterion that might be unreasonable, so that the concurrent use of auxiliary criteria may appear indispensable. As regards the practical methods to be used for giving effect to the criteria indicated, the Chamber considers that, like the criteria themselves, they must be basically founded upon geography and be as suitable for the delimitation of the sea-bed and subsoil as to that of the superjacent waters and their living resources. In the outcome, therefore, only geometrical methods will serve.

Turning to the concrete choice of the methods it considers appropriate for implementing the equitable criteria it has decided to apply, the Chamber notes that the coastal configuration of the Gulf of Maine excludes any possibility of the boundary's being formed by a basically unidirectional line, given the change of situation noted in the geography of the Gulf. It is only in the northeastern sector of the Gulf that the prevailing relationship of the coasts of the United States and Canada is one of lateral adjacency. In the sector closest to the closing line, it is one of oppositeness. In the Chamber's view it is therefore obvious that, between point A and the line from Nantucket to Cape Sable, i.e. within the limits of the Gulf of Maine proper, the delimitation line must comprise two segments.

In the case of the first segment, the one closest to the international boundary terminus, there is no special circumstance to militate against the division into, as far as possible, equal parts of the overlapping created by the lateral superimposition of the maritime projections of the two States' coasts. Rejecting the employment of a lateral equidistance line on account of the disadvantages it is found to entail, the Chamber follows the method of drawing, from point A, two perpendiculars to the two basic coastal lines,

namely the line from Cape Elizabeth to the international boundary terminus and the line running thence to Cape Sable. At point A, those two perpendiculars form an acute angle of 278°. It is the bisector of this angle which is prescribed for the first sector of the delimitation line (Annex 2, Map No. 4).

In turning to the second segment, the Chamber proceeds by two stages. First, it decides the method to be employed in view of the quasi-parallelism between the coasts of Nova Scotia and Massachusetts. As these are opposite coasts, the application of a geometrical method can only result in the drawing of a median delimitation line approximately parallel to them. The Chamber finds, however, that, while a median line would be perfectly legitimate if the international boundary ended in the very middle of the coast at the back of the Gulf, in the actual circumstances where it is situated at the northeastern corner of the rectangle which geometrically represents the shape of the Gulf, the use of a median line would result in an unreasonable effect, in that it would give Canada the same overall maritime projection in the delimitation area as if the entire eastern part of the coast of Maine belonged to Canada instead of the United States. That being so, the Chamber finds a second stage necessary, in which it corrects the median line to take account of the undeniably important circumstance of the difference in length between the two States' coastlines abutting on the delimitation area. As the total length of the United States coastlines on the Gulf is approximately 284 nautical miles, and that of the Canadian coasts (including part of the coast of the Bay of Fundy) is approximately 206 nautical miles, the ratio of the coastlines is 1.38 to 1. However, a further correction is necessitated by the presence of Seal Island off Nova Scotia. The Chamber considers that it would be excessive to consider the coastline of Nova Scotia as displaced in a southwesterly direction by the entire distance between Seal Island and that coast, and therefore considers it appropriate to attribute half effect to the island. Taking that into account, the ratio to be applied to determine the position of the corrected median line on a line across the Gulf between the points where the coasts of Nova Scotia and Massachusetts are closest (i.e. a line from the tip of Cape Cod to Chebogue Point) becomes 1.32 to 1. The second segment of the delimitation will therefore correspond to the median line as thus corrected, from its intersection with the bisector drawn from point A (first segment) to the point where it reaches the closing line of the Gulf (Annex 2, Map No. 4).

As for the third segment of the delimitation, relating to that part of the delimitation area lying outside the Gulf of Maine, this portion of the line is situated throughout its length in the open ocean. It appears obvious that the most appropriate geometrical method for this segment is the drawing of a perpendicular to the closing line of the Gulf. One advantage of this method is to give the final segment of the line practically the same orientation as that given by both Parties to the final portion of the respective lines they envisaged. As for the exact point on the closing line from which the perpendicular should be drawn seawards, it will coincide with the intersection of that line with the corrected median line. Starting from that point, the third segment crosses Georges Bank between points on the 100-fathom depth line with the following co-ordinates:

42° 11'.8 N, 67° 11'.0 W
41° 10'.1 N, 66° 17'.9 W

The terminus of this final segment will be situated within the triangle defined by the Special Agreement and coincide with the last point it reaches within the overlapping of the respective 200-mile zones claimed by the two States.

VIII. Verification of the equitable character of the result (paras. 230-241)

Having drawn the delimitation line requested by the Parties, the final task of the Chamber is to verify whether the result obtained can be considered as intrinsically equitable in the light of all the circumstances. While such verification is not absolutely necessary where the first two segments of the line are concerned, since the Chamber's guiding parameters were provided by geography, the situation is different as regards the third segment, which is the one of greatest concern to the Parties on account of the presence in the area it traverses of Georges Bank, the principal stake in the proceedings on account of the potential resources of its subsoil and the economic importance of its fisheries.

In the eyes of the United States, the decisive factor lies in the fishing carried on by the United States and its nationals ever since the country's independence and even before, activities which they are held to have been alone in pursuing over the greater part of that period, and which were accompanied by other maritime activities concerning navigational assistance, rescue, research, defence, etc. Canada laid greater emphasis on the socio-economic aspects, concentrating on the recent past, especially the last 15 years, and presenting as an equitable principle the idea that a single maritime boundary should ensure the maintenance of the existing structures of fishing which, according to it, were of vital importance to the coastal communities of the area.

The Chamber explains why it cannot subscribe to these contentions and finds that it is clearly out of the question to consider the respective scale of activities in the domain of fishing or petroleum exploitation as an equitable criterion to be applied in determining the delimitation line. What the Chamber would regard as a legitimate scruple lies rather in concern lest, unexpectedly, the overall result should appear radically inequitable as entailing disastrous repercussions on the subsistence and economic development of the populations concerned. It considers that there is no reason to fear any such danger in the present case on account of the Chamber's choice of delimitation line or, more especially, the course of its third segment, and concludes that the overall result of the delimitation is equitable. Noting the long tradition of friendly and fruitful co-operation in maritime matters between Canada and the United States, the Chamber considers that the Parties will be able to surmount any difficulties and take the right steps to ensure the positive development of their activities in the important domains concerned.

For these reasons, the Chamber renders the decisions couched in the following terms:

Operative provisions of the Chamber's Judgment

"THE CHAMBER,

by four votes to one,

DECIDES

That the course of the single maritime boundary that divides the continental shelf and the exclusive fisheries zones of Canada and the United States of America in the Area referred to in the Special Agreement concluded by those two States on 29 March 1979 shall be defined by geodetic lines connecting the points with the following co-ordinates:

	Latitude North	Longitude West
A.	44° 11' 12"	67° 16' 46"
B.	42° 53' 14"	67° 44' 35"
C.	42° 31' 08"	67° 28' 05"
D.	40° 27' 05"	65° 41' 59"

IN FAVOUR: President Ago; Judges Mosler and Schwebel, Judge ad hoc Cohen;

AGAINST: Judge Gros."

Annex I

Summary of Opinions appended to the Judgment of the Chamber

Separate Opinion by Judge Schwebel

Judge Schwebel voted for the Chamber's Judgment because he agreed with the essentials of its analysis and reasoning and found the resultant line of delimitation to be "not inequitable". In his view, the Chamber was right to exclude both the claims of Canada and of the United States, not with a view towards "splitting the difference" between them but because those claims were insufficiently grounded in law and equity. It was right - contrary to the United States position - to divide Georges Bank between the United States and Canada. However, Judge Schwebel maintained that the line of delimitation drawn by the Chamber was open to challenge.

The line was correctly based on dividing the areas of overlapping United States and Canadian jurisdiction equally, subject, however, to a critical adjustment designed to take account of the fact that the bulk of the Gulf of Maine is bordered by territory of the United States. In Judge Schwebel's view, the adjustment applied by the Chamber was inadequate, because it treated the lengths of the coasts of the Bay of Fundy up to the limit of

Canadian territorial waters as part of the Gulf of Maine. In his opinion, only that portion of the Bay of Fundy which faces the Gulf of Maine should have been included in that calculation of proportionality. Had that been done, the delimitation line would have been shifted towards Nova Scotia so as to accord the United States a significantly larger zone. Nevertheless, Judge Schwebel acknowledged that the equitable considerations which led the Chamber and him to differing conclusions on this key issue were open to more than one interpretation.

