

LAW OF THE SEA
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INTRODUCTION

This Bulletin contains declarations made by States and entities when

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**DECLARATIONS MADE AT THE TIME OF SIGNATURE OF THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

I. TEXTS OF DECLARATIONS

ALGERIA

(Translation) (Original: French)

It is the view of the Government of Algeria that its signing the Final Act

and the United Nations Convention on the Law of the Sea is a result of

change in its position on the non-recognition of certain other states

In this connection, and bearing in mind that the Malvinas and the South Sandwich and South Georgia Islands form an integral part of Argentine territory, the Argentine Government declares that it neither recognizes nor

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

challenging, seems not to have chosen the most suitable way of achieving the desired result as quickly and surely as possible, at the risk of jeopardizing the success of a generous undertaking which Belgium consistently encourages and supports. Indeed, certain provisions of Part XI and of Annexes III and IV

international law: the Government of the Kingdom of Belgium will not
assume any obligations which are, or may be, claimed

BOLIVIA

(Translation) (Original: Spanish)

1. The Convention on the Law of the Sea is a perfectible instrument and

... the Government understands that, in accordance with

CAPE VERDE

(Original: English)

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

- I. This Convention recognizes the right of coastal States to adopt measures to safeguard their security interests, including the

VI. This Convention does not entitle any State to construct, operate
installations or structures in the exclusive economic

in accordance with all the relevant provisions of the

COSTA RICA

(Translation) (Original: Spanish)

The Government of Costa Rica declares that the provisions of Costa Rican

As regards those parts of the Convention which deal with innocent passage
in the territorial sea, it is the intention of the Government of Finland

GERMAN DEMOCRATIC REPUBLIC

(Original: English)

[] The German Democratic Republic declares that it

GREECE

(Original: English)



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

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

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

- The right of transit passage through straits used for international navigation (Part III, Section 2, article 38).
- The notion of "Exclusive Economic Zone" (Part V).
- All matters regarding the International Seabed Area and the Concept of "Common Heritage of mankind" (Part XI).

- 2) In the light of customary international law, the provisions of article 21

read in association with ...

Furthermore, with regard to "Compulsory Procedures Entailing Binding Decisions" the Government of the Islamic Republic of Iran, while fully endorsing the Concept of settlement of all international disputes by peaceful

Moreover, the rights of the coastal State to build and to authorize the construction, operation and the use of installations and structures in the

Convention.

None of the provisions of the Convention

... of Luxembourg also

OMAN

(Original: English)

It is the understanding of the Government of the Sultanate of Oman that the application of the provisions of articles 19, 25, 34, 38 and 45 of the Convention does not preclude a coastal State from taking such appropriate

PHILIPPINES 1/

(Original: English)

Understandings:

1. The signing of the Convention by the Government of the Republic of the Philippines shall not in any manner impair or prejudice the operation

(Translation) (Original: French)

I. The signing of the Convention by the Government of the Democratic

SPAIN

(Translation) (Original: Spanish)

1. The Spanish Government upon signing this Convention declared that

this act cannot be interpreted as recognition of any rights or situations

article 10 of the Treaty of Utrecht of 13 July 1713 between the Spanish and British Crowns

SUDAN

(Translation) (Original: Arabic)

[1] In accordance with article 310 of the Convention, the Sudanese Government

will make such declarations as it deems necessary in order to clarify its

position regarding the content of certain provisions of this instrument.

[2] [The Sudan] wishes to reiterate [the statement by the President of the Conference] in plenary meeting during the Third United Nations Conference on

the law and regulations of ...

U.N. Doc. ...

(Translation) (Original: Russian)

1. The Ukrainian Soviet Socialist Republic declares that, in accordance with

URUGUAY

(Translation) (Original: Spanish)

(A) The provisions of the Convention concerning the territorial sea and the exclusive economic zone are compatible with the main purposes and principles underlying the Convention.

(H) Pursuant to the provisions of article 287, Uruguay declares that it chooses the International Tribunal for the Law of the Sea for the settlement

of such disputes relating to the interpretation or application of the

Convention as are not subject to other procedures, without prejudice to its

recognition of the jurisdiction of the International Court of Justice and of such agreements with other States as may provide for other means for peaceful

settlement

EUROPEAN ECONOMIC COMMUNITY

(Original: English and French)

On signing the Treaty of Rome

constitutes, within the framework of the law of the sea, a major effort in the

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

~~_____~~

[The remainder of the page is heavily redacted with multiple thick black horizontal bars.]

