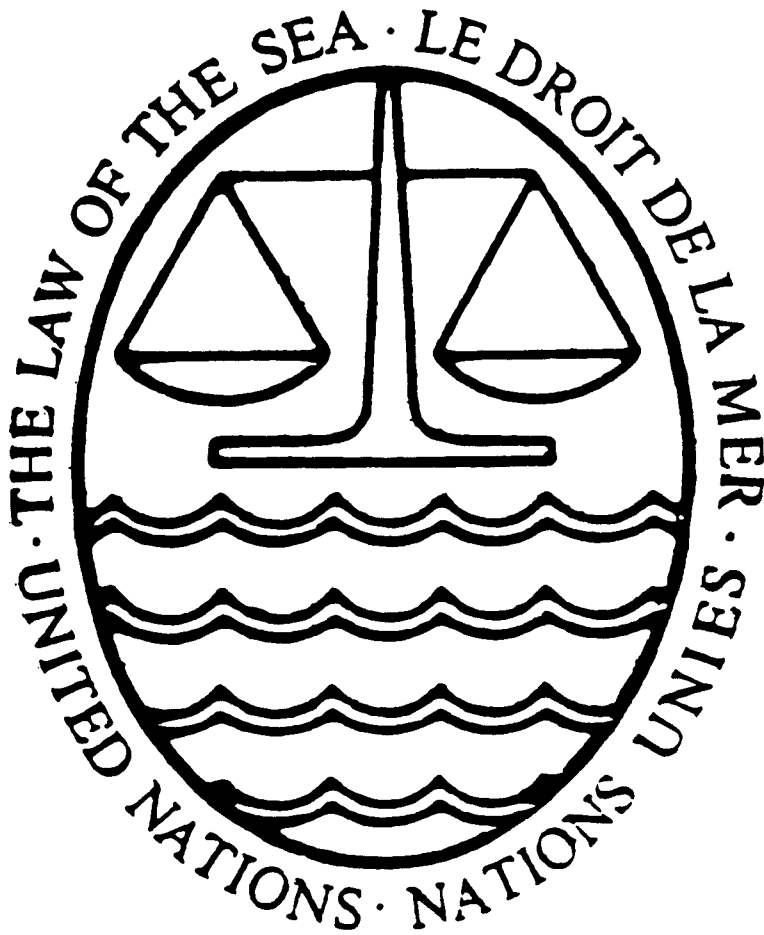


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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Table of signatures and ratifications as of 31 October 1986

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Afghanistan		18/3/83	
Albania			
Algeria* <u>b/</u>	x	x	
Angola*	x	x	
Antigua and Barbuda		7/2/83	

Argentina*		5/10/84	
Australia	x	x	
Austria	x	x	
Bahamas	x	x	29/7/83
Bahrain	x	x	30/5/85

Bangladesh	x	x	
Barbados	x	x	
Belgium*	x	5/12/84	
Belize	x	x	13/8/83
Benin	x	30/8/83	

Bhutan	x	x	
Bolivia*		27/11/84	
Botswana	x	5/12/84	
Brazil*	x	x	
Brunei Darussalam		5/12/84	

Bulgaria	x	x	
Burkina Faso	x	x	
Burma	x	x	
Burundi	x	x	
Byelorussian SSR*	x	x	

Cameroon	x	x	19/11/85
Canada	x	x	
Cape Verde*	x	x	
Central African Republic		4/12/84	
Chad	x	x	

Chile*	x	x	
China	x	x	
Colombia	x	x	
Comoros		6/12/84	
Congo	x	x	

/...

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Costa Rica*	x	x	
Côte d'Ivoire	x	x	26/3/84
Cuba* ** c/	x	x	15/8/84
Cyprus	x	x	
Czechoslovakia	x	x	

Democratic Kampuchea		1/7/83	
Democratic People's Rep. of Korea	x	x	
Democratic Yemen	x	x	
Denmark	x	x	
Djibouti	x	x	

Dominica		28/3/83	
Dominican Republic	x	x	
Ecuador	x		
Egypt**	x	x	26/8/83
El Salvador		5/12/84	

Equatorial Guinea	x	30/1/84	
Ethiopia	x	x	
Fiji	x	x	10/12/82
Finland*	x	x	
France*	x	x	

Gabon	x	x	
Gambia	x	x	22/5/84
German Democratic Republic*	x	x	
Germany, Federal Republic of	x		
Ghana	x	x	7/6/83

Greece*	x	x	
Grenada	x	x	
Guatemala		8/7/83	
Guinea*		4/10/84	6/9/85
Guinea-Bissau**	x	x	25/8/86

Guyana	x	x	
Haiti	x	x	
Holy See	x		
Honduras	x	x	
Hungary	x	x	

/...

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Iceland**	x	x	21/6/85
India	x	x	
Indonesia	x	x	3/2/86
Iran (Islamic Republic of)*	x	x	
Iraq*	x	x	30/7/85

Ireland	x	x	
Israel	x		
Italy*	x	7/12/84	
Jamaica	x	x	21/3/83
Japan	x	7/2/83	

Jordan	x		
Kenya	x	x	
Kiribati			
Kuwait**	x	x	2/5/86
Lao People's Democratic Republic	x	x	

Lebanon		7/12/84	
Lesotho	x	x	
Liberia	x	x	
Libyan Arab Jamahiriya	x	3/12/84	
Liechtenstein		30/11/84	

Luxembourg*	x	5/12/84	
Madagascar		25/2/83	
Malawi		7/12/84	
Malaysia	x	x	
Maldives	x	x	

Mali*		19/10/83	16/7/85
Malta	x	x	
Mauritania	x	x	
Mauritius	x	x	
Mexico	x	x	18/3/83

Monaco	x	x	
Mongolia	x	x	
Morocco	x	x	
Mozambique	x	x	
Nauru	x	x	

/...

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Nepal	x	x	
Netherlands	x	x	
New Zealand	x	x	
Nicaragua*		9/12/84	
Niger	x	x	

Nigeria	x	x	14/8/86
Norway	x	x	
Oman*	x	1/7/83	
Pakistan	x	x	
Panama	x	x	

Papua New Guinea	x	x	
Paraguay	x	x	26/9/86
Peru	x		
Philippines* **	x	x	8/5/84
Poland	x	x	

Portugal	x	x	
Qatar*		27/11/84	
Republic of Korea	x	14/3/83	
Romania*	x	x	
Rwanda	x	x	

St. Christopher and Nevis		7/12/84	
Saint Lucia	x	x	27/3/85
St. Vincent and the Grenadines	x	x	
Samoa	x	28/9/84	
San Marino			

Sao Tome and Principe*		13/7/83	
Saudi Arabia		7/12/84	
Senegal	x	x	25/10/84
Seychelles	x	x	
Sierra Leone	x	x	

Singapore	x	x	
Solomon Islands	x	x	
Somalia	x	x	
South Africa*		5/12/84	
Spain*	x	4/12/84	

/...

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Sri Lanka	x	x	
Sudan*	x	x	23/1/85
Suriname	x	x	
Swaziland		18/1/84	
Sweden*	x	x	

Switzerland	x	17/10/84	
Syrian Arab Republic			
Thailand	x	x	
Togo	x	x	16/4/85
Tonga			

Trinidad and Tobago	x	x	25/4/86
Tunisia**	x	x	24/4/85
Turkey			
Tuvalu	x	x	
Uganda	x	x	

Ukrainian SSR*	x	x	
Union of Soviet Socialist Reps.*	x	x	
United Arab Emirates	x	x	
United Kingdom	x		
United Republic of Tanzania**	x	x	30/9/85

United States of America	x		
Uruguay*	x	x	
Vanuatu	x	x	
Venezuela	x		
Viet Nam	x	x	

Yemen*	x	x	
Yugoslavia**	x	x	5/5/86
Zaire	x	22/8/83	
Zambia	x	x	7/3/83
Zimbabwe	x	x	

TOTAL FOR STATES	140	155	31

OTHERS (Art. 305 (1)(b),(c),(d),(e) and (f))	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Cook Islands	x	x	
European Economic Community*	x	7/12/84	
Namibia (United Nations Council for)	x	x	18/4/83
Niue		5/12/84	
Trust Territory of the Pacific Islands	x		
West Indies Associated States			
TOTAL FOR STATES AND OTHERS	144	159	32

OTHER ENTITIES WHICH SIGNED THE FINAL ACT OF THE CONFERENCE

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

Notes

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

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

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

B. List of ratifications in chronological order and by regional groups

	<u>Date</u>	<u>State/Entity</u>	<u>Regional group</u>
1.	10 December 1982	Fiji	Asian
2.	7 March 1983	Zambia	African
3.	18 March 1983	Mexico	Latin American
4.	21 March 1983	Jamaica	Latin American
5.	18 April 1983	Namibia, UN Council for	African
6.	7 June 1983	Ghana	African
7.	29 July 1983	Bahamas	Latin American
8.	13 August 1983	Belize	Latin American
9.	26 August 1983	Egypt	African
10.	26 March 1984	Côte d'Ivoire	African
11.	8 May 1984	Philippines	Asian
12.	22 May 1984	Gambia	African
13.	15 August 1984	Cuba	Latin American
14.	25 October 1984	Senegal	African
15.	23 January 1985	Sudan	African
16.	27 March 1985	Saint Lucia	Latin American
17.	16 April 1985	Togo	African
18.	24 April 1985	Tunisia	African
19.	30 May 1985	Bahrain	Asian
20.	21 June 1985	Iceland	West European and Others (WEO)
21.	16 July 1985	Mali	African
22.	30 July 1985	Iraq	Asian
23.	6 September 1985	Guinea	African
24.	30 September 1985	United Republic of Tanzania	African
25.	19 November 1985	Cameroon	African
26.	3 February 1986	Indonesia	Asian
27.	25 April 1986	Trinidad and Tobago	Latin American
28.	2 May 1986	Kuwait	Asian
29.	5 May 1986	Yugoslavia	Eastern European
30.	14 August 1986	Nigeria	African
31.	25 August 1986	Guinea-Bissau	African
32.	26 September 1986	Paraguay	Latin American

= 31 States and 1 entity (32)

C. Declarations made upon ratification of the Convention

KUWAIT

[Original: Arabic]

Understanding

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

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

GUINEA-BISSAU

[Original: French]

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

YUGOSLAVIA

[Original: English]

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, paragraph 1, and article 45, paragraph 1 (a) of the Convention, determine by its laws and regulations which of the straits used for international navigation in the territorial sea of the Socialist Federal Republic of Yugoslavia will retain the regime of innocent passage, as appropriate.

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

20 June 1986

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

A. Recent national legislations received from Governments

1. ICELAND

Regulation No. 196, 9 May 1985, concerning the Delimitation
of the Continental Shelf to the West, South and East

Article 1

The Continental Shelf is delineated as shown in Fig. 1.

Article 2

Coordinates of points defining the boundary where it extends beyond
200 nautical miles are tabulated in Table 1.

Article 76 of the United Nations Convention on the Law of the Sea is
used, where applicable, to define this boundary.

Article 3

The various segments of the boundary (Fig. 1) are obtained as follows:

Segment ABC is defined by the median line between Iceland and the Faeroes.

Segment CD is defined by the 200 nautical mile distance limit from the
Faeroes, Great Britain and Ireland.

Segment DEF is approximately the line 60 nautical miles beyond the foot
of the Slope.