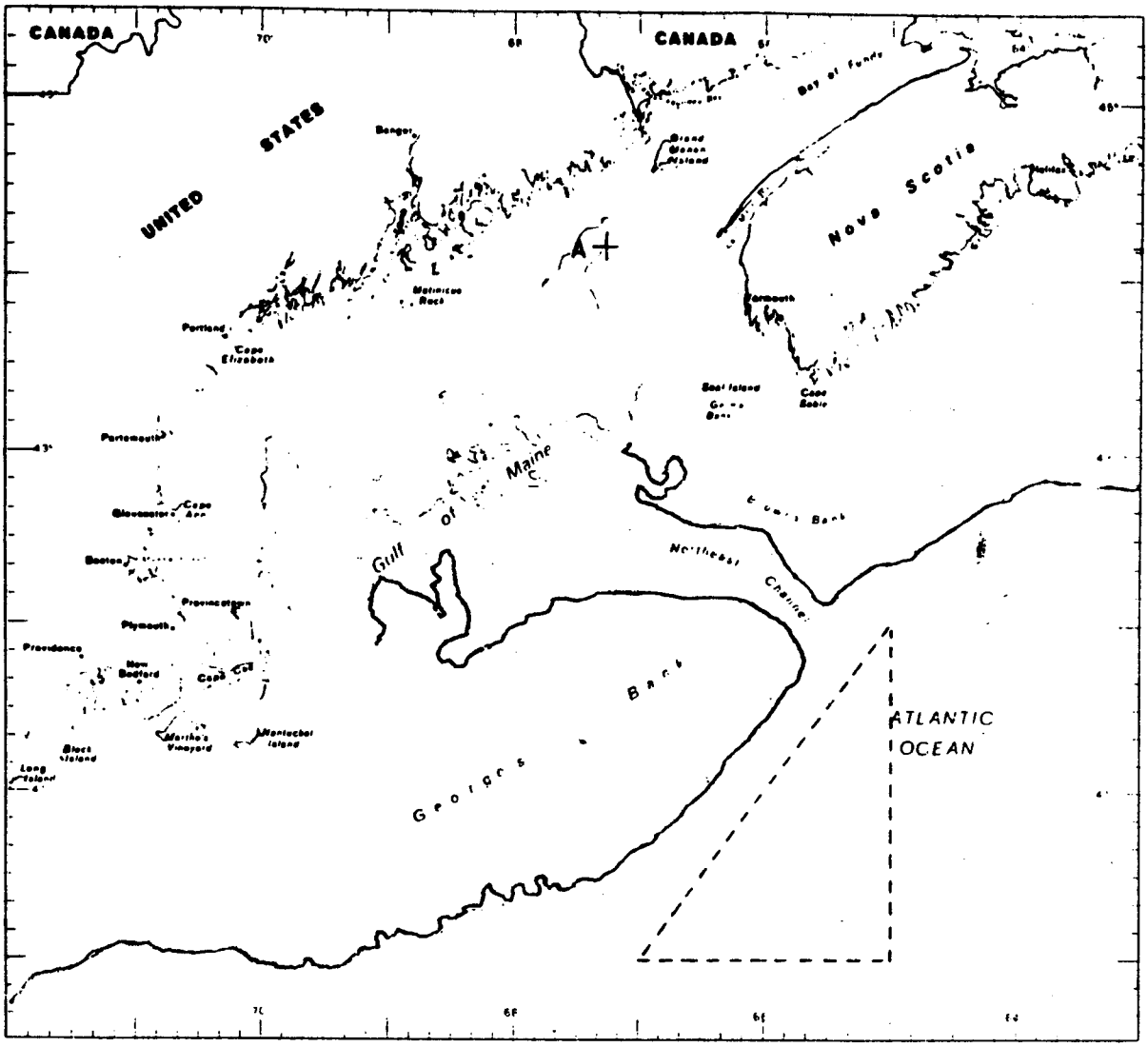
Dissenting Opinion by Judge Gros

Judge Gros points out that the case-law took a new turning when the International Court of Justice gave its Judgment on 24 February 1982 in the case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya). That Judgment brought to an end the situation resulting from the 1958 Convention on the Continental Shelf as it had been previously interpreted by the Court, in its 1969 Judgment on the North Sea Continental Shelf, and by the Anglo-French Court of Arbitration in its Decision of 1977.

This new turning, confirmed by the Chamber's Judgment, amounted to exclusive reliance on the work of the Third Conference of the United Nations on the Law of the Sea, but this Conference produced agreement plus equity as its prescription for maritime delimitation, a solution which Judge Gros considers very feeble.

In the eyes of Judge Gros, moreover, a vague conception of equity which departs from the firmly controlled equity of 1969 and 1977 has also resulted in a departure from the way international legal disputes used to be adjudicated - he has in mind the way courts of equity emerged in England. The Chamber's reasoning logically implies, he considers, that there is no longer any legal rule governing maritime delimitation because the principles relied on by the Chamber, the methods employed to put them into practice, and the corrections made to the whole process, transform the entire operation, according to Judge Gros, into an exercise wherein it will henceforth be open to each judge to decide at his discretion what is equitable.

Without going so far as to maintain that the line drawn by the Chamber is inequitable, Judge Gros asks whether it has really been demonstrated to be more equitable than any of the other lines considered in the course of the proceedings.



MAP No. 1

General map of the region, showing the starting-point for the delimitation line and the area for its termination.

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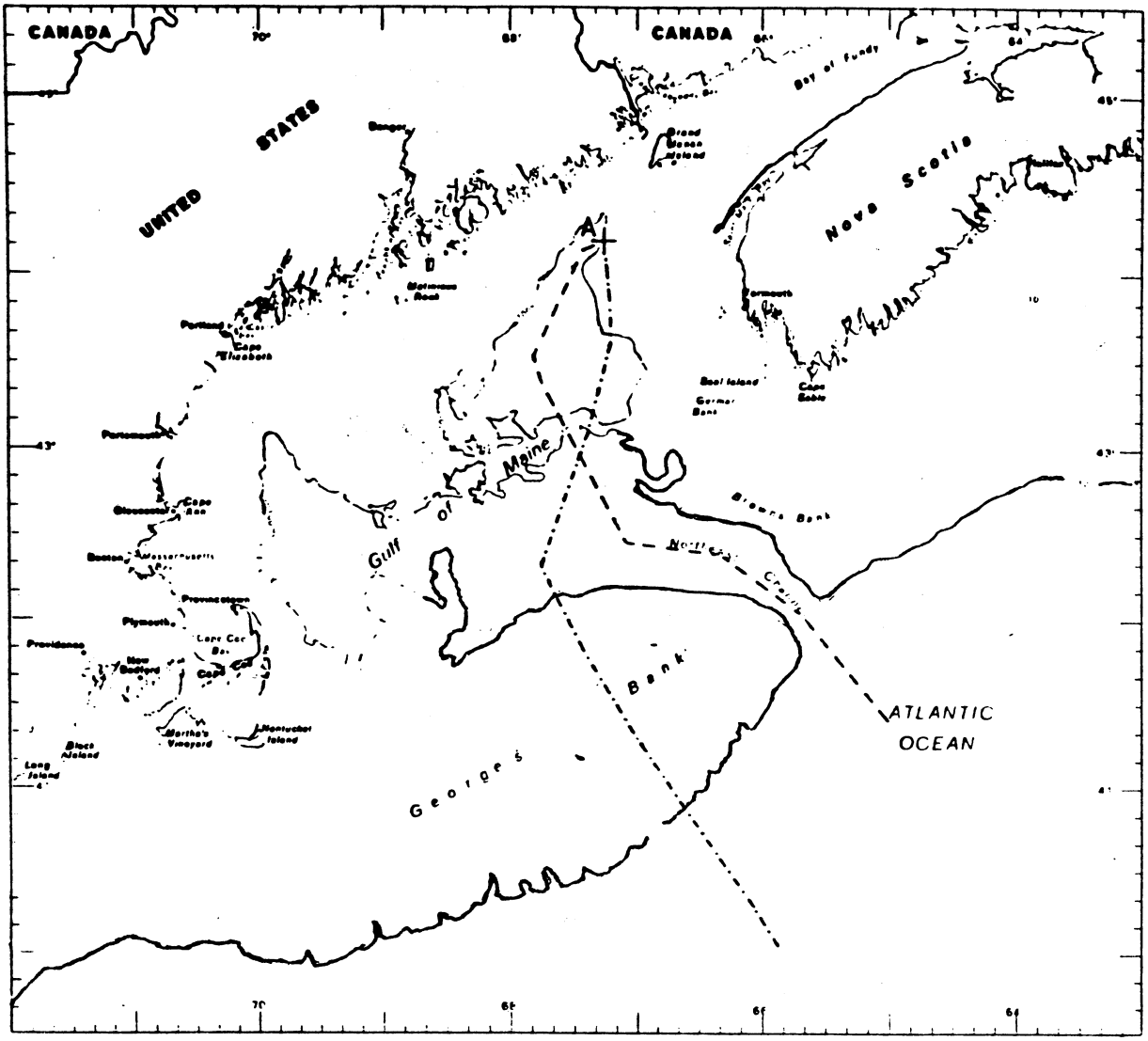
The maps incorporated in the present Judgment were prepared on the basis of documents submitted to the Court by the Parties, and their sole purpose is to provide a visual illustration of the relevant paragraphs of the Judgment.