"Annex

COMMUNITY TEXTS APPLICABLE IN THE SECTOR OF THE
PROTECTION AND PRESERVATION OF THE MARINE
ENVIRONMENT AND RELATING DIRECTLY TO SUBJECTS
COVERED BY THE CONVENTION

Council Decision of 3 December 1981 establishing a Community information
system for the control and reduction of pollution caused by hydrocarbons

(03 No J 355 10 12 1981 - 50)

"The Community has also concluded the following Conventions:

Convention for the prevention of marine pollution from land-based sources (Council Decision 75/437/EEC of 3 March 1975 published in OJ No L 194, 25.7.1975, p. 5).

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

~~Convention for the protection of the Mediterranean Sea~~

the Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft (Council Decision 77/585/EEC of 25 July 1977 published in OJ No L 240, 19.9.1977, p. 1).

Protocol concerning co-operation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency (Council

Decision 81/420/EEC of 19 May 1981 published in OJ No L 162, 19.6.1981, p. 4).

II. DECLARATIONS CLASSIFIED ACCORDING TO SUBJECT MATTER

A. GENERAL DECLARATIONS

(a) Of national law with the Convention:

Brazil

"(II) The Brazilian Government understands that the régime which is

Cape Verde

"(II) The provisions of Article 1 of the Convention

Sao Tome and Principe

Principe considers that the provisions of the Convention relating to archipelagic waters, the territorial sea and the exclusive economic zone are compatible with the legislation of the Republic of Sao Tome and Principe.

Brazil

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

German Democratic Republic

"[2] The German Democratic Republic

Philippines

of the Philippines shall not in any manner impair or prejudice the sovereign rights of the Republic of the Philippines under and arising from the Constitution of the Philippines;

? ~~Such signing shall not in any manner affect the sovereign rights~~

of the Republic of the Philippines as successor of the United States of America, under and arising out of the Treaty of Paris between

Recognition of State as a State

Algeria

"It is the view of the Government of Algeria that its signing the Final Act and the United Nations Convention on the Law of the Sea

does not entail any change in its position on the non-recognition of

(a) Only vis-à-vis States Parties:

Islamic Republic of Iran

"1) Notwithstanding the intended character of the Convention being one of general application and of law making nature, certain of its provisions are merely product of quid-pro-quo which do not necessarily purport to codify the existing customs or established usage, (inpractical) regarded as having an obligatory character.

Therefore, it seems natural and in harmony with article 24 of the

1969 Vienna Convention on the Law of Treaties, that only States parties to the Law of the Sea Convention shall be bound by its provisions.

Argentina (continued)

The Argentine Government will accept the

acts of the kind referred to above as contrary to the aforementioned resolutions adopted by the United Nations, the patent objective of which is the peaceful settlement of the sovereignty dispute

the good offices of the Secretary-General of the United Nations."

"1. The Spanish Government, upon signing this Convention, declares

Luxembourg

the European Economic Community and by virtue thereof, has

12. General principles of co-operation:

"On signing the United Nations Convention on the Law of the Sea, the

Republic of Mali remains convinced of the interdependence of the

interests of all peoples and of the need to base international

co-operation on, in particular, mutual respect, equality, solidarity
at the international, regional and sub-regional levels.

good-neighbourliness between States."

European Economic Community

(b) Innocent passage through the territorial sea of a foreign ship

(Part II, section 3, subsection A):

Cape Verde

"I. This Convention recognizes the right of coastal States to adopt measures to safeguard their security interests, including the right

Romania

"2. The Socialist Republic of Romania reaffirms the right of coastal States to adopt measures to safeguard their security interests, including the right to adopt national laws and regulations relating

2. Rights of the coastal States in the contiguous zone
(Part II, section 4):

Belgium

" Having underlined the close link between the ... "

Article 33 paragraph 1 (a) and Article 37 paragraph 2 of the

Convention, the Government of the Kingdom of Belgium intends to reserve the right, in emergencies and especially in cases of blatant violation, to exercise the powers accorded to the riparian State by

the latter text, without notifying beforehand a diplomatic agent or consular officer of the flag State, on the understanding that such notification shall be given as soon as it is physically possible. ... "

Chile

" With regard to straits used for international navigation, ... "

Islamic Republic of Iran

"1) Notwithstanding the intended character of the Convention being one of general application and of law making nature, certain of its provisions are merely product of codification and do not necessarily purport to codify the existing customs or established

necessarily purport to codify the existing customs or established

Spain (continued)

4. With regard to Article 42, it considers that the provisions of paragraph 1(b) do not prevent it from issuing in accordance with

accepted international regulations.

...

f It interprets the provisions of Article 221 as not denying the

Chile

"In exercise of the right conferred by article 210 of the Convention

entirety the statement it made at [the April 1982] meeting when the Convention was adopted, which statement is reproduced in document

(c) Non-military use by other States:

Brazil

"(III) The Brazilian Government understands that the provisions of

the Convention do not authorize other States to carry out in the

exclusive economic zone military exercises or manoeuvres, in particular those that imply the use of weapons or explosives, without

the consent of the coastal State."

Cape Verde

"V. In the exclusive economic zone, the enjoyment of the freedoms of

international communication, in conformity with its definition and

with other relevant provisions of the Convention, excludes any non-peaceful use without the consent of the coastal State, such as exercises with weapons or other activities which may affect the

Uruguay

expressly in the Convention (residual rights and obligations) relating to the rights of sovereignty and to the jurisdiction of the coastal State in its exclusive economic zone falls within the competence of that State provided that such regulation does not

prevent enjoyment of the freedom of international communication which

Sao Tome and Principe

The Government of the Republic of Sao Tome and Principe

Principle considers that in accordance with the provisions of the

Convention where the case stock or stocks of associated species

Spain

"5. The Spanish Government interprets articles 69 and 70 of the Convention as meaning that access to fishing in the economic zones of third States by the fleets of developed land-locked and geographically disadvantaged States is for States which are

of other States who have habitually fished in the economic zone

concerned."

Sudan

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

(i) Access by geographically disadvantaged States to the economic zone

Uruguay

"(I) Reaffirms that as stated in article 76 the continental shelf

is the natural prolongation of the territory of the coastal State to
the outer edge of the continental margin."

(b) Application of article 80:

Brazil

"(II) The Brazilian Government understands that in accordance with

7. Régime of islands (Part VIII):

Islamic Republic of Iran

"5). Islets situated in enclosed and semi-enclosed waters:

potentially can be used for

own, but due to climatic conditions, resource restriction or other

Bolivia

17. Freedom of access to and from the sea which the Convention

... according to the principle of bilateral treaties and will apply to

Belgium

"It is common knowledge that the Belgian Government cannot declare

show considerable deficiencies and flaws with respect to the exploration and exploitation of the said area which will require rectification through the adoption by the Preparatory Commission of draft regulations and procedures to ensure the establishment

and effective functioning of the International Sea-Bed Authority.

European Economic Community

"The Community, however, considers that significant provisions of Part XI of the Convention are not conducive to the development of the activities to which that Part refers in view of the fact that several member States of the Community have already expressed their position that this Part contains considerable deficiencies and flaws which require rectification. The Community recognises the importance of the work which remains to be done in this field."

Implementation of ...

(f) Development of resources:

Bolivia

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

11. Protection and preservation of the marine environment (Part XII):

(a) Protection against threat of or from existing pollution:

Belgium

Belgium has indicated that the Government of the

Kingdom of Belgium chooses to emphasize those provisions of the Convention which entitle it to protect itself, beyond the limit of the territorial sea, against any threat of pollution and, a fortiori, against any existing pollution resulting from an accident at sea, as well as those provisions which recognize the validity of rights and

C. DECLARATIONS WITH REGARD TO SETTLEMENT OF DISPUTES

1. Reservation of position:

Belgium

"For the time being, the Belgian Government does not wish to make any

one made above in connection with the settlement of the

"(VII) The Brazilian Government reserves the right to make any

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[REDACTED]

[REDACTED]

(ii) With regard to the prompt release of vessels and

Byelorussian Soviet Socialist Republic

"1. ... The Byelorussian Soviet Socialist Republic recognizes the competence of the International Tribunal for the Law of the Sea in relation to questions of the prompt release of detained vessels or their crews, as envisaged in article 292."

German Democratic Republic

"The German Democratic Republic recognizes the competence of the International Tribunal for the Law of the Sea in relation to questions of the prompt release of detained vessels or their crews, as envisaged in article 292."

German Democratic Republic

"[1] The German Democratic Republic declares that it accepts an arbitral tribunal as provided for in article 287, paragraph 1(c), which is to be constituted in accordance with Annex VII, as competent

for the settlement of disputes concerning the interpretation or

involved by recourse to other peaceful means of dispute settlement

German Democratic Republic

"The German Democratic Republic further declares that it

paragraph 1(d), which is to be constituted in accordance with Annex
VIII, as competent for the settlement of disputes concerning the

Ukrainian Soviet Socialist Republic

"2. The Ukrainian Soviet Socialist Republic declares, in accordance

compulsory procedures, involving binding decisions, for the
consideration of disputes relating to sea boundary delimitations,
disputes concerning military activities and disputes in respect of

ANNEX

DECLARATIONS MADE UPON RATIFICATION OF THE CONVENTION
BY CUBA AND THE PHILIPPINES

I. Cuba

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

4. Such signing shall not in any manner impair or prejudice the

it exercises sovereign authority, such as the Kalavaan Islands, and the waters

appurtenant thereto;

