

## 6. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

### *Montego Bay, 10 December 1982*

**ENTRY INTO FORCE:** 16 November 1994, in accordance with article 308(1).  
**REGISTRATION:** 16 November 1994, No. 31363.  
**STATUS:** Signatories: 157. Parties: 160.<sup>1</sup>  
**TEXT:** United Nations, *Treaty Series*, vol. 1833, p. 3; depositary notifications C.N.236.1984.TREATIES-7 of 5 October 1984 (procès-verbal of rectification of the English and Spanish authentic texts); C.N.202.1985.TREATIES-17 of 23 August 1985 (procès-verbal of rectification of the original English text); C.N.17.1986.TREATIES-1 of 7 April 1986 (procès-verbal of rectification of the original Arabic, Chinese, English, French and Spanish texts of the Final Act); C.N.166.1993.TREATIES-4 of 9 August 1993 (procès-verbal of rectification of the original Arabic, Chinese, English, French and Spanish texts of the Final Act); and vol. 1904, p. 320 (procès-verbal of rectification of the original French text); C.N.694.2005.TREATIES-5 of 7 September 2005 (Proposal of correction to Article 5 of Annex II of the authentic Spanish text of the Convention) and C.N.1023.2005.TREATIES-7 of 7 October 2005 [procès-verbal of rectification of the original of the Convention (Spanish authentic text)].

*Note:* The Convention was adopted by the Third United Nations Conference on the Law of the Sea and opened for signature, together with the Final Act of the Conference, at Montego Bay, Jamaica, on 10 December 1982. The Conference was convened pursuant to resolution 3067 (XXVIII)<sup>2</sup> adopted by the General Assembly on 16 November 1973. The Conference held eleven sessions, from 1973 to 1982, as follows:

- First session: United Nations Headquarters, New York, 3 to 15 December 1973;
- Second session: Parque Central, Caracas, 20 June to 29 August 1974;
- Third session: United Nations Office at Geneva, 17 March to 9 May 1975;
- Fourth session: United Nations Headquarters, New York, 15 March to 7 May 1976;
- Fifth session: United Nations Headquarters, New York, 2 August to 17 September 1976;
- Sixth session: United Nations Headquarters, New York, 23 May to 15 July 1977;
- Seventh session: United Nations Office at Geneva, 28 March to 19 May 1978;
- Resumed seventh session: United Nations Headquarters, New York, 21 August to 15 September 1978;
- Eighth session: United Nations Office at Geneva, 19 March to 27 April 1979;
- Resumed eighth session: United Nations Headquarters, New York, 19 July to 24 August 1979;
- Ninth session: United Nations Headquarters, New York, 3 March to 4 April 1980;
- Resumed ninth session: United Nations Office at Geneva, 28 July to 29 August 1980;
- Tenth session: United Nations Headquarters, New York, 9 March to 24 April 1981;
- Resumed tenth session: United Nations Office at Geneva, 3 to 28 August 1981;
- Eleventh session: United Nations Headquarters, New York, 8 March to 30 April 1982;
- Resumed eleventh session: United Nations Headquarters, New York, 22 to 24 September 1982;
- Final Part of the eleventh session: Montego Bay, Jamaica, 6 to 10 December 1982.

The Conference also adopted a Final Act<sup>3</sup> with, annexed thereto, nine resolutions and a statement of understanding. The text of the Final Act has been reproduced as document A/CONF.62/121 and Corr. 1 to 8.

<i>Participant<sup>4</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Formal confirmation(c), Accession(a), Succession(d), Ratification</i>	<i>Participant<sup>4</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Formal confirmation(c), Accession(a), Succession(d), Ratification</i>
Afghanistan.....	18 Mar 1983		Australia.....	10 Dec 1982	5 Oct 1994
Albania.....		23 Jun 2003 a	Austria.....	10 Dec 1982	14 Jul 1995
Algeria .....	10 Dec 1982	11 Jun 1996	Bahamas.....	10 Dec 1982	29 Jul 1983
Angola.....	10 Dec 1982	5 Dec 1990	Bahrain.....	10 Dec 1982	30 May 1985
Antigua and Barbuda ....	7 Feb 1983	2 Feb 1989	Bangladesh.....	10 Dec 1982	27 Jul 2001
Argentina.....	5 Oct 1984	1 Dec 1995	Barbados .....	10 Dec 1982	12 Oct 1993
Armenia.....		9 Dec 2002 a	Belarus .....	10 Dec 1982	30 Aug 2006

<i>Participant<sup>d</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Formal confirmation(c), Accession(a), Succession(d), Ratification</i>	<i>Participant<sup>d</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Formal confirmation(c), Accession(a), Succession(d), Ratification</i>
Belgium.....	5 Dec 1984	13 Nov 1998	Estonia .....		26 Aug 2005 a
Belize .....	10 Dec 1982	13 Aug 1983	Ethiopia.....	10 Dec 1982	
Benin.....	30 Aug 1983	16 Oct 1997	European Union .....	7 Dec 1984	1 Apr 1998 c
Bhutan.....	10 Dec 1982		Fiji.....	10 Dec 1982	10 Dec 1982
Bolivia.....	27 Nov 1984	28 Apr 1995	Finland.....	10 Dec 1982	21 Jun 1996
Bosnia and Herzegovina <sup>5</sup> .....		12 Jan 1994 d	France .....	10 Dec 1982	11 Apr 1996
Botswana.....	5 Dec 1984	2 May 1990	Gabon.....	10 Dec 1982	11 Mar 1998
Brazil.....	10 Dec 1982	22 Dec 1988	Gambia.....	10 Dec 1982	22 May 1984
Brunei Darussalam.....	5 Dec 1984	5 Nov 1996	Georgia .....		21 Mar 1996 a
Bulgaria.....	10 Dec 1982	15 May 1996	Germany <sup>7</sup> .....		14 Oct 1994 a
Burkina Faso .....	10 Dec 1982	25 Jan 2005	Ghana.....	10 Dec 1982	7 Jun 1983
Burundi .....	10 Dec 1982		Greece.....	10 Dec 1982	21 Jul 1995
Cambodia .....	1 Jul 1983		Grenada.....	10 Dec 1982	25 Apr 1991
Cameroon.....	10 Dec 1982	19 Nov 1985	Guatemala.....	8 Jul 1983	11 Feb 1997
Canada .....	10 Dec 1982	7 Nov 2003	Guinea.....	4 Oct 1984	6 Sep 1985
Cape Verde.....	10 Dec 1982	10 Aug 1987	Guinea-Bissau.....	10 Dec 1982	25 Aug 1986
Central African Republic .....	4 Dec 1984		Guyana.....	10 Dec 1982	16 Nov 1993
Chad.....	10 Dec 1982	14 Aug 2009	Haiti .....	10 Dec 1982	31 Jul 1996
Chile.....	10 Dec 1982	25 Aug 1997	Honduras.....	10 Dec 1982	5 Oct 1993
China.....	10 Dec 1982	7 Jun 1996	Hungary .....	10 Dec 1982	5 Feb 2002
Colombia.....	10 Dec 1982		Iceland.....	10 Dec 1982	21 Jun 1985
Comoros.....	6 Dec 1984	21 Jun 1994	India .....	10 Dec 1982	29 Jun 1995
Congo.....	10 Dec 1982	9 Jul 2008	Indonesia.....	10 Dec 1982	3 Feb 1986
Cook Islands.....	10 Dec 1982	15 Feb 1995	Iran (Islamic Republic of).....	10 Dec 1982	
Costa Rica.....	10 Dec 1982	21 Sep 1992	Iraq.....	10 Dec 1982	30 Jul 1985
Côte d'Ivoire.....	10 Dec 1982	26 Mar 1984	Ireland.....	10 Dec 1982	21 Jun 1996
Croatia <sup>5</sup> .....		5 Apr 1995 d	Italy .....	7 Dec 1984	13 Jan 1995
Cuba.....	10 Dec 1982	15 Aug 1984	Jamaica .....	10 Dec 1982	21 Mar 1983
Cyprus.....	10 Dec 1982	12 Dec 1988	Japan .....	7 Feb 1983	20 Jun 1996
Czech Republic <sup>6</sup> .....	22 Feb 1993 d	21 Jun 1996	Jordan.....		27 Nov 1995 a
Democratic People's Republic of Korea ...	10 Dec 1982		Kenya.....	10 Dec 1982	2 Mar 1989
Democratic Republic of the Congo .....	22 Aug 1983	17 Feb 1989	Kiribati.....		24 Feb 2003 a
Denmark.....	10 Dec 1982	16 Nov 2004	Kuwait.....	10 Dec 1982	2 May 1986
Djibouti .....	10 Dec 1982	8 Oct 1991	Lao People's Democratic Republic .....	10 Dec 1982	5 Jun 1998
Dominica.....	28 Mar 1983	24 Oct 1991	Latvia.....		23 Dec 2004 a
Dominican Republic .....	10 Dec 1982	10 Jul 2009	Lebanon .....	7 Dec 1984	5 Jan 1995
Egypt.....	10 Dec 1982	26 Aug 1983	Lesotho .....	10 Dec 1982	31 May 2007
El Salvador.....	5 Dec 1984		Liberia.....	10 Dec 1982	25 Sep 2008
Equatorial Guinea .....	30 Jan 1984	21 Jul 1997	Libyan Arab Jamahiriya .....	3 Dec 1984	

<i>Participant<sup>d</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Formal confirmation(c), Accession(a), Succession(d), Ratification</i>	<i>Participant<sup>d</sup></i>	<i>Signature, Succession to signature(d)</i>	<i>Formal confirmation(c), Accession(a), Succession(d), Ratification</i>
Liechtenstein.....	30 Nov 1984		Romania.....	10 Dec 1982	17 Dec 1996
Lithuania.....		12 Nov 2003 a	Russian Federation.....	10 Dec 1982	12 Mar 1997
Luxembourg.....	5 Dec 1984	5 Oct 2000	Rwanda.....	10 Dec 1982	
Madagascar.....	25 Feb 1983	22 Aug 2001	Samoa.....	28 Sep 1984	14 Aug 1995
Malawi.....	7 Dec 1984		Sao Tome and Principe .	13 Jul 1983	3 Nov 1987
Malaysia.....	10 Dec 1982	14 Oct 1996	Saudi Arabia.....	7 Dec 1984	24 Apr 1996
Maldives.....	10 Dec 1982	7 Sep 2000	Senegal.....	10 Dec 1982	25 Oct 1984
Mali.....	19 Oct 1983	16 Jul 1985	Serbia <sup>5</sup> .....		12 Mar 2001 d
Malta.....	10 Dec 1982	20 May 1993	Seychelles.....	10 Dec 1982	16 Sep 1991
Marshall Islands.....		9 Aug 1991 a	Sierra Leone.....	10 Dec 1982	12 Dec 1994
Mauritania.....	10 Dec 1982	17 Jul 1996	Singapore.....	10 Dec 1982	17 Nov 1994
Mauritius.....	10 Dec 1982	4 Nov 1994	Slovakia <sup>6</sup> .....	28 May 1993 d	8 May 1996
Mexico.....	10 Dec 1982	18 Mar 1983	Slovenia <sup>5</sup> .....		16 Jun 1995 d
Micronesia (Federated States of).....		29 Apr 1991 a	Solomon Islands.....	10 Dec 1982	23 Jun 1997
Monaco.....	10 Dec 1982	20 Mar 1996	Somalia.....	10 Dec 1982	24 Jul 1989
Mongolia.....	10 Dec 1982	13 Aug 1996	South Africa.....	5 Dec 1984	23 Dec 1997
Montenegro <sup>4</sup> .....		23 Oct 2006 d	Spain <sup>10</sup> .....	4 Dec 1984	15 Jan 1997
Morocco.....	10 Dec 1982	31 May 2007	Sri Lanka.....	10 Dec 1982	19 Jul 1994
Mozambique.....	10 Dec 1982	13 Mar 1997	St. Kitts and Nevis.....	7 Dec 1984	7 Jan 1993
Myanmar.....	10 Dec 1982	21 May 1996	St. Lucia.....	10 Dec 1982	27 Mar 1985
Namibia <sup>8</sup> .....	10 Dec 1982	18 Apr 1983	St. Vincent and the Grenadines.....	10 Dec 1982	1 Oct 1993
Nauru.....	10 Dec 1982	23 Jan 1996	Sudan.....	10 Dec 1982	23 Jan 1985
Nepal.....	10 Dec 1982	2 Nov 1998	Suriname.....	10 Dec 1982	9 Jul 1998
Netherlands <sup>9</sup> .....	10 Dec 1982	28 Jun 1996	Swaziland.....	18 Jan 1984	
New Zealand.....	10 Dec 1982	19 Jul 1996	Sweden.....	10 Dec 1982	25 Jun 1996
Nicaragua.....	9 Dec 1984	3 May 2000	Switzerland.....	17 Oct 1984	1 May 2009
Niger.....	10 Dec 1982		Thailand.....	10 Dec 1982	
Nigeria.....	10 Dec 1982	14 Aug 1986	The former Yugoslav Republic of Macedonia <sup>5</sup> .....		19 Aug 1994 d
Niue.....	5 Dec 1984	11 Oct 2006	Togo.....	10 Dec 1982	16 Apr 1985
Norway.....	10 Dec 1982	24 Jun 1996	Tonga.....		2 Aug 1995 a
Oman.....	1 Jul 1983	17 Aug 1989	Trinidad and Tobago.....	10 Dec 1982	25 Apr 1986
Pakistan.....	10 Dec 1982	26 Feb 1997	Tunisia.....	10 Dec 1982	24 Apr 1985
Palau.....		30 Sep 1996 a	Tuvalu.....	10 Dec 1982	9 Dec 2002
Panama.....	10 Dec 1982	1 Jul 1996	Uganda.....	10 Dec 1982	9 Nov 1990
Papua New Guinea.....	10 Dec 1982	14 Jan 1997	Ukraine.....	10 Dec 1982	26 Jul 1999
Paraguay.....	10 Dec 1982	26 Sep 1986	United Arab Emirates ...	10 Dec 1982	
Philippines.....	10 Dec 1982	8 May 1984	United Kingdom of Great Britain and Northern Ireland <sup>11</sup> ...		25 Jul 1997 a
Poland.....	10 Dec 1982	13 Nov 1998	United Republic of Tanzania.....	10 Dec 1982	30 Sep 1985
Portugal.....	10 Dec 1982	3 Nov 1997			
Qatar.....	27 Nov 1984	9 Dec 2002			
Republic of Korea.....	14 Mar 1983	29 Jan 1996			
Republic of Moldova....		6 Feb 2007 a			

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Uruguay.....	10 Dec 1982	10 Dec 1992	Zimbabwe .....	10 Dec 1982	24 Feb 1993
Vanuatu .....	10 Dec 1982	10 Aug 1999			
Viet Nam.....	10 Dec 1982	25 Jul 1994			
Yemen <sup>12</sup> .....	10 Dec 1982	21 Jul 1987			
Zambia .....	10 Dec 1982	7 Mar 1983			

**Declarations and Reservations**

*(Unless otherwise indicated, the declarations and reservations were made upon ratification, formal confirmation, accession or succession.)*

**ALGERIA**

*Upon signature:*

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

*Upon ratification:*

The People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 287, paragraph 1 (b), of the [said Convention] dealing with the submission of disputes to the International Court of Justice.

The People's Democratic Republic of Algeria declares that, in order to submit a dispute to the International Court of Justice, prior agreement between all the Parties concerned is necessary in each case.

The Algerian Government declares that, in conformity with the provisions of Part II, Section 3, Subsections A and C of the Convention, the passage of warships in the territorial sea of Algeria is subject to an authorization fifteen (15) days in advance, except in cases of *force majeure* as provided for in the Convention.

**ANGOLA**

*Upon signature:*

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

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

14 October 2009

*Declaration under article 287*

"The Government of Angola declares, under paragraph 1 of article 287 of the United Nations Convention on the Law of the Sea done at Montego Bay on the tenth day of December one thousand nine hundred and eighty-two that it chooses the International Tribunal for the Law of the Sea established in accordance with Annex VI of the Convention as the means for the settlement of disputes concerning the interpretation or application of the Convention."

*Declaration under article 298*

"The Government of Angola further declares, under paragraph 1 (a) of article 298 of the United Nations Convention on the Law of the Sea done at Montego Bay on the tenth day of December one thousand nine hundred and eighty-two, that it does not accept the procedure provided for in article 287, paragraph 1(c) with respect of disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles."

**ARGENTINA**

*Upon signature:*

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

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

Furthermore, it is the understanding of the Argentine Republic that, whereas the Final Act states in paragraph 42 that the Convention "together with resolutions I to IV,

[forms] an integral whole", it is merely describing the procedure that was followed at the Conference to avoid a series of separate votes on the Convention and the resolutions. The Convention itself clearly establishes in article 318 that only the Annexes form an integral part of the Convention; thus, any other instrument or document, even one adopted by the Conference, does not form an integral part of the United Nations Convention on the Law of the Sea.

*Upon ratification:*

(a) With regard to those provisions of the Convention which deal with innocent passage through the territorial sea, it is the intention of the Government of the Argentine Republic to continue to apply the regime currently in force to the passage of foreign warships through the Argentine territorial sea, since that regime is totally compatible with the provisions of the Convention.

(b) With regard to Part III of the Convention, the Argentine Government declares that in the Treaty of Peace and Friendship signed with the Republic of Chile on 29 November 1984, which entered into force on 2 May 1985 and was registered with the United Nations Secretariat in accordance with Article 102 of the Charter of the United Nations, both States reaffirmed the validity of article V of the Boundary Treaty of 1881 whereby the Strait of Magellan (Estrecho de Magallanes) is neutralized forever with free navigation assured for the flags of all nations. The aforementioned Treaty of Peace and Friendship includes regulations for vessels flying the flags of third countries in the Beagle Channel and other straits and channels of the Tierra del Fuego archipelago.