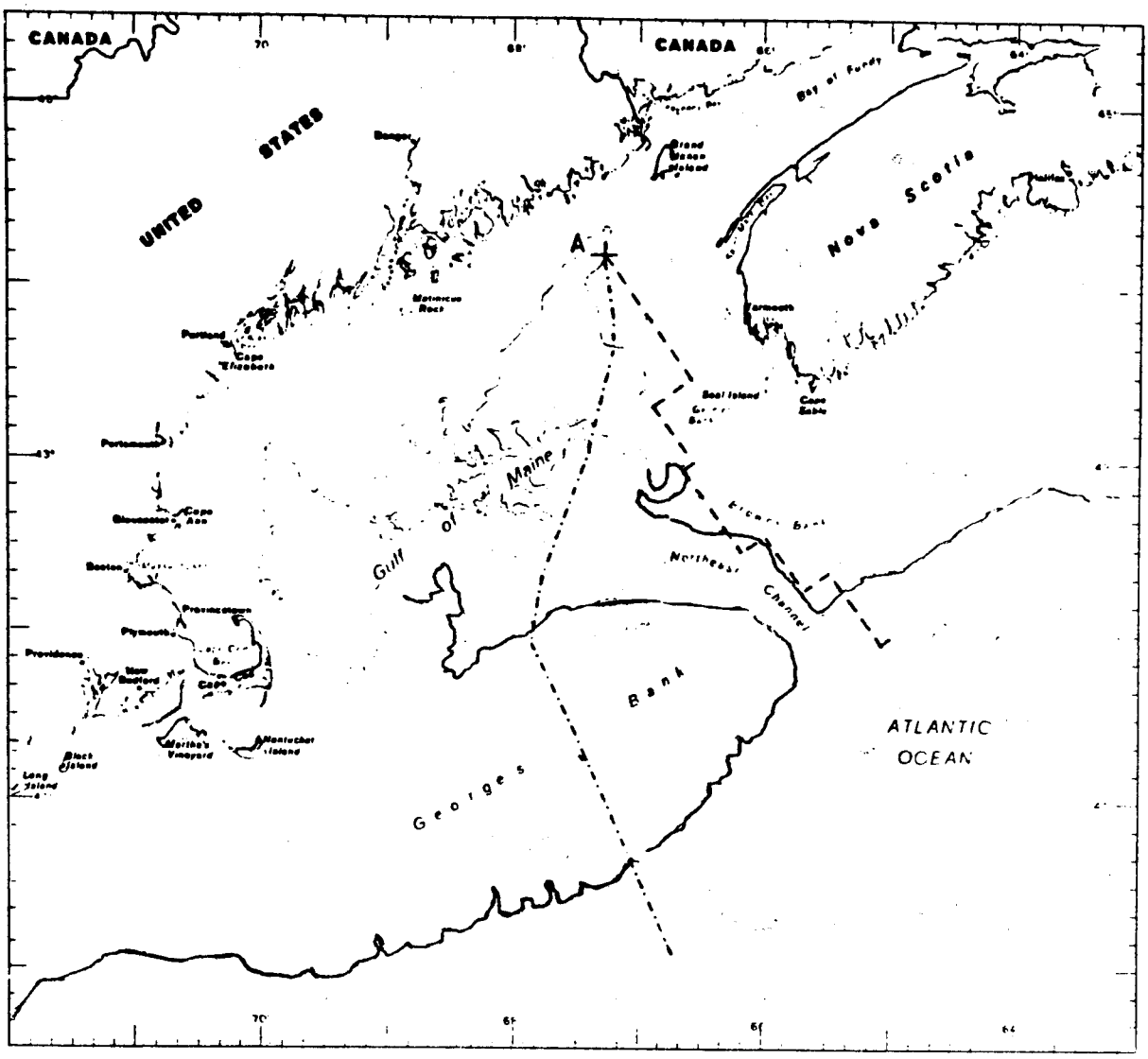
MAP No. 2

Limits of fishery zones and continental shelf claimed by the Parties, at 1 March 1977

(see paras. 68-70)