Segment FHG is defined by the 350 nautical mile distance limit from
Iceland. The Continental Shelf boundary, if defined on the basis of the
Foot of the Slope, extends beyond 350 nautical miles. But since in this
area it lies on the Reykjanes submarine ridge, the boundary of the
Continental Shelf is limited to 350 nautical mile distance from Iceland
by Article 76.

Segment HIJ is defined by the 200 nautical mile limit of Greenland.

Segment JK is defined by the median line between Iceland and Greenland.

Article 4

The lines drawn in Figure 1 and the coordinates given in Table 1 are only
accurate to about \pm 5 nautical miles.

Article 5

Agreement between Iceland and the other countries concerned is to be sought on the definitive delimitation of the Continental Shelf area south of Iceland in accordance with the general rules of international law.

Article 6

These Regulations are issued in accordance with Law No. 41, of June 1, 1979 and enter into force immediately.

Figure 1

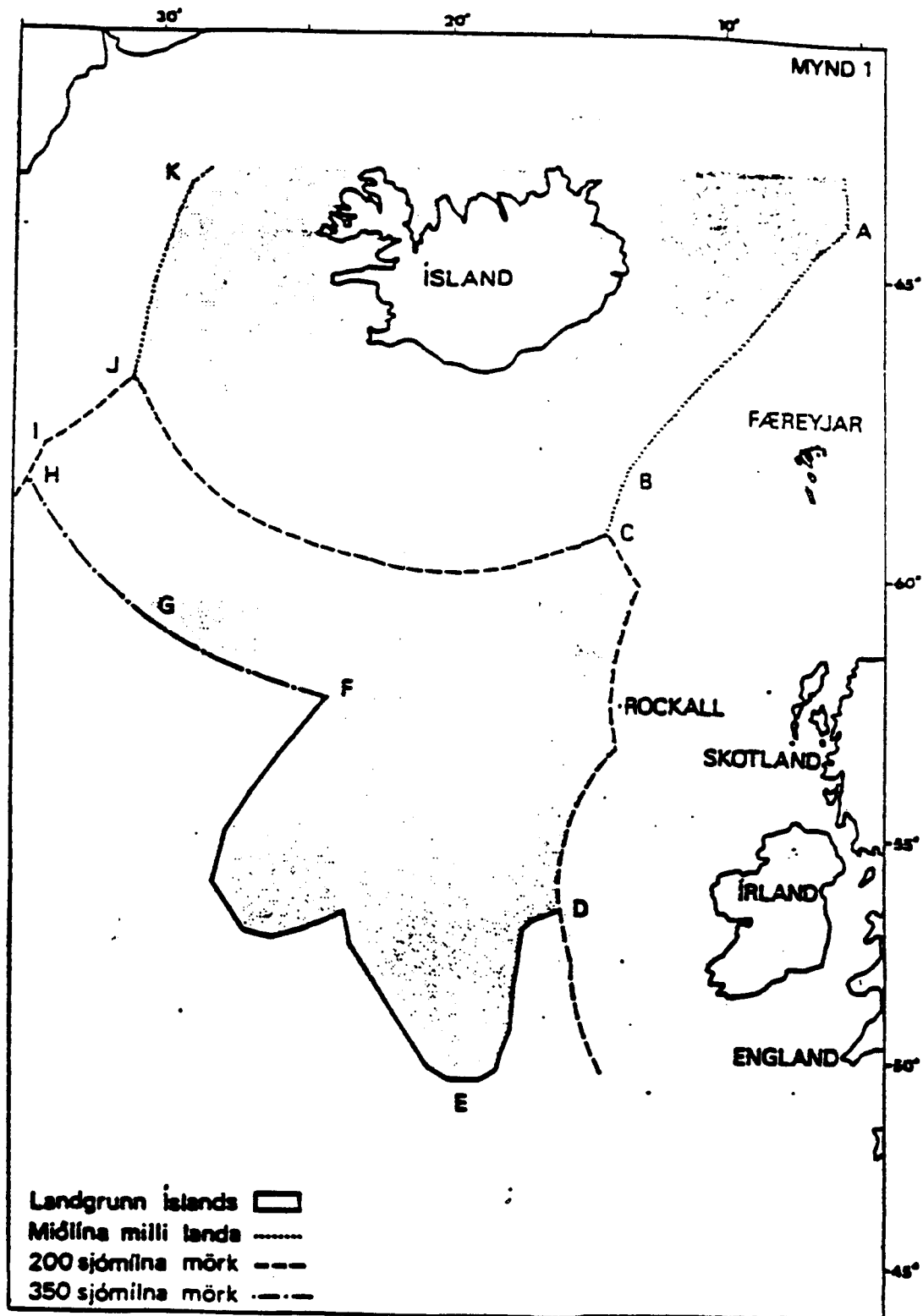


Table 1

Continental Shelf boundary beyond Iceland's 200 nautical mile zone

J	63° 19' N	30° 52' W
	62° 40' N	32° 30' W
I	62° 12' N	34° 08' W
	61° 34' N	34° 55' W
H	60° 56' N	34° 00' W
	60° 17' N	33° 00' W
	59° 41' N	31° 00' W
	59° 10' N	31° 00' W
G	58° 52' N	30° 08' W
	58° 40' N	29° 00' W
	58° 24' N	28° 00' W
	58° 13' N	27° 00' W
	58° 08' N	26° 00' W
	57° 57' N	25° 00' W
F	57° 48' N	24° 00' W
	57° 12' N	25° 00' W
	56° 34' N	26° 00' W
	56° 00' N	26° 42' W
	55° 00' N	27° 34' W
	54° 00' N	27° 50' W
	53° 04' N	27° 00' W
	52° 52' N	26° 00' W
	53° 06' N	25° 00' W
	53° 28' N	23° 30' W
	52° 36' N	23° 12' W
	52° 00' N	22° 40' W
	51° 00' N	21° 32' W
	50° 00' N	20° 32' W
	49° 48' N	20° 00' W
	49° 48' N	19° 00' W
E	50° 00' N	18° 25' W
	51° 00' N	17° 50' W
	52° 00' N	17° 45' W
	53° 00' N	17° 30' W
	53° 21' N	17° 00' W

2. GHANA

Maritime Zones (Delimitation) Law, 1986

WHEREAS the United Nations Convention on the Law of the Sea referred to in this Law as "the Convention" was signed by the Government of Ghana on the 10th day of December, 1982 at Montego Bay in Jamaica;

AND WHEREAS the Convention was ratified by the Government of Ghana on the 20th day of March, 1983;

AND WHEREAS it is necessary to give effect to the provisions of the Convention relating to the delimitation of the territorial sea, contiguous zone, exclusive economic zone and the continental shelf in order that these provisions of the Convention shall have the force of law in Ghana;

NOW THEREFORE IN PURSUANCE of the Provisional National Defence Council (Establishment) Proclamation, 1981 this Law is hereby made:

1. (1) It is hereby declared that the breadth of the territorial sea of the Republic shall not exceed twelve nautical miles measured from the low-water line along the coast of the Republic as marked on large-scale official charts.

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

2. (1) The Republic shall exercise sovereignty over the territorial sea subject to the provisions of the Convention and other rules of international law.

(2) The sovereignty of the Republic shall extend beyond its land territory and internal waters and to the airspace over the territorial sea as well as to its bed and subsoil.

3. It is hereby declared that waters on the landward side of the baseline of the territorial sea shall form part of the internal waters of the Republic.

4. (1) It is hereby declared that the contiguous zone of the Republic shall be that zone contiguous to the territorial sea which may not extend beyond twenty-four nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) In the contiguous zone the Government may exercise the control necessary to:

(a) prevent infringement of its customs, fiscal immigration or sanitary laws and regulations;

(b) punish infringement of such laws and regulations if the infringement is committed within the territories of Ghana or the territorial sea.

5. (1) It is hereby declared that the exclusive economic zone of the Republic is that area beyond and adjacent to the territorial sea which does not extend beyond two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) In the exclusive economic zone the Republic shall, to the extent permitted by international law, have:

(a) sovereign right for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction in accordance with the provisions of the Convention with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the protection and preservation of the marine environment;

(c) such other rights and duties as are provided for in the Convention.

(3) The lines delimiting the outer limits of the exclusive economic zone shall be shown on official charts of a scale adequate for ascertaining their position.

6. (1) It is hereby declared that the continental shelf of the Republic shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) The Government shall exercise over the continental shelf sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources.

(3) The rights conferred under subsection (2) of this section shall not affect the legal status of the superjacent waters or of the airspace above those waters.

(4) For the purposes of this section the natural resources of the continental shelf shall consist of the mineral and other non-living resources of the sea-bed and subsoil together with living organisms belonging to sedentary species which at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

(5) The lines delimiting the outer limits of the continental shelf shall be shown on official charts of a scale adequate for ascertaining their position.

7. The lines of delimitation of the territorial sea, exclusive economic zone and continental shelf as drawn on official charts shall be conclusive evidence of the limits of the territorial sea, exclusive economic zone and continental shelf as specified by sections 1, 5 and 6 of this Law.

8. (1) The Provisional National Defence Council may by legislative instrument, make regulations for giving full effect to the provisions of this Law.

(2) Regulations made under this section may prescribe a penalty for an infringement thereof of a fine not exceeding ₦ 500,000 or a term of imprisonment not exceeding fifteen years or both and may also require the forfeiture of anything used in the commission of the offence.

(3) Where an offence under any regulations made under this section is committed by a body of persons:

(a) where the body of persons is a body corporate every director and officer of the body corporate shall be deemed to be guilty of the offence, and

(b) where the body corporate is a firm every partner of the firm shall be deemed to be guilty of the offence:

Provided that a person shall not be deemed to be guilty of an offence by virtue of this subsection if he proves that the act constituting the offence was committed by a person other than himself and without his knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence having regard to all the circumstances.

9. The Territorial Waters and Continental Shelf Decree, 1973 (N.R.C.D. 165) and the Territorial Waters and Continental Shelf (Amendment) Decree, 1977 (S.M.C.D. 109) are hereby repealed.

Made this 2nd day of August, 1986.

3. ROMANIA

Decree of the Council of State concerning the establishment
of the exclusive economic zone of the Socialist Republic of
Romania in the Black Sea
(No. 142, 25 April 1986)

With a view to the conservation and optimum utilization of living and non-living natural resources and other resources, and to the defence of other economic interests in the ocean space adjacent to the coast of the Socialist Republic of Romania in the Black Sea, beyond its territorial waters,

In order to establish the sovereign and jurisdictional rights of the Socialist Republic of Romania in that space, and to regulate the conditions for the exercise of those rights,

Taking account of the generally recognized norms of international law and, in particular, the relevant provisions of the Convention on the Law of the Sea, concluded in 1982 under the auspices of the United Nations,

The Council of State of the Socialist Republic of Romania decrees:

Article 1. - In the ocean space off the Romanian coast in the Black Sea, beyond and adjacent to the limits of the territorial waters, there shall be established the exclusive economic zone of the Socialist Republic of Romania, in which it shall exercise sovereign rights and jurisdiction over the natural resources of the sea-bed, its subsoil and the superjacent water column and with regard to the different activities related to their exploration, exploitation, conservation and management.

