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LAW OF THE SEA

Report of the Secretary-General

CONTENTS

CONTENTS (continued)

CONTENTS (continued)

CONTENTS (continued)

INTRODUCTION

1. The present report is submitted to the General Assembly in response to its resolution 49/28 of 6 December 1994, in which the Secretary-General was requested to report to the Assembly annually, as from its fiftieth session, on developments pertaining to the implementation of the United Nations Convention on the Law of the Sea and on other developments relating to ocean affairs and the law of the sea, as well as on the implementation of that resolution.

2. The General Assembly suggested that such an annual comprehensive report could also serve as a basis for his reports to all States parties to the Convention, which is called for under article 319 (2) (a) of the Convention. The Secretary-General intends to prepare such a report to States parties in early 1996 on the basis of the present report, taking into account the consideration of the item "Law of the sea" at the current session of the General Assembly.

3. The following reports submitted by the Secretary-General to the General Assembly at the current session are also relevant to the present subject: "United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks" (A/50/550); "Unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas" (A/50/549); "Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas" (A/50/553); and "Fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources", prepared by the Food and Agriculture Organization of the United Nations (FAO) (A/50/552). All four reports will be considered by the General Assembly under a sub-item together with the item "Law of the sea", in accordance with its decision.

4. The present report is divided into two main chapters: chapter I is devoted to developments pertaining to the implementation of the Convention and chapter II to other developments relating to ocean affairs and the law of the sea. The third element in the General Assembly's requests, i.e., the implementation of resolution 49/28, is reflected in both chapters as appropriate.

5. The international community has now entered an important transitional era for the law of the sea and international cooperation in ocean affairs. Following upon more than a decade of slowly accumulating practice in the application of the new legal regime, the present period is one which calls for a new focus on rapid adjustment, consolidation and strengthening of international law and policy on ocean issues.

6. There have been 21 ratifications or accessions since the requirement for entry into force of the Convention was met in November 1993; the 1994 Agreement relating to the implementation of Part XI of the Convention has successfully facilitated a wider acceptance of the Convention; and through the adoption of the 1995 Agreement on straddling fish stocks and highly migratory fish stocks, there is new, concrete evidence of the determination of the international community to strengthen the international legal order for the oceans wherever

and whenever there are urgent and compelling needs that can be resolved only through the elaboration of new or additional rules. New international policy also is emerging on the sustainable development of marine and coastal areas and resources, stimulated by the United Nations Conference on Environment and Development (UNCED), by the entry into force of the Convention on the Law of the Sea and of other conventions which contribute to its objectives, by the adoption of new global programmes on major aspects of ocean affairs, and new or revised strategies by international organizations, including the development and financial institutions.

7. Virtually every intergovernmental forum with an interest in oceans and coastal areas and necessarily having a particular focus derived from its main objectives, is currently making a major effort to adopt integrated approaches and establish cross-sectoral relationships. The very nature of ocean affairs argues for such an approach, as recognized also by the Convention in its preamble, and consequently by the General Assembly, for the purpose of considering its item on the law of the sea. Any uncertainty as regards the choice of forum for the consideration of an issue, or duplication in the number of forums considering essentially the same issue, and any uncertainty as to the way in which issues are to be interrelated and integrated, can create new problems for international cooperation and coordination in ocean affairs. It could also cause impediments for the harmonized development of international law relating to the oceans.

8. The oversight role of the General Assembly, as reflected in its resolution 49/28, with respect to the implementation of the Convention and the conduct of international cooperation in support of its objects and purposes can be expected to assume yet greater importance over the present period, and beyond. In the view of the Secretary-General, it is timely for Member States to consider further how best to fulfil this oversight role, bearing in mind the need for regular and comprehensive review of the implementation of the Convention, which entails frequently also consideration of the implementation of important related conventions and instruments, as well as for identification of issues of particular importance for the maintenance of the legal order for the oceans, for peace and security, and for the conservation and sustainable development of its resources.

I. DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE CONVENTION

A. The Convention and the implementing agreements

1. Status of the Convention

9. The United Nations Convention on the Law of the Sea 1/ entered into force on 16 November 1994. Since then, by 15 October 1995, 13 more States (Austria, Bolivia, Cook Islands, Croatia, Greece, India, Italy, Lebanon, Samoa, Sierra Leone, Singapore, Slovenia and Tonga) deposited their instruments of ratification, accession or succession, bringing the total number of States parties to 81. 2/

2. Status of the Agreement relating to the implementation of Part XI of the Convention

10. On 28 July 1995, the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, 3/ which was signed by 79 States, was closed for signature. On that date, 16 States 4/ became bound by the Agreement under the simplified procedure set out in article 5. Eleven States, which had been parties to the Convention before the adoption of the Agreement, notified the depositary in writing that they were not availing themselves of the simplified procedure. 5/ Some others, which had also notified that they were not availing themselves of the procedure under article 5, proceeded with the ratification of the Agreement. 6/

11. According to article 6, the Agreement will enter into force 30 days after the date on which 40 States have established their consent to be bound, provided that such States include at least seven of the States referred to in paragraph 1 (a) of resolution II of the Third United Nations Conference on the Law of the Sea and that at least five of those States are developed States. Although 41 States 7/ have consented to be bound by the Agreement, the requirements of article 6 have not been met for the Agreement to enter into force.

12. However, pending its entry into force, the Agreement is being applied provisionally by 124 States as of 15 October 1995 in accordance with article 7 and section 1, paragraph 12, of the annex. Among the States entitled to apply the Agreement provisionally by virtue either of their consent to the adoption of the Agreement in the General Assembly or of their signature, 14 States have notified the Secretary-General that they do not wish to apply it provisionally. 8/ For these States, their consent to be bound by the Agreement is subject to ratification.

3. Adoption of the Agreement for the implementation of the Convention provisions relating to straddling fish stocks and highly migratory fish stocks

13. The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on 4 August 1995 adopted the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (see paras. 170-172 below). 9/

B. Meetings of States Parties to the Convention

14. The Convention provides, in article 319, paragraph 2 (e), that the Secretary-General shall "convene necessary meetings of States Parties in accordance with [the] Convention". Initially, on the recommendation of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, the Secretary-General convened a Meeting of States Parties to the Convention immediately following entry into

force of the Convention, on 21 and 22 November 1994, to discuss the organization of the International Tribunal for the Law of the Sea, and in particular, the deferment of the first election of its members. 10/ In convening the Meeting, in addition to States parties, invitations were also addressed to other States and the entities referred to in article 305, paragraph 1 (c), (d), (e) and (f), of the Convention to participate as observers, subject to a decision to be taken by States parties at the beginning of their meeting.

15. In accordance with paragraph 10 of resolution I of the Third United Nations Conference on the Law of the Sea, the Meeting had before it the report of the Preparatory Commission, containing recommendations regarding practical arrangements for the Tribunal. 11/

16. The Meeting, having elected Mr. Satya N. Nandan (Fiji) as its President, took, on