United States line _ _ _ _ _ _ _ _ _ _ _ _ _ _

Canadian line _ . _ . _ . _ . _ . _ . _ . _ . _ . _



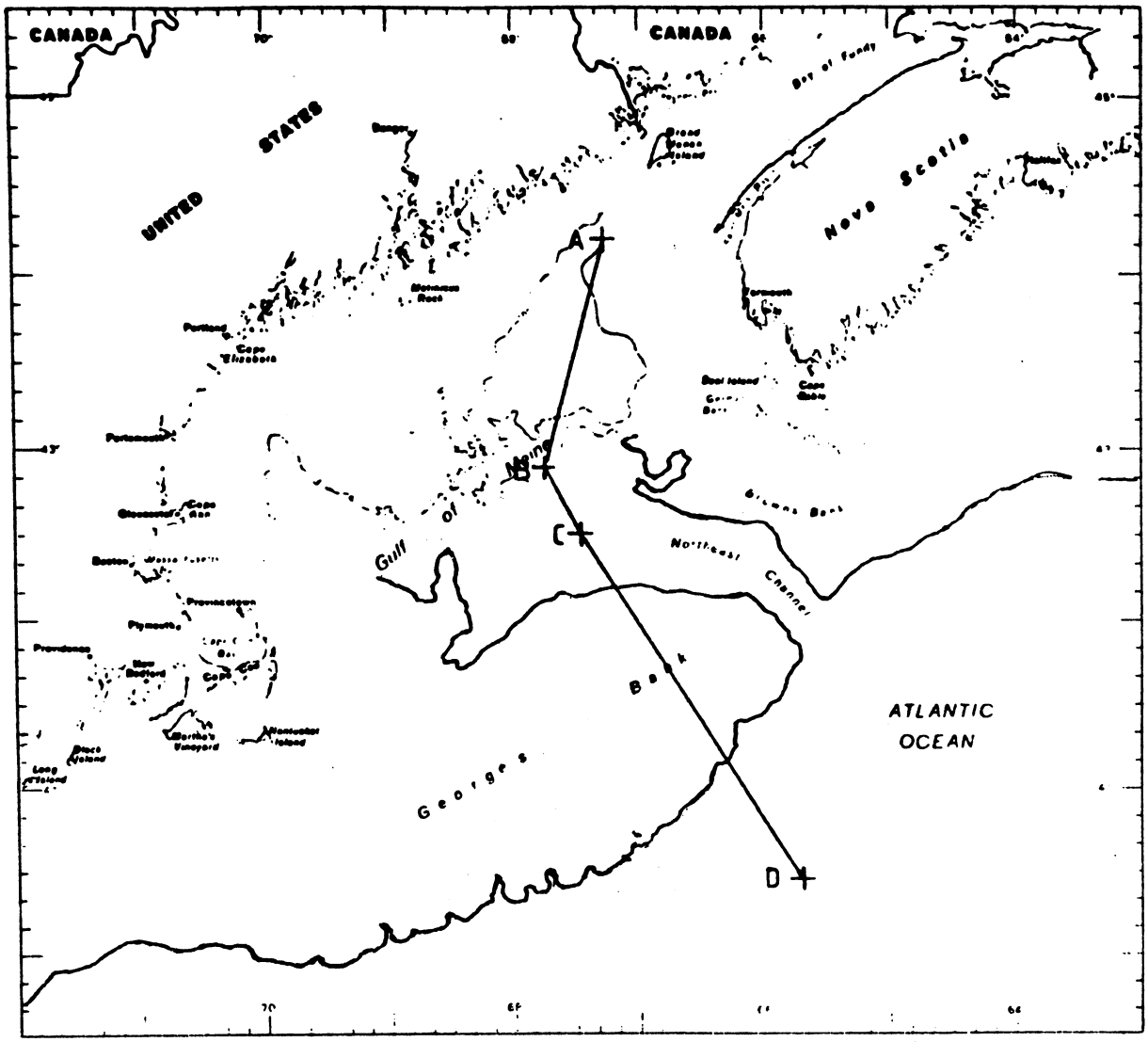
MAP No. 3

Delimitation lines proposed by the Parties before the Chamber

(see paras. 71, 77-78)

United States line — — — — — — — — — —

Canadian Line —.—.—.—.—.—.—.—.—.—.—



MAP No. 4

Delimitation Line drawn by the chamber

II. (e) RECENT UNITED NATIONS RESOLUTIONS OF INTEREST

(1) Resolution A/RES/39/73: "Law of the Sea"

The General Assembly,

Recalling its resolutions 37/66 of 3 December 1982 and 38/59 A of 14 December 1983, adopted under the item entitled "Third United Nations Conference on the Law of the Sea",

Taking note of the increasing and overwhelming support for the United Nations Convention on the Law of the Sea, 1/ as evidenced, inter alia, by the one hundred and fifty-five signatures and 14 ratifications as at the closing of the Convention for signature,

Seriously concerned at any attempt to undermine the Convention and the related resolutions of the Third United Nations Conference on the Law of the Sea, 2/

Recognizing that, as stated in the third preambular paragraph of the Convention, 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 refrain from any action to apply their provisions selectively, in a manner inconsistent with their object and purpose,

Noting 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 régime established by the Convention, as also recognized by the Economic and Social Council in its resolution 1983/48 of 28 July 1983,

Noting also that the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea has decided to hold its next regular session at Kingston from 11 March to 4 April 1985 and its summer meeting in 1985 at Geneva, Kingston or New York as it may decide, 3/

Taking note also of activities carried out in 1984 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989, 4/ in accordance with the report of the Secretary-General 5/ as approved in General Assembly resolution 38/59 A,

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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.2), document A/CONF.62/122.

2/ Ibid., document A/CONF.62/121, annex I.

3/ LOS/PCN/27.

4/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 6 A.

5/ A/38/570 and Corr. 1 and A/38/570/Add.1 and Add.1/Corr.1.

Recalling its approval of the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations,

Taking special note of the report of the Secretary-General 6/ prepared in response to paragraph 8 of resolution 38/59 A,

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 large number of signatures affixed to the Convention as well as at the number of ratifications deposited with the Secretary-General;

3. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal régime for the uses of the sea and its resources;

4. Calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith;

5. Calls upon States to desist from taking actions which undermine the Convention or defeat its object and purpose;

6. Expresses its appreciation for the effective execution by the Secretary-General of the major programme in law of the sea affairs under chapter 25 of the activities of the medium-term plan;

7. Further expresses its appreciation for the report of the Secretary-General in response to General Assembly resolution 38/59 A and requests the Secretary-General to continue the activities outlined therein, special emphasis being placed on the work of the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea, including the implementation of resolution II;

8. Approves the programme of meetings of the Preparatory Commission for 1985;

9. 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 new legal régime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom and invites the agencies and bodies within the United Nations system to co-operate and lend assistance in these endeavours;

10. Requests the Secretary-General to report to the General Assembly at its fortieth session on developments relating to the Convention and on the implementation of the present resolution;

11. Decides to include in the provisional agenda of its fortieth session the item entitled "Law of the Sea".

99th plenary meeting
13 December 1984

6/ A/39/647.

II. (e) (2) RESOLUTION A/RES/39/225

FAO WORLD CONFERENCE ON FISHERIES MANAGEMENT AND DEVELOPMENT

FAO has long been in the forefront of the changes that have emerged in the legal régime of the sea; the EEZ Programme, instituted in 1979, has been the focal point for its activities. The Programme is now complemented by the action programmes established by the recent World Conference on Fisheries Management and Development which took place in Rome from 27 June to 6 July 1984.

The World Conference endorsed by consensus a Strategy for Fisheries Management and Development, comprising guidelines for consideration by governments and organizations when planning and implementing fisheries management and development. In endorsing the Strategy, the Conference noted that it should in no way be considered binding upon or involving commitments by governments. In particular, the Conference emphasized that the Strategy's guidelines were not intended to re-open the issues already settled at the United Nations Conference on the Law of the Sea and were without prejudice to the provisions of the Convention on the Law of the Sea. The Strategy was considered to be a unique and valuable point of reference and guidance for governments and international organizations to work together to promote the self-reliance of countries in fisheries and to increase the contributions of fish to world food supplies and food security.

The Conference also approved an integrated package of five Programmes of Action which emphasize technical assistance, training, investment and regional co-operation to help developing countries to increase fish production and improve their individual and collective self-reliance in fisheries. Designed for execution mainly, but not exclusively, by FAO, the Programmes of Action cover the following five separate but interlinked areas: planning, management and development of fisheries; small-scale fisheries development; aquaculture development; international trade in fish and fish products; and the role of fisheries in alleviating under-nutrition. The Conference adopted a number of resolutions concerning the implementation of the Stragegy and the Programmes of Action and specific aspects of fisheries management and development.

Resolution A/RES/39/225

The General Assembly,

Recognizing that the recent developments in the law of the sea have created new opportunities and responsibilities for States and that national and international objectives and policies for fisheries management and development are being re-examined and adjusted,

Recognizing also relevant provisions of the United Nations Convention on the Law of the Sea, 1/

Bearing in mind the importance of the need to promote improvements in the production and distribution of all food and agricultural products, including those from fisheries, and to raise levels of nutrition and standards of living,

Noting with appreciation the convening of the FAO World Conference on Fisheries Management and Development at Rome from 27 June to 6 July 1984, with a view to promoting the optimum utilization of world fishery resources from the economic, social and nutritional points of view, increasing the contribution of fisheries to national self-reliance in food production and towards food security, enhancing the capacity of developing countries in the management and development of fisheries and fostering international co-operation in fisheries between developed and developing countries and among developing countries themselves,

1. Endorses the Strategy for Fisheries Management and Development and the associated programmes of action adopted by the FAO World Conference on Fisheries Management and Development; 2/

2. Invites States and international organizations concerned to take into account the principles and guidelines contained in the Strategy when planning the management and development of fisheries;

3. Urges all bilateral and multilateral donor agencies and financing institutions to provide the support required for the effective implementation of the programmes of action;

4. Invites the Food and Agriculture Organization of the United Nations, in collaboration with the organs, organizations and bodies concerned within the United Nations system, to continue to play its important role in assisting States in their efforts towards the improved management and development of fishery resources.

104th plenary meeting
18 December 1984

1/ See Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.2), document A/CONF.62/122.

2/ See Food and Agriculture Organization of the United Nations, Report of the FAO World Conference on Fisheries Management and Development, Rome, 27 June-6 July 1984 (Rome, 1984); transmitted to the members of the General Assembly by a note by the Secretariat (A/C.2/39/6).

III. INFORMATION ABOUT THE PREPARATORY COMMISSION

The Preparatory Commission established by resolution I of the Third United Nations Conference on the Law of the Sea held its second regular session in Kingston (Jamaica), 19 March to 13 April 1984 and an informal meeting in Geneva (Switzerland), 13 August to 5 September 1984.

At the time of the second session, a total of 125 States or entities were members of the Preparatory Commission. This total had risen to 131 for the Geneva meeting.