Article 2. - The outer part of the exclusive economic zone shall extend to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured; owing to the narrow dimensions of the Black Sea, the effective extent of the exclusive economic zone of the Socialist Republic of Romania shall be determined by delimiting it within the framework of negotiations with the neighbouring States with coasts opposite or adjacent to the Romanian Black Sea coast. The delimitation shall be carried out with due regard for the legislation of the Socialist Republic of Romania, by means of agreements with those States, through the application, according to the specific circumstances of each area to be delimited, of the delimitation principles and criteria generally recognized in international law and in the practice of States, in order to arrive at equitable solutions.

Article 3. - In its exclusive economic zone, the Socialist Republic of Romania shall exercise:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and non-living natural resources and other resources on the sea-bed, in its subsoil and in the superjacent water column;

(b) Sovereign rights with regard to other activities related to the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

/...

(c) Jurisdiction with regard to:

The establishment and use of artificial islands, installations and structures;

Marine scientific research;

The protection and conservation of the marine environment;

(d) Other rights provided for in this Decree or in other legislation of the Socialist Republic of Romania and in the generally recognized norms of international law.

The sovereign rights and the jurisdiction provided for in this article shall be exercised in accordance with the legislation of the Socialist Republic of Romania.

Article 4. - The Socialist Republic of Romania may co-operate in its exclusive economic zone with the other coastal States of the Black Sea so as to ensure the conservation and rational exploration of the living resources and the protection and preservation of the marine environment, particularly in the areas adjacent to that zone, taking account of the specific characteristics of the Black Sea as a semi-enclosed sea with limited biological potential.

Article 5. - In the exclusive economic zone of the Socialist Republic of Romania, all States, whether coastal or land-locked, shall enjoy the freedoms of navigation and overflight, the freedom to lay submarine cables and pipelines and other internationally lawful ways of using the sea related to these freedoms, provided that respect is shown for the provisions of this Decree and other legislation of the Socialist Republic of Romania and for the generally recognized norms of international law.

Article 6. - The Socialist Republic of Romania has priority interests with regard to the anadromous stocks which originate in its waters and shall therefore exercise its rights in respect of them.

The competent Romanian organs shall take measures to ensure the conservation of these anadromous stocks, by means of appropriate actions, and to establish rules to regulate fishing for them, including the determination of the total authorized catch, and shall co-operate to this end with the organs of the other interested States, when such stocks migrate landward of the limits of the exclusive economic zone of the Socialist Republic of Romania.

Article 7. - The Socialist Republic of Romania shall ensure the optimum utilization of the fish and other living resources in its exclusive economic zone, by taking the measures required for the conservation and management of such resources, taking into account the best scientific evidence and, when it deems it necessary, in co-operation with the international organizations which are competent in this field.

To this end, the competent Romanian organs shall annually determine the total authorized catch for each species of fish and other living resources and shall also prescribe measures to ensure the rational conduct of fishing operations, the conservation and reproduction of the living resources and their protection, including the inspection, boarding and arrest of vessels.

The fishing vessels of other States may have access to the exclusive economic zone of the Socialist Republic of Romania through agreements, under conditions of reciprocity.

Article 8. - The Socialist Republic of Romania shall have the exclusive right to construct and to authorize and regulate the construction, operation and use in its economic zone of all types of artificial islands and all types of installations and structures intended for the conduct of scientific research in its economic zone and for the exploration and exploitation of its natural resources.

Article 9. - In its economic zone, the Socialist Republic of Romania shall have exclusive jurisdiction over artificial islands, installations and structures, including the right to exercise control in order to prevent infractions and other violations of customs, fiscal, health and immigration regulations and of safety laws and regulations.

Safety zones shall be established around the artificial islands, installations and structures in the exclusive economic zone of the Socialist Republic of Romania and shall extend a maximum distance of 500 metres measured from each point of their outer edge, except where generally recognized international norms provide otherwise. The competent Romanian organs shall specify the measures which are necessary in these zones in order to ensure the safety of both navigation and the artificial islands, installations and structures.

Romanian organizations and foreign individuals and legal entities that have the right to construct, maintain and operate the aforementioned artificial islands, installations and structures shall be obliged to ensure that the permanent means for giving warning of their presence are maintained in working order.

Notification of the construction of artificial islands, installations and structures, the establishment of safety zones around them and the total or partial dismantling of these installations and structures shall be provided through "Warnings for Navigators".

Article 10. - Marine scientific research in the exclusive economic zone of the Socialist Republic of Romania shall be conducted in compliance with the legislation of the Socialist Republic of Romania; account shall also be taken of the treaties to which the Socialist Republic of Romania is a party.

Scientific research in the exclusive economic zone of the Socialist Republic of Romania, conducted exclusively for peaceful purposes and to increase scientific knowledge of the marine environment, for the benefit of all mankind, may also be carried out by foreign States or by international organizations, but only with the prior agreement of the competent Romanian organs.

When conducting marine scientific research in the exclusive economic zone of the Socialist Republic of Romania, foreign States and international organizations which are competent in this field and have obtained the agreement of the Romanian organs to this end shall be obliged:

- (a) To ensure the participation of Romanian representatives in the marine scientific research work, including work on board research vessels or marine scientific research installations;
- (b) To present to the competent Romanian organs, at their request, preliminary reports and the final results and conclusions after the completion of the research;
- (c) To grant access for the competent Romanian organs, at their request, to all data derived from the marine scientific research;
- (d) Not to prejudice, in any manner whatsoever, by their activities, the sovereign rights and jurisdiction of the Socialist Republic of Romania over its exclusive economic zone, as provided for by this Decree.

Article 11. - The prevention, reduction and control of pollution of the marine environment caused by or related to activities in the exclusive economic zone of the Socialist Republic of Romania shall be effected in compliance with Romanian legislation and the treaties to which the Socialist Republic of Romania is a party.

The competent Romanian organs shall establish rules relating to the prevention, reduction and control of pollution of the marine environment and the safety of navigation specifically for the exclusive economic zone of the Socialist Republic of Romania; notification of these rules shall be provided through "Warnings for Navigators".

Where there are clear grounds for believing that a vessel which has passed through the exclusive economic zone of the Socialist Republic of Romania has violated the provisions of Romanian legislation or applicable international rules regarding the prevention, reduction and control of pollution of the marine environment, the competent Romanian organs shall have the right to require the vessel concerned to provide explanations concerning such violation and to inspect that vessel if it has refused to provide such explanations or where the explanations received did not correspond to the facts.

Where there is clear objective evidence that a vessel navigating in the exclusive economic zone of the Socialist Republic of Romania has, in that zone, violated the rules contained in the first and second paragraphs and has disposed of wastes causing major damage or threat of major damage to the Romanian coastline or to the resources of the territorial waters or to the Romanian exclusive economic zone, proceedings, including detention of the vessel, may be instituted in respect of such a violation, in accordance with the legislation of the Socialist Republic of Romania.

If the foreign vessel is within a Romanian port, the competent organs of the Socialist Republic of Romania may institute legal proceedings in respect of any violation committed by that vessel in the exclusive economic zone of the Socialist Republic of Romania.

Article 12. - Where vessels collide, run aground or suffer any other maritime damage in the exclusive economic zone of the Socialist Republic of Romania, and if the actions related to such damage can have particularly harmful consequences for the exclusive economic zone or for the Romanian coastline, the competent Romanian organs shall have the right to prescribe, in accordance with international law, the necessary measures corresponding to the actual harm or to the threat posed by such damage, in order to protect against pollution or the threat of pollution.

Article 13. - The following acts, if they are not committed in such circumstances as to be considered offences under criminal law, shall constitute contraventions and shall be punishable by a fine of from 100,000 to 1,200,000 lei, which shall be imposed at the place where the contravention is recorded:

(a) The unlawful exploration and exploitation of the natural resources of the exclusive economic zone of the Socialist Republic of Romania;

(b) Pollution and the act of unlawfully introducing, for purposes of disposal within the exclusive economic zone of the Socialist Republic of Romania, by vessels or aircraft or from artificial islands, installations or structures constructed in the sea, substances which are harmful to human health or to the living resources of the sea or other waste and materials which could cause damage or create obstacles to the lawful use of the sea;

(c) The undertaking of activities in the exclusive economic zone of the Socialist Republic of Romania without the consent of the competent Romanian organs;

(d) Failure to comply with the "Warnings for Navigators" and with signals relating to the construction of artificial islands, installations and structures;

(e) The construction of artificial islands, installations and structures in the exclusive economic zone of the Socialist Republic of Romania, without the necessary approval;

(f) Failure to protect the installations and other equipment in the exclusive economic zone of the Socialist Republic of Romania with permanent means for giving warning of their presence and failure to comply with the standards relating to the maintenance of these means in good working order and with the standards relating to the dismantling of installations and equipment the use of which has been permanently prohibited.

Where the aforementioned acts have caused major damage, have had other serious consequences or have been committed repeatedly, the fine shall be from 1 million to 2 million lei.

In particularly serious situations, the competent Romanian organs may take the additional steps of confiscating the vessel, installations, fishing gear, equipment and other objects belonging to the offender, as well as the goods acquired unlawfully.

The penalties may also be imposed on legal entities.

The acts referred to in the first paragraph shall not constitute contraventions if they have been committed in order to guarantee the safety of navigation, to save human lives or to avoid damage to a vessel or its cargo.

Article 14. - The contravention shall be recorded and the penalty imposed by navigation monitoring and control organs specially empowered to do so by the Ministry of Transport and Telecommunication, by organs of the Ministry for the Food Industry and the Acquisition of Agricultural Products and by other legally authorized organs.

Objections to the contravention report may be filed with the Sea and River Section of the Civil Court of the town of Constanta, no later than 15 days following the date of the communication.

Article 15. - The provisions of this Decree shall be supplemented by the provisions of Act No. 32/1968 concerning the establishment and punishment of contraventions, except for articles 25, 26 and 27 of that Act, which shall not be applicable in the case of the contraventions referred to in this Decree.

Article 16. - The fines levied on foreign individuals or legal entities shall be paid in convertible currency, by converting the fines in lei at the exchange rate for non-commercial transactions.

Article 17. - The imposition of fines for contraventions shall not exempt the offender from the obligation of making reparation for the damage caused in the exclusive economic zone of the Socialist Republic of Romania, in compliance with Romanian legislation.

Article 18. - Where acts have been committed which, under Romanian law, result in the arrest of the commander or the detention of the foreign vessel, the competent Romanian organs shall immediately inform the flag State of the measures taken. The detained vessel and its crew shall be released immediately upon the payment of adequate security.

B. Notes by Governments

1. GUINEA-BISSAU*

[Original: French]
[21 August 1986]

The Permanent Mission of Guinea-Bissau to the United Nations presents its compliments to the United Nations Secretariat and, with reference to the latter's note No. LOS/8/86 concerning the dissemination of a protest by the Government of the Republic of Senegal against Act No. 2 of May 1985, by which the Republic of Guinea-Bissau modified the delimitation of its territorial waters, has the honour to inform it of the following:

Like all Governments of Sovereign States, the Government of the Republic of Guinea-Bissau is justified in exercising its right to establish by an act of its domestic legislation the delimitation of its territorial waters in accordance with a system of straight baselines;

In the instance in question, the straight baselines established by the Guinean Act of 17 May 1985 are in no way in contravention of the rules of international law contained in article 7 of the United Nations Convention on the Law of the Sea;

They are, moreover, to landward of the baselines established under previous legislation; it will be for the arbitral tribunal assigned by agreement between the Governments of Guinea-Bissau and Senegal the task of delimiting the maritime frontier between them, the work of which began in Geneva on 6 June 1986, to ascertain whether the baselines of the two States are indeed in conformity with the rules of international law.