(c) The Argentine Republic accepts the provisions on the conservation and management of the living resources of the high seas, but considers that they are insufficient, particularly the provisions relating to straddling fish stocks or highly migratory fish stocks, and that they should be supplemented by an effective and binding multilateral regime which, *inter alia*, would facilitate cooperation to prevent and avoid over-fishing, and would permit the monitoring of the activities of fishing vessels on the high seas and of the use of fishing methods and gear.

The Argentine Government, bearing in mind its priority interest in conserving the resources of its exclusive economic zone and the area of the high seas adjacent thereto, considers that, in accordance with the provisions of the Convention, where the same stock or stocks of associated species occur both within the exclusive economic zone and in the area of the high seas adjacent thereto, the Argentine Republic, as the coastal State, and other States fishing for such stocks in the area adjacent to its exclusive economic zone should agree upon the measures necessary for the conservation of those stocks or stocks of associated species in the high seas.

Independently of this, it is the understanding of the Argentine Government, that in order to comply with the obligation laid down in the Convention concerning the conservation of the living resources in its exclusive economic zone and the area adjacent thereto, it is authorized to adopt, in accordance with international law, all the measures it may deem necessary for the purpose.

(d) The ratification of the Convention by the Argentine Republic 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, 38/12, 39/6, 40/21, 41/40, 42/19, 43/25, 44/406, 45/424, 46/406, 47/408 and 48/408, adopted within the framework of the decolonization

process. [See paragraphs 2, 3 and 4 of the declaration made upon signature above.]

The Argentine Republic reaffirms its legitimate and inalienable sovereignty over the Malvinas and the South Sandwich Islands and their respective maritime and island zones, which form an integral part of its national territory. The recovery of those territories and the full exercise of sovereignty, respecting the way of life of the inhabitants of the territories and in accordance with the principles of international law, constitute a permanent objective of the Argentine people that cannot be renounced.

Furthermore, it is the understanding of the Argentine Republic that the Final Act, in referring in paragraph 42 to the Convention together with resolutions I to IV as forming an integral whole, 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.

(e) The Argentine Republic fully respects the right of free navigation as embodied in the Convention, however, it considers that the transit by sea of vessels carrying highly radioactive substances must be duly regulated.

The Argentine Government accepts the provisions on prevention of pollution of the marine environment contained in Part XII of the Convention, but considers that, in the light of events subsequent to the adoption of that international instrument, the measures to prevent, control and minimize the effects of the pollution of the sea by noxious and potentially dangerous substances and highly active radioactive substances must be supplemented and reinforced.

(f) In accordance with the provisions of article 287, the Argentine Government declares that it accepts, in order of preference, the following means for the settlement of disputes concerning the interpretation or application of the Convention: (a) the International Tribunal for the Law of the Sea; (b) an arbitral tribunal constituted in accordance with Annex VIII for questions relating to fisheries, protection and preservation of the marine environment, marine scientific research, and navigation, in accordance with Annex VIII, article 1. The Argentine Government also declares that it does not accept the procedures provided for in Part XV, section 2, with respect to the disputes specified in article 298, paragraph 1 (a), (b) and (c).

## AUSTRALIA

22 March 2002

*Declaration under articles 287 and 298:*

"The Government of Australia declares, under paragraph 1 of article 287 of the United Nations Convention on the Law of the Sea done at Montego Bay on the tenth day of December one thousand nine hundred and eighty-two that it chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention, without specifying that one has precedence over the other:

(a) the International Tribunal for the Law of the Sea established in accordance with Annex VI of the Convention; and

(b) the International Court of Justice.

The Government of Australia further declares, under paragraph 1 (a) of article 298 of the United Nations Convention on the Law of the Sea done at Montego Bay on the tenth day of December one thousand nine hundred and eighty-two, that it does not accept any of the procedures provided for in section 2 of Part XV (including the procedures referred to in paragraphs (a) and

(b) of this declaration) with respect to disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles.

These declarations by the Government of Australia are effective immediately."

#### AUSTRIA

##### *Declarations:*

"In the absence of any other peaceful means to which it would give preference the Government of the Republic of Austria hereby chooses one of the following means for the settlement of disputes concerning the interpretation or application of the two Conventions in accordance with article 287 of the [said Convention], in the following order:

1. The international Tribunal for the Law of the Sea established in accordance with Annex VI;
2. A special arbitral tribunal constituted in accordance with Annex VIII;
3. The International Court of Justice.

Also in the absence of any other peaceful means, the Government of the Republic of Austria hereby recognizes as of today the validity of special arbitration for any dispute concerning the interpretation or application of the Convention on the Law of the Sea relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping."

#### BANGLADESH

##### *Declarations:*

"1. The Government of the People's Republic of Bangladesh understands that the provisions of the Convention do not authorise other States to carry out in the exclusive economic zone and on the continental shelf military exercise or manoeuvres, in particular, those involving the use of weapons or explosives, without the consent of the coastal State.

2. The Bangladesh Government is not bound by any domestic legislation or by any declaration issued by other States upon signature or ratification of this Convention. Bangladesh reserves the right to state its position concerning all such legislation or declarations at the appropriate time. In particular, Bangladesh ratification of the Convention in no way constitutes recognition of the maritime claims of any other State having signed or ratified the Convention, where such claims are inconsistent with the relevant principles of international law and which are prejudicial to the sovereign rights and jurisdiction of Bangladesh in its maritime areas.

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

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

5. Bangladesh is of the view that the sovereign immunity as envisaged in article 236 does not relieve a State from the obligation, moral or otherwise, in accepting responsibility and liability for compensation and relief in respect of damage caused by pollution of the marine environment by any warship, naval auxiliary, other

vessels or aircraft owned or operated by the State and used on government non-commercial service.

6. Ratification of the Convention by Bangladesh does not ipso facto imply recognition or acceptance of any territorial claim made by a State party to the Convention, nor automatic recognition of any land or sea border.

7. The Bangladesh Government does not consider itself bound by any of the declarations or statements, however phrased or named, made by other States when signing, accepting, ratifying or acceding to the Convention and that it reserves the right to state its position on any of those declarations or statements at any time.

8. The Bangladesh Government declares, without prejudice to article 303 of the Convention on the Law of the Sea, that any objects of an archaeological and historical nature found within the marine areas over which it exercises sovereignty or jurisdiction shall not be removed, without its prior notification and consent.

9. The Government of Bangladesh shall, at an appropriate time, make declarations provided for in articles 287 and 298 relating to the settlement of disputes.

10. The Government of Bangladesh intends to undertake a comprehensive review of existing domestic laws and regulations with a view to harmonizing them with the provisions of the Convention."

14 December 2009

##### *Declaration relating to Article 287 with respect to India:*

"Pursuant to Article 287, paragraph 1 of the 1982 United Nations Convention on the Law of the Sea, the Government of the People's Republic of Bangladesh declares that it accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of dispute between the People's Republic of Bangladesh and the Republic of India relating to the delimitation of their maritime boundary in the Bay of Bengal."

##### *Declaration relating to Article 287 with respect to*

##### *Myanmar:*

"Pursuant to Article 287, paragraph 1 of the 1982 United Nations Convention on the Law of the Sea, the Government of the People's Republic of Bangladesh declares that it accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of dispute between the People's Republic of Bangladesh and the Union of Myanmar relating to the delimitation of their maritime boundary in the Bay of Bengal."

#### BELARUS

##### *Upon signature:*

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

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

performs functions entrusted to it under the United Nations Charter.

*Upon ratification:*

1. In accordance with article 287 of the Convention, the Republic of Belarus accepts as the basic means for the settlement of disputes concerning the interpretation or application of the Convention an arbitral tribunal constituted in accordance with Annex VII. For the settlement of disputes concerning fisheries, protection and preservation of the marine environment, marine scientific research or navigation, including pollution from vessels and by dumping, the Republic of Belarus will use a special arbitral tribunal constituted in accordance with Annex VIII. The Republic of Belarus recognizes the jurisdiction of the International Tribunal for the Law of the Sea over questions concerning the prompt release of detained vessels or their crews, as envisaged in article 292 of the Convention; 2.

In accordance with article 298 of the Convention, the Republic of Belarus does not accept compulsory procedures entailing binding decisions for the consideration of disputes concerning military activities, including by government vessels and aircraft engaged in non-commercial service, or disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction, or disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

## BELGIUM

*Upon signature:*

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

It is common knowledge that the Belgian Government cannot declare itself also satisfied with certain provisions of the international 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.

*Upon ratification:*

*Declaration:*

The Kingdom of Belgium Notes that, as a State member of the European Community, it has transferred competence to the Community for some matters provided for in the Convention, which are listed in the declaration made by the European Community upon formal confirmation of the Convention by the European Community on 1st April 1998.

In accordance with article 287 of the Convention, the Kingdom of Belgium hereby declares that it chooses, as a means for the settlement of disputes concerning the interpretation or application of the Convention, in view of its preference for pre-established jurisdictions, either the International Tribunal for the Law of the Sea established in accordance with Annex VI (art. 287.1 (a)) or the International Court of Justice (art. 287.1(b)), in the absence of any other means of peaceful settlement of disputes that it might prefer.

## BOLIVIA

*Upon signature:*

On signing the United Nations Convention on the Law of the Sea, the Government of Bolivia hereby makes the following declaration before the International community:

1. The Convention on the Law of the Sea is a perfectible instrument and, according to its own provisions, is subject to revision. As a party to it, Bolivia will, when the time comes, put forward proposals and revisions which are in keeping with its national interests.

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

3. Freedom of access to and from the sea, which the Convention grants to land-locked nations, is a right that Bolivia has been exercising by virtue of bilateral treaties and will continue to exercise by virtue of the norms of positive international law contained in the Convention.

4. Bolivia wishes to place on record that it is a country that has no maritime sovereignty as a result of a war and not as a result of its natural geographic position and that it will assert all the rights of coastal States under the Convention once it recovers the legal status in question as a consequence of negotiations on the restoration to Bolivia of its own sovereign outlet to the Pacific Ocean.

## BRAZIL

*Upon signature:*

"I. Signature by Brazil is *ad referendum*, subject to ratification of the Convention in conformity with Brazilian constitutional procedures, which include approval by the National Congress.

II. The Brazilian Government understands that the régime which is applied in practice in maritime areas adjacent to the coast of Brazil is compatible with the provisions of the Convention.

III. The Brazilian Government understands that the provision of article 301, which prohibits "any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations", apply, in particular, to the maritime areas under the sovereignty or the jurisdiction of the coastal State.

IV. The Brazilian Government understands that the provisions of the Convention do not authorize other States to carry out in the exclusive economic zone military exercises or manoeuvres, in particular those that imply the use of weapons or explosives, without the consent of the coastal State.

V. The Brazilian Government understands that, in accordance with the provisions of the Convention, the coastal State has, in the exclusive economic zone and on the continental shelf, the exclusive right to construct and to authorize and regulate the construction, operation and use of all types of installations and structures, without exception, whatever their nature or purpose.

VI. Brazil exercises sovereignty rights over the continental shelf, beyond the distance of two hundred nautical miles from the baselines, up to the outer edge of the continental margin, as defined in article 76.

VII. The Brazilian Government reserves the right to make at the appropriate time the declarations provided for in articles 287 and 298, concerning the settlement of disputes."

*Upon ratification:*

"I. The Brazilian Government understands that the provisions of article 301 prohibiting "any threat or use of force against the territorial integrity of any State, or in other manner inconsistent with the principles of international law embodied in the Charter of the United Nations apply in particular to the maritime areas under the sovereignty or jurisdiction of the coastal State.

"II. The Brazilian Government understands that the provisions of the Convention do not authorize other States to carry out military exercises or manoeuvres, in particular those involving the use of weapons or explosives, in the Exclusive Economic Zone without the consent of the coastal State.

"III. The Brazilian Government understands that in accordance with the provisions of the Convention the coastal State has, in the Exclusive Economic Zone and on the continental shelf, the exclusive right to construct and to authorize and to regulate the construction, operation and use of all kinds of installations and structures, without exception, whatever their nature or purpose".

## CANADA

*Declaration:*

"With regard to article 287 of the Convention on the Law of the Sea, the Government of Canada hereby chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention without specifying that one has precedence over the other:

(a) the International Tribunal for the Law of the Sea established in accordance with Annex VI of the Convention; and

(b) an arbitral tribunal constituted in accordance with Annex VII of the Convention.

With regard to Article 298, paragraph 1 of the Convention on the Law of the Sea, Canada does not accept any of the procedures provided for in Part XV, section 2, with respect to the following disputes:

- Disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea



boundary delimitations, or those involving historic bays or titles;

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

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

According to Article 309 of the Convention on the Law of the Sea, no reservations or exceptions may be made to the Convention unless expressly permitted by other articles of the Convention. A declaration or statement made pursuant to article 310 of the Convention cannot purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the state, entity or international organization making it. Consequently, the Government of Canada declares that it does not consider itself bound by declarations or statements that have been made or will be made by other states, entities and international organizations pursuant to article 310 of the Convention and that exclude or modify the legal effect of the provisions of the Convention and their application to the State, entity or international organization making it. Lack of response by the Government of Canada to any declaration or statement shall not be interpreted as tacit acceptance of that declaration or statement. The Government of Canada reserves the right at any time to take a position on any declaration or statement in the manner deemed appropriate."

## CAPE VERDE

*Declaration made upon signature and confirmed upon ratification:*

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

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

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

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

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

freedoms of international communication which are recognized to other States.

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

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

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

*Upon ratification:*

I. [...]

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

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

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

IV. The Republic of Cape Verde, in accordance with article 298 of the United Nations Convention on the Law of the Sea, declares that it does not accept the procedures provided for in Part XV, Section 2, of the said Convention for the settlement of disputes concerning military activities, including military activities by government operated vessels and aircraft engaged in non-commercial service, as well as disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraphs 2 and 3 of the aforementioned Convention."

## CHILE

*Statement made upon signature and confirmed upon ratification:*

In exercise of the right conferred by article 310 of the Convention, the delegation of Chile wishes first of all to reiterate in its entirety the statement it made at last April's meeting when the Convention was adopted. That statement is reproduced in document A/CONF.62/SR.164. . . . in particular to the Convention's pivotal legal concept, that of the 200 mile exclusive economic zone to the elaboration of which [the Government of Chile] country made an important contribution, having been the first to declare such a concept, 35 years ago in 1947, and having subsequently helped to define and earn it international acceptance. The exclusive economic zone has a *sui generis* legal character distinct from that of the territorial sea and the high seas. It is a zone under national

jurisdiction, over which the coastal State exercises economic sovereignty and in which third States enjoy freedom of navigation and overflight and the freedoms inherent in international communication. The Convention defines it as a maritime space under the jurisdiction of the coastal State, bound to the latter's territorial sovereignty and actual territory, on terms similar to those governing other maritime spaces, namely the territorial sea and the continental shelf. With regard to straits used for international navigation, the delegation of Chile wishes to reaffirm and reiterate in full the statement made last April, as reproduced in document A/CONF.62/SR.164 referred to above, as well as the content of the supplementary written statement dated 7 April 1982 contained in document A/CONF.62/WS/19.

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

*Upon ratification:*

2. The Republic of Chile declares that the Treaty of Peace and Friendship signed with the Argentine Republic on 29 November 1984, which entered into force on 2 May 1985, shall define the boundaries between the respective sovereignties over the sea, seabed and subsoil of the Argentine Republic and the Republic of Chile in the sea of the southern zone in the terms laid down in articles 7 to 9.

3. With regard to part II of the Convention:

(a) In accordance with article 13 of the Treaty of Peace and Friendship of 1984, the Republic of Chile, in exercise of its sovereign rights, grants to the Argentine Republic the navigation facilities through Chilean internal waters described in that Treaty, which are specified in annex 2, articles 1 to 9.

In addition, the Republic of Chile declares that by virtue of this Treaty, ships flying the flag of third countries may navigate without obstacles through the internal waters along the routes specified in annex 2, articles 1 and 8, subject to the relevant Chilean regulations.

In the Treaty of Peace and Friendship of 1984, the two Parties agreed on the system of navigation and pilotage in the Beagle Channel defined in annex 2, articles 11 to 16. The provisions on navigation set forth in that annex replace any previous agreement on the subject that might exist between the Parties.

We reiterate that the navigation systems and facilities referred to in this paragraph were established in the 1984 Treaty of Peace and Friendship for the sole purpose of facilitating maritime communication between specific maritime points and areas, along the specific routes indicated, so that they do not apply to other routes existing in the zone which have not been specifically agreed on.

b) The Republic of Chile reaffirms the full validity and force of Supreme Decree No. 416 of 1977, of the Ministry of Foreign Affairs, which, in accordance with the principles of article 7 of the Convention -- which have been fully recognized by Chile -- established the straight baselines which were confirmed in article 11 of the 1984 Treaty of Peace and Friendship.

c) In cases in which the State places restrictions on the right of innocent passage for foreign warships, the Republic of Chile reserves the right to apply similar restrictive measures.

4. With regard to part III of the Convention, it should be noted that in accordance with article 35 (c), the

provisions of this part do not affect the legal regime of the Strait of Magellan, since passage through that strait is "regulated by long-standing international conventions in force specifically relating to such straits" such as the 1881 Boundary Treaty, a regime which is reaffirmed in the Treaty of Peace and Friendship of 1984.

In article 10 of the latter Treaty, Chile and Argentina agreed on the boundary at the eastern end of the Strait of Magellan and agreed that this boundary in no way alters the provisions of the 1881 Boundary Treaty, whereby, as Chile declared unilaterally in 1873, the Strait of Magellan is neutralized forever with free navigation assured for the flags of all nations under the terms laid down in article V. For its part, the Argentine Republic undertook to maintain, at any time and in whatever circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Magellan.

Furthermore, we reiterate that Chilean maritime traffic to and from the north through the Estrecho de Le Maire shall enjoy the facilities laid down in annex 2, article 10 of the 1984 Treaty of Peace and Friendship.