The Convention is now closed for signature. A total of 159 States or entities has signed it and are therefore members of the Preparatory Commission (resolution I, paragraph 2) (see Table III(a)); 15 States or entities are observers under Rule 2 of the Rules of Procedure of the Preparatory Commission (see Table III(b)). Non-signatory States wishing to become a member of the Preparatory Commission (Rule 1) may do so by acceding to the Convention.

III. (a) TABLE OF MEMBERS, OBSERVERS AND PARTICIPANTS OF THE PREPARATORY COMMISSION AS OF 5 SEPTEMBER 1984 [1]

STATES	Second Session [2]		Geneva Meeting [3]	
	Member/ Observer	Participant	Member/ Observer	Participant
Afghanistan	M		M	x
Albania				
Algeria	M	x	M	x
Angola	M	x	M	x
Antigua and Barbuda	M		M	
Argentina				
Australia	M	x	M	x
Austria	M	x	M	x
Bahamas	M		M	
Bahrain	M		M	x
Bangladesh	M		M	x
Barbados	M	x	M	
Belgium	O	x	O	x
Belize	M		M	
Benin	M	x	M	x
Bhutan	M		M	
Bolivia				
Botswana	O		O	
Brazil	M	x	M	x
Brunei Darussalam [4]				
Bulgaria	M	x	M	x
Burkina Faso [5]	M		M	
Burma	M	x	M	x
Burundi	M		M	
Byelorussian SSR	M	x	M	x
Cameroon	M	x	M	x
Canada	M	x	M	x
Cape Verde	M	x	M	x
Central African Republic				
Chad	M		M	

[1] States and other entities which are members or observers of the Preparatory Commission as defined in resolution I, paragraph 2 of the Third United Nations Conference on the Law of the Sea, are indicated by an "M" for members or an "O" for observers. States or entities which did not sign the Convention and the Final Act of the United Nations Conference on the Law of the Sea, are left blank. Those States or entities indicated by an "x" participated in the session or meeting.

[2] Held from 19 March to 13 April 1984 in Kingston, Jamaica.

[3] Held from 13 August to 5 September 1984 in Geneva, Switzerland.

[4] Became a Member of the United Nations on 18 September 1984.

[5] Formerly Upper Volta.

STATES	Second Session		Geneva Meeting	
	Member/ Observer	Participant	Member/ Observer	Participant
Chile	M	x	M	x
China	M	x	M	x
Colombia	M	x	M	x
Comoros				
Congo	M	x	M	x
Costa Rica	M	x	M	x
Cuba	M	x	M	x
Cyprus	M	x	M	x
Czechoslovakia	M	x	M	x
Democratic Kampuchea	M		M	x
Dem. People's Republic of Korea	M	x	M	x
Democratic Yemen	M		M	x
Denmark	M	x	M	x
Djibouti	M	x	M	x
Dominica	M		M	
Dominican Republic	M	x	M	
Ecuador	O		O	x
Egypt	M	x	M	x
El Salvador				
Equatorial Guinea 6/	M		M	
Ethiopia	M	x	M	x
Fiji	M		M	
Finland	M	x	M	x
France	M	x	M	x
Gabon	M	x	M	x
Gambia	M		M	
German Democratic Republic	M	x	M	x
Germany, Federal Republic of	O	x	O	x
Ghana	M	x	M	x
Greece	M	x	M	x
Grenada	M		M	
Guatemala	M		M	x
Guinea				
Guinea-Bissau	M	x	M	x
Guyana	M	x	M	
Haiti	M	x	M	
Holy See	O	x	O	
Honduras	M	x	M	x
Hungary	M	x	M	x
Iceland	M		M	x

6/ Change in status from observer to full membership due to signature of the Convention after the resumed first session of the Preparatory Commission.

STATES	Second Session		Geneva Meeting	
	Member/ Observer	Participant	Member/ Observer	Participant
India	M	x	M	x
Indonesia	M	x	M	x
Iran (Islamic Republic of)	M	x	M	x
Iraq	M	x	M	x
Ireland	M	x	M	x
Israel	O	x	O	x
Italy	O	x	O	x
Ivory Coast	M	x	M	x
Jamaica	M	x	M	x
Japan	M	x	M	x
Jordan	O		O	
Kenya	M	x	M	x
Kiribati				
Kuwait	M	x	M	x
Lao People's Democratic Rep.	M		M	
Lebanon				
Lesotho	M	x	M	x
Liberia	M	x	M	x
Libyan Arab Jamahiriya	O	x	O	x
Liechtenstein				
Luxembourg	O		O	
Madagascar	M	x	M	x
Malawi				
Malaysia	M	x	M	x
Maldives	M		M	
Mali 6/	M	x	M	
Malta	M	x	M	
Mauritania	M		M	x
Mauritius	M		M	
Mexico	M	x	M	x
Monaco	M		M	
Mongolia	M	x	M	x
Morocco	M		M	x
Mozambique	M	x	M	x
Nauru	M		M	
Nepal	M		M	
Netherlands	M	x	M	x
New Zealand	M	x	M	x
Nicaragua				
Niger	M		M	
Nigeria	M	x	M	x
Norway	M	x	M	x
Oman	M		M	x
Pakistan	M	x	M	x
Panama	M	x	M	

STATES	Second Session		Geneva Meeting	
	Member/ Observer	Participant	Member/ Observer	Participant
Papua New Guinea	M	x	M	x
Paraguay	M		M	
Peru	O	x	O	x
Philippines	M	x	M	x
Poland	M	x	M	x
Portugal	M	x	M	x
Qatar				
Republic of Korea	M	x	M	x
Romania	M	x	M	x
Rwanda	M		M	
St. Christopher and Nevis 7/				
Saint Lucia	M		M	
St. Vincent and the Grenadines	M		M	
Samoa	O		O	
San Marino				
Sao Tome and Principe	M		M	
Saudi Arabia				
Senegal	M	x	M	x
Seychelles	M		M	
Sierra Leone	M		M	
Singapore	M		M	
Solomon Islands	M		M	
Somalia	M	x	M	x
South Africa				
Spain	O	x	O	x
Sri Lanka	M	x	M	x
Sudan	M	x	M	x
Suriname	M	x	M	
Swaziland	M		M	
Sweden	M	x	M	x
Switzerland	O	x	O	x
Syrian Arab Republic				
Thailand	M	x	M	x
Togo	M		M	
Tonga				
Trinidad and Tobago	M	x	M	x
Tunisia	M	x	M	x
Turkey				
Tuvalu	M		M	
Uganda	M	x	M	x
Ukrainian SSR	M	x	M	x
Union of Soviet Socialist Reps.	M	x	M	x
United Arab Emirates	M		M	x
United Kingdom	O	x	O	x
United Republic of Tanzania	M	x	M	x

7/ Became a member of the United Nations on 23 September 1983.

STATES	Second Session: Member/ Observer	Second Session: Participant	Geneva Meeting: Member/ Observer	Geneva Meeting: Participant
United States of America	O		O	
Uruguay	M		M	x
Vanuatu	M		M	x
Venezuela	O		O	x
Viet Nam	M		M	x
Yemen	M	x	M	
Yugoslavia	M	x	M	x
Zaire	M	x	M	x
Zambia	M	x	M	x
Zimbabwe	M	x	M	
OTHERS (under Art. 305(1)(b),(c), (d),(e) and (f))				
Cook Islands	M		M	
European Economic Community	O	x	O	x
Namibia (United Nations Council for Namibia)	M	x	M	x
Niue				
Netherlands Antilles	O		O	
Trust Territory of the Pacific Islands	O		O	x
NATIONAL LIBERATION MOVEMENTS				
African National Congress of South Africa	O	x	O	x
Palestine Liberation Organization	O		O	
Pan Africanist Congress of Azania	O	x	O	x
South West Africa People's Organization	O	x	O	x
TOTAL OF MEMBERS	125	99	131	82
TOTAL OF OBSERVERS	28	17	25	16
GRAND TOTAL	153	116	156	98

The following States which did not sign the Final Act of the Conference, and thereby were not entitled to the observer status, were invited to the meeting of the Preparatory Commission in Geneva, and did attend as observers under rule 3 as States which had participated in the Third United Nations Conference on the Law of the Sea: Bolivia, El Salvador, Lebanon, San Marino, Saudi Arabia and Turkey.