The Permanent Mission of Guinea-Bissau to the United Nations requests the Secretariat to see to it that this note is circulated to all Member States, and takes the opportunity to convey to the Secretariat the renewed assurances of its highest consideration.

* Note verbale of 6 October 1986 (LOS/9/86).

2. SENEGAL*

[Original: French]
[2 April 1986]

The Permanent Mission of the Republic of Senegal to the United Nations presents its compliments to the United Nations Secretariat and, with reference to the latter's note No. LOS/5/86 of 6 January 1986 concerning the dissemination of a communication dated 4 December 1985 from the Republic of Guinea-Bissau relating to the delimitation of its territorial waters, has the honour to inform it of the following:

The Government of the Republic of Senegal raises a formal protest against Act No. 2 of 17 May 1985 of the Republic of Guinea-Bissau, articles 1 and 2 of which are manifestly contrary to international law.

The Permanent Mission of the Republic of Senegal requests the Secretariat to see to it that this protest is circulated among all Member States and takes this opportunity to convey to the Secretariat the renewed assurances of its highest consideration.

* Note verbale of 27 May 1986 (LOS/8/86).

C. Summary table of limits of sovereignty and national jurisdiction

COUNTRY	IS	CZ	EEZ	Fish	CSh	IS	CZ	EEZ	Fish	CSh
Albania	15				200m/ EXP	200				
Algeria	12					12		200		CM/ 200
Angola	20			200		12		200		200m/ EXP
Antigua and Barbuda	12	24	200	200		12		200		200m
Argentina	200				200m/ EXP	12		200		
Australia	3			200	200m/ EXP	12				200m/ EXP
* Bahamas	3			200	200m/ EXP	12	24	200		200m/ EXP
* Bahrain	3				EXP	12		200		EXP
Bangladesh	12	18	200		CM	12	24	200		CM/ 200
Barbados	12		200			3			200	200m/ EXP
Belgium	3					12		200		
* Belize	3					12	24	200	200	
Benin	200					6	24	200		CM/ 200
Brazil	200					200				200m
Brunei Darussalam	12					12	18			200m/ EXP
Bulgaria	12				200m/ EXP	200				EXP
Burma	12	24	200		CM/ 200	12		200		
* Cameroon	50				200	12				
Canada	12			200	200m/ EXP	12		200		200m/ EXP
Cape Verde	12		200			4	6		12	200m/ EXP
Chile 1/	3	12		200	200/ 350	12		200		200m/ EXP
China	12					12	24	200		
Colombia	12		200		200m/ EXP	12	18		200	
Comoros	12		200			12				200m/ EXP
Congo										
Cook Islands								200		
Costa Rica								200		
* Côte d'Ivoire								200		
* Cuba								200		
Cyprus										200m/ EXP
Democratic Kampuchea								200		200m/ EXP
Dem. People's Rep. of Korea								200		EXP
Democratic Yemen								200		CM/ 200
Denmark									200	200m/ EXP
Djibouti								200		EXP
Dominica								200	200	
Dominican Republic								200		CM/ 200
Ecuador										200m
* Egypt										200m/ EXP
El Salvador										200m/ EXP
Equatorial Guinea								200		
Ethiopia										
* Fiji										200m/ EXP
Finland								6	12	200m/ EXP
France										200m/ EXP
Gabon								24	200	
* Gambia								18		200
German Democratic Republic										200m/ EXP

* States so indicated have ratified the United Nations Convention on the Law of the Sea.
1/ A 350-mile limit applies to Sala y Gomez and Easter Island.

COUNTRY	IS	CZ	EEZ	Fish	CSh	COUNTRY	IS	CZ	EEZ	Fish	CSh
Germany, Federal Republic of	3			200	200m/EXP	Lebanon	12				
* Ghana	12	24	200		200m	Liberia	200				
Greece	6				200m/EXP	Libyan Arab Jamahiriyah	12				
Grenada	12		200		EXP	Madagascar 3/	12	24	200		200/iso
Guatemala	12		200		200m/EXP	Malaysia	12			200	200m/EXP
* Guinea	12		200			Maldives	12				
* Guinea-Bissau	12		200			Malta	12	24		25	200m/EXP
Guyana	12			200	CM/200	Mauritania	70		200		CM/200
Haiti	12		200		200m/EXP	Mauritius	12		200		CM/200
Honduras	12		200		200m/EXP	* Mexico	12		200		200m/EXP
* Iceland	12		200		CM/200	Monaco	12				
India	12	24	200		CM/200	Morocco	12	24	200		
* Indonesia	12		200		200	Mozambique	12		200		
Iran	12			50		Nauru	12			200	
* Iraq	12					Netherlands	12			200	200m/EXP
Ireland	3			200		New Zealand	12		200		CM/200
Israel	6				200m/EXP	Nicaragua	200				
Italy	12				200m/EXP	* Nigeria	30		200		200m/EXP
* Jamaica	12				200m/EXP	Niue	12		200		
Japan	12			200		Norway	4		200		200m/EXP
Jordan	3					Oman	12		200		
Kenya	12		200		200m/EXP	Pakistan	12	24	200		CM/200
Kiribati	12		200			Panama	200				
* Kuwait	12					Papua New Guinea	12			200	200m/EXP

* States so indicated have ratified the United Nations Convention on the Law of the Sea.
2/ 200 nautical miles or 100 n.m. from the 2,500 metre isobath.

COUNTRY	IS	CZ	EEZ	Fish	CSh
Peru	200				200m
* Philippines			200		EXP
Poland	12				200m/EXP
Portugal	12		200		200m/EXP
Qatar	3				
Republic of Korea	12				
Romania	12		200		200m/EXP
St. Christopher and Nevis	12		200		
* Saint Lucia	12	24	200		CM/200
St. Vincent and the Grenadines	12		200		
Samoa	12		200		
Sao Tome and Principe	12		200		
Saudi Arabia	12	18			
* Senegal	12	24	200		CM/200
Seychelles	12		200		CM/200
Sierra Leone	200				200m/EXP
Singapore	3				
Solomon Islands	12		200		
Somalia	200				
South Africa	12			200	200m/EXP
Spain	12		200		200m/EXP
Sri Lanka	12	24	200		CM/200
* Sudan	12	18			200m/EXP
COUNTRY	TS	CZ	EEZ <td>Fish <td>CSh </td></td>	Fish <td>CSh </td>	CSh
Suriname	12		200		
Sweden	12			200	200m/EXP
Syrian Arab Republic	35				
Thailand	12		200		200m/EXP
* Togo	30		200		
Tonga	12		200		200m/EXP
* Trinidad and Tobago	12				200m/EXP
* Tunisia	12				
Turkey ^{3/}	6/12			12	
Tuvalu	12		200		
Ukrainian SSR	12		200		200m/EXP
Union of Soviet Socialist Reps.	12		200		200m/EXP
United Arab Emirates ^{4/}	3/12				
United Kingdom	3			200	200m/EXP
* United Rep. of Tanzania	50				
United States of America	3	12	200		200m/EXP
Uruguay	200				200m/EXP
Vanuatu	12	24	200		CM/200
Venezuela	12	3	200		200m/EXP
Viet Nam	12	24	200		CM/200
Yemen	12				
* Yugoslavia	12				200m/EXP
Zaire	12				

* States so indicated have ratified the United Nations Convention on the Law of the Sea.
^{3/} A limit of 6 nautical miles applies to the Aegean Sea and 12 n.m. in the Mediterranean Sea and the Black Sea.
^{4/} A limit of 12 nautical miles applies to Sharga and 3 n.m. to all other areas.

D. Summary table of extent of maritime zones^{1/}

TERRITORIAL SEA		EXCLUSIVE ECONOMIC ZONE	
Breadth (nautical miles)	Number of States	Breadth (nautical miles)	Number of States
3	15 ^{2/}	200	69
4	2		
6	4 ^{3/}		
12	101 ^{4/}		
15	1		
FISHERY ZONE			
		Breadth (nautical miles)	Number of States
20	1	12	2
30	2	25	1
35	1	50	1
50	2	200	20
70	1		
200	13		
CONTIGUOUS ZONE			
Breadth (nautical miles)	Number of States	CONTINENTAL SHELF	
		Criteria	Number of States
3	1	Depth (200 metres)	3
6	1	Exploitability	1
12	2	Continental margin	1
18	5	Depth (200 metres) plus exploitability	50
24	18	Breadth (200 nautical miles)	3
		Outer edge of the continental margin or breadth of 200 nautical miles	17
		Breadth (200 nautical miles or 100 nautical miles from the 2,500 metre isobath)	1
		Breadth (200/350 nautical miles)	1

^{1/} This table gives maritime legislative information for the 142 coastal States tabulated. The table is a summary listing of the various maritime zones for those States specifying either the breadth of the zone or the criteria which determines it.

^{2/} Includes the United Arab Emirates.

^{3/} Includes Turkey.

^{4/} Includes Turkey and the United Arab Emirates.

III. INFORMATION ABOUT THE PREPARATORY COMMISSION

The Preparatory Commission, established by resolution I of the Third United Nations Conference on the Law of the Sea, held its fourth regular session in Kingston, Jamaica, from 17 March to 11 April 1986 and its meeting in New York, United States of America, from 11 August to 5 September 1986.

As of the closing date of signature, 10 December 1984, a total of 159 States or entities had signed the Convention and under resolution I, paragraph 2, became members of the Preparatory Commission. Under rule 2 of the rules of procedure of the Preparatory Commission, 15 States or entities became observers having signed the Final Act. Other States or entities which neither signed the Convention nor the Final Act might be invited to attend the meetings of the Preparatory Commission as observers.

A. Table of members, observers and participants of the Preparatory Commission^{a/}

Fourth session (Kingston and New York)

STATES	Kingston ^{b/}		New York ^{c/}	
	Member/ Observer	Participant	Member/ Observer	Participant
Afghanistan	M		M	x
Albania				
Algeria	M	x	M	x
Angola	M	x	M	x
Antigua and Barbuda	M		M	
Argentina	M	x	M	x
Australia	M	x	M	x
Austria	M	x	M	x
Bahamas	M		M	
Bahrain	M		M	x
Bangladesh	M	x	M	x
Barbados	M		M	
Belgium	M	x	M	x
Belize	M		M	
Benin	M		M	
Bhutan	M	x	M	x
Bolivia	M	x	M	x
Botswana	M		M	
Brazil	M	x	M	x
Brunei Darussalam	M		M	
Bulgaria	M	x	M	x
Burkina Faso	M	x	M	
Burma	M	x	M	x
Burundi	M		M	
Byelorussian SSR	M	x	M	x
Cameroon	M	x	M	x
Canada	M	x	M	x
Cape Verde	M	x	M	x
Central African Republic	M		M	
Chad	M		M	

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

^{b/} Held from 17 March to 11 April 1986 in Kingston.

^{c/} Held from 11 August to 5 September 1986 in New York.

/...