5. Having regard for its interest in the conservation of the resources in its exclusive economic zone and the adjacent area of the high seas, the Republic of Chile believes that, in accordance with the provisions of the Convention, where the same stock or stocks of associated species occur both within the exclusive economic zone and in the adjacent area of the high seas, the Republic of Chile, as the coastal State, and the States fishing for such stocks in the area adjacent to its exclusive economic zone must agree upon the measures necessary for the conservation in the high seas of these stocks or associated species. In the absence of such agreement, Chile reserves the right to exercise its rights under article 116 and other provisions of the [said Convention], and the other rights accorded to it under international law.

6. With reference to part XI of the Convention and its supplementary Agreement, it is Chile's understanding that, in respect of the prevention of pollution in exploration and exploitation activities, the Authority must apply the general criterion that underwater mining shall be subject to standards which are at least as stringent as comparable standards on land.

7. With regard to part XV of the Convention, the Republic of Chile declares that:

(a) In accordance with article 287 of the Convention, it accepts, in order of preference, the following means for the settlement of disputes concerning the interpretation or application of the Convention:

i) The International Tribunal for the Law of the Sea established in accordance with annex VI;

ii) A special arbitral tribunal, established in accordance with annex VIII, for the categories of disputes specified therein relating to fisheries, protection and preservation of the marine environment, and marine scientific research and navigation, including pollution from vessels and by dumping.

(b) In accordance with articles 280 to 282 of the Convention, the choice of means for the settlement of disputes indicated in the preceding paragraph shall in no way affect the obligations deriving from the general, regional or bilateral agreements to which the Republic of Chile is a party concerning the peaceful settlement of disputes.

(c) In accordance with article 298 of the Convention, Chile declares that it does not accept any of the procedures provided for in part XV, section 2 with respect to the disputes referred to in article 298, paragraphs 1(a), (b) and (c) of the Convention.

CHINA<sup>13,14,15</sup>

*Declaration:*

1. In accordance with the provisions of the United Nations Convention on the Law of the Sea, the People's Republic of China shall enjoy sovereign rights and jurisdiction over an exclusive economic zone of 200 nautical miles and the continental shelf.

2. The People's Republic of China will effect, through consultations, the delimitation of boundary of the maritime jurisdiction with the states with coasts opposite or adjacent to China respectively on the basis of international law and in accordance with the equitable principle.

3. The People's Republic of China reaffirms its sovereignty over all its archipelagoes and islands as listed in article 2 of the Law of the People's Republic of China on the Territorial Sea and Contiguous Zone which was promulgated on 25 February 1992.

4. The People's Republic of China reaffirms that the provisions of the United Nations Convention on the Law of the Sea concerning innocent passage through the territorial sea shall not prejudice the right of a coastal state to request, in accordance with its laws and regulations, a foreign state to obtain advance approval from or give prior notification to the coastal state for the passage of its warships through the territorial sea of the coastal state.

25 August 2006

*Declaration under article 298:*

The Government of the People's Republic of China does not accept any of the procedures provided for in Section 2 of Part XV of the Convention with respect to all the categories of disputes referred to in paragraph 1 (a) (b) and (c) of Article 298 of the Convention.

**COSTA RICA**

*Upon signature:*

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

**CROATIA<sup>5</sup>**

*Declaration:*

"The Republic of Croatia considers that, in accordance with article 53 the Vienna Convention on the Law of Treaties of 29 May 1969, there is no peremptory norm of general international law, which would forbid a coastal state to request by its laws and regulations foreign warships to notify their intention of innocent passage through its territorial waters, and to limit the number of warships allowed to exercise the right of innocent passage at the same time (articles 17-32 of the Convention)."

4 November 1999

*Declaration under article 287:*

In implementation of article 287 of the [Convention], the Government of Croatia [declares] that, for the settlement of disputes concerning the application or interpretation of the Convention and of the Agreement adopted on 28 July 1994 relating to the Implementation of Part XI, it chooses, in order of preference, the following means:

- i) The International Tribunal for the Law of the Sea established in accordance with annex VI;
- ii) The International Court of Justice."

**CUBA**

*Upon signature:*

"At the time of signing the Convention on the Law of the Sea, the Cuban Delegation declares that, having gained possession of the definitive text of the Convention

just a few hours ago, it will leave for the time of the ratification of the Convention the issuing of any statement it deems pertinent with respect to articles:

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

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

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

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

*Upon ratification:*

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 article 297 or 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.

**DENMARK**

*Declarations:*

"The Kingdom of Denmark makes the following declaration: It is the position of the Government of the Kingdom of Denmark that the exception from the transit passage regime provided for in article 35 (c) of the Convention applies to the specific regime in the Danish straits (the Great Belt, the Little Belt and the Danish part of the Sound), which has developed on the basis of the Copenhagen Treaty of 1857. The present legal regime of the Danish straits will therefore remain unchanged.

The Government of the Kingdom of Denmark declares pursuant to article 287 of the Convention that it chooses the International Court of Justice for the settlement of disputes concerning the interpretation or application of the Convention.

The Government of the Kingdom of Denmark declares pursuant to article 298 of the Convention that it does not accept an arbitral tribunal constituted in accordance with Annex VII for any of the categories of disputes mentioned in article 298.

The Government of the Kingdom of Denmark declares, in accordance with article 310 of the Convention, its objection to any declaration or position excluding or amending the legal scope of the provisions of the Convention. Passivity with respect to such declarations or positions shall be interpreted neither as acceptance nor rejection of such declarations or positions.

The Kingdom of Denmark recalls that, as a member of the European Community, it has transferred competence in respect of certain matters governed by the Convention. In accordance with the provisions of Annex IX of the Convention, a detailed declaration on the nature and extent of the competence transferred to the European Community was made by the European Community upon deposit of its instrument of formal confirmation. This transfer of competence does not extend to the Faroe Islands and Greenland."

**EGYPT**

1. The Arab Republic of Egypt establishes the breadth of its territorial sea at 12 nautical miles, pursuant

to article 5 of the Ordinance of 18 January 1951 as amended by the Decree of 17 February 1958, in line with the provisions of article 3 of the Convention.

2. The Arab Republic of Egypt will publish, at the earliest opportunity, charts showing the baselines from which the breadth of its territorial sea in the Mediterranean Sea and in the Red Sea is measured, as well as the lines marking the outer limit of the territorial sea, in accordance with usual practice.

*Declaration concerning the contiguous zone*

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

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

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

Whereas article 23 of the Convention stipulates that the ships in question shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements, the Government of the Arab Republic of Egypt declares that it will require the aforementioned ships to obtain authorization before entering the territorial sea of Egypt, until such international agreements are concluded and Egypt becomes a party to them.

*Declaration concerning the passage of warships through the territorialea of Egypt*

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

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

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

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

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

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

The Arab Republic of Egypt will exercise its jurisdiction over the exclusive economic zone according to the modalities laid down in the Convention with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, the

protection and pservation of the marine environment and the other rights and duties provided for in the Convention.

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

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

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

*Declaration concerning the procedures chosen for the settlement of disputes in conformity with the Convention*

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

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

*Statement concerning the Arabic version of the text of the Convention*

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

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

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

## EQUATORIAL GUINEA

20 February 2002

*Declaration under article 298*

The Government of the Republic of Equatorial Guinea hereby enters a reservation and declares that, under article 298, paragraph 1, of the United Nations Convention of 1982 on the Law of the Sea, it does not recognize as mandatory ipso facto with respect to any other State any of the procedures provided for in part XV, section 2, of the Convention as regards the categories of disputes set forth in article 298, paragraph 1 (a).

## ESTONIA

*Declarations*

"1. As a member state of the European Community, the Republic of Estonia has transferred competence in certain matters governed by the Convention to the European Community according to the declaration made by the European Community on April 1, 1998 while

acceding to the United Nations Convention on the Law of the Sea.

2. Pursuant to Article 287, paragraph 1 of the Convention the Republic of Estonia chooses the International Tribunal for the Law of the Sea established in accordance with Annex VI and the International Court of Justice as means for the settlement of disputes concerning the interpretation or application of this Convention."

## EUROPEAN UNION

*Upon signature:*

"On signing the United Nations Convention on the Law of the Sea, the European Economic Community declares that it considers that the Convention constitutes, within the framework of the Law of the Sea, a major effort in the codification and progressive development of international law in the fields to which its declaration pursuant to Article 2 of Annex IX of the Convention refers. The Community would like to express the hope that this development will become a useful means for promoting 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(\*) 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 on 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.

The European Communities were established by the Treaties of Paris and of Rome, signed on 18 April 1951 and 25 1957, respectively. After being ratified by the Signatory States the Treaties entered into force on 25 July 1952 and 1 January 1958(\*\*).

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.

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

(\*\*) 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.

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

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

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

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

### Annex

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

Council Decision of 3 December 1981 establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea (81/971/EEC) (OJ No L 355, 10.12.1981, 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.*).

### Annex

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)."

Upon formal confirmation:

"By depositing [the instrument of formal confirmation], the Community has the honour of declaring its acceptance, in respect of matters for which competence has been transferred to it by those of its Member States which are parties to the Convention, of the rights and obligations laid down for States in the Convention and the Agreement. The declaration concerning the competence provided for in Article 5(1) of Annex IX to the Convention [follows].

The Community also wishes to declare, in accordance with Article 310 of the Convention, its objection to any declaration or position excluding or amending the legal scope of the provisions of the [said Convention], and in particular those relating to fishing activities. The Community does not consider the Convention to recognize the rights or jurisdiction of coastal States regarding the exploitation, conservation and management of fishery resources other than sedentary species outside their exclusive economic zone.

The Community reserves the right to make subsequent declarations in respect of the Convention and the Agreement and in response to future declarations and positions.

Declaration concerning the competence of the European Community with regard to matters governed by the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement of 28 July 1994 relating to the implementation of Part XI of the Convention (Declaration made pursuant to article 5(1) of annex IX to the Convention and to article 4(4) of the Agreement):

Article 5 (1) of Annex IX of [the said] Convention provides that the instrument of formal confirmation of an international organization shall contain a declaration specifying the matters governed by the Convention in respect of which competence has been transferred to the organization by its member States which are Parties to the Convention.

Article 4 (4) of [said Agreement] provides that formal confirmation by an international organization shall be in accordance with Annex IX of the Convention.

The European Communities were established by the Treaties of Paris (ECSC) and of Rome (EEC and Euratom), 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. They have been amended by the Treaty on European Union, which was signed in Maastricht on 7 February 1992, and most recently by the Accession Treaty signed in Corfu on 24 June 1994, which entered into force on 1 January 1995.

The current Members of the Communities are the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the

Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

The [said Convention and Agreement] shall apply, with regard to the competences transferred to the European Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular Article 227 thereof.

The declaration is not applicable to the territories of Member States in which the said Treaty does not apply and is without prejudice to such acts or positions as may be adopted under the Convention and the Agreement by the Member States concerned on behalf of and in the interests of those territories.

In accordance with the provisions referred to above, this declaration indicates the competence that the Member States have transferred to the Community under the Treaties in matters governed by the Convention and the Agreement.

The scope and the exercise of such Community competence are, by their nature, subject to continuous development, and the Community will complete or amend this declaration, if necessary, in accordance with article 5(4) of Annex IX to the Convention.

The Community has exclusive competence for certain matters and shares competence with its Member States for certain other matters.

1. Matters for which the Community has exclusive competence:

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 this field it is for the Community to adopt the relevant rules and regulations (which are enforced by the Member States) and, within its competence, to enter into external undertakings with third States or competent international organizations. This competence applies to waters under national fisheries jurisdiction and to the high seas. Nevertheless, in respect of measures relating to the exercise of jurisdiction over vessels, flagging and registration of vessels and the enforcement of penal and administrative sanctions, competence rests with the Member States whilst respecting Community law. Community law also provides for administrative sanctions.

By virtue of its commercial and customs policy, the Community has competence in respect of those provisions of Parts X and XI of the Convention and of the Agreement of 28 July 1994 which are related to international trade.

2. Matters for which the Community shares competence with its Member States:

With regard to fisheries, for a certain number of matters that are not directly related to the conservation and management of sea fishing resources, for example research and technological development and development cooperation, there is shared competence.

With regard to the provisions on maritime transport, safety of shipping and the prevention of marine pollution contained *inter alia* in Parts II, III, V, VII and XII of the Convention, the Community has exclusive competence only to the extent that such provisions of the Convention or legal instruments adopted in implementation thereof affect common rules established by the Community. When Community rules exist but are not affected, in particular in cases of Community provisions establishing only minimum standards, the Member States have competence, without prejudice to the competence of the Community to act in this field.

A list of relevant Community acts appears in the Appendix. The extent of Community competence ensuing from these acts must be assessed by reference to the precise provisions of each measure, and in particular, the extent to which these provisions establish common rules.

With regard to the provisions of Parts XIII and XIV of the Convention, the Community's competence relates

mainly to the promotion of cooperation on research and technological development with non-member countries and international organizations. The activities carried out by the Community here complement the activities of the Member States. Competence in this instance is implemented by the adoption of the programmes listed in the Appendix.

3. Possible impact of other Community policies:

Mention should also be made of the Community's policies and activities in the fields of control of unfair economic practices, government procurement and industrial competitiveness as well as in the area of development aid. These policies may also have some relevance to the Convention and the Agreement, in particular with regard to certain provisions of Parts VI and XI of the Convention."

**FINLAND**

*Upon signature:*

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

*Declaration made upon signature and confirmed upon ratification:*

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

*Declarations made upon ratification :*

"In accordance with article 287 of the Convention, Finland chooses the International Court of Justice and the International Tribunal for the Law of the Sea as means for settlement of disputes concerning the interpretation or application of the Convention as well as of the Agreement relating to the Implementation of its Part XI.

Finland recalls that, as a Member State of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence transferred to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention."

**FRANCE**

*Upon signature:*

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

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

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

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

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

*Upon ratification :*

1. France recalls that, as a Member State of the European Community, it has transferred competence to the Community in certain areas covered under the Convention. A detailed statement of the nature and scope of the areas of competence transferred to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention.

2. France rejects declarations or reservations that are contrary to the provisions of the Convention. France also rejects unilateral measures or measures resulting from an agreement between States which would have effects contrary to the provisions of the Convention.

3. With reference to the provisions of article 298, paragraph 1, France does not accept any of the procedures provided for in Part XV, section 2, with respect to the following disputes:

Disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles;

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

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

**GABON**

23 January 2009

*Declaration under article 298, paragraph 1:*

... the Government of the Republic of Gabon pursuant to article 298, paragraph 1 of the Convention, does not accept any of the procedures provided for in section 2 of Part XV of the said Convention with respect to the categories of disputes referred to in paragraph 1 (a) of article 298.

**GERMANY<sup>16</sup>**

*Statements :*

The Federal Republic of Germany recalls that, as a Member of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence transferred to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention.

For the Federal Republic of Germany the link between Part IX of the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement of 28 July 1994 relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea as foreseen in article 2 (1) of that Agreement is fundamental.

In the absence of any other peaceful means, which would be given preference by the Government of the Federal Republic of Germany, that Government considers it useful to choose one of the following means for the settlement of disputes concerning the interpretation or application of the two Conventions, as it is free to do under article 287 of the Convention on the Law of the Sea, in the following order:

1. the International Tribunal for the Law of the Sea established in accordance with Annex VI;
2. An arbitral tribunal constituted in accordance with Annex VII;
3. the International Court of Justice.

Also in the absence of any other peaceful means, the Government of the Federal Republic of Germany hereby recognizes as of today the validity of special arbitration for any dispute concerning the interpretation or application of the Convention on the Law of the Sea relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping.

With reference to similar declarations made by the Government of the Federal Republic of Germany during the Third United Nations Conference on the Law of the Sea, the Government of the Federal Republic of Germany, in the light of declarations already made or yet to be made by States upon signature, ratification of or accession to the Convention on the Law of the Sea declares as follows:

#### Territorial Sea, Archipelagic Waters, Straits

The provisions on the territorial sea represent in general a set of rules reconciling the legitimate desire of coastal States to protect their sovereignty and that of the international community to exercise the right of passage. The right to extend the breadth of the territorial sea up to 12 nautical miles will significantly increase the importance of the right of innocent passage through the territorial sea for all ships including warships, merchant ships and fishing vessels; this is a fundamental right of the community of nations.

None of the provisions of the Convention, which in so far reflect existing international law, can be regarded as entitling the coastal State to make the innocent passage of any specific category of foreign ships dependent on prior consent or notification.

A prerequisite for the recognition of the coastal State's right to extend the territorial sea is the régime of transit passage through straits used for international navigation. Article 38 limits the right of transit passage only in cases where a route of similar convenience exists in respect of navigational and hydrographical characteristics, which include the economic aspect of shipping.

According to the provisions of the Convention, archipelagic sea-lane passage is not dependent on the designation by the archipelagic States of specific sea-lanes or air routes in so far as there are existing routes through the archipelago normally used for international navigation.

#### Exclusive Economic Zone

In the exclusive economic zone, which is a new concept of international law, coastal States will be granted precise resource-related rights and jurisdiction. All other States will continue to enjoy the high seas freedoms of navigation and overflight and of all other international lawful uses of the sea. These uses will be exercised in a peaceful manner, and that is, in accordance with the principles embodied in the Charter of the United Nations.

The exercise of these rights can therefore not be construed as affecting the security of the coastal State or affecting its rights and obligations under international

law. Accordingly, the notion of a 200-mile zone of general rights of sovereignty and jurisdiction of the coastal State cannot be sustained either in general international law or under the relevant provisions of the Convention.

In articles 56 and 58 a careful and delicate balance has been struck between the interests of the coastal State and the freedoms and rights of all other States. This balance includes the reference contained in article 58, paragraph 2, to articles 88 to 115 which apply to the exclusive economic zone in so far as they are not incompatible with Part V. Nothing in Part V is incompatible with article 89 which invalidates claims of sovereignty.

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 rights to obtain notification of military exercises or manoeuvres or to authorize them.

Apart from artificial islands, the coastal State enjoys the right in the exclusive economic zone to authorize, construct, operate and use only those installations and structures which have economic purposes.