III. (b) LIST OF MEMBERS AND OBSERVERS OF THE PREPARATORY COMMISSION AS OF THE CLOSING DATE FOR SIGNATURE OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

MEMBERS: 159

Afghanistan
Algeria
Angola
Antigua and Barbuda
Argentina
Australia
Austria
Bahamas
Bahrain
Bangladesh
Barbados
Belgium
Belize
Benin
Bhutan
Bolivia
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Burma
Burundi
Byelorussian SSR
Cameroon
Canada
Cape Verde
Central African Republic
Chad
Chile
China
Colombia
Comoros
Congo
Cook Islands
Costa Rica
Cuba
Cyprus
Czechoslovakia
Dem. People's Rep. Korea
Democratic Kampuchea
Democratic Yemen
Denmark
Djibouti
Dominica
Dominican Republic
Egypt
El Salvador
Equatorial Guinea
Ethiopia
European Economic Community
Fiji
Finland
France
Gabon
Gambia
German Dem. Republic
Ghana
Greece
Grenada
Guatemala
Guinea
Guinea-Bissau
Guyana
Haiti
Honduras
Hungary
Iceland
India
Indonesia
Iran (Islamic Rep. of)
Iraq
Ireland
Italy
Ivory Coast
Jamaica
Japan
Kenya
Kuwait
Lao People's Dem. Rep.
Lebanon
Lesotho
Liberia
Libyan Arab Jamahiriya
Liechtenstein
Luxembourg
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mexico
Monaco
Mongolia
Morocco
Mozambique
Namibia (UN Council for)
Nauru
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Niue
Norway
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Philippines
Poland
Portugal
Qatar
Republic of Korea
Romania
Rwanda
Saint Lucia
Samoa
Sao Tome and Principe
Saudi Arabia
Senegal
Seychelles
Sierra Leone
Singapore
Solomon Islands
Somalia
South Africa
Spain
Sri Lanka
St. Christopher and Nevis
St. Vincent and the Grenadines
Sudan
Suriname
Swaziland
Sweden
Switzerland
Thailand
Togo
Trinidad and Tobago
Tunisia
Tuvalu
Uganda
Ukrainian SSR
United Arab Emirates
United Rep. of Tanzania
Uruguay
USSR
Vanuatu
Viet Nam
Yemen
Yugoslavia
Zaire
Zambia
Zimbabwe

OBSERVERS SIGNATORIES OF THE FINAL ACT: 15

Ecuador
Germany, Federal Republic of
Holy See
Israel
Jordan
Peru
United Kingdom
United States of America
Venezuela

African National Congress
Netherlands Antilles
Palestine Liberation Organization
Pan Africanist Congress of Azania
South West Africa People's Organization
Trust Territory of the Pacific Islands

States and entities which have neither signed the Final Act nor the Convention:

Albania
Kiribati
San Marino
Syrian Arab Republic
Tonga
Turkey
West Indies Associated States

III. (c) REPORT ON THE WORK OF THE SECOND SESSION OF THE PREPARATORY COMMISSION FOR THE INTERNATIONAL SEA-BED AUTHORITY AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

The Preparatory Commission began its substantive work during the second session in Kingston (19 March - 13 April 1984) and continued with its programme at the Geneva meeting (13 August - 5 September 1984).

The Kingston Session

The Informal Plenary

During the Kingston session the plenary on the implementation of resolution II held nine meetings. The plenary completed the first reading of the draft rules for the registration of pioneer investors and draft rules on confidentiality of data and information (LOS/PCN/WP.16/Corr.1). There were three principal issues to be addressed by the plenary on resolution II: the question of overlapping claims, the nature, composition and function of the group of technical experts and confidentiality of data and information.

The plenary is also entrusted with the task of preparing rules, regulations and procedures on the administrative, financial and budgetary matters for the various organs of the Authority. The first three meetings were devoted to a general discussion of the Authority. It was concluded that the future Authority should be effective, viable, efficient and cost effective and that the structure of the future Authority should be lean at least in the initial state. During the next three meetings the plenary commenced a rule-by-rule examination of the draft rules of procedure for the Assembly of the International Sea-Bed Authority (LOS/PCN/WP.20).

Special Commission 1

Special Commission 1 held seven meetings and the Bureau of the Special Commission met on four occasions. The Special Commission whose task is to study the problems of developing land-based producer States likely to be most seriously affected by deep sea-bed mining considered that it was essential first to gather relevant information and data and second to find a methodology to process this information and data for the purpose of the Special Commission.

Special Commission 2

Special Commission 2 held seven meetings. At this session the Special Commission took up the question of priority and its future work. The subjects to be addressed were:

(1) an examination of the issues involved in the implementation of paragraph 12 of resolution II and consideration of the preparatory measures that would be undertaken in accordance with the provisions of that paragraph;

(2) a consideration of the structure of the Enterprise and in particular, the structure and requirements for its start-up establishment;

(3) an examination of operational options beginning with an evaluation of the joint venture options for the initial operation of the Enterprise (LOS/PCN/L.5).

Special Commission 3

Special Commission 3 held eight meetings. During this session the Commission adopted a programme of work and identified four items for which rules, regulations and procedures should be elaborated:

(a) Exploration and exploitation;

(b) Prospecting;

(c) Scope, and

(d) Use of terms.

Special Commission 4

Special Commission 4 is mandated to prepare a report with recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea. At this session the Commission heard general statements on the Commission's work, in particular on the preparation of draft rules for the Tribunal.

The Geneva meeting

During its Geneva meeting the Preparatory Commission was informed by three States entitled to sponsor pioneer investors - France, Japan and the Netherlands - that an intergovernmental agreement ("Provisional Understanding regarding Deep Sea-Bed Matters") was concluded on 3 August 1984 among eight Governments: Belgium, France, Germany, Federal Republic of, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Commission was assured that the agreement aimed at ensuring "the minimum need of avoiding possible future conflicts due to overlapping claims for mine sites and, as such fulfills in part the requirements of resolution II to resolve overlapping claims" and that the agreement was fully compatible with the position of the three governments to undertake deep sea-bed activities, "within the framework of resolution II and the United Nations Convention on the Law of the Sea".

In response to this provisional understanding the Group of 77 and the Group of Eastern European (Socialist) States reiterated their opposition to instruments based on national legislation and reciprocal agreements purporting to regulate and authorize deep sea-bed activities. They asserted that the carrying out of any such activities outside the régime established by the Convention was illegal.

At this meeting intensive consultations were carried out for the registration of pioneer investors. The consultation related to two main issues with regard to the resolution of overlapping claims. The first related to what might be called a series of cut-off dates for certain activities to be undertaken in order that conflicts may be resolved and the second concerned the procedure that might be followed in order to resolve conflicts.

It should be noted that during this period letters of application for registration as pioneer investors were received from the Governments of Japan and France. Annexed to each letter was a sealed package which, according to the letters, contained the data and information relating to the application. The packages are in the custody of the Secretary-General for safe-keeping. (Similar applications were already submitted by India and the Union of Soviet Socialist Republics.)

Informal Plenary

The plenary on resolution II held four meetings. At the second meeting the Chairman reported that an understanding had been reached on the procedure and on a time-table for conflict resolution for the first group of applicants (LOS/PCN/WP.16/Rev.1).

The plenary held ten meetings on the Authority. It continued the rule-by-rule examination of the draft rules contained in LOS/PCN/WP.20.

Special Commission 1

At Geneva Special Commission 1 held nine meetings and the Bureau of the Special Commission met on three occasions. The Commission established the following target for its work: the identification of (a) the developing land-based producer States likely to be affected by the production of minerals from the Area and the problems that may be encountered by these States and (b) also the identification of measures that can minimize their difficulties and help them to make the necessary economic adjustment.

Special Commission 2

Special Commission 2 held nine meetings. The Commission commenced consideration of the question relating to the implementation of paragraph 12 of resolution II.

Special Commission 3

Special Commission 3 held nine meetings. The Commission completed its discussions of sections I and II of Part IV of the annex to document LOS/PCN/SCN.3/WP.1 dealing with the application for approval of plans of work and the content of the applications.

Special Commission 4

Special Commission 4 commenced its first reading, article-by-article, of the Draft Rules of the Tribunal (LOS/PCN/SCN.4/WP.2).