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
Chile	M	x	M	x
China	M	x	M	x
Colombia	M	x	M	x
Comoros	M		M	
Congo	M	x	M	

Costa Rica	M	x	M	x
Côte d'Ivoire	M	x	M	x
Cuba	M	x	M	x
Cyprus	M	x	M	x
Czechoslovakia	M	x	M	x

Democratic Kampuchea	M		M	
Dem. People's Republic of Korea	M	x	M	x
Democratic Yemen	M		M	x
Denmark	M	x	M	x
Djibouti	M		M	

Dominica	M		M	
Dominican Republic	M	x	M	x
Ecuador	O		O	x
Egypt	M	x	M	x
El Salvador	M		M	

Equatorial Guinea	M		M	
Ethiopia	M	x	M	
Fiji	M		M	
Finland	M	x	M	x
France	M	x	M	x

Gabon	M	x	M	x
Gambia	M		M	
German Democratic Republic	M	x	M	x
Germany, Federal Republic of	O	x	O	x
Ghana	M	x	M	x

Greece	M	x	M	x
Grenada	M		M	
Guatemala	M	x	M	x
Guinea	M		M	
Guinea-Bissau	M	x	M	x

Guyana	M		M	
Haiti	M	x	M	
Holy See	O	x	O	
Honduras	M		M	x
Hungary	M	x	M	x

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

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STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
Papua New Guinea	M	x	M	
Paraguay	M		M	x
Peru	O	x	O	x
Philippines	M		M	x
Poland	M	x	M	x

Portugal	M	x	M	x
Qatar	M		M	x
Republic of Korea	M	x	M	x
Romania	M		M	x
Rwanda	M		M	

St. Christopher and Nevis	M		M	
Saint Lucia	M		M	x
St. Vincent and the Grenadines	M		M	
Samoa	M		M	
San Marino				

Sao Tome and Principe	M		M	
Saudi Arabia	M	x	M	x
Senegal	M	x	M	x
Seychelles	M		M	
Sierra Leone	M		M	x

Singapore	M		M	
Solomon Islands	M		M	
Somalia	M	x	M	x
South Africa	M		M	
Spain	M	x	M	x

Sri Lanka	M	x	M	x
Sudan	M	x	M	x
Suriname	M	x	M	
Swaziland	M		M	
Sweden	M	x	M	x

Switzerland	M	x	M	x
Syrian Arab Republic				
Thailand	M	x	M	x
Togo	M		M	
Tonga				

Trinidad and Tobago	M	x	M	x
Tunisia	M	x	M	x
Turkey				x
Tuvalu	M		M	
Uganda	M	x	M	x

Ukrainian SSR	M	x	M	x
Union of Soviet Socialist Reps.	M	x	M	x
United Arab Emirates	M		M	x
United Kingdom	O	x	O	x
United Republic of Tanzania	M	x	M	x

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
United States of America	O		O	
Uruguay	M	x	M	x
Vanuatu	M	x	M	x
Venezuela	O	x	O	x
Viet Nam	M		M	x

Yemen	M		M	
Yugoslavia	M	x	M	x
Zaire	M	x	M	x
Zambia	M		M	
Zimbabwe	M	x	M	x
ENTITIES				
(under Art. 305 (1)(b),(c), (d),(e) and (f))				
Cook Islands	M		M	
European Economic Community	M	x	M	x
Namibia (United Nations Council for Namibia)	M	x	M	x
Niue	M		M	
Netherlands Antilles	O		O	
Trust Territory of the Pacific Islands	O		O	
West Indies Associated States				
NATIONAL LIBERATION MOVEMENTS				
African National Congress of South Africa	O	x	O	x
Palestine Liberation Organization	O		O	
Pan Africanist Congress of Azania	O	x	O	x
South West Africa People's Organization	O	x	O	x
TOTAL OF MEMBERS	159	92	159	101
TOTAL OF OBSERVERS	<u>15</u>	<u>9</u>	<u>15</u>	<u>9</u>
GRAND TOTAL	174	101	174	110
	===	===	===	===

B. Report of the fourth session

1. Report on the fourth session of the Preparatory Commission
for the International Sea-Bed Authority and for the
International Tribunal for the Law of the Sea
Kingston, 17 March-1 April 1986

The Preparatory Commission concluded its fourth session in Kingston on Friday, 11 April. The session was chaired by I. G. Jhingran (India), Vice Chairman of the Commission. He acted on behalf of the Chairman of the Commission, Prime Minister Joseph S. Warioba of the United Republic of Tanzania, who was not able to attend the session. The Commission is mandated to prepare for the establishment of the International Sea-Bed Authority: Assembly, Council, Legal and Technical Commission and Economic Planning Commission, Secretariat, Enterprise, and also for the establishment of the International Tribunal for the Law of the Sea. The Preparatory Commission is also responsible for the drafting of a mining code and for the implementation of resolution II which is concerned with registration of pioneer investors.

Implementation of resolution II (registration of pioneer investors).
This was the most important immediate issue before the Commission during the session. The Commission has pending four applications (from France, India, Japan and the Union of Soviet Socialist Republics) for registration as pioneer investors in deep sea-bed mining. After 18 months of efforts at resolving the conflicting claims due to overlaps between three of the applicants, an Understanding was reached among the four applicants at Arusha in February 1986, under the good offices of the Chairman. For the first time it was therefore possible to widen the consultations, on the basis of the Understanding, to include the entire membership of the Commission.

The Arusha Understanding deals with two matters: first, it resolves conflicts due to overlapping claims in the North East Pacific between France and the USSR on the one hand and Japan and the USSR on the other (India, whose application area is in the Indian Ocean, has no overlaps). At the same time, it attempts to meet the concerns of potential pioneer investors, in which Canada, Belgium and Italy, who are signatories of the Convention, have interests. Secondly, the Understanding deals with the allocation of mine sites to the first group of applicants and the designation of reserved areas for the Authority.

Resolution II, paragraph 3 (see also annex III, article 8) provides that each applicant will submit to the Authority two mine sites of equal commercial value, one of which will be selected by the Authority as a reserved site to be mined by the Enterprise (the operational arm of the Authority) or a developing country in association with the Authority. The other is to be allocated to the applicant for his own mining. The first group of applicants found it difficult to conform strictly with these provisions because of the extensive nature of the overlaps. Consequently, they have identified a substantial part of their respective application areas which they want to be allocated to them without a free selection by the Authority. The consultations on the Arusha Understanding proved to be difficult since the rules relating to confidentiality of the data and information submitted by each applicant would not permit the disclosure of details in the applications necessary to enable delegations to readily understand the complexities of the problems that had arisen. In spite of this handicap, considerable progress was made in the consultations. At the end of the session, the members of the Group of 77 indicated that the Arusha Understanding was a good basis for finding a solution and supported the approach taken with respect to the resolution of

conflicting claims. However, the Group indicated that some further work was necessary with respect to the allocation of mine sites to the applicants and the designation of reserved sites for the Authority. Their particular concern related to the extent of the area being pre-selected by each applicant on the ground of practical problems and the question of commercial viability of the remaining area which would be reserved for the Enterprise. Canada, Belgium and Italy, which have companies in US-based consortia, informed the Acting Chairman that they needed more time to complete an examination of the Arusha Understanding before they could respond. Accordingly, it was agreed that consultations on the implementation of resolution II would continue at the Commission's next meeting.

On 4 April 1986 the Group of 77 tabled a Declaration (LOS/PCN/L.29) which recalled the earlier resolutions of the General Assembly and the provisions of the Convention and deplored the fact that the United Kingdom and the Federal Republic of Germany had issued licences for the exploration of the deep sea-bed area. It reaffirmed the Preparatory Commission's Declaration of 30 August 1985 and reiterated the Preparatory Commission's rejection of any claim, agreement or action which is incompatible with the Convention on the Law of the Sea and its related resolutions, asserting that such actions were wholly illegal and devoid of any basis for creating legal rights. The Declaration was put to the vote at the request of the German Democratic Republic as Chairman of the Socialist Group. It was adopted by 59 votes in favour, 7 against and 10 abstentions. Although the session ended on this divisive issue, the workmanlike atmosphere prevailing at the Preparatory Commission remained unaffected.

Plenary. The plenary concluded its final reading of the rules of procedure for the Council of the Authority on the basis of a working paper prepared by the Secretariat. The key issues outstanding are the status of observers non-signatories to the Convention, the decision-making procedure for the approval of a plan of work for mining contracts, the composition of the Legal and Technical Commission to be elected by the Council, the establishment of a Finance Committee within the Council and its composition and role in the decision-making by the Council on financial matters (finance and budgetary matters touch upon the mandates of the Assembly, the Council and the Legal and Technical Commission. The Commission prepares the budget for consideration of the Council which submits it to the Assembly for approval). These outstanding matters will be taken up possibly together at an appropriate stage.

The plenary also began the first reading of the rules of procedure pertaining to the Legal and Technical Commission, which is charged with making a number of substantive decisions and recommendations with respect to the award of mining contracts and administration of the whole system for deep sea-bed mining under the Convention. Many of these decisions and recommendations can only be overturned by the Council by consensus. Since the Legal and Technical Commission will play a pivotal role in the whole system its procedural rules have assumed political and practical significance.

Special Commission 1 continued with the consideration of possible remedial measures to be taken by land-based mineral producer States should their economies be affected by sea-bed mining. Having studied the existing international mechanisms for such measures in respect of other commodities, the Commission is to study beginning at its next meeting specific measures starting with a compensation fund for which the Secretariat is to provide a paper.

Special Commission 2, dealing with the establishment of the Enterprise, the operating arm of the Authority, considered the question of manpower requirements and training, which it thought could be more effectively pursued once the registration of pioneer investors had been achieved. It also had before it a study on the economic viability of sea-bed mining, prepared by the Australian delegation. While some delegations felt that the study was realistic, others questioned the assumptions made and the consequent pessimistic projections for deep sea-bed mining. The Secretariat was asked to prepare a table of different assumptions used in a number of similar studies in recent times, for the next meeting.

Special Commission 3, whose task is to prepare the mining code containing the rules, regulations and procedures for exploration and exploitation of the international sea-bed area, continued with its consideration of the Secretariat paper on these matters. More specifically, it considered the rules relating to the content of a plan of work and the data and information required to be submitted by each applicant. The discussions were very detailed and technical in nature.

The Commission also dealt with the question of safe custody and confidentiality of data and information, the question of application fee and the conclusion of contracts. Considerable progress was made on all these issues and the relevant rules will be revised in the light of the discussions. However, there are a number of issues which will require further negotiation.

Special Commission 4 is preparing for the establishment of the International Tribunal for the Law of the Sea and the rules of procedure for submission of cases before the Tribunal. The question of the seat of the Tribunal in Hamburg came under discussion. A number of States raised the question of locating the Tribunal elsewhere since the Federal Republic of Germany had not signed the Convention nor acceded to it as yet.

The Commission concluded its first reading of the rules of the Tribunal, which were to be revised by the Secretariat. Among the difficult issues discussed during the first reading was access to the Tribunal by entities other than States, such as the European Economic Community and natural or juridical persons. The Commission will begin its consideration of a draft headquarters agreement at the next meeting.

2. Report on the meeting of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea New York, 11 August-5 September 1986

The Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea concluded its four-week session in New York (11 August-5 September 1986) with the unanimous adoption of an Understanding on new procedures and mechanisms that would lead to the registration of the first four applicants for mine sites (France, India, Japan and the USSR). The Understanding addresses not only the immediate issue of the registration of the first applicants but also the accommodation of future applicants. At the same time, it successfully upholds the basic interests of the Authority and the Enterprise.