#### The High Seas

As geographically disadvantaged State with important interests in the traditional uses of the seas, the Federal Republic of Germany remains committed to the established principle of the freedom of the high seas. This principle, which has governed all uses of the sea for centuries, has been affirmed and in various fields, adapted to new requirements in the provisions of the Convention, which will therefore have to be interpreted to the furthest extent possible in accordance with that traditional principle.

#### Land-Locked States

As to the regulation of the freedom of transit enjoyed by land-locked States, transit through the territory of transit States must not interfere with the sovereignty of these States. In accordance with article 125, paragraph 3, the rights and facilities provided for in Part X in no way infringe upon the sovereignty and legitimate interests of transit States. The precise content of the freedom of transit has in each single case to be agreed upon by the transit State and the land-locked State concerned. In the absence of such agreement concerning the terms and modalities for exercising the right of access of persons and goods to transit through the territory of the Federal Republic of Germany is only regulated by national law, in particular with regard to means and ways of transport and the use of traffic infrastructure.

#### Marine Scientific Research

Although the traditional freedom of research suffered a considerable erosion by the Convention, this freedom will remain in force for States, international organizations and private entities in some maritime areas, e.g., the seabed beyond the continental shelf and the high seas. However, the exclusive economic zone and the continental shelf, which are of particular interest to marine scientific research, will be subject to a consent régime, a basic element of which is the obligation of the coastal State under article 246, paragraph 3, to grant its consent in normal circumstances. In this regard, promotion and creation of favourable conditions for scientific research, as postulated in the Convention, are general principles governing the application and interpretation of all relevant provisions of the Convention.

The marine scientific research régime on the continental shelf beyond 200 nautical miles denies the coastal State the discretion to withhold consent under article 246, paragraph 5 (a), outside areas it has publicly designated in accordance with the prerequisite stipulated in paragraph 6. Relating to the obligation, to disclose information about exploitation or exploratory operations in the process of designation is taken into account in article 246, paragraph 6, which explicitly excluded details from the information to be provided.



## GHANA

15 December 2009

### *Declaration relating to Article 298:*

"In accordance with paragraph 1 of Article 298 of the United Nations Convention on the Law of the Sea of 10 December 1982 ('the Convention'), the Republic of Ghana hereby declares that it does not accept any of the procedures provided for in section 2 of Part XV of the Convention with respect to the categories of disputes referred to in paragraph 1 (a) of article 298 of the Convention."

## GREECE<sup>17</sup>

### *Interpretative declaration on the subject of straits made upon signature and confirmed upon ratification:*

"The present declaration concerns the provisions of Part III 'on straits used for international navigation' and more especially the application in practice of articles 36, 38, 41 and 42 of the Convention on the Law of the Sea.

In areas where there are numerous spread out islands that form a great number of alternative straits which serve in fact one and the same route of international navigation, it is the understanding of Greece, that the coastal state concerned has the responsibility to designate the route or routes, in the said alternative straits, through which ships and aircrafts of third countries could pass under transit passage régime, in such a way as on the one hand the requirements of international navigation and overflight are satisfied, and on the other hand the minimum security requirements of both the ships and aircrafts in transit as well as those of the coastal state are fulfilled."

### *Upon ratification:*

"1. In ratifying the United Nations Convention on the Law of the Sea, Greece secures all the rights and assumes all the obligations deriving from the Convention.

Greece shall determine when and how it shall exercise these rights, according to its national strategy. This shall not imply that Greece renounces these rights in any way.

2. Greece wishes to reiterate the interpretative declaration on straits which it deposited at the time of the Convention's adoption and at the time of its signature. [See "*Interpretative declaration made upon signature on the subject of straits and confirmed upon ratification*" above.]

3. Pursuant to article 287 of the United Nations Convention on the Law of the Sea, the Government of the Hellenic Republic hereby choose, the International Tribunal for the Law of the Sea established in accordance with annex VI of the Convention as the means for the settlement of disconcerning the interpretation or application of the Convention.

4. Greece, as a State member of the European Union, has given the latter jurisdiction with respect to certain issues relating to the Convention. Following the deposit by the European Union of its instrument of formal confirmation, Greece will make a special declaration specifying in detail the issues dealt with in the Convention for which it has transferred jurisdiction to the European Union.

5. Greece's ratification of the United Nations Convention on the Law of the Sea does not imply that it recognizes the former Yugoslav Republic of Macedonia and does not, therefore, constitute the establishment of treaty relations with the latter."

## GUATEMALA

### *Declaration:*

[The Government of Guatemala] declares, that:

(a) approval of the Convention by the Congress of the Republic of Guatemala shall under no

circumstances affect the rights of Guatemala over the territory of Belize, including the islands, cays and islets, or its historical rights over Bahía de Amatique, and (b) accordingly, the territorial sea and maritime zones cannot be delimited until such time as the existing dispute is resolved.

## GUINEA

### *Upon signature:*

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.

## GUINEA-BISSAU

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

## HONDURAS

18 June 2002

### *Declaration under article 287:*

In accordance with article 287, paragraph 1, of the United Nations Convention on the Law of the Sea, the State of Honduras chooses the International Court of Justice as the means for the settlement of disputes of any kind concerning the interpretation or application of the said Convention.

Notwithstanding the foregoing, the State of Honduras reserves the possibility of considering any other means of peaceful settlement, including the International Tribunal for the Law of the Sea, as agreed on a case-by-case basis.

## HUNGARY

### *Declaration:*

"... the Government of the Republic of Hungary makes the following declaration in relation to Article 287 of the United Nations Convention on the Law of the Sea adopted in Montego Bay on 10 December 1982:

In accordance with the Article 287 of the said Convention the Government of the Republic of Hungary shall choose the following means for the settlement of disputes concerning the interpretation or application of the Convention in the following order:

1. The International Tribunal for the Law of the Sea,
2. The International Court of Justice,
3. A special tribunal constructed in accordance with Annex VIII for all of the categories of disputes specified therein."

## ICELAND

"Under article 298 of the Convention the right is reserved [by the Government of Iceland] that any interpretation of article 83 shall be submitted to conciliation under Annex V, Section 2 of the Convention."

## INDIA

### *Declarations:*

"(a) The Government of the Republic of India reserves the right to make at the appropriate time the

declarations provided for in articles 287 and 298, concerning the settlement of disputes.

(b) The Government of the Republic of India understands that the provisions of the Convention do not authorize other States to carry out in the exclusive economic zone and on the continental shelf military exercises or manoeuvres, in particular those involving the use of weapons or explosives without the consent of the coastal State."

#### IRAN (ISLAMIC REPUBLIC OF)

*Upon signature:*

*Interpretative declaration on the subject of straits*

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

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

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

-- The right of Transit passage through straits used for international navigation (Part III, Section 2, article 38).

-- The notion of "Exclusive Economic Zone" (Part V). - All matters regarding the International Seabed Area and the Concept of "Common Heritage of mankind" (Part XI).

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

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

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

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

delimitation of various maritime zones of the interested Coastal States.

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

#### IRAQ<sup>18</sup>

*Upon signature:*

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

1. The present signature in no way signifies recognition of Israel and implies no relationship with it.

2. Iraq interprets the provisions applying to all types of straits set forth in Part III of the Convention as applying also to navigation between islands situated near those straits if the shipping lanes leaving or entering those straits and defined by the competent international organization lie near such islands.

#### IRELAND

*Declaration:*

"Ireland recalls that, as a member of the European Community, it has transferred competence to the Community in regard to certain matters which are governed by the Convention. A detailed declaration on the nature and extent of the competence transferred to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention."

#### ITALY

*Declarations made upon signature and confirmed upon ratification:*

"Upon signing the United Nations Convention on the Law of the Sea of 10 December 1982, Italy wishes to state that in its opinion part XI and annexes III and IV contain considerable flaws and deficiencies which require rectification through the adoption by the Preparatory Commission 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 manoeuvres 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 art. 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."

*Upon ratification:*

"Upon depositing its instrument of ratification Italy recalls that, as Member State of the European Community, it has transferred competence to the Community with respect to certain matters governed by the Convention. A detailed declaration on the nature and extension of the competence transferred to the European Community will be made in due course in accordance with the provisions in Annex IX of the Convention.

Italy has the honour to declare, under paragraph 1(a) of article 298 of the Convention, that it does not accept any of the procedures provided for in section 2 of Part XV with respect to disputes concerning the interpretation of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles.

In any case, the present declarations should not be interpreted as entailing acceptance or rejection by Italy of declarations concerning matters other than those considered in it, made by other States upon signature or ratification.

Italy reserves the right to make further declarations relating to the Convention and to the Agreement."

26 February 1997

In implementation of article 287 of the United Nations Convention on the Law of the Sea, the Government of Italy has the honour to declare that, for the settlement of disputes concerning the application or interpretation of the Convention and of the Agreement adopted on 28 July 1994 relating to the Implementation of Part XI, it chooses the International Tribunal for the Law of the Sea and the International Court of Justice, without specifying that one has precedence over the other.

In making this declaration under article 287 of the Convention on the Law of the Sea, the Government of Italy is reaffirming its confidence in the existing international judicial organs. In accordance with article 287, paragraph 4, Italy considers that it has chosen "the same procedure" as any other State Party that has chosen the International Tribunal for the Law of the Sea or the International Court of Justice.

#### KIRIBATI

##### *Declaration:*

"In exercise of the right conferred by Article 310 of the Convention, the Republic of Kiribati, upon accession to the United Nations Convention on the Law of the Sea (UNCLOS), declares that in accepting the provisions of Part IV of Article 47 of the said Convention, wishes to highlight its concerns relating to the formula used for drawing archipelagic baselines.

Part IV calculations for archipelagic waters do not allow a baseline to be drawn around all the islands of each of the three Groups of islands that make up the Republic of Kiribati. These Group of islands are spread over an expanse of over three million square kilometres of ocean, and the existing formula as spelt out in Part IV of the Convention, will divide Kiribati's three island groups into three distinct exclusive zone waters and international waters.

The Government of Kiribati wishes to propose that the formula used for drawing archipelagic baselines be revisited in the future to take into consideration the above-mentioned concerns of Kiribati.

Accession by Kiribati to the UN Convention on the Law of the Sea does not in any way prejudice its status as an archipelagic state or its legal rights to declare all or part of its maritime territory as archipelagic waters under the said Convention.

#### KUWAIT<sup>18</sup>

##### *Understanding:*

The ratification by Kuwait of the said Convention does not mean in any way a recognition of Israel nor that treaty relations will arise with Israel.

#### LATVIA

##### *Declaration under article 287:*

"In accordance with paragraph 1 of the Article 287 of the United Nations Convention on the Law of the Sea the Republic of Latvia declares that it chooses the following means for the settlement of dispute concerning the interpretation or application of this Convention:

- 1) The International Tribunal for the Law of the Sea established in accordance with Annex VI of the Convention,
- 2) The International Court of Justice."

#### LITHUANIA

##### *Declaration:*

"... in accordance with paragraph 1 of Article 287 of the Convention, the Republic of Lithuania chooses the following means for the settlement of dispute concerning the interpretation or application of this Convention:

- a) The International Tribunal for the Law of the Sea established in accordance with Annex VI;
- b) The International Court of Justice."

#### LUXEMBOURG

##### *Upon signature:*

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, [the Government of Luxembourg] 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.

[The Government of Luxembourg] 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.

## MALAYSIA

### *Declarations:*

"1. The Malaysian Government is not bound by any domestic legislation or by any declaration issued by other States upon signature or ratification of this Convention. Malaysia reserves the right to state its positions concerning all such legislations or declarations at the appropriate time, in particular the maritime claims of any other State having signed or ratified the Convention, where such claims are inconsistent with the relevant principles of international laws and the provisions of the Convention on the Law of the Sea and which are prejudicial to the sovereign rights and jurisdiction of Malaysia in its maritime areas.

2. The Malaysian Government understands that the provisions of article 301 prohibiting any threat or use of force against the territorial integrity of any State, or in other manner inconsistent with the principles of international law embodied in the Charter of the United Nations' apply in particular to the maritime areas under the sovereignty or jurisdiction of the coastal state.

3. The Malaysian Government also understands that the provisions of the Convention do not authorize other States to carry out military exercises or manoeuvres, in particular those involving the use of weapon or explosives in the exclusive economic zone without the consent of the coastal state.

4. In view of the inherent danger entailed in the passage of nuclear-powered vessels or vessels carrying nuclear material or other material of a similar nature and in view of the provision of article 22, paragraph 2, of the Convention on the Law of the Sea concerning the right of the coastal State to confine the passage of such vessels to sea lanes designated by the State within its territorial sea, as well as that of article 23 of the Convention, which requires such vessels to carry documents and observe special precautionary measures as specified by international agreements, the Malaysian Government, with all of the above in mind, requires the aforesaid vessels to obtain prior authorization of passage before entering the territorial sea of Malaysia until such time as the international agreements referred to in article 23 are concluded and Malaysia becomes a party thereto. Under all circumstances, the flag State of such vessels shall assume all responsibility for any loss or damage resulting from the passage of such vessels within the territorial sea of Malaysia.

5. The Malaysian Government also wishes to reiterate the statement relating to article 233 of the Convention in its application to the Straits of Malacca and Singapore which has been annexed to a letter dated 28th April 1982 transmitted to the President of UNCLOS III and as contained in Document A/CONF.62/L.145, UNCLOS III Off.Rec., vol. XVI, p. 250-251.

6. The ratification of the Convention by the Malaysian Government shall not in any manner affect its rights and obligations under any agreements and treaties on maritime matters entered into to which the Malaysian Government is a party.

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

Malaysia is also of the view that in accordance with the provisions of the Convention, namely article 56 and article 76, if the maritime area is less or to a distance of 200 nautical miles from the baselines, the boundary for continental shelf and exclusive economic zone shall be on the same line (identical).

8. The Malaysian Government declares, without prejudice to article 303 of the Convention of the Law of the Sea, that any objects of an archeological and historical nature found within the maritime areas over which it exerts sovereignty or jurisdiction shall not be removed, without its prior notification and consent."

## MALI

### *Upon signature:*

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

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

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

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

## MALTA<sup>19</sup>

### *Declaration:*

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

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

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

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

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

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

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

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

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

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

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

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

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

## MEXICO

*Declarations under articles 287 and 298:*

In accordance with the terms of article 287 of the United Nations Convention on the Law of the Sea, the Government of Mexico declares that it chooses, in no order of preference, one of the following means for the settlement of disputes concerning the interpretation or application of the Convention:

1. The International Tribunal for the Law of the Sea established in accordance with annex VI;
2. The International Court of Justice;
3. A special arbitral tribunal constituted in accordance with annex VIII for one or more of the categories of disputes specified therein.

"The Government of Mexico declares that, pursuant to article 298 of the Convention, it does not accept the

procedures provided for in part XV, section 2, with respect to the following categories of disputes:

1. Disputes relating to sea boundary delimitations, or those involving historic bays or titles, pursuant to paragraph 1 (a) of article 298;

2. Disputes concerning military activities and the other activities referred to in paragraph 1 (b) of article 298.

## MONTENEGRO<sup>4</sup>

*Confirmed upon succession:*

*Declaration:*

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

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

3. Due to the fact that the provisions of the Convention relating to the contiguous zone (article 33) do not provide rules on the delimitation of the contiguous zone between States with opposite or adjacent coasts, the [Government of Montenegro] considers that the principles of the customary international law, codified in article 24, para. 3, of the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on 29 April 1958, will apply to the delimitation of the contiguous zone between the Parties to the United Nations Convention on the Law of the Sea."

## MOROCCO<sup>10</sup>

*Declaration:*

The laws and regulations relating to maritime areas in force in Morocco shall remain applicable without prejudice to the provisions of the United Nations Convention on the Law of the Sea.

The Government of the Kingdom of Morocco affirms once again that Sebta, Melilia, the islet of Al-Hoceima, the rock of Badis and the Chafarinas Islands are Moroccan territories.

Morocco has never ceased to demand the recovery of these territories, which are under Spanish occupation, in order to achieve its territorial unity.

On ratifying the Convention, the Government of the Kingdom of Morocco declares that ratification may in no way be interpreted as recognition of that occupation.

The Government of the Kingdom of Morocco does not consider itself bound by any national legal instrument or declaration that has been made or may be made by other States when they sign or ratify the Convention and reserves the right to determine its position on any such instruments or declarations at the appropriate time.

The Government of the Kingdom of Morocco reserves the right to make, at the appropriate time, declarations pursuant to articles 287 and 298 relating to the settlement of disputes.

## MYANMAR<sup>20</sup>

## NETHERLANDS

*A. Declaration pursuant to article 287 of the Convention:*

"The Kingdom of the Netherlands hereby declares that, having regard to article 287 of the Convention, it accepts the jurisdiction of the International Court of Justice in the settlement of disputes concerning the interpretation and application of the Convention with State Parties to the Convention which have likewise accepted the said jurisdiction.

*Objections:*

The Kingdom of the Netherlands objects to any declaration or statement excluding or modifying the legal effect of the provisions of the United Nations Convention on the Law of the Sea.

This is particularly the case with regard to the following matters:

*I. Innocent passage in the territorial sea*

The Convention permits innocent passage in the territorial sea for all ships, including foreign warships, nuclear-powered ships and ships carrying nuclear or hazardous waste, without any prior consent or notification, and with due observance of special precautionary measures established for such ships by international agreements.

*II. Exclusive economic zone*

*1. Passage through the Exclusive Economic Zone*

Nothing in the Convention restricts the freedom of navigation of nuclear-powered ships or ships carrying nuclear or hazardous waste in the Exclusive Economic Zone, provided such navigation is in accordance with the applicable rules of international law. In particular, the Convention does not authorize the coastal state to make the navigation of such ships in the EEZ dependent on prior consent or notification.

*2. Military exercises in the Exclusive Economic Zone*

The Convention does not authorize the coastal state to prohibit military exercises in its EEZ. The rights of the coastal state in its EEZ are listed in article 56 of the Convention, and no such authority is given to the coastal state. In the EEZ all states enjoy the freedoms of navigation and overflight, subject to the relevant provisions of the Convention.

*3. Installations in the Exclusive Economic Zone*

The coastal state enjoys the right to authorize, operate and use installations and structures in the EEZ for economic purposes. Jurisdiction over the establishment and use of installations and structures is limited to the rules contained in article 56 paragraph 1, and is subject to the obligations contained in article 56 paragraph 2, article 58 and article 60 of the Convention.

*4. Residual rights*

The coastal state does not enjoy residual rights in the EEZ. The rights of the coastal state in its EEZ are listed in article 56 of the Convention, and can not be extended unilaterally.

*III. Passage through Straits*

Routes and sea lanes through straits shall be established in accordance with the rules provided for in the Convention. Considerations with respect to domestic security and public order shall not affect navigation in straits used for international navigation. The application of other international instruments to straits is subject to the relevant articles of the Convention.

*IV. Archipelagic States*

The application of Part IV of the Convention is limited to a state constituted wholly by one or more archipelagos, and may include other islands. Claims to archipelagic status in contravention of article 46 are not acceptable.

The status of archipelagic state, and the rights and obligations deriving from such status can only be invoked under the conditions of Part IV of the Convention.

*V. Fisheries*

The Convention confers no jurisdiction on the coastal state with respect to the exploitation, conservation and management of living marine resources other than sedentary species beyond the Exclusive Economic Zone.

The Kingdom of the Netherlands considers that the conservation and management of straddling fish stocks and highly migratory species should, in accordance with articles 63 and 64 of the Convention, take place on the basis of international cooperation in appropriate sub-regional and regional organizations.

*VI. Underwater cultural heritage*

Jurisdiction over objects of an archaeological and historical nature found at sea is limited to articles 149 and 303 of the Convention.

The Kingdom of the Netherlands does however consider that there may be a need to further develop, in international cooperation, the international law on the protection of underwater cultural heritage.

*VII. Baselines and delimitation*

A claim that the drawing of baselines or the delimitation of maritime zones is in accordance with the Convention will only be acceptable if such lines and zones have been established in accordance with Convention.

*VIII. National Legislation*

As a general rule of international law, as stated in articles 27 and 46 of the Vienna Convention on the Law of Treaties, states may not rely on national legislation as a justification for a failure to implement the Convention.

*IX. Territorial Claims*

Ratification by the Kingdom of the Netherlands does not imply recognition or acceptance of any territorial claim made by a State Party to the Convention.

*X. Article 301*

Article 301 must be interpreted, in accordance with the Charter of the United Nations, as applying to the territory and the territorial sea of a coastal state.

*XI. General Declaration*

The Kingdom of the Netherlands reserves the right to make further declarations relative to the Convention and to the Agreement, in response to future declarations and statements.

*C. Declaration in accordance with annex IX of the Convention*

Upon depositing its instrument of ratification the Kingdom of the Netherlands recalls that, as Member State of the European Community, it has transferred competence to the Community with respect to certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence transferred to the European Community will be made in due course in accordance with the provisions in annex IX of the Convention."

13 February 2009

Upon application of the Convention to the Netherlands Antilles, the Kingdom of the Netherlands made the following declaration and objections:

*"A. Declaration in respect of article 287 of the Convention:*

The Kingdom of the Netherlands hereby declares that, having regard to Article 287 of the Convention, it accepts the jurisdiction of the International Court of Justice in the settlement of disputes concerning the interpretation and application of the Convention with States Parties to the Convention which have likewise accepted the said jurisdiction."

*"B. Objections*

The Kingdom of the Netherlands objects to any declaration or statement excluding or modifying the legal effect of the provisions of the United Nations Convention on the Law of the Sea.

This is particularly the case with regard to the following matters:

*I. Innocent passage in the territorial sea*

The Convention permits innocent passage in the territorial sea for all ships, including foreign warships, nuclear-powered ships and ships carrying nuclear or hazardous waste, without any prior consent or

notification, and with due observance of special precautionary measures established for such ships by international agreements.

## *II. Exclusive economic zone*

### *1. Passage through the Exclusive Economic Zone*

Nothing in the Convention restricts the freedom of navigation of nuclear-powered ships or ships carrying nuclear or hazardous waste in the Exclusive Economic Zone, provided such navigation is in accordance with the applicable rules of international law. In particular, the Convention does not authorize the coastal state to make the navigation of such ships in the EEZ dependent on prior consent or notification.

### *2. Military exercises in the Exclusive Economic Zone*

The Convention does not authorize the coastal state to prohibit military exercises in its EEZ. The rights of the coastal state in its EEZ are listed in article 56 of the Convention, and no such authority is given to the coastal state. In the EEZ all states enjoy the freedoms of navigation and overflight, subject to the relevant provisions of the Convention.

### *3. Installations in the Exclusive Economic Zone*

The coastal state enjoys the right to authorize, operate and use installations and structures in the EEZ for economic purposes. Jurisdiction over the establishment and use of installations and structures is limited to the rules contained in article 56, paragraph 1, and is subject to the obligations contained in article 56, paragraph 2, article 58 and article 60 of the Convention.

### *4. Residual rights*

The coastal state does not enjoy residual rights in the EEZ. The rights of the coastal state in its EEZ are listed in article 56 of the Convention, and can not be extended unilaterally.

## *III. Passage through straits*

Routes and sealanes through straits shall be established in accordance with the rules provided for in the Convention. Considerations with respect to domestic security and public order shall not affect navigation in straits used for international navigation. The application of other international instruments to straits is subject to the relevant articles of the Convention.

## *IV. Archipelagic States*

The application of Part IV of the Convention is limited to a state constituted wholly by one or more archipelagos, and may include other islands. Claims to archipelagic status in contravention of article 46 are not acceptable.

The status of archipelagic state, and the rights and obligations deriving from each status, can only be invoked under the conditions of part IV of the Convention.

## *V. Fisheries*

The Convention confers no jurisdiction on the coastal state with respect to the exploitation, conservation and management of living marine resources other than sedentary species beyond the Exclusive Economic Zone.

The Kingdom of the Netherlands considers that the conservation and management of straddling fish stocks and highly migratory species should, in accordance with articles 63 [and] 64 of the Convention, take place on the basis of international cooperation in appropriate subregional and regional organizations.

## *VI. Underwater cultural heritage*

Jurisdiction over objects of an archaeological and historical nature found at sea is limited to articles 149 and 303 of the Convention.

The Kingdom of the Netherlands does however consider that there may be a need to further develop, in international cooperation, the international law on the protection of underwater cultural heritage.

## *VII. Baselines and delimitation*

A claim that the drawing of baselines of the delimitation of maritime zones is in accordance with the Convention will only be acceptable if such lines and zones have been established in accordance with the Convention.

## *VIII. National legislation*

As a general rule of international law, as stated in articles 27 and 46 of the Vienna Convention on the Law of Treaties, states may not rely on national legislation as a justification for a failure to implement the Convention.

## *IX. Territorial claims*

Ratification by the Kingdom of the Netherlands does not imply recognition or acceptance of any territorial claim made by a State Party to the Convention.

## *X. Article 301*

Article 301 must be interpreted, in accordance with the Charter of the United Nations, as applying to the territory and the territorial sea of a coastal state.

## *XI. General declaration*

The Kingdom of the Netherlands reserves its right to make further declarations relative to the Convention and to the Agreement, in response to future declarations and statements.”

## **NICARAGUA**

### *Upon signature:*

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.

### *Upon ratification:*

In accordance with article 310 of the United Nations Convention on the Law of the Sea, the Government of Nicaragua hereby declares:

1. That it does not consider itself bound by any of the declarations or statements, however phrased or named, made by other States when signing, accepting, ratifying or acceding to the Convention and that it reserves the right to state its position on any of those declarations or statements at any time.

2. That ratification of the Convention does not imply recognition or acceptance of any territorial claim made by a State party to the Convention, nor automatic recognition of any land or sea border.

In accordance with article 287, paragraph 1, of the Convention, Nicaragua hereby declares that it accepts only recourse to the International Court of Justice as a means for the settlement of disputes concerning the interpretation or application of the Convention.

Nicaragua hereby declares that it accepts only recourse to the International Court of Justice as a means for the settlement of the categories of disputes set forth in subparagraphs (a), (b) and (c) of paragraph 1 of article 298 of the Convention.

## **NORWAY**

### *Declaration pursuant to article 310 of the Convention:*

"According to article 309 of the Convention, no reservations or exceptions other than those expressly permitted by its provisions may be made. A declaration pursuant to its article 310 can not have the effect of an exception or reservation for the State making it. Consequently, the Government of the Kingdom of Norway declares that it does not consider itself bound by declarations pursuant to article 310 of the Convention that are or will be made by other States or international organizations. Passivity with respect to such declarations shall be interpreted neither as acceptance nor rejection of such declarations. The Government reserves Norway's

right at any time to take a position on such declarations in the manner deemed appropriate."

*Declaration pursuant to article 287 of the Convention:*

"The Government of the Kingdom of Norway declares pursuant to article 287 of the Convention that it chooses the International Court of Justice for the settlement of disputes concerning the interpretation or application of the Convention."

*Declaration pursuant to article 298 of the Convention:*

"The Government of the Kingdom of Norway declares pursuant to article 298 of the Convention that it does not accept an arbitral tribunal constituted in accordance with Annex VII of any of the categories of disputes mentioned in article 298."

**OMAN**

*Upon signature:*

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

*Declarations made upon ratification:*

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

*Declaration No. 1, on the territorial sea*

1. The Sultanate of Oman determines that its territorial sea, in accordance with article 2 of Royal Decree No. 15/81 dated 10 February 1981, extends 12 nautical miles in a seaward direction, measured from the nearest point of the baselines.

2. The Sultanate of Oman exercises full sovereignty over its territorial sea, the space above the territorial sea and its bed and subsoil, pursuant to the relevant laws and regulations of the Sultanate and in conformity with the provisions of this Convention concerning the principle of innocent passage.

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

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

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

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

*Declaration No. 4, on the contiguous zone*

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

*Declaration No. 5, on the exclusive economic zone*

1. The Sultanate of Oman determines that its exclusive economic zone, in accordance with article 5 of Royal Decree No. 15/81 dated 10 February 1981, extends 200 nautical miles in a seaward direction, measured from the baselines from which the territorial sea is measured.

2. The Sultanate of Oman possesses sovereign rights over its economic zone and also exercises jurisdiction over that zone as provided for in the Convention. It further declares that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard to the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

*Declaration No. 6, on the continental shelf*

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

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

Pursuant to article 287 of the Convention, the Sultanate of Oman declares its acceptance of the jurisdiction of the International Tribunal for the Law of the Sea, as set forth in annex VI to the Convention, and the jurisdiction of the International Court of Justice, with a view to the settlement of any dispute that may arise between it and another State concerning the interpretation or application of the Convention.

**PAKISTAN**

*Declarations:*

i) The Government of the Islamic Republic of Pakistan shall, at an appropriate time, make declarations provided for in articles 287 and 298 relating to the settlement of disputes.

ii) The Law of the Sea Convention, while dealing with transit through the territory of the transit State, fully safeguards the sovereignty of the transit State. Consequently, in accordance with article 125 of the rights and facilities of transit to the land locked State ensures that it shall not in any way infringe upon the sovereignty and the legitimate interest of the transit State. The precise content of the freedom of transit consequently, in each case, has to be agreed upon by the transit State and the land locked State concerned. In the absence of such an agreement concerning the terms and modalities for exercising the right of transit, through the territory of the Islamic Republic of Pakistan shall be regulated only by national laws of Pakistan.

iii) It is the understanding of the Government of the Islamic Republic of Pakistan that the provisions of the Convention on the Law of the Sea do not in any way authorize the carrying out in the Exclusive Economic Zone and in the Continental Shelf of any coastal State military exercises or manoeuvres by other States, in particular where the use of weapons or explosives are involved, without the consent of the coastal State concerned."

**PALAU**

27 April 2006

*Declaration under article 298:*

"The Government of the Republic of Palau declares under paragraph 1 (a) of Article 298 of the 1982 United Nations Convention on the Law of the Sea that it does not accept compulsory procedures entailing binding decisions relating to the delimitation and/or interpretation of maritime boundaries."



## PANAMA

### *Declaration:*

[The Republic of Panama] declares that it has exclusive sovereignty over the "historic Panamanian bay" of the Golfo de Panamá, a well-marked geographic configuration the coasts of which belong entirely to the Republic of Panama. It is a large indentation or inlet to the south of the Panamanian isthmus, where sea-waters superjacent to the seabed and subsoil cover the area between latitudes 70 28' 00" North and 70 31' 00" North and longitudes 70 59' 53" and 78 11' 40", both west of Greenwich, these being the positions of Punta Mala and Punta Jaqué, respectively, west and east of the entrance of the Golfo de Panamá. This large indentation penetrates fairly deep into the Panamanian isthmus. The width of its entrance, from Punta Mala to Punta de Jaqué, is some 200 kilometres and it penetrates inland a distance of 165 kilometres (measured from the imaginary line joining Punta Mala and Punta Jaqué to the mouths of the Rio Chico east of Panama City).

Given its present and potential resources, the historic bay of the Golfo de Panamá is a vital necessity for the Republic of Panama, both in terms of security and defence (this had been the case since time immemorial) and in economic terms, as its marine resources have been utilized since ancient times by the inhabitants of the Panamanian isthmus.

It is oblong in shape, with a coast outline that roughly resembles a calf's head, and its coastal perimeter, which measures some 668 kilometres, is under the maritime control of Panama. According to this delimitation, the historic bay of the Golfo de Panamá has an area of approximately 30,000 km<sup>2</sup>.

The Republic of Panama declares that, in the exercise of its sovereign and territorial rights and in compliance with its duties, it will act in a manner compatible with the provisions of the Convention and reserves the right to issue further statements on the Convention if necessary.

## PHILIPPINES<sup>13,21</sup>

### *Understanding made upon signature and confirmed upon ratification:*

"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;

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 Proclamations 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 Philippine 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 Philippine sovereignty."

## PORTUGAL

### *Declarations:*

1. Portugal reaffirms, for the purposes of delimitation of the territorial sea, the continental shelf and the exclusive economic zone, its rights under domestic law in respect of the mainland and of the archipelagos and the islands incorporated therein;

2. Portugal declares that, within a 12-nautical mile zone contiguous to its territorial sea, it will take such control measures as it deems to be necessary, in accordance with the provisions of article 33 of this Convention;

3. Pursuant to the provisions of the [said Convention], Portugal enjoys sovereign rights and jurisdiction over an exclusive economic zone of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured;

4. The maritime boundary lines between Portugal and the States whose coasts are opposite or adjacent to its own coasts are those which historically have been established on the basis of international law;

5. Portugal expresses its understanding that Resolution III of the Third United Nations Conference on the Law of the Sea shall fully apply to the non-self-governing Territory of East Timor, of which it remains the administering Power, under the United Nations Charter and the relevant Resolutions of the General Assembly and of the Security Council. Accordingly the application of the Convention, in particular a delimitation, if any, of the maritime areas of the territory of East Timor, shall take into consideration the rights of its people under the Charter and the said Resolutions, and, furthermore, the responsibilities incumbent upon Portugal as administering Power of the Territory of East Timor;

6. Portugal declares that, without prejudice to the provisions of article 303 of the [said Convention] and to the application of other legal instruments of international law regarding the protection of the underwater archaeological heritage, any objects of a historical or archaeological nature found in the maritime zones under its sovereignty or jurisdiction may be removed only after prior notice to and subject to the consent of the competent Portuguese authorities.

7. Ratification by Portugal of this Convention does not imply the automatic recognition of any maritime or land boundary;

8. Portugal does not consider itself bound by the declarations made by other States and it reserves its position as regards each declaration to be expressed in due time;

9. Bearing in mind the available scientific information and with a view to the protection of the environment and of the sustained growth of economic activities based on the sea, Portugal will, preferably

through international co-operation and taking into account the precautionary principle, carry out control activities beyond the areas under national jurisdiction;

10. For the purposes of article 287 of the Convention, Portugal declares that, in the absence of non-judicial means for the settlement of disputes arising out of the application of this Convention, it will choose one of the following means for the settlement of disputes:

- a) The International Tribunal for the Law of the Sea, established in pursuance of Annex VI;
- b) The International Court of Justice;
- c) An arbitral tribunal, constituted in accordance with Annex VII;
- d) A special arbitral tribunal, constituted in accordance with Annex VIII;

11. In the absence of other peaceful means for the settlement of disputes Portugal will in accordance with Annex VIII to the Convention, choose the recourse to a special arbitral tribunal in so far as the application of the provisions of this Convention, or the interpretation thereof, to the matters relating to fisheries, protection and preservation of marine living resources and marine environment, scientific research, navigation and marine pollution are concerned;

12. Portugal declares that, without prejudice to the provisions contained in Section 2, Part XV of this Convention, it does not accept the compulsory procedures referred to in Section 1 of the said Part, with respect to one or more of the categories specified in article 298 (a) (b) (c) of this Convention;

13. Portugal Notes that, as a Member State of the European community, it has transferred to the Community competence over a few matters governed by this Convention. A detailed declaration will be submitted in due time, specifying the nature and extent of the matters in respect of which it has transferred competence to the Community, in accordance with the provisions of Annex IX to the Convention.

#### QATAR<sup>18</sup>

*Upon signature:*

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

#### REPUBLIC OF KOREA

18 April 2006

Declaration pursuant to Article 298:

"1. In accordance with paragraph 1 of Article 298 of the Convention, the Republic of Korea does not accept any of the procedures provided for in section 2 of Part XV of the Convention with respect to all the categories of disputes referred to in paragraph 1 (a), (b) and (c) of Article 298 of the Convention.

2. The present declaration shall be effective immediately.

3. Nothing in the present declaration shall affect the right of the Republic of Korea to submit a request to a court or tribunal referred to in Article 287 of the Convention to be permitted to intervene in the proceedings of any dispute between other States Parties, should it consider that it has an interest of a legal nature which may be affected by the decision in that dispute."

#### REPUBLIC OF MOLDOVA

*Declaration:*

As a country without seashore and geographically disadvantaged bordering a sea poor in living resources, Republic of Moldova affirms the necessity to develop

international cooperation for the exploitation of the living resources of the economic zones, on the basis of just and equitable agreements that should ensure the access of the countries from this category to the fishing resources in the economic zones of other regions or sub regions.

#### ROMANIA

*Declarations made upon signature and confirmed upon ratification:*

"1. As a geographically disadvantaged country bordering a sea poor in living resources, Romania reaffirms the necessity to develop international cooperation for the exploitation of the living resources of the economic zones, on the basis of just and equitable agreements that should ensure the access of the countries from this category to the fishing resources in the economic zones of other regions or subregions.

2. Romania reaffirms the right of coastal States to adopt measures to safeguard their security interests, including the right to adopt national laws and regulations relating to the passage of foreign warships through their territorial sea.

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

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

#### RUSSIAN FEDERATION

*Upon signature:*

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

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

*Upon ratification:*

The Russian Federation declares that, in accordance with article 298 of the United Nations Convention on the Law of the Sea, it does not accept the procedures, provided for in section 2 of Part XV of the Convention, entailing binding decisions with respect to disputes concerning the interpretation or application of articles 15, 74 and 83 of the Convention, relating to sea boundary delimitations, or those involving historic bays or titles; disputes concerning military activities, including military activities by government vessels and aircraft, and disputes concerning law-enforcement activities in regard to the

exercise of sovereign rights or jurisdiction; and disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

The Russian Federation, bearing in mind articles 309 and 310 of the Convention, declares that it objects to any declarations and statements made in the past or which may be made in future when signing, ratifying or acceding to the Convention, or made for any other reason in connection with the Convention, that are not in keeping with the provisions of article 310 of the Convention. The Russian Federation believes that such declarations and statements, however phrased or named, cannot exclude or modify the legal effect of the provisions of the Convention in their application to the party to the Convention that made such declarations or statements, and for this reason they shall not be taken into account by the Russian Federation in its relations with that party to the Convention.

#### SAO TOME AND PRINCIPE

*Upon signature:*

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

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

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

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

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

#### SAUDI ARABIA

*Declarations:*

1. The Government of the Kingdom of Saudi Arabia is not bound by any domestic legislation or by any declaration issued by other States upon signature or ratification of this Convention. The Kingdom reserves the right to state its position concerning all such legislation or declarations at the appropriate time. In particular, the Kingdom's ratification of the Convention in no way constitutes recognition of the maritime claims of any other State having signed or ratified the Convention, where such claims are inconsistent with the provisions of the Convention on the Law of the Sea and are prejudicial to the sovereign rights and jurisdiction over its maritime areas.

2. The Government of the Kingdom of Saudi Arabia is not bound by any international treaty or

agreement which contains provisions that are inconsistent with the Convention on the Law of the Sea and prejudicial to the sovereign rights and jurisdiction of the Kingdom in its maritime areas.

3. The Government of the Kingdom of Saudi Arabia considers that the application of the provisions of part IX of the Convention concerning the cooperation of States bordering enclosed or semi-enclosed areas is subject to the acceptance of the Convention by all the States concerned.

4. The Government of the Kingdom of Saudi Arabia considers that the provisions of the Convention relating to the application of the system of transit passage through straits used for international navigation which connect one part of the high seas or an exclusive economic zone with another part of the high seas or an exclusive economic zone also apply to navigation between islands adjacent or contiguous to such straits, particularly where the sea lanes used for entrance to or exit from the strait, as designated by the competent international organization, are situated near such islands.

5. The Government of the Kingdom of Saudi Arabia considers that innocent passage does not apply to its territorial sea where there is a route to the high seas or an exclusive economic zone which is equally suitable as regards navigational and hydrographical features.

6. In view of the inherent danger entailed in the passage of nuclear-powered vessels and vessels carrying nuclear or other material of a similar nature and in view of the provision of article 22, paragraph 2, of the [the said Convention] concerning the right of coastal State to confine the passage of such vessels to sea lanes designated by that State within its territorial sea, as well as that of article 23 of the Convention which requires such vessels to carry documents and observe special precautionary measures as specified by international agreements, the Kingdom of Saudi Arabia, with all the above in mind, requires the aforesaid vessels to obtain prior authorization of passage before entering the territorial sea of the Kingdom until such time as the international agreements referred to in article 23 are concluded and the Kingdom becomes a party thereto. Under all circumstances the flag State of such vessels shall assume all responsibility for any loss or damage resulting from the innocent passage of such vessels within the territorial sea of the Kingdom of Saudi Arabia.

7. The Kingdom of Saudi Arabia shall issue its internal procedures for the maritime areas subject to its sovereignty and jurisdiction, so as to affirm the sovereign rights and jurisdiction and guarantee the interests of the Kingdom in those areas.

#### SERBIA<sup>5</sup>

*Confirmed upon succession:*

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

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

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

[Government of Yugoslavia] considers that the principles of the customary international law, codified in article 24, para. 3, of the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on 29 April 1958, will apply to the delimitation of the contiguous zone between the Parties to the United Nations Convention on the Law of the Sea."

#### SLOVENIA<sup>5</sup>

##### *Declarations:*

"Proceeding from the right that State Parties have on the basis of article 310 of the United Nations Convention on the Law of the Sea, the Republic of Slovenia considers that its Part V Exclusive Economic Zone, including the provisions of article 70 Right of Geographically Disadvantaged States, forms part of the general customary international law."

The Republic of Slovenia does not consider itself to be bound by the declaratory statement on the basis of article 310 of the Convention, given by the former SFR of Yugoslavia."

11 October 2001

##### *"Declaration pursuant to article 287 of the United Nations Convention on the Law of the Sea:*

The Government of the Republic of Slovenia declares pursuant to article 287 of the Convention that it chooses an arbitral tribunal constituted in accordance with Annex VII for the settlement of disputes concerning the interpretation or application of the Convention.

##### *Declaration pursuant to article 298 of the United Nations Convention on the Law of the Sea:*

The Government of the Republic of Slovenia declares pursuant to article 298 of the Convention that it does not accept an arbitral tribunal constituted in accordance with Annex VII of any of the categories disputes mentioned in article 298."

#### SOUTH AFRICA<sup>22</sup>

"The Government of the Republic of South Africa shall, at the appropriate time, make declarations provided for in articles 287 and 298 of the Convention relating to the settlement of disputes."

#### SPAIN

##### *Upon signature:*

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, its harvesting capacity and the allocation of surpluses to other States.

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

##### *Upon ratification:*

1. The Kingdom of Spain recalls that, as a member of the European Union, it has transferred competence over certain matters governed by the Convention to the European Community. A detailed declaration will be made in due course as to the nature and extent of the competence transferred to the European Community, in accordance with the provisions of Annex IX of the Convention.

2. In ratifying the Convention, Spain wishes to make it known that this act cannot be construed as recognition of any rights or status regarding the maritime space of Gibraltar that are not included in article 10 of the Treaty of Utrecht of 13 July 1713 concluded between the Crowns of Spain and Great Britain. Furthermore, Spain does not consider that Resolution III of the Third United Nations Conference on the Law of the Sea is applicable to the colony of Gibraltar, which is subject to a process of decolonization in which only relevant resolutions adopted by the United Nations General Assembly are applicable.

3. Spain understands that:

(a) The provisions laid down in Part III of the Convention are compatible with the right of a coastal State to dictate and apply its own regulations in straits used for international navigation, provided that this does not impede the right of transit passage.

(b) In article 39, paragraph 3 (a), the word 'normally' means 'unless by *force majeure* or by distress'.

(c) The provisions of article 221 shall not deprive a State bordering a strait used for international navigation of its competence under international law regarding intervention in the event of the casualties referred to in that article.

4. Spain interprets that:

(a) Articles 69 and 70 of the Convention mean that access to fisheries in the exclusive economic zone of third States by the fleets of developed landlocked or geographically disadvantaged States shall depend on whether the relevant coastal States have previously granted access to the fleets of States which habitually fish in the relevant exclusive economic zone.

(b) With regard to article 297, and without prejudice to the provisions of that article in respect of settlement of disputes, articles 56, 61 and 62 of the Convention do not allow of an interpretation whereby the rights of the

coastal State to determine permissible catches, its capacity for exploitation and the allocation of surpluses to other States may be considered discretionary.

5. The provisions of article 9 of Annex III shall not prevent States Parties whose industrial potential does not enable them to participate directly as contractors in the exploitation of the resources of the zone from participating in the joint ventures referred to in paragraph 2 of that article.

6. In accordance with the provisions of article 287, paragraph 1, Spain chooses the International Court of Justice as the means for the settlement of disputes concerning the interpretation or application of the Convention.

19 July 2002

*Declarations under articles 287 and 298:*

Pursuant to article 287, paragraph 1, the Government of Spain declares that it chooses the International Tribunal for the Law of the Sea and the International Court of Justice as means for the settlement of disputes concerning the interpretation or application of the Convention.

The Government of Spain declares, pursuant to the provisions of article 298, para. 1(a) of the Convention, that it does not accept the procedures provided for in part XV, section 2, with respect to the settlement of disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles.

#### SUDAN

*Upon signature:*

*Declarations made in plenary meeting at the Final Part of the Eleventh Session of the Third United Nations Conference on the Law of the Sea, held at Montego Bay, Jamaica, from 6 to 10 December 1982, and reiterated upon signature*

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

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

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

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

#### SWEDEN

*Upon signature:*

"As regards those parts of the Convention which deal with innocent passage through the territorial sea, it is the intention of the Government of Sweden to continue to apply the present régime for the passage of foreign warships and other government-owned vessels used for

non-commercial purposes through the Swedish territorial sea, that régime being fully compatible with the Convention.

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

*Upon signature and confirmed upon ratification:*

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

*Upon ratification:*

"The Government of the Kingdom of Sweden hereby chooses, in accordance with article 287 of the Convention, the International Court of Justice for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement Implementing Part XI of the Convention.

The Kingdom of Sweden recalls that as a Member of the European Community, it has transferred competence in respect of certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence transferred to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention."

#### SWITZERLAND

*Declaration under article 287:*

The Tribunal for the Law of the Sea has been designated as the only competent organ for disputes concerning law of the sea matters.

#### TRINIDAD AND TOBAGO

13 February 2009

*Declaration under article 298:*

"... [The] Minister of Foreign Affairs of the Republic of Trinidad and Tobago, do hereby declare under paragraph 1 (a) of article 298 of the United Nations Convention on the Law of the Sea done at Montego Bay on the tenth day of December one thousand nine hundred and eighty-two, that the Republic of Trinidad and Tobago does not accept any of the procedures provided for in Part XV, section 2 of the Convention with respect to the categories of disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles."

17 October 2007

*Declaration under article 287:*

"The Republic of Trinidad and Tobago ... declare[s] that in the absence of or failing any other peaceful means, The Republic of Trinidad and Tobago chooses the following means in order of priority for the settlement of disputes concerning the interpretation or application of the United Nations Convention on the Law of the Sea:

- a. The International Tribunal for the Law of the Sea established in accordance with Annex VI;
- b. The International Court of Justice."

#### TUNISIA

*Declaration 1:*

The Republic of Tunisia, on the basis of resolution 4262 of the council of the League of Arab States, dated 31 March 1983, declares that its accession to the United

Nations Convention on the Law of the Sea does not imply recognition of or dealings with any States which the Republic of Tunisia does not recognize or have dealings with.

*Declaration 2:*

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

*Declaration 3:*

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

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

(ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree; (iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties;

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

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

*Declaration 4:*

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

*Declaration under article 287:*

In accordance with the provisions of article 287 of the United Nations Convention on the Law of the Sea, the Government of Tunisia declares that it accepts, in order of preference, the following means for the settlement of disputes relating to the interpretation or implementation of the above-mentioned Convention:

- a)- The International Tribunal for the Law of the Sea
- b)- An Arbitral Tribunal established in accordance with Annex VII.

**UKRAINE**

*Upon signature:*

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

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

*Upon ratification:*

1. Ukraine declares that, in accordance with article 287 of the United Nations Convention on the Law of the Sea of 1982, it chooses as the principal means for the settlement of disputes concerning the interpretation or application of this Convention an arbitral tribunal constituted in accordance with Annex VII. For the consideration of disputes concerning the interpretation or application of the Convention in respect of questions relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping, Ukraine chooses a special arbitral tribunal constituted in accordance with Annex VIII.

Ukraine recognises the competence, as stipulated in article 292 of the Convention, of the International Tribunal for the Law of the Sea in respect of questions relating to the prompt release of detained vessels or their crews.

2. Ukraine declares, in accordance with article 298 of the Convention, that it does not accept, unless otherwise provided by specific international treaties of Ukraine with relevant States, the compulsory procedures entailing binding decisions for the consideration of disputes relating to sea boundary delimitations, disputes involving historic bays or titles, and disputes concerning military activities.

3. Ukraine declares, taking into account articles 309 and 310 of the Convention, that it objects to any statements or declarations, irrespective of when such statements or declarations were or may be made, that may result in a failure to interpret the provisions of the Convention in good faith, or are contrary to the ordinary

meaning of terms in the context of the Convention or its object and purpose.

4. As a geographically disadvantaged country bordering a sea poor in living resources, Ukraine reaffirms the necessity to develop international cooperation for the exploitation of the living resources of economic zones, on the basis of just and equitable agreements that should ensure the access to fishing resources in the economic zones of other regions and sub-regions.

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

##### *Declarations:*

###### *"(a) General*

The United Kingdom cannot accept any declaration or statement made or to be made in the future which is not in conformity with articles 309 and 310 of the Convention. Article 309 of the Convention prohibits reservations and exceptions (except those expressly permitted by other articles of the Convention). Under article 310 declarations and statements made by a State cannot exclude or modify the legal effect of the provisions of the Convention in their application to the State concerned.

The United Kingdom considers that declarations and statements not in conformity with articles 309 and 310 include, *inter alia*, the following:

- Those which relate to baselines not drawn in conformity with the Convention;

- Those which purport to require any form of notification or permission before warships or other ships exercise the right of innocent passage or freedom of navigation or which otherwise purport to limit navigational rights in ways not permitted by the Convention;

- Those which are incompatible with the provisions of the Convention relating to straits used for international navigation, including the right of transit passage;

- Those which are incompatible with the provisions of the Convention relating to archipelagic states or waters, including archipelagic baselines and archipelagic sea lanes passage;

-- Those which are not in conformity with the provisions of the Convention relating to the exclusive economic zone or the continental shelf, including those which claim coastal state jurisdiction over all installations and structures in the exclusive economic zone or on the continental shelf, and those which purport to require consent for exercises or manoeuvres (including weapons exercises) in those areas;

- Those which purport to subordinate the interpretation or application of the Convention to national laws and regulations, including constitutional provisions.

###### *(b) European Community*

The United Kingdom recalls that, as a Member of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention.

###### *(c) The Falkland Islands*

With regard to paragraph (d) of the Declaration made upon ratification of the Convention by the Government of the Argentine Republic, the Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands. The Government of the United Kingdom, as the administering authority of both Territories, has extended the United Kingdom's accession to the Falkland Islands and to South Georgia and the South Sandwich Islands. The

Government of the United Kingdom, therefore, rejects as unfounded paragraph (d) of the Argentine declaration.

###### *(d) Gibraltar*

With regard to point 2 of the declaration made upon ratification of the convention by the Government of Spain, the Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over Gibraltar, including its territorial waters. The Government of the United Kingdom, as the administering authority of Gibraltar, has extended the United Kingdom's accession to the Convention and ratification of the Agreement to Gibraltar. The Government of the United Kingdom, therefore, rejects as unfounded point 2 of the Spanish declaration."

12 January 1998

"In accordance with article 287, paragraph 1, of the [said Convention], the Kingdom of Great Britain and Northern Ireland chooses the International Court of Justice for the settlement of disputes concerning the interpretation or application of the Convention.

The International Tribunal for the Law of the Sea is a new institution, which the United Kingdom hopes will make an important contribution to the peaceful settlement of disputes concerning the law of the sea. In addition to those cases where the Convention itself provides for the compulsory jurisdiction of the Tribunal, the United Kingdom remains ready to consider the submission of disputes to the Tribunal as may be agreed on a case-by-case basis."

7 April 2003

##### *Declaration pursuant to article 298, paragraph 1 of the United Nations Convention on the Law of the Sea:*

".....the United Kingdom of Great Britain and Northern Ireland does not accept any of the procedures provided for in section 2 of Part XV of the Convention with respect to the categories of disputes referred to in paragraph 1(b) and (c) of article 298."

#### UNITED REPUBLIC OF TANZANIA

"The United Republic of Tanzania declares that it chooses the International Tribunal for the Law of the Sea for the settlement of disputes concerning the interpretation or application of the Convention."

#### URUGUAY

##### *Declarations made upon signature and confirmed upon ratification:*

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

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

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

(D) In the exclusive economic zone, enjoyment of the freedom of international communication in accordance with the way it is defined and in accordance with other relevant provisions of the Convention excludes

any non-peaceful use without the consent of the coastal State for instance, military exercises or other activities which may affect the rights or interests of that State and it also excludes the threat or use of force against the territorial integrity, political independence, peace or security of the coastal State.

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

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

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

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

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

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

#### VIET NAM<sup>13,14,15</sup>

##### *Declarations:*

The Socialist Republic of Vietnam, by ratifying the 1982 UN Convention on the Law of the Sea, expresses its determination to join the international community in the establishment of an equitable legal order and in the promotion of maritime development and cooperation.

The National Assembly reaffirms the sovereignty of the Socialist Republic of Vietnam over its internal waters and territorial sea; the sovereign rights and jurisdiction in the contiguous zone, the exclusive economic zone and the

continental shelf of Vietnam, based on the provisions of the Convention and principles of international law and calls on other countries to respect the above-said rights of Vietnam.

The National Assembly reiterates Vietnam's sovereignty over the Hoang Sa and Truong Sa archipelagoes and its position to settle those disputes relating to territorial claims as well as other disputes in the Eastern Sea through peaceful negotiations in the spirit of equality, mutual respect and understanding, and with due respect of international law, particularly the 1982 UN Convention on the Law of the Sea, and of the sovereign rights and jurisdiction of the coastal states over their respective continental shelves and exclusive economic zones; the concerned parties should, while exerting active efforts to promote negotiations for a fundamental and long-term solution, maintain stability on the basis of the status quo, refrain from any act that may further complicate the situation and from the use of force or threat of force.

The National Assembly emphasizes that it is necessary to identify between the settlement of dispute over the Hoang Sa and Truong Sa archipelagoes and the defense of the continental shelf and maritime zones falling under Vietnam's sovereignty, rights and jurisdiction, based on the principles and standards and specified in the 1982 UN Convention on the Law of the Sea.

The National Assembly entitles the National Assembly's Standing Committee and the Government to review all relevant national legislation to consider necessary amendments in conformity with the 1982 UN Convention on the Law of the Sea, and to safeguard the interest of Vietnam.

The National Assembly authorizes the Government to undertake effective measures for the management and defense of the continental shelf and maritime zones of Vietnam.

#### YEMEN<sup>12,18</sup>

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

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

#### *Objections*

*(Unless otherwise indicated, the objections were received upon ratification, formal confirmation, accession or succession.)*

#### AUSTRALIA<sup>21</sup>

3 August 1988

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

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

This view is supported by the specific reference in the declaration to the status of archipelagic waters. The declaration states that the concept of archipelagic waters



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

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

#### BELARUS

24 June 1985

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

The Government of the Philippines in its statement repeatedly emphasizes its intention to continue to be governed in ocean affairs not by the Convention or by obligations thereunder, but by its national laws and previously concluded agreements, which are not in conformity with the provisions of the Convention. The Philippine side therefore declines to harmonize its national legislation with the provisions of the Convention and fails to perform one of its most fundamental obligations thereunder -- to comply with the régime of archipelagic waters, which provides for the right of archipelagic passage of foreign ships and aircraft through or over such waters.

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

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

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

#### BELIZE

11 September 1997

"Belize cannot accept any declaration or statement made by a State which is not in conformity with articles 309 and 310 of the Convention.

Article 309 prohibits reservations or exceptions unless expressly permitted by other articles of the Convention. Under article 310, declarations or statements made by a State cannot exclude or modify the legal effect of the provisions of the Convention in their application to that State.

Belize considers that declarations and statements not in conformity with articles 309 and 310 of the Convention include, *inter alia*, those which are not compatible with the dispute resolution mechanism provided in Part XV of the Convention as well as those which purport to subordinate the interpretation or application of the Convention to national laws and regulations, including constitutional provisions.

The recent declaration made by the Government of Guatemala on ratification of the Convention is inconsistent with the aforesaid articles 309 and 310 in the following respects:

(a) Any alleged 'rights' over land territory referred to in paragraph (a) of the declaration are outside the scope of the Convention, so that part of the declaration does not fall within the range permitted by article 310.

(b) With regard to the alleged 'historical rights' over Bahia de Amatique, the declaration purports to preclude the application of the Convention, in particular article 310 which defines bays, and Part XV which enjoins that State Parties shall settle any disputes between them concerning the interpretation or application of the Convention in accordance with the procedure prescribed therein.

(c) With regard to paragraph (b) of the Guatemalan declaration that 'the territorial sea and maritime zones cannot be delimited until such time as the existing dispute is resolved', article 74 of the Convention requires States with opposite or adjacent coasts to delimit their respective Exclusive Economic Zones by agreement or, if no agreement can be reached within a reasonable time, by recourse to the dispute settlement mechanism under Part XV of the Convention. As for the delimitation of territorial sea, article 15 of the Convention provides that States with opposite or adjacent coast may not extend their respective territorial seas beyond the median line unless they so agree. To the extent that Guatemala is purporting to make a reservation as to, or to exclude or modify the effect of the aforesaid articles 15 or 74, or Part XV of the Convention, the declaration is inconsistent with articles 309 and 310 of the Convention.

For the reasons given above, the Government of Belize hereby categorically rejects as unfounded and misconceived the Guatemala declaration *in toto*."

#### BULGARIA

17 September 1985

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

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

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

#### CZECH REPUBLIC<sup>6</sup>

##### ETHIOPIA

8 November 1984

"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."

##### ISRAEL

11 December 1984

"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 [said] Convention, is consonant with the above declaration [made by Egypt]."

##### ITALY

24 November 1995

*With respect to the declaration made by India upon ratification, as well as for the similar ones made previously by Brazil, Cape Verde and Uruguay:*

"Italy wishes to reiterate the declaration it made upon signature and confirmed upon ratification according to which 'the rights of the coastal State in such zone do not include the right to obtain notification of military exercises or manoeuvres or to authorize them'. According to the declaration made by Italy upon ratification this declaration applies as a reply to all past and future declarations by other States concerning the matters covered by it".

#### RUSSIAN FEDERATION

25 February 1985

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

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

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

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

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

#### SLOVAKIA<sup>6</sup>

##### UKRAINE

8 July 1985

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

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

Furthermore, paragraph 5 of the statement not only grants priority over the Convention to the pertinent laws of the Republic of the Philippines which are currently in force, but also reserves the right to amend such laws in future pursuant only to the Constitution of the Philippines, and consequently without harmonizing them with the provisions of the Convention. Paragraph 7 of the

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

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

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

***Notifications made under article 2 of annexes V and VII (List of conciliators and arbitrators)***

<b><i>Participant</i></b>	<b><i>Nominations:</i></b>	<b><i>Date of deposit of notification with the Secretary-General:</i></b>
Argentina.....	Dr. Frida María Armas Pfirter, Arbitrator	28 Sep 2009
Argentina.....	Dr. Frida María Armas Pfirter, Conciliator	28 Sep 2009
Australia.....	Sir Gerard Brennan AC KBE, Arbitrator	19 Aug 1999
Australia.....	Mr. Henry Burmester QC, Arbitrator	
Australia.....	Professor Ivan Shearer AM, Arbitrator	
Austria.....	Professor Dr. Gerhard Hafner, Department of International Law and International Relations, University of Vienna, Member of the Permanent Court of Arbitration, The Hague, Conciliator at the OSCE Court of Conciliation and Arbitration, Former Member of the International Law Commission, Conciliator and Arbitrator	9 January 2008
Austria.....	Professor Dr. Gerhard Loibl, Professor at the Diplomatic Academy of Vienna, Conciliator and Arbitrator	
Austria.....	Ambassador Dr. Helmut Tichy, Deputy Head of the Office of the Legal Adviser, Austrian Federal Ministry for European and International Affairs, Conciliator and Arbitrator	
Austria.....	Ambassador Dr. Helmut Türk, Judge at the International Tribunal for the Law of	

<i>Participant</i>	<i>Nominations:</i>	<i>Date of deposit of notification with the Secretary-General:</i>
	the Sea, Member of the Permanent Court of Arbitration, The Hague, Conciliator and Arbitrator	
Brazil .....	Walter de Sá Leitão, Conciliator and Arbitrator	10 Sep 2001
Chile .....	Helmut Brunner Nöer, Conciliator	18 Nov 1998
Chile .....	Rodrigo Díaz Albónico, Conciliator	
Chile .....	Carlos Martínez Sotomayor, Conciliator	
Chile .....	Eduardo Vío Grossi, Conciliator	
Chile .....	José Miguel Barros Franco, Arbitrator	
Chile .....	María Teresa Infante Caffi, Arbitrator	
Chile .....	Edmundo Vargas Carreño, Arbitrator	
Chile .....	Fernando Zegers Santa Cruz, Arbitrator	
Costa Rica .....	Carlos Fernando Alvarado Valverde, Conciliator and Arbitrator	15 Mar 2000
Cyprus .....	Ambassador Andrew JACOVIDES, Conciliator and Arbitrator	23 Feb 2007
Czech Republic.....	Dr. Vladimír Kopal, Conciliator and Arbitrator	18 Dec 1996
Estonia.....	Mrs. Ene Lillipuu, Head of the Legal Department of the Estonian Maritime Administration, and Mr. Heiki Lindpere, the Director of the Institute of Law of the University of Tartu, as the Conciliators of the United Nations Convention of the Law of the Sea.	18 December 2006
Estonia.....	Mrs. Ene Lillipuu, Head of the Legal Department of the Estonian Maritime Administration, and Mr. Heiki Lindpere, the Director of the Institute of Law of the University of Tartu, as the Arbitrators	
Finland.....	Professor Kari Hakapää, Conciliator and Arbitrator	
Finland.....	Professor Martti Koskenniemi, Conciliator and Arbitrator	
Finland.....	Justice Gutav Möller, Conciliator and Arbitrator	
Finland.....	Justice Pekka Vihervuori, Conciliator and Arbitrator	25 May 2001
France .....	Daniel Bardonnnet, Arbitrator	4 Feb 1998
France .....	Pierre-Marie Dupuy, Arbitrator	
France .....	Jean-Pierre Queneudec, Arbitrator	
France .....	Laurent Lucchini, Arbitrator	
Germany.....	Dr. (Ms.) Renate Platzoeder, Arbitrator	25 Mar 1996
Indonesia .....	Prof. Dr. Hasjim Djalal, M.A., Conciliator and Arbitrator	3 Aug 2001
Indonesia .....	Dr. Etty Roesmaryati Agoes, SH, LL.M., Conciliator and Arbitrator	
Indonesia .....	Dr. Sudirman Saad, D.H., M.Hum., Conciliator and Arbitrator	

<i>Participant</i>	<i>Nominations:</i>	<i>Date of deposit of notification with the Secretary-General:</i>
Indonesia .....	Lieutenant Commander Kresno Bruntoro, SH, LL.M., Conciliator and Arbitrator	
Italy .....	Professor Umberto Leanza, Conciliator and Arbitrator	21 Sep 1999
Italy .....	Ambassador Luigi Vittorio Ferraris, Conciliator	
Italy .....	Ambassador Giuseppe Jacoangeli, Conciliator	
Italy .....	Professor Tullio Scovazzi, Arbitrator	
Japan.....	Ambassador Hisashi Owada, President of the Japan Institute of International Affairs, Arbitrator	28 Sep 2000
Japan.....	Ambassador Chusei Yamada, Professor, Waseda University, Japan, Arbitrator	
Japan.....	Dr. Soji Yamamoto, Professor Emeritus, Tohoku University, Japan, Arbitrator	
Japan.....	Dr. Nisuke Ando, Professor, Doshisha University, Japan, Arbitrator	
Japan.....	Dr. Soji Yamamoto; Professor Emeritus, Tohoku University, Japan, Conciliator	2 May 2006
Japan.....	Ambassador Chusei Yamada; Member of the UN International Law Commission, Conciliator	
Mexico.....	Ambassador Alberto Székely Sánchez, Special Adviser to the Secretary for International Waters Affairs, Arbitrator	9 Dec 2002
Mexico.....	Dr. Alonso Gómez Robledo Verduzco, Researcher, Institute of Legal Research, National Autonomous University of Mexico, Member of the Inter-American Legal Committee of the Organization of American States, Arbitrator	
Mexico.....	Frigate Captain JN. LD. DEM. Agustín Rodríguez Malpica Esquivel, Chief, Legal Unit, Secretariat of the Navy, Arbitrator	
Mexico.....	Frigate Lieutenant SJN.LD. Juan Jorge Quiroz Richards, Secretariat of the Navy, Arbitrator	
Mexico.....	Ambassador José Luis Vallarta Marrón, Former Permanent Representative of Mexico to the International Seabed Authority, Conciliator	
Mexico.....	Dr. Alejandro Sobarzo, Member of the national delegation to the Permanent Court of Arbitration, Conciliator	
Mexico.....	Joel Hernández García, Deputy Legal Adviser, Ministry of Foreign Affairs, Conciliator	
Mexico.....	Dr. Erasmo Lara Cabrera, Director of International Law III, Legal Adviser, Ministry of Foreign Affairs, Conciliator	

<i>Participant</i>	<i>Nominations:</i>	<i>Date of deposit of notification with the Secretary-General:</i>
Mongolia .....	Professor Rüdiger Wolfrum, Arbitrator	
Mongolia .....	Professor Jean-Pierre Cot, Arbitrator	22 Feb 2005
Netherlands.....	E. Hey, Arbitrator	9 Feb 1998
Netherlands.....	Professor A. Soons, Arbitrator	
Netherlands.....	A. Bos, Arbitrator	
Netherlands.....	Professor Dr. Barbara Kwiatkowska, Arbitrator	29 May 2002
Norway .....	Carsten Smith, President of the Supreme Court, Conciliator and Arbitrator	22 Nov 1999
Norway .....	Karin Bruzelius, Supreme Court Judge, Conciliator and Arbitrator	
Norway .....	Hans Wilhelm Longva, Director General, Department of Legal Affairs, Ministry of Foreign Affairs, Conciliator and Arbitrator	
Norway .....	Ambassador Per Tresselt, Conciliator and Arbitrator	
Poland.....	Mr. Janusz Symonides, Conciliator and Arbitrator	14 May 2004
Poland.....	Mr. Stanislaw Pawlak, Conciliator and Arbitrator	
Poland.....	Mrs. Maria Dragun-Gertner, Conciliator and Arbitrator	
Romania .....	Mr. Bogdan Aurescu, Secretary of State, Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration, Arbitrator	2 Oct 2009
Romania .....	Mr. Cosmin Dinescu, Director General for Legal Affairs, Ministry of Foreign Affairs, Arbitrator	2 Oct 2009
Russian Federation .....	Vladimir S. Kotliar, Arbitrator	26 May 1997
Russian Federation .....	Professor Kamil A. Bekyashev, Arbitrator	4 Mar 1998
Russian Federation .....	Mr. Alexander N. Vylegjanin, Director of the Legal Department of the Council for the Study of Productive Forces of the Russian Academy of Science, Arbitrator	17 Jan 2003
Slovakia.....	Dr. Marek Smid, International Law Department of the Ministry of Foreign Affairs of Slovakia, Conciliator	
Slovakia.....	Dr. Peter Tomka, Judge of the International Court of Justice, Arbitrator	9 July 2004
Spain.....	José Antonio de Yturriaga Barberán, Arbitrator	23 Jun 1999
Spain.....	José Manuel Lacleta Muñoz, Ambassador of Spain, Conciliator and Arbitrator	7 Feb 2002
Spain.....	José Antonio de Yturriaga Barberán, Ambassador at large, Conciliator	
Spain.....	Juan Antonio Yáñez-Barnuevo García, Ambassador at large, Conciliator	
Spain.....	Aurelio Pérez Giralda, Chief, International Legal Advisory Assistance, Ministry of	

<i>Participant</i>	<i>Nominations:</i>	<i>Date of deposit of notification with the Secretary-General:</i>
	Foreign Affairs, Conciliator	
Spain.....	José Antonio Pastor Ridruejo, Judge, European Court of Human Rights, Arbitrator	
Spain.....	Julio D. González Campos, Professor of Private International Law, Universidad Autónoma de Madrid, former Constitutional Court Judge, Arbitrator	
Sri Lanka .....	Hon. M.S. Aziz, P.C., Conciliator and Arbitrator	17 Jan 1996
Sri Lanka .....	C. W. Pinto, Secretary-General of the Iran-US Tribunal in the Hague, Conciliator and Arbitrator	17 Sept 2002
Sudan.....	Sayed/Shawgi Hussain, Arbitrator	8 Sept 1995
Sudan.....	Dr. Ahmed Elmufti, Arbitrator	
Sudan.....	Dr. Abd Elrahman Elkhalifa, Conciliator	
Sudan.....	Sayed/Eltahir Hamadalla, Conciliator	
Sudan.....	Prof. Elihu Lauterpacht CBE QC, Arbitrator	
Sudan.....	Sir Arthur Watts KCMG QC, Arbitrator	
Sweden .....	Dr. Marie Jacobsson, Principal Legal Advisor on International Law, Ministry for Foreign Affairs, Arbitrator	2 June 2006
Sweden .....	Dr. Said Mahmoudi, Professor of International Law, University of Stockholm, Arbitrator	
Trinidad and Tobago .....	Mr. Justice Cecil Bernard, Judge of the Industrial Court of the Republic of Trinidad and Tobago, Arbitrator	17 Nov 2004
United Kingdom of Great Britain and Northern Ireland.....	Professor Christopher Greenwood, Arbitrator	19 Feb 1998
United Kingdom of Great Britain and Northern Ireland.....	Professor Elihu Lautherpacht CBE QC, Arbitrator	
United Kingdom of Great Britain and Northern Ireland.....	Sir Arthur Watts KCMG QC, Arbitrator	
United Kingdom of Great Britain and Northern Ireland.....	Judge David Anderson, CMG, Arbitrator	14 Sept 2005

**Notes:**

<sup>1</sup> In accordance with Article 4 of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 which reads as follows: "After the adoption of this Agreement, any instrument of ratification or formal confirmation of or accession to the

Convention shall also represent consent to be bound by this Agreement."

<sup>2</sup> *Official Records of the General Assembly, Twenty-*

*eighth Session, Supplement No. 30 (A/9030), vol. 1, p. 13 and 14.*

<sup>3</sup> The Final Act was signed, in each instance, on 10 December 1982:

"In the name of the following States:

Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua, New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Saint-Lucia, Saint-Vincent and the Grenadines, Samoa, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe;

In the name of Namibia, represented by the United Nations Council for Namibia as stipulated in article 305, paragraph 1 b), of the Convention;

In the name of the following self-governing associated States referred to in article 305, paragraph 1 c), of the Convention:

Cook Islands;

In the name of the following international organizations referred to in article 305, paragraph 1 f), and in article 1 of Annex IX of the Convention:

European Economic Community;

In the name of the following Observers invited to participate in the Conference as stipulated in United Nations General Assembly Resolution 3334 (XXIX):

Netherlands Antilles

Trust Territory of the Pacific Islands (Federated States of Micronesia, Republic of the Marshall Islands);

In the name of the following National Liberation Movements invited in accordance with rule 62 of the rules of procedure, as decided in resolution IV of the Conference:

African National Congress

Palestine Liberation Organization

Pan Africanist Congress

South West Africa People's Organization.

The following declarations were made in connexion with the Final Act:

Algeria

[See declaration under the Convention]

Ecuador

On 30 April 1982, in New York, the Convention on the Law of the Sea was adopted by a vote. On that occasion the delegation of Ecuador made an official declaration saying that it had decided not to participate in the vote and stating, for the record, the reasons behind that decision. [The delegation also wishes] to recall the official declarations made by the delegation of Ecuador, particularly at the tenth and eleventh sessions of the Conference, clearly setting for the position of Ecuador.

On this occasion, [the delegation of Ecuador] must state for the record that, notwithstanding the significant progress made in the negotiations carried out during the Third United Nations Conference on the Law of the Sea and notwithstanding the establishment in the Convention of fundamental principles and rights of developing coastal States, and of the international community in general, the Convention which is today being opened for signature by States does not fully meet Ecuador's rights and interests. Ecuador has always exercised and will continue to exercise such rights in accordance with its national legislation. That legislation was drawn up without violating any principle or norm of international law long before any of the three conferences held under the auspices of the United Nations was convened.

Recognition of the exclusive rights of sovereignty and jurisdiction over all the living and non-living resources contained in the adjacent seas up to a distance of 200 miles and their respective beds, constitutes a victory for the coastal States, one that began with the visionary Declaration of Santiago of 1952. The territorialist group, which is coordinated on a permanent basis by the delegation of Ecuador, has played an important role in this achievement.

[Ecuador] has participated actively in the negotiations of the Third United Nations Conference on the Law of the Sea, spanning an eight-year period, and in the preparatory meetings and, given the importance of the issue because of Ecuador's long continental and island shorelines and its rich sea-beds Ecuador will remain attached to that evolving law of the sea in the interest of better defence and promotion of national rights. In affirmation of this it is signing the Final Act of the Third United Nations Conference on the Law of the Sea.

On the occasion of the signing of the Final Act and notwithstanding the progress made in the law of the sea [the Delegation of Ecuador] wishes to reiterate its position in defence of its territorial sea of 200 miles.

Israel



"This signature of this Final Act in no way implies recognition in any manner whatsoever of the group calling itself the Palestine Liberation Organization or of any rights whatsoever conferred upon it within the framework of any of the documents attached to this Final Act, and is subject to the statements of the Delegation of Israel at the 163rd, 182nd, 184th and 190th meetings of the Conference and document A/CONF.62/WS/33."

Sudan

[See declaration No. [4] under the Convention.]

Venezuela

Venezuela is signing the Final Act on the understanding that it is merely noting the work of the Conference without making any value judgement about its results. Its signing does not signify, nor can it be construed as signifying, any change in its position with regard to articles 15, 74, 83 and 121, paragraph 3, of the Convention. For the reasons stated by the delegation of Venezuela at the plenary meeting on 30 April 1982, those provisions are unacceptable to Venezuela, which is therefore not bound by them and is not prepared to agree to be bound by them in any way.

<sup>4</sup> See note 1 under "Montenegro" in the "Historical information" section in the front matter of this volume.

<sup>5</sup> The former Yugoslavia had signed and ratified the Convention on 10 December 1982 and 5 May 1986, respectively, with the following declaration:

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

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

3. Due to the fact that the provisions of the Convention relating to the contiguous zone (article 33) do not provide rules on the delimitation of the contiguous zone between States with opposite or adjacent coasts, the Government of the Socialist Federal Republic of Yugoslavia considers that the principles of the customary international law, codified in article 24, para. 3, of the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on 29 April 1958, will apply to the delimitation of the contiguous zone between the Parties to the United Nations Convention on the Law of the Sea."

See also note 1 under "Bosnia and Herzegovina", Croatia, "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

<sup>6</sup> Czechoslovakia had signed the Convention on 10 December 1982. On 29 May 1985, the Secretary-General received from the Government of Czechoslovakia the following objection:

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

A concrete example of such declaration as referred to above is the understanding made upon signature and reaffirmed upon ratification of the Convention by the Philippines which was communicated to Member States by notification [. . .] dated 22 May 1984.

The Czechoslovak Socialist Republic considers that this understanding of the Philippines

-- is inconsistent with Article 309 of the Convention on the Law of the Sea because it contains, in essence, reservations to the provisions of the Convention;

-- contravenes Article 310 of the Convention which stipulates that declarations can be made by States upon signature or ratification of or accession to the Convention only provided that they do not purport to exclude or to modify the legal effect of the provisions of this Convention';

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

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

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

See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

<sup>7</sup> The German Democratic Republic had signed the Convention on 10 December 1982 with the following declarations:

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

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

The German Democratic Republic recognizes the competence, provided for in article 292 of the Convention, of the International Tribunal for the Law of the Sea in matters relating to the prompt release of vessels and crews.

The German Democratic Republic declares, in accordance with article 298 of the Convention, that it does not accept any compulsory procedures entailing binding decisions

- in disputes relating to sea boundary delimitations,
- in disputes relating to military activities and
- in disputes concerning which the United Nations Security Council exercises the functions assigned to it by the Charter of the United Nations."

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

See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

<sup>8</sup> See note 1 under "Namibia" in the "Historical Information" section in the front matter of this volume.

<sup>9</sup> For the Kingdom in Europe.

13 February 2009

For the Netherlands Antilles.

<sup>10</sup> On 10 September 2008, the Secretary-General received from the Government of Spain the following communication with regard to the declaration made by Morocco upon ratification:

Spain would like to make the following declarations in respect of the declaration made by Morocco on 31 May 2007 upon its ratification of the United Nations Convention on the Law of the Sea:

(i) The autonomous cities of Ceuta and Melilla, the Peñón de Alhucemas, the Peñón Vélez de la Gomera, and the Chafarinas

Islands are an integral part of the Kingdom of Spain, which exercises full and total sovereignty over said territories, as well as their marine areas, in accordance with the United Nations Convention on the Law of the Sea.

(ii) The Moroccan laws and regulations on marine areas are not opposable to Spain except insofar as they are compatible with the United Nations Convention on the Law of the Sea, nor do they have any effect on the sovereign rights or jurisdiction that Spain exercises, or may exercise, over its own marine areas, as defined in accordance with the Convention and other applicable international provisions.

<sup>11</sup> Upon depositing its instrument of accession, the Government of the United Kingdom also stated the following:

" *Extent*

[This] instrument of accession [...] extend[s] to:

The United Kingdom of Great Britain and Northern Ireland

The Bailiwick of Jersey

The Bailiwick of Guernsey

The Isle of Man

Anguilla

Bermuda

British Antarctic Territory

British Indian Ocean Territory

British Virgin Islands

The Cayman Islands

Falkland Islands

Gibraltar

Montserrat

Pitcairn, Henderson, Ducie and Oeno Islands

St. Helena and Dependencies

South Georgia and South Sandwich Islands

Turks and Caicos Islands."

<sup>12</sup> The Yemen Arab Republic had signed the Convention on 10 December 1982 with the following declarations:

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

2. The Yemen Arab Republic adheres to the concept of general international law concerning free passage as applying exclusively to merchant ships and aircraft; nuclear-powered craft, as well as warships and warplanes in general, must obtain

the prior agreement of the Yemen Arab Republic before passing through its territorial waters, in accordance with the established norm of general international law relating to national sovereignty.

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

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

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

See also note 1 under "Yemen" in the "Historical Information" section in the front matter of this volume.

<sup>13</sup> On 12 June 1985, the Secretary-General received from the Government of China the following communication:

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

On 23 February 1987, the Secretary-General received from the Government of Viet Nam the following communication concerning the declarations made by the Philippines and by China:

. . . The Republic of the Philippines, upon its signature and ratification of the 1982 U.N. Convention on the Law of the Sea, has claimed sovereignty over the islands called by the Philippines as the Kalaysan [see paragraph 4 of the declaration]. The People's Republic of China has likewise claimed that the islands, called by the Philippines as the Kalaysan, constitute part of the Nansha Islands which are Chinese territory. The so-called "Kalaysan Islands" or "Nansha Islands" mentioned above are in fact the Truong Sa Archipelago which has always been under the sovereignty of the Socialist Republic of Vietnam. The Socialist Republic of Vietnam has so far published two White Books confirming the legality of its sovereignty over the Hoang Sa and Truong Sa Archipelagoes.

The Socialist Republic of Vietnam once again reaffirms its indisputable sovereignty over the Truong Sa Archipelago and hence its determination to defend its territorial integrity.

<sup>14</sup> Subsequently, on 7 June 1996, the Government of Viet Nam made the following declaration:

1. The People's Republic of China's establishment of the territorial baselines of the Hoang Sa archipelago (Paracel), part of the territory of Viet Nam, constitutes a serious violation of the Vietnamese sovereignty over the archipelago. The Socialist Republic of Viet Nam has on many occasions reaffirmed its indisputable sovereignty over the Hoang Sa as well as the Tuong Sa (Spratly) archipelagoes. The above-mentioned act of the People's Republic of China which runs counter to the

international law, is absolutely null and void. Furthermore, the People's Republic of China correspondingly violated the provisions of the 1982 United Nations Law of the Sea by giving the Hoang Sa archipelago the status of an archipelagic state to illegally annex a vast sea area into the so-called internal water of the archipelago.

2. In drawing the baseline at the segment east of the Leishou peninsula from point 31 to point 32, the People's Republic of China has also failed to comply with the provisions, particularly articles 7 and 38, of the 1982 United Nations Law of the Sea. By so drawing, the People's Republic of China has turned a considerable sea area into its internal water which obstructs the rights and freedom of international navigation including those of Vietnam through the Qiongzhou strait. This is totally unacceptable to the Socialist Republic of Viet Nam.

<sup>15</sup> In this regard, on 7 June 1996, the Secretary-General received from the Government of Viet Nam, the following declaration:

1. The People's Republic of China's establishment of the territorial baselines of the Hoang Sa archipelago (Paracel), part of the territory of Viet Nam, constitutes a serious violation of the Vietnamese sovereignty over the archipelago. The Socialist Republic of Viet Nam has on many occasions reaffirmed its indisputable sovereignty over the Hoang Sa as well as the Truong Sa (Spratly) archipelagoes. The above-mentioned act of the People's Republic of China which runs counter to the international law, is absolutely null and void. Furthermore, the People's Republic of China correspondingly violated the provisions of the 1982 United Nations Convention on the Law of the Sea by giving the Hoang Sa archipelago the status of an archipelagic state to illegally annex a vast sea area into the so-called internal water of the archipelago.

2. In drawing the baseline at the segment east of the Leizhou peninsula from point 31 to 32, the People's Republic of China has also failed to comply with the provisions, particularly articles 7 and 38, of the 1982 United Nations Convention on the Law of the Sea. By so drawing, the People's Republic of China has turned a considerable sea area into its internal water which obstructs the rights and freedom of international navigation including those of Viet Nam through the Qiongzhou strait. This is totally unacceptable to the Socialist Republic of Viet Nam.

<sup>16</sup> The modification to the statement (the statement previously read: "A *special* arbitral....article VIII ") was made on the basis of a communication received from the Government of Germany on 29 May 1996.

Subsequently, upon depositing its instrument of ratification, the Government of the Czech Republic made the following declaration:

"The Government of the Czech Republic having considered the declaration of the Federal Republic of Germany of 14 October 1994 pertaining to the interpretation of the provisions of Part X of the [said Convention], which deals with the right of access of land-locked States to and from the sea and freedom of transit, states that the [said] declaration of the Federal Republic of Germany cannot be interpreted with regard to the Czech Republic in contradiction with the provisions of Part X of the Convention."

<sup>17</sup> On 21 December 1995, the Secretary-General received from the Government of Turkey the following communication:

"1. The signature and ratification of the Convention by Greece and the subsequent declaration in this regard shall neither prejudice nor affect the existing rights and legitimate interests of Turkey with respect to maritime jurisdiction areas in the Aegean. Turkey fully reserves her rights under international law.

Turkey wishes to state that she will not acquiesce in any claim or attempt designed to upset the long-standing status quo in this respect, that would deprive Turkey of her existing rights and interests. Any unilateral act in this respect that would constitute an abuse of the provisions of the Convention would entail totally unacceptable consequences. Turkey has registered her opposition in this regard actively and persistently from the very outset.

2. In view of the interpretative statement of Greece concerning the provisions of the Convention on the Law of the Sea on the 'Straits used for International Navigation', Turkey wishes to reiterate her statement of 15 November 1982, contained in document A/CONF.62/WS/34, which remains fully valid at present and reads as follows:

In connection with the views expressed by the Greek delegation in the written statement contained in document A/CONF.62/WS/26 of May 1982 the Delegation of Turkey wishes to make the following statement:

The scope of the regime of straits used for international navigation and the rights and duties of States bordering straits are clearly defined in the provisions contained in Part III of the Convention on the Law of the Sea. With the limited exceptions provided in articles 35, 36, 38, paragraph 1 and 45, all straits used for international navigation are subject to the regime of transit passage.

In the written statement referred to above Greece is attempting to create a separate category of straits, i.e. spread out islands that form a great number of alternative straits' which is not envisaged in the Convention nor in international law. Thereby Greece wishes to retain the power to exclude some of the straits which link the Aegean Sea to the Mediterranean from the regime of transit passage. Such arbitrary action is not permissible under the Convention nor under the rules and principles of international law.

It seems that Greece, failing in the Conference in its efforts to ensure the application of the regime of archipelagic States to the islands of the continental States, is now trying to circumvent the provisions of the Convention by a unilateral and arbitrary statement of understanding.

The reference in the Greek written statement to article 36 is of particular concern as it is an indication of Greece's intention to exercise discretionary powers not only over straits, but also over high seas.

With regard to the air routes, the Greek statement is contrary to the International Civil Aviation Organization (ICAO) rules according to which air routes are established by ICAO regional meetings with the consent of all interested parties and approved by the ICAO Council.

In view of the above considerations, the Delegation of Turkey finds the Greek views expressed in the document A/CONF.62/WS/26 legally unfounded and totally unacceptable.'

3. Turkey reserves its right to make further declarations as may be required under the circumstances in the future."

Subsequently, on 30 June 1997, the Secretary-General received from the Government of Greece, the following communication:

"Turkey has neither signed nor acceded to the [said Convention]. It is, therefore, clear the above-mentioned notification cannot have any legal effect, whatsoever.

With regard to the substance of the Turkish notification, Greece rejects all the allegations therein and would like to make the following observations, in this connection:

The purpose of the Greek statement is to interpret certain provisions of the Convention in full accordance with the spirit and the true meaning of the Convention. It is clear, therefore, that Greece neither wishes nor intends, in any way whatsoever, to create any separate category of straits used for international navigation, nor does she intend to circumvent the provisions of the Convention, in any manner.

Greece observes, in particular, that the reference of Turkey to art. 36 is misleading, since the part of the high seas referred to in that article constitutes simply an element of the straits in question. Therefore, reference of Greece to this article in no way can be interpreted as an intention to exercise any discretionary powers over the high seas.

Regarding the allegation that Greece violates ICAO rules and regulations, Greece states emphatically that she respects all the rules and regulations established within the ICAO framework. It must be noted, in this respect, that the institution of transit passage is new and, for the time being, it does not influence the ICAO rules and regulations. In view of this, Greece does not see how her statement could interfere with the ICAO international air routes, in any way.

The Turkish allegations amount to a direct and unequivocal threat by a non-party to the Convention, addressed to a party thereto, with the obvious purpose of compelling Greece to abstain from exercising legitimate rights deriving from international law.

Finally, Greece Notes that Turkey makes in her statement repeatedly reference to the provision of the United Nations Law of the Sea, 1982, attempting to draw legal conclusions. Greece interprets these references as an indication that Turkey--a non signatory to the Convention--accepts its provisions as reflecting general customary law."

<sup>18</sup> In a communication received on 23 May 1983, the Government of Israel stated the following:

"The Government of the State of Israel has noted that declarations made by Iraq and Yemen upon signing the Convention contain explicit statements of a political character in respect of Israel.

In the view of the Government of the State of Israel, this Convention is not the proper place for making such political pronouncements.

Furthermore, the Government of the State of Israel objects to all reservations, declarations and statements of a political nature in respect of States, made in connection with the signing of the Final Act of the Convention, which are incompatible with the purposes and objects of this Convention.

Such reservations, declarations and statements cannot in any way affect whatever obligations are binding upon the above-mentioned States under general international law or under particular conventions.

The Government of the State of Israel will, insofar as concerns the substance of the matter, adopt towards the Governments of the States in question, an attitude of complete reciprocity."

Subsequently, similar communications were received by the Secretary-General from the Government of Israel, with respect to the following:

- On 10 April 1985 re: declaration by Qatar;
- On 15 August 1986 re: understanding by Kuwait.

<sup>19</sup> On 22 February 1994, the Secretary-General received from the Government of Tunisia the following communication with regard to the declaration concerning articles 74 and 83 of the Convention:

... In that declaration, articles 74 and 83 of the Convention are interpreted to mean that, in the absence of any agreement on delimitation of the exclusive economic zone, the continental shelf or other maritime zones, the search for an equitable solution assumes that the boundary is the median line, in other words, a line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters is measured.

The Tunisian Government believes that such an interpretation is not in the least consistent with the spirit and letter of the provisions of these articles, which do not provide for automatic application of the median line with regard to delimitation of the exclusive economic zone or the continental shelf.

<sup>20</sup> On 14 January 2010, the Government of Myanmar notified the Secretary-General that it had decided to withdraw the declaration with respect to Article 287 which read as follows:

"In accordance with Article 287, paragraph 1 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the Government of the Union of Myanmar hereby declares that it accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of dispute between the Union of Myanmar and the People's Republic of Bangladesh relating to the delimitation of maritime

boundary between the two countries in the Bay of Bengal."

<sup>21</sup> In regard to the objection made by Australia the Secretary-General received, on 26 October 1988, from the Government of the Philippines the following declaration:

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

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

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

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

<sup>22</sup> Upon ratification, the Government of South Africa informed the Secretary-General that it had decided to withdraw the declaration made upon signature which read as follows:

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