III.(d) LIST OF DOCUMENTS OF THE SECOND SESSION OF THE PREPARATORY COMMISSION AND OF THE GENEVA MEETING

LOS/PCN/INF.2/Rev.1	Officers of the Preparatory Commission and Membership of the General Committee and the Credentials Committee [13 June 1984]
LOS/PCN/INF.4	List of States and entities that have signed and ratified the Convention as of 19 March 1984 [20 March 1984]
LOS/PCN/INF.5	List of delegations to the Second Session, Kingston, Jamaica, 19 March to 13 April 1984 [31 May 1984]
LOS/PCN/INF.6	List of delegations to the meeting of the Preparatory Commission, Geneva, 13 August to 5 September 1984 [3 September 1984]
LOS/PCN/INF.7	(English only) List of States and entities that have signed and ratified the Convention as of 4 September 1984 [4 September 1984]
LOS/PCN/33	Provisional agenda (Second Session) [19 March 1984]
LOS/PCN/34	Letter dated 29 March 1984 from the Chairman of the delegation of Japan addressed to the Chairman of the Preparatory Commission [29 March 1984]
LOS/PCN/35	Letter dated 30 March 1984 from the Chairman of the delegation of France addressed to the Chairman of the Preparatory Commission [2 April 1984]
LOS/PCN/36*	Letter dated 3 April 1984 from the Chairman of the delegation of the Union of Soviet Socialist Republics addressed to the Chairman of the Preparatory Commission [5 April 1984]
LOS/PCN/37	Letter dated 6 April 1984 from the Chairman of the delegation of the Federal Republic of Germany addressed to the Chairman of the Preparatory Commission [6 April 1984]
LOS/PCN/38	Letter dated 9 April 1984 from the Chairman of the delegation of the Union of Soviet Socialist Republics addressed to the Chairman of the Preparatory Commission [10 April 1984]

* Reissued for technical reasons (English and Spanish only).

LOS/PCN/39	Credentials of Representatives to the Second Session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea - Report of the Credentials Committee [11 April 1984]
LOS/PCN/40	Letter dated 11 April 1984 from the Alternate Representative of the delegation of Canada addressed to the Chairman of the Preparatory Commission [11 April 1984]
LOS/PCN/41	Letter dated 12 April 1984 from the Representatives of the delegations of Belgium, France, the Federal Republic of Germany, Italy, Japan, the Netherlands and the United Kingdom of Great Britain and Northern Ireland addressed to the Chairman of the Preparatory Commission [12 April 1984]
LOS/PCN/42	Letter dated 12 April 1984 from the Chairman of the delegation of Japan addressed to the Chairman of the Preparatory Commission [12 April 1984]
LOS/PCN/43	Suggested Programmes of Work for the Plenary of the Preparatory Commission on the Authority [12 April 1984]
LOS/PCN/44	Letter dated 12 April 1984 from the Chairman of the delegation of France addressed to the Chairman of the Preparatory Commission [12 April 1984]
LOS/PCN/45	Letter dated 3 August 1984 from the Government of Japan addressed to the Chairman of the Preparatory Commission [16 August 1984]
LOS/PCN/46	Letter dated 3 August 1984 from the Government of the Kingdom of the Netherlands addressed to the Chairman of the Preparatory Commission [16 August 1984]
LOS/PCN/47	Letter dated 3 August 1984 from the Chairman of the delegation of France addressed to the Chairman of the Preparatory Commission [16 August 1984]
LOS/PCN/48	Statement by the Chairman of the Group of 77 delivered on 13 August 1984 [16 August 1984]
LOS/PCN/49	Statement by the Chairman of the Group of East European Socialist countries delivered on 13 August 1984 [17 August 1984]

LOS/PCN/50	Receipt of application from the Government of Japan for registration of the Japanese enterprise "Deep Ocean Resources Development Co., Ltd." as a pioneer investor under resolution II of the Third United Nations Conference on the Law of the Sea [22 August 1984]
LOS/PCN/51	Receipt of application from the Government of France for registration of the Association Francaise pour l'Etude et la Recherche des Nodules (A.F.E.R.N.O.D.) as a pioneer investor under resolution II of the Third United Nations Conference on the Law of the Sea [23 August 1984]
LOS/PCN/52	Statement by the Chairman of the delegation of the Netherlands on behalf of the delegations of Belgium, France, Germany, Federal Republic of, Italy, Japan and the United Kingdom of Great Britain and Northern Ireland delivered on 14 August 1984 [24 August 1984]
LOS/PCN/53	Letter dated 17 August 1984 from the Government of Mauritius addressed to the Chairman of the Preparatory Commission [31 August 1984]
LOS/PCN/54	Letter dated 4 September 1984 from the Chairman of the delegation of the United Kingdom of Great Britain and Northern Ireland addressed to the Chairman of the Preparatory Commission [24 September 1984]
LOS/PCN/L.1	Pioneer activities leading up to the determination of the technical and economic feasibility of exploiting polymetallic nodules [22 February 1984]
LOS/PCN/L.2	Statement to the Plenary by the Chairman of Special Commission 1 on the progress of work in that Commission [11 April 1984]
LOS/PCN/L.3	Statement to the Plenary by the Chairman of Special Commission 3 on the progress of work in that Commission [12 April 1984]
LOS/PCN/L.4	Statement to the Plenary by the Chairman of Special Commission 4 on the progress of work in that Commission [12 April 1984]
LOS/PCN/L.5	Statement to the Plenary by the Chairman of Special Commission 2 on the progress of work in that Commission [11 April 1984]
LOS/PCN/L.6	Statement made by the Chairman of the Preparatory Commission [12 April 1984]

LOS/PCN/L.7/Rev.1	Letter dated 21 August 1984 from the Head of the delegation of Bulgaria and Chairman of the Group of Eastern (Socialist) countries. (Annex) - Revised Draft Resolution submitted on 21 August 1984 by Bulgaria on behalf of the Regional Group of Eastern European (Socialist) countries [21 August 1984]
LOS/PCN/L.8	Statement of the Chairman of the Preparatory Commission regarding the understanding on resolution of conflicts among the applicants for registration as pioneer investors [31 August 1984]
LOS/PCN/L.9	Statement to the Plenary by the Chairman of Special Commission 1 on the progress of work in that Commission [3 September 1984]
LOS/PCN/L.10	Statement to the Plenary by the Chairman of Special Commission 2 on the progress of work in that Commission [4 September 1984]
LOS/PCN/L.11	Statement to the Plenary by the Chairman of Special Commission 3 on the progress of the work in that Commission [4 September 1984]
LOS/PCN/L.12	Statement to the Plenary by the Chairman of Special Commission 4 on the progress of work in that Commission [4 September 1984]
LOS//PCN/L.13	Statement made by the Chairman of the Preparatory Commission [4 September 1984]
LOS/PCN/L.13/Add.1	Statement made by the Chairman of the Preparatory Commission [14 September 1984]
LOS/PCN/L.14	Statement delivered on 5 September 1984 by the Chairman of the Group of Eastern European (Socialist) countries [14 September 1984]
LOS/PCN/WP.16/Rev.1	Draft Rules for the Registration of Pioneer Investors and Draft Rules on Confidentiality of Data and Information [12 April 1984]
LOS/PCN/WP.16/Rev.1/Corr.1	Corrigendum (Chinese and English only) [8 June 1984]
LOS/PCN/WP.17	Proposal of the delegations of Belgium, France, the Federal Republic of Germany, Italy, Japan and the United Kingdom of Great Britain and Northern Ireland on Draft Work Programmes for Special Commissions 1, 2, 3, 4 [20 March 1984]

LOS/PCN/WP.17/Corr.1	Corrigendum [23 March 1984]
LOS/PCN/WP.18	Draft Rules and Procedures for Registration of Pioneer Investors under resolution II [21 March 1984]
LOS/PCN/WP.19	Suggested amendments to the Draft Rules for the Registration of Pioneer Investors (LOS/PCN/WP.16) [22 March 1984]
LOS/PCN/WP.20	Draft Rules of Procedures of the Asssembly of the International Sea-Bed Authority [2 April 1984]
LOS/PCN/WP.20/Corr.1	Corrigendum [6 April 1984]
LOS/PCN/WP.21	Draft Rules on a Finance Committee to be included in the Draft Rules of Procedure of the Assembly of the International Sea-Bed Authority (LOS/PCN/WP.20) [14 August 1984]
LOS/PCN/WP.21/Corr.1	Corrigendum [27 August 1984]
LOS/PCN/WP.22	Draft Rules on Confidentiality for inclusion in the Draft Rules for the Registration of Pioneer Investors under resolution II (LOS/PCN/WP.16/Rev.1) [14 August 1984]
LOS/PCN/WP.23	Suggested amendments to the Draft Rules of Procedure of the Assembly of the International Sea-Bed Authority (LOS/PCN/WP.20) [30 August 1984]
LOS/PCN/WP.24	Suggestions by the Chairman of the Preparatory Commission on Rules 14, 15 and 16 for inclusion in the Draft Rules for the Registration of Pioneer Investors under resolution II (LOS/PCN/WP.16/Rev.1) [4 September 1984]
LOS/PCN/1984/CRP.1	Organization of work [20 March 1984]
LOS/PCN/1984/CRP.1/Rev.1	Organization of work (English only) [20 March 1984]
LOS/PCN/1984/CRP.2	Time-table for week beginning 26 March [23 March 1984]
LOS/PCN/1984/CRP.3	Time-table for week beginning 2 April [30 March 1984]
LOS/PCN/1984/CRP.4	Time-table for week beginning 9 April [30 March 1984]

Special Commission 1

LOS/PCN/SCN.1/WP.1	General considerations in studying the problems which would be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the Area [28 February 1984]
LOS/PCN/SCN.1/WP.2	Basic data and information of relevance to the work of the Special Commission 1 (Part A) [18 July 1984]
LOS/PCN/SCN.1/WP.2/Add.1	Addendum (Part B) [2 August 1984]
LOS/PCN/SCN.1/WP.2/Add.2	Addendum (Part C) [23 August 1984]
LOS/PCN/SCN.1/1984/CRP.1	Provisional agenda for Special Commission 1 [20 March 1984]
LOS/PCN/SCN.1/1984/CRP.2	Programme of work for Special Commission 1 [20 March 1984]
LOS/PCN/SCN.1/1984/CRP.3	List of issues to be dealt with under the programme of work [27 March 1984]
LOS/PCN/SCN.1/1984/CRP.4	Some of the items on which the Secretariat is requested to provide data and information for the purposes of study by the Special Commission 1 [3 April 1984]
LOS/PCN/SCN.1/1984/CRP.4/Corr.1	Corrigendum [11 April 1984]
LOS/PCN/SCN.1/1984/CRP.4/Add.1	Addendum [4 April 1984]
LOS/PCN/SCN.1/1984/CRP.4/Add.1/Corr.1	Corrigendum [11 April 1984]

Special Commission 2

LOS/PCN/SCN.2/L.1	Statement by the Chairman at the First Meeting of Special Commission 2 on 9 September 1983 [29 September 1984]
LOS/PCN/SCN.2/L.2/Rev.1	Austria: Revised proposal for a joint enterprise for exploration on research and development in ocean mining (JEFERAD) [10 August 1984]
LOS/PCN/SCN.2/L.2/Rev.1/Corr.1	Corrigendum [27 August 1984]
LOS/PCN/SCN.2/L.3	Note by the Chairman on the General Exchange of Views [2 April 1984]

LOS/PCN/SCN.2/WP.1	Special Commission for the Enterprise - Mandate and Programme of Work - Background paper by the Secretariat [27 February 1984]
LOS/PCN/SCN.2/WP.1/Add.1	List of provisions of the United Nations Convention on the Law of the Sea dealing with organizational and operational aspects of the Enterprise [13 March 1984]
LOS/PCN/SCN.2/WP.2	The Enterprise - Start-up requirements and preparatory measures [17 July 1984]
LOS/PCN/SCN.2/WP.3	Information note on elements of joint ventures [21 August 1984]
LOS/PCN/SCN.2/WP.4	Proposal on joint venture [27 August 1984]
LOS/PCN/SCN.2/1984/CRP.1	Programme of work [20 March 1984]
LOS/PCN/SCN.2/1984/CRP.2	Contractual rules that may be applicable to the implementation of paragraph 12(a)(i) of resolution II on exploration [18 July 1984]

Special Commission 3

LOS/PCN/SCN.3/L.1	Proposals with regard to the procedures for approval of plans of work [22 August 1984]
LOS/PCN/SCN.3/WP.1	Special Commission for the Preparation of Rules, Regulations and Procedures for the Exploration and Exploitation of the Area (Sea-Bed Mining Code) - Background paper by the Secretariat [8 March 1984]
LOS/PCN/SCN.3/WP.1/Corr.1	Corrigendum [30 March 1984]
LOS/PCN/SCN.3/WP.2	(Sea-Bed Mining Code) - Background paper by the Secretariat - Exploration and Exploitation - Application for approval of plans of work [3 April 1984]
LOS/PCN/SCN.3/WP.2/Corr.1	Corrigendum (Arabic, Chinese, English, French and Spanish only) [3 April 1984]
LOS/PCN/SCN.3/WP.2/Add.1	Draft Regulations on Prospecting, Exploration and Exploitation in the Area. Part IV - Exploration and Exploitation. Section I - Application for approval of plans of work [23 August 1984]
LOS/PCN//SCN.3/WP.3	Special Commission for the Preparation of Rules, Regulations and Procedure for the Exploration and Exploitation of the Area (Sea-Bed Mining Code) - Exploration and Exploitation [6 April 1984]

LOS/PCN/SCN.3/WP.3/Add.1	Draft Regulations on Prospecting, Exploration and Exploitation in the Area. Section II - Content of Application. Subsection A - The Applicant (arts. 5-11) [23 August 1984]
LOS/PCN/SCN.3/WP.4	Special Commission for the Preparation of Rules, Regulations and Procedures for the Exploration and Exploitation of the Area (Sea-Bed Mining Code) Part IV - Exploration and Exploitation Section II - Content of Application [13 July 1984]
LOS/PCN/SCN.3/WP.5	Draft Regulations on Prospecting, Exploration and Exploitation in the Area. Part IV - Exploration and Exploitation. Section III - Payment of Fee [30 August 1984]
LOS/PCN/SCN.3/1984/CRP.1/ Rev.1	Agenda for Special Commission 3 [29 March 1984]
LOS/PCN/SCN.3/1984/CRP.2	Programme of work for Special Commission 3 - Proposals by the Chairman [26 March 1984]

Special Commission 4

LOS/PCN/SCN.4/L.1	Chairman's summing up of the discussions [10 July 1984]
LOS/PCN/SCN.4/L.2	Chairman's summary of discussions on Parts I and II of the Draft Rules of the Tribunal [4 September 1984]
LOS/PCN/SCN.4/WP.1	Practical arrangements for the establishment of the International Tribunal for the Law of the Sea - Working paper by the Secretariat [16 March 1984]
LOS/PCN/SCN.4/WP.2	Draft Rules of the International Tribunal for the Law of the Sea (prepared by the Secretariat) [27 July 1984]
LOS/PCN/SCN.4/1984/CRP.1/ Rev.1	Agenda for Special Commission 4 [29 March 1984]
LOS/PCN/SCN.4/1984/CRP.2	Suggestions of the Bureau [27 March 1984]
LOS/PCN/SCN.4/1984/CRP.3	Extract from Statement by the Chairman - The composition of the Tribunal and its chambers [28 March 1984]
LOS/PCN/SCN.4/1984/CRP.3/ Corr.1	Corrigendum [30 March 1984]
LOS/PCN/SCN.4/1984/CRP.4	Statement by the Chairman - Access by entities other than States [4 April 1984]
LOS/PCN/SCN.4/1984/CRP.5	Statement by the Chairman on the question of advisory opinions [10 April 1984]

IV. OTHER INFORMATION

The French version of the United Nations Convention on the Law of the Sea published by the United Nations is now available for sale. This book (Sales No. F.83.V.5) not only comprises the official text of the United Nations Convention on the Law of the Sea, with annexes and index, but also the Final Act of the Third United Nations Conference on the Law of the Sea and introductory material on the Convention and the Conference.