This decision marks a new stage in the law of the sea since States have for the first time since 1982 faced and dealt collectively with some major stumbling blocks to the application of the Convention. They have made certain adjustments in the interim régime established in resolution II, with implications for the Convention itself. The Understanding now enables the Preparatory Commission to proceed with long-delayed priorities, reviving its sense of purpose and instilling confidence in its ability to overcome obstacles that may stand in the way of a viable sea-bed régime. It not only liberates the Preparatory Commission, but also introduces new elements in the process of interpretation and application of the Convention régime.

The negotiations involved all the traditional regional and interest groups and included both signatories and non-signatories with the indirect participation of US-based consortia (through Belgium, Canada, Italy, the Netherlands, the Federal Republic of Germany and the United Kingdom).

In essence, the Understanding provides the following:

(a) A basis for the resolution of overlaps that exist in areas claimed by France and the USSR and Japan and the USSR; the manner in which this is to be achieved is stated in the Understanding;

(b) A guarantee of a mine site of equal commercial value for the Authority in the central area in the north-east Pacific adjacent to the claims of France, Japan and the USSR. Altogether there will be four mine sites reserved for the Authority under the four applications, including that of India;

(c) An undertaking by the four applicants to assist the Preparatory Commission and the Authority in the exploration of a mine site for the first operation of the Enterprise and in preparing a plan of work with respect to such a mine site on conditions to be agreed after registration;

(d) A mechanism for advance relinquishment of 50 per cent of the overlapping areas in each case in order to deal with the conflicts arising from the overlaps in the claims of the first group of applicants on the one hand and potential claimants on the other; the areas so relinquished will be deposited with the Preparatory Commission for the duration of the pioneer period and will be available to potential applicant, who may wish to register claim under resolution II;

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(e) For similar treatment to be given to potential applicants as that given to the first group of applicants, provided the former assume similar obligations and submit their applications before the entry into force of the Convention;

(f) An extension of the time-limit from January 1985 as specified in resolution II to the date of entry into force of the Convention for qualifying investments to be made in deep sea-bed mining by developing countries who wish to apply as pioneer investors;

(g) A group of all or several socialist States of Eastern Europe or a group of State enterprises of such States are given the right to apply as pioneer investors for one additional pioneer area, until the Convention enters into force.

In addition to these substantive matters, the Understanding sets out the procedures and time-frame for registration, starting from the submission to the Secretary-General by 25 March 1987 of revised applications by each of the first four pioneer applicants, following adjustments as a result of the Understanding of their respective application areas.

A review of the applications is to be undertaken by a 15-member group of technical experts drawn from a list compiled by the Secretary-General from nominations of States and appointed by the Chairman in consultation with regional groups. The technical experts will meet during the first week of the next session. The General Committee will meet during the second week of the session to consider and register applicants, taking into account the report submitted by the group of technical experts.

The next session of the Preparatory Commission was deferred to 30 March in order to provide the maximum time (seven months) for any intersessional bilateral negotiations on overlaps. A report on intersessional negotiations will be made to the Preparatory Commission at the beginning of the next session and if the Commission is satisfied that substantial progress has been made, but that due to lack of time the negotiations were not completed, the Commission will postpone the registration, as necessary.

Special Commission 1. The creation of a compensation fund to assist developing producer countries was the main topic of discussion during the current session. Some delegations were of the view that it was mandatory for the Authority that a system of compensation and a compensation fund should be established. Others were of the opinion that such a system and fund were not needed. There was general agreement, however, that the Special Commission was mandated to undertake studies on the establishment of a compensation fund.

Special Commission 2. The Commission gave consideration to questions of training and hopes to reach a consensus at the next session to a set of recommendations or proposals for a training programme.

The Commission has decided to turn also to those matters that are internal to the Enterprise and relatively unaffected by economic conditions. An attempt will be made at the fifth session of the Preparatory Commission to outline the main features of the internal administration and management of the Enterprise, with special attention to its unique and distinct status as a commercial entity operating at the international level.

Special Commission 3. The Commission took up discussion of the financial terms of contracts contained in document LOS/PCN/SCN.3/Add.2 and Corr.1.

It made progress in the consideration of the financial terms of contracts, which has been acknowledged to be of crucial importance to successful undertakings in the field of deep sea-bed mining as well as for the benefit to be derived for the international community. After completing the in-depth consideration of the financial terms of contracts, the Commission intends to look into the question of financial incentives at the next session of the Preparatory Commission.

Special Commission 4. The Commission began consideration of the revised draft rules. The discussion focused on those rules that were new and had been formulated as a result of a general discussion on the subject. The question of making alternative arrangements to Hamburg as the headquarters of the Tribunal was raised again but the issue was deferred until the next session.

Plenary. The plenary completed the first reading of the draft rules of procedure of the Legal and Technical Commission and began consideration of the draft rules of procedure of the Economic Planning Commission.

C. List of documents of the fourth session of the Preparatory Commission and of the New York meeting

- LOS/PCN/INF/10 Delegations to the fourth session, Kingston, Jamaica, 17 March-11 April 1986 [8 April 1986]
- LOS/PCN/INF/11 Delegations to the meeting of the Preparatory Commission, New York, 11 August-5 September 1986 [30 September 1986]
- LOS/PCN/1986/CRP.7 Provisional timetable [17 March 1986]
- LOS/PCN/1986/CRP.8 Provisional timetable [12 August 1986]
- LOS/PCN/1986/CRP.9 Sources of reference for draft rules of procedure for the Legal and Technical Commission (LOS/PCN/WP.31) Working paper by the Secretariat [18 August 1986]
- LOS/PCN/73 Letter dated 25 October 1985 from the Chairman of the delegation of the Federal Republic of Germany addressed to the Chairman of the Preparatory Commission [9 January 1986]
- LOS/PCN/74 Letter dated 4 November 1985 from the Chairman of the delegation of the United Kingdom of Great Britain and Northern Ireland addressed to the Chairman of the Preparatory Commission [9 January 1986]
- LOS/PCN/75 Provisional agenda [17 March 1986]
- LOS/PCN/76 Letter dated 27 March 1986 from the Chairman of the delegation of the Union of Soviet Socialist Republics addressed to the Chairman of the Preparatory Commission [27 March 1986]
- LOS/PCN/77 Credentials of representatives to the fourth session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea [8 April 1986]
- LOS/PCN/78 Declaration adopted by the Preparatory Commission on 11 April 1986 [21 April 1986]

- LOS/PCN/L.27/Rev.1 Statement by the Chairman of the Preparatory Commission [21 January 1986]
- LOS/PCN/L.28 Report by the Chairman of the Preparatory Commission regarding the resolution of conflicts among applicants for registration as pioneer investors [21 March 1986]
- LOS/PCN/L.29 Draft Declaration submitted by Cape Verde on behalf of the Group of 77 [4 April 1986]
- LOS/PCN/L.30 Statement to the plenary by the Chairman of Special Commission 2 on the progress of work in that Commission [9 April 1986]
- LOS/PCN/L.31 Statement to the plenary by the Chairman of Special Commission 1 on the progress of work in that Commission [10 April 1986]
- LOS/PCN/L.32 Statement to the plenary by the Chairman of Special Commission 3 on the progress of work in that Commission [9 April 1986]
- LOS/PCN/L.33 Statement to the plenary by the Chairman of Special Commission 4 on the progress of work in that Commission [10 April 1986]
- LOS/PCN/L.34 Statement made by the Acting Chairman of the Preparatory Commission [10 April 1986]
- LOS/PCN/L.34/Rev.1 Statement made by the Acting Chairman of the Preparatory Commission [7 August 1986]
- LOS/PCN/L.35 Statement by the Chairman of the Group of 77 delivered on 10 April 1986, on the item entitled "Implementation of resolution II" [10 April 1986]
- LOS/PCN/L.36 Statement made by the Chairman of the Preparatory Commission at the 31st plenary meeting, held on 22 August 1986 [2 September 1986]
- LOS/PCN/L.37 Statement to the plenary by the Chairman of Special Commission 1 on the progress of work in that Commission [3 September 1986]
- LOS/PCN/L.38 Statement to the plenary by the Chairman of Special Commission 3 on the progress of work in that Commission [3 September 1986]
- LOS/PCN/L.39 Statement to the plenary by the Chairman of Special Commission 4 on the progress of work in that Commission [4 September 1986]
- LOS/PCN/L.40 Statement to the plenary by the Chairman of Special Commission 2 on the progress of work in that Commission [4 September 1986]

- LOS/PCN/L.41/Rev.1 Statement made by the Acting Chairman of the Preparatory Commission [11 September 1986]
- LOS/PCN/L.41/Rev.1/Corr.1 Corrigendum (Russian only) [26 September 1986]
- LOS/PCN/WP.26/Add.1 Draft rules of procedure of the Council of the International Sea-Bed Authority - Working paper by the Secretariat
Addendum [20 March 1986]
- LOS/PCN/WP.26/Rev.1 Draft rules of procedure of the Council of the International Sea-Bed Authority [19 August 1986]
- LOS/PCN/WP.29/Corr.1 Suggested amendments to the draft rules of procedure of th Council of the International Sea-Bed Authority (LOS/PCN/WP.26)
Proposals by the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics
Corrigendum [20 March 1986]
- LOS/PCN/WP.31 Draft rules of procedure for the Legal and Technical Commission - Working paper by the Secretariat [28 February 1986]
- LOS/PCN/WP.32 Amendments to the draft rules of procedure for the Legal and Technical Commission (LOS/PCN/WP.31) submitted by the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics [25 March 1986]
- LOS/PCN/WP.32/Corr.1 Corrigendum (French and Spanish only) [3 April 1986]
- LOS/PCN/WP.33 Suggested amendments to the draft rules of procedure of the Council of the International Sea-Bed Authority (LOS/PCN/WP.26/Add.1) -
Proposals by the delegations of Belgium, the Federal Republic of Germany, Italy, Japan, the Netherlands and the United Kingdom of Great Britain and Northern Ireland
[25 March 1986]
- LOS/PCN/WP.34 Suggested amendments to the draft rules of procedure for the Legal and Technical Commission (LOS/PCN/WP.31) - Proposals by the delegations of Belgium, the Federal Republic of Germany, Italy, Japan, the Netherlands and the United Kingdom of Great Britain and Northern Ireland
[3 April 1986]

- LOS/PCN/WP.35
Amendment to the draft rules of procedure for the Legal and Technical Commission (LOS/PCN/WP.31) submitted by the delegation of Uruguay [4 April 1986]
- LOS/PCN/WP.36
Draft rules of procedure for the Economic Planning Commission - Working paper by the Secretariat [22 August 1986]
- LOS/PCN/WP.36/Corr.1
Corrigendum (Russian only) [27 August 1986]
- LOS/PCN/WP.37
Belgium, Germany, Federal Republic of, Italy, Japan, Netherlands and United Kingdom of Great Britain and Northern Ireland: suggested amendments to the draft rules of procedure of the Economic Planning Commission (LOS/PCN/WP.36) [28 August 1986]
- LOS/PCN/WP.38
Draft rules of procedure for the Economic Planning Commission (LOS/PCN/WP.36) Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics: proposed amendments [28 August 1986]
- Special Commission 1
- LOS/PCN/SCN.1/WP.5/Add.1
Information on existing international or multilateral economic measures which could be of relevance to the work of Special Commission 1 - Report on the work of the United Nations Conference on Nickel and the developments regarding the formation of the International Nickel Study Group [3 April 1986]
- LOS/PCN/SCN.1/WP.6
Factors that may be of relevance in examining the dependence of particular developing land-based producer States on the copper, nickel, cobalt and manganese sectors - Preliminary paper by the Secretariat [27 February 1986]
- LOS/PCN/SCN.1/WP.7
Identification of possible effects of a decline in export or production of copper, nickel, cobalt and manganese on developing land-based producer States - Preliminary paper by the Secretariat [18 March 1986]
- LOS/PCN/SCN.1/WP.8
Basic principles for the implementation of measures to reduce the adverse effects on developing land-based producer States likely to be seriously affected as a result of activities in the Area - Proposals by the group of Eastern European Socialist countries [25 March 1986]

- LOS/PCN/SCN.1/WP.9 Provisions of the Convention dealing with a System of Compensation - Working paper by the Secretariat [4 August 1986]
- LOS/PCN/SCN.1/1986/CRP.10 Chairman's preliminary summary of points relevant to the work of Special Commission 1, contained in document LOS/PCN/SCN.1/WP.5 [21 March 1986]
- LOS/PCN/SCN.1/1986/CRP.11 Statement on the work of Special Commission 1 submitted by the European Economic Community and its member States [20 August 1986]
- LOS/PCN/SCN.1/1986/CRP.12 Proposal by the Group of 77 on Special Commission 1 matters - Proposal for the establishment of the Compensation Fund [27 August 1986]

Special Commission 2

- LOS/PCN/SCN.2/L.4 Training - Suggestions by the delegation of Malta [26 March 1986]
- LOS/PCN/SCN.2/L.5 Algeria, Austria, Egypt, Indonesia, Kuwait, Malta, Morocco, Nigeria, Senegal, Somalia, Suriname, Tunisia and Yugoslavia: draft resolution [2 April 1986]
- LOS/PCN/SCN.2/L.5/Add.1 Addendum [10 April 1986]
- LOS/PCN/SCN.2/WP.9/Add.1 Implementation of paragraph 12 of resolution II: Training - Working paper by the Secretariat Addendum [15 January 1986]
- LOS/PCN/SCN.2/WP.10 The Enterprise - Economic viability of deep sea-bed mining of polymetallic nodules submitted by the delegation of Australia [14 January 1986]
- LOS/PCN/SCN.2/WP.10/Add.1 Addendum (English only) [21 January 1986]

Special Commission 3

- LOS/PCN/SCN.3/WP.6/Add.1 Draft regulations on prospecting, exploration and exploitation of polymetallic nodules in the Area - Working paper by the Secretariat Addendum [10 February 1986]
- LOS/PCN/SCN.3/WP.6/Add.2 Draft regulations on prospecting, exploration and exploitation of polymetallic nodules in the Area (Draft financial terms of contract) - Working paper by the Secretariat Addendum [9 July 1986]
- LOS/PCN/SCN.3/WP.6/Add.2/
Corr.1 Corrigendum (Arabic, Chinese, English, Russian and Spanish only) [24 July 1986]

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- LOS/PCN/SCN.3/WP.8 Explanatory table showing the contractor's financial obligations to the Authority - Submitted by the delegation of Saudi Arabia [28 August 1986]
- LOS/PCN/SCN.3/1986/CRP.5 Explanatory note by the Special Representative of the Secretary-General for the Law of the Sea on the financial terms of contracts (LOS/PCN/SCN.3/WP.6/Add.2) [14 August 1986]
- LOS/PCN/SCN.3/1986/CRP.6 Explanatory notes on terminology used in document LOS/PCN/SCN.3/WP.6/Add.2 [14 August 1986]
- Special Commission 4
- LOS/PCN/SCN.4/L.4/Add.1 Chairman's summary of discussions on the draft rules of the International Tribunal for the Law of the Sea - Prompt release of vessels and crews - document LOS/PCN/SCN.4/WP.2/Add.1 Addendum [24 February 1986]
- LOS/PCN/SCN.4/L.5 Chairman's summary of discussions on the draft rules of the International Tribunal for the Law of the Sea [9 April 1986]
- LOS/PCN/SCN.4/L.5/Add.1 Addendum [7 August 1986]
- LOS/PCN/SCN.4/L.6 Brief progress report on the preparations for the housing of the International Tribunal for the Law of the Sea in Hamburg - Submitted by the delegation of the Federal Republic of Germany [2 September 1986]
- LOS/PCN/SCN.4/L.7 Chairman's summary of discussions on the revised draft rules of the International Tribunal for the Law of the Sea [4 September 1986]
- LOS/PCN/SCN.4/WP.2/Add.1/ Corr.1 Corrigendum (Russian only) [7 April 1986]
- LOS/PCN/SCN.4/WP.2/Rev.1/ Part I International Tribunal for the Law of the Sea - Draft rules of the Tribunal - Part I - Articles 1 to 93 (Prepared by the Secretariat) [30 June 1986]
- LOS/PCN/SCN.4/WP.4 Headquarters Agreement and related instruments on privileges and immunities (Issues for consideration) [2 September 1986]
- LOS/PCN/SCN.4/1986/CRP.15 Suggested redraft of articles 4 (1) and 9 (5) (LOS/PCN/SCN.4/WP.2) [21 March 1986]
- LOS/PCN/SCN.4/1986/CRP.16 Suggested redraft of article 129 (1) (LOS/PCN/SCN.4/WP.2) [27 March 1986]

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- LOS/PCN/SCN.4/1986/CRP.17 Suggested redraft of preamble
(LOS/PCN/SCN.4/WP.2) - Prepared by the
Secretariat [4 April 1986]
- LOS/PCN/SCN.4/1986/CRP.18 Suggested redraft of articles 64 and 84
(LOS/PCN/SCN.4/WP.2) - Prepared by the
Secretariat [4 April 1986]
- LOS/PCN/SCN.4/1986/CRP.19 Preliminary information on the establishment of
facilities for International Courts or
Tribunals - Prepared by the Secretariat
[8 April 1986]
- LOS/PCN/SCN.4/1986/CRP.19/
Corr.1 Corrigendum (Chinese only) [8 April 1986]
- LOS/PCN/SCN.4/1986/CRP.20 Suggested redraft of article 1
(LOS/PCN/SCN.4/WP.2/Rev.1/Part I)
[18 August 1986]
- LOS/PCN/SCN.4/1986/CRP.21 Informal proposal by the Bureau
[4 September 1986]

D. Statement on the implementation of resolution II*

The Commission shall proceed in this matter on the basis of the following understanding:

1. The Preparatory Commission takes note of the information from the first group of applicants that, on the basis of this understanding, France and the Union of Soviet Socialist Republics and Japan and the Soviet Union can resolve the overlaps of the areas in respect of which they have applied for registration as pioneer investors. They have also informed the Commission that the results of their agreements would be reflected in the revised application to be submitted by each of them.
2. France, India, Japan and the USSR will submit to the Secretary-General by 25 March 1987 revised applications in accordance with resolution II and subject to the guidelines set forth in this understanding.
3. The General Committee will meet at the beginning of the second week of the next session of the Preparatory Commission to consider the applications and decide on their registration. Before the General Committee meets, the Chairman will receive reports from all concerned on the progress made on any outstanding issues that may be the subject of inter-sessional discussions and report to the Preparatory Commission on any developments. If the Preparatory Commission is satisfied that substantial progress has been made during the inter-sessional discussions, but that due to lack of time it was not possible to complete the discussions, the Preparatory Commission may decide, at its next session, to prolong the period for discussions, as necessary.
4. The General Committee shall consider the applications taking into account the reports of the group of technical experts. The group of technical experts shall determine whether the applications are in conformity with resolution II, in particular with the principle of equal estimated commercial value, subject to the guidelines and procedures set forth in this understanding and submit a report on each application to the General Committee. In case of there being different opinions, such opinions should be included in the report.
5. The General Committee shall postpone the registration of an application where the total area including the areas referred to in paragraph 13 (1) (c) and (d) below, to be reserved for the conduct of activities by the Authority through the Enterprise or in association with developing countries, is not of equal estimated commercial value until the necessary adjustments are made to achieve this equivalence.
6. The group of technical experts shall be appointed by the Chairman of the Preparatory Commission in consultation with the regional groups and the composition of the group as a whole shall reflect the principle of equitable geographical distribution. The members of the group will be selected from a list compiled by the Secretary-General of qualified candidates proposed by the members of the Preparatory Commission. Each member of the Preparatory Commission may propose no more than three candidates not later than

* Annexed to the statement made by the Acting Chairman of the Preparatory Commission (LOS/PCN/L.41/Rev.1).

31 October 1986. The membership of the group of technical experts shall include four members representing the first 4 applicants and shall not be more than 15. The expenses of the technical experts shall be borne by the States nominating such experts.

7. The group of technical experts shall meet during the first week of the next session and shall submit its report at the beginning of the second week of the session to the General Committee. Each applicant has the right to appear before the group of experts when its application is being considered. Other applicants of the first group who have an interest in the application being considered may give notice to appear before the group of experts when that application is being considered.

8. The Secretary-General would be authorized to make available the applications with the accompanying data and information for examination by the group of technical experts. The members of the group of technical experts will maintain the confidentiality of the data and information submitted to them, even after the conclusion of their functions.

9. In order to meet certain practical problems and, in particular, to take into account the interest of potential applicants under resolution II, paragraph 1 (a) (ii), an applicant who has practical problems may voluntarily relinquish in advance portions of the application areas simultaneously with its registration as a pioneer investor. The areas relinquished in these circumstances may exceed 75,000 sq km and shall be without prejudice to paragraph 13 below. The applicants so relinquishing shall be deemed to have complied with the provisions of resolution II, paragraph 1 (e).

10. Applicants who do not have practical problems and do not make voluntary advance relinquishments of areas shall be deemed to have complied with the requirements for relinquishment under resolution II, paragraph 1 (e) upon registration, provided that the total pioneer area allocated to them does not exceed 75,000 sq km.

11. The Preparatory Commission shall allocate according to the procedures specified in resolution II, paragraph 3, to applicants who are not deemed to have complied with the requirements of resolution II, paragraph 1 (e), under paragraphs 9 and 10 above, an area necessary to ensure that each such applicant shall have a pioneer area not exceeding 75,000 sq km after the relinquishment of areas in accordance with resolution II, paragraph 1 (e).

12. The relinquished areas, referred to in paragraph 9, shall remain deposited with the Preparatory Commission and will be reserved to form part of the application areas of potential applicants qualified to apply as pioneer investors under resolution II, paragraph 1 (a) (ii), until the Convention enters into force.

13. The General Committee shall make its decisions relating to the designation of the areas to be reserved for the Authority and the allocation of pioneer areas covered by revised applications of the first group of applicants in accordance with the following:

1.(a) The area to be designated in respect of each application as an area to be reserved for the conduct of activities by the Authority through the Enterprise or in association with developing countries shall be not less than one half of the total area applied for each applicant. In the case where an applicant has relinquished over 75,000 sq km under paragraph 9 above, the area to be reserved for the Authority may be reduced, but in any case it shall not be less than 75,000 sq km.

(b) The areas to be reserved for the Authority in respect of each application shall be of equal estimated commercial value to the respective areas allocated to each applicant.

(c) Applicants with overlapping claims, namely France, Japan and the USSR, shall contribute portions of areas in the north-east Pacific Ocean covered by their respective revised applications that will constitute part of the area to be reserved for the Authority. The areas so contributed may be incorporated in any area for which the Enterprise may wish to submit a plan of work and together they shall be of equal estimated commercial value to at least the average estimated commercial value of the three areas of up to 52,300 sq km to be allocated to the pioneer investors pursuant to paragraph 13 (2).

(d) The contribution to be made by the three applicants for this purpose shall be as follows:

- (i) France - an area totalling 20,000 sq km adjacent to its presently overlapping area with the Soviet Union;
- (ii) Japan - an area totalling 17,300 sq km adjacent to its presently overlapping area with the Soviet Union;
- (iii) Soviet Union - an area totalling 15,000 sq km, 14,549 sq km of which will be from within its presently overlapping areas with France and with Japan and 451 sq km which it obtains from France following adjustment of claims between the two applicants.

2. The total area to be allocated to each applicant shall not exceed 75,000 sq km after any relinquishment of areas referred to in paragraphs 9, 10 and 11 has been made. For the purpose of allocation, each applicant may indicate in its application portions of its application area up to a limit of 52,300 sq km that shall form part of the total area to be allocated to it by the Commission. In addition to the areas indicated by the applicants, the Commission shall allocate, in accordance with resolution II, paragraph 3, an area from their respective application areas necessary to complete the total area to be allocated to each applicant.

3. Notwithstanding the foregoing the registration of India as a pioneer investor shall be made in conformity with resolution II. However, India, like other applicants, if it so wishes, will identify in its application area an area totalling 52,300 sq km for incorporation in the area of up to 150,000 sq km to be allocated to it as a pioneer area. The provisions on relinquishment in resolution II, paragraph 1 (e), shall apply to the allocated area.

14. Notwithstanding the provisions of paragraph 12 (a) (i) of resolution II, the first group of applicants will assist the Preparatory Commission and the Authority in the exploration of a mine site for the first operation of the Enterprise and in preparing a plan of work in respect of such a mine site. The conditions and extent of this assistance will be discussed and agreed to following registration, applying mutatis mutandis the provisions of paragraph 7 (c) of resolution II.

15. The treatment to be accorded to potential applicants in respect of their applications shall be similar to the treatment given to the first group of applicants provided that potential applicants assume similar obligations to those of the first group of applicants and submit their applications before the entry into force of the United Nations Convention on the Law of the Sea.

16. The procedures and mechanisms outlined in this understanding have been devised in order to overcome practical difficulties in the implementation of resolution II and to facilitate the registration of the first group of applicants as soon as possible.

17. The procedures, mechanisms and provisions of this understanding are essentially designed for the registration of the first group of applicants as pioneer investors under resolution II and constitute an integrated package to be implemented as a whole. They shall be respected by all concerned.

18. These procedures and mechanisms shall not be construed as setting a precedent for the implementation of the régime for sea-bed mining under the Convention, nor do they purport to alter or amend that régime in any way.

19. The procedures and mechanisms that have been outlined above:

(a) Provide the Preparatory Commission with sufficient time to prepare itself to consider and register the pending applications of the first group of applicants as pioneer investors which have submitted applications under resolution II of the Conference on the Law of the Sea;

(b) Provide a time-table which ensures that all meetings of the group of experts and the General Committee will substantially take place during the next session in order not to incur expenditure which has not been budgeted for by the General Assembly;

(c) Provide a time-table which gives ample opportunity for the four applicants to review the data and information relating to their original applications in the light of the procedures and mechanisms outlined above and to submit their revised applications;

(d) Provide a mechanism for voluntary relinquishment at the time of registration which represents an equitable approach to resolving any practical problems that might be anticipated between any of the first group of applicants and any potential applicants. The time intervening between now and the submission of revised applications will provide an opportunity for those concerned to possibly give more precision to the approach. The Preparatory Commission would encourage such efforts and urge all concerned that this be done in an atmosphere of free and frank discussions, making available to each other at these discussions the necessary data and information. Any results of such endeavours should be taken into account in the revised applications and respected by all concerned;

(e) Provide for similar treatment to be given to potential applicants as that given to the first group of applicants, provided that potential applicants assume similar obligations to those of the first group of applicants, if the former submit their applications before the entry into force of the United Nations on the Law of the Sea.

20. Any developing State that has signed the Convention or any State enterprise or natural or juridical person that possesses the nationality of such State or is effectively controlled by it or its nationals, or any group of the foregoing, shall have the right to apply as pioneer investor under resolution II, until the Convention enters into force.

21. A group of all or several socialist States of Eastern Europe, a/ or a group of State enterprises of such States, shall have the right to apply as pioneer investors in accordance with resolution II for one pioneer area until the United Nations Convention on the Law of the Sea enters into force.

22. The provisions of paragraphs 20 and 21 are without prejudice to the rights acquired upon registration by the first group of applicants as pioneer investors and to the interests of the potential applicants in conformity with this understanding.

Notes

a/ Bulgaria, Byelorussian SSR, Czechoslovakia, German Democratic Republic, Hungary, Poland, Ukrainian SSR and the USSR.

IV. OTHER INFORMATION

A. First award of the Hamilton Shirley Amerasinghe fellowship
on the Law of the Sea

Information note

Award

The Special Representative of the Secretary-General for the Law of the Sea, Mr. Satya N. Nandan, has awarded the first Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea to Mr. Bala Bahadur KUNWAR, a lawyer specialized and experienced in international law and jurisprudence and presently a Section Officer attached to the Ministry of Foreign Affairs of the Kingdom of Nepal. The fellow chosen has, in consultation with the educational institution concerned, recently commenced a scholar in residence association with the University of Virginia, Centre for Ocean Law and Policy, under the supervision of Professor John Norton Moore. The award was made on the recommendation of the Advisory Panel for the Fellowship.

The Advisory Panel

The Advisory Panel, constituted under the Guidelines and Rules for the current fellowship, met on Friday, 7 March 1986 at United Nations Headquarters in New York. It evaluated the candidates who had been already pre-selected after a preliminary review carried out by the Office of the Special Representative and the Office of Legal Affairs. The Advisory Panel was composed of:

H.E. Ambassador T. T. B. Koh (Chairman of the Panel)
Ambassador of Singapore to the United States, Washington, D.C.
(President of the Third United Nations Conference on the Law of the Sea,
1980-1982)

H.E. Mr. Elliot Richardson
Presently in private law practice, Washington D.C.
(Ambassador at Large, Special Representative of the President of the
United States to the Third United Nations Conference on the Law of the
Sea and Head of the United States Delegation between 1977 and 1980)

H.E. Ambassador Paul Bamela Engo
Permanent Representative of Cameroon to the United Nations, New York
(Chairman of the Sub-Committee I of the Sea-Bed Committee and of the
First Committee of the Third United Nations Conference on the Law of the
Sea)

H.E. Ambassador Sergio M. Thompson-Flores
Deputy Permanent Representative of Brazil to the United Nations, New York
(Vice-Chairman of the First Committee and Co-ordinator of the Group of 77
of the Third United Nations Conference on the Law of the Sea)

H.E. Ambassador Tom Eric Vraalsen
Permanent Representative of Norway to the United Nations, New York

Mr. Igor Ivanovich Yakovlev
Senior Counsellor to the Permanent Mission of the Union of Soviet
Socialist Republics to the United Nations, New York
(Senior Delegate to the Third United Nations Conference on the Law of the
Sea)

Mr. Carl-August Fleischhauer, Under-Secretary-General, the Legal Counsel
of the United Nations, and

Mr. G. E. Chitty (Secretary to the Panel), Special Assistant to the
Special Representative of the Secretary-General for the Law of the Sea

History of the fellowship

The late Ambassador Hamilton Shirley Amerasinghe had been the President of the Third United Nations Conference on the Law of the Sea since its inception and, prior to that, Chairman of the Committee for the Peaceful Uses of the Sea-Bed and Ocean Floor Beyond the Limits of National Jurisdiction. The General Assembly of the United Nations decided to establish a fellowship in his memory to mark his signal contribution to the work of the Conference (resolution 36/108 of 10 December 1981).

The Assembly invited Governments, as well as universities, philanthropic foundations and other interested national and international institutions and organizations, to contribute to the endowment of the fellowship.

Objectives of the fellowship

The primary objectives of the fellowship are to provide facilities for a candidate to carry out post-graduate level study or research and training in the law of the sea and its implementation which will advance the fellow in his chosen profession or vocation and lead to the acquisition of additional knowledge on, better understanding of and greater specialization in the law of the sea and in its implementation and contribute to the country of the fellow's nationality.

Funding

The Fellowship Fund received contributions from Governments and individuals, and also from the Third World Foundation for Social and Economic Studies, which made a significant contribution when making its Third World award for 1983, in recognition of the contribution of Ambassador Amerasinghe and others associated with the Conference to its successful outcome.

It was decided that contributions should reach a target figure constituting the capital which would provide the income needed for a minimum of one fellowship annually. Further contributions have been invited by annual resolutions of the General Assembly. As contributions are received, then, depending on income, additional fellowships could be awarded annually. Total contributions to date amount to \$US 132,196.

Fellowship study and internship

Under the Guidelines and Rules the selected fellow is provided with six months study or research with one of the participating universities, which have offered to take in a fellow free of tuition or other charges. The universities are:

Centre for Ocean Law and Policy, University of Virginia
Graduate Institute of International Studies, Geneva
Netherlands Institute for the Law of the Sea, University of Utrecht
Research Centre for International Law, University of Cambridge, England
School of Law, University of Georgia
School of Law, University of Miami
School of Law, University of Hawaii at Manoa

The Guidelines also provide for a period of three months internship with the Office of the Special Representative of the Secretary-General for the Law of the Sea, in New York.

Travel and subsistence

The fellowship award consists of round-trip air travel from the home country to the educational institution and thereafter to United Nations Headquarters. During the period of study or research the fellow will be provided with a subsistence allowance on the basis of established United Nations rates for fellowships. Subsistence will also be paid for the three-month internship period with the Office of the Special Representative in New York. The total value of the award would thus approximate \$18,000 depending on the educational institution.

Submission of applications

The fellowship is publicized worldwide primarily through the offices of the United Nations Development Programme and United Nations information centres. In accordance with the Guidelines candidates apply directly or are nominated by Governments, governmental agencies, and institutions.

Funding and applications for the next Hamilton Shirley Amerasinghe Fellowship award

At the final plenary meeting of the recent session of the Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea (11 August-5 September 1986), the Special Representative of the Secretary-General launched a further appeal for Member States, philanthropic organizations, international organizations and individuals to make further contributions to the fellowship fund. He explained that, taking into account the current return on investments on the fellowship fund and in view of the prevailing international economic factors, the fellowship fund would benefit greatly from further contributions.

Applications for the next fellowship will be called for in the latter part of 1986 if, after meeting the expenditures for the first award, there is available interest accrued from the fund. In addition to new applicants, any applications submitted for the first fellowship will also be considered if so requested by the applicant, governmental agency or institution that submitted it.

B. Correction to the "Multilateral Treaties" publication

The Permanent Mission of Panama sent a note dated 7 July 1986 to inform the Office of the Special Representative of the Secretary-General for the Law of the Sea that a typographical error was made in the publication Multilateral Treaties relevant to the United Nations Convention on the Law of the Sea (Sales No. E.85.V.11).

This error relates to the Panama Canal Treaty signed in Washington on 7 September 1977 and which entered into force on 1 October 1979 and not on 10 October 1979 as printed on page 47 of the English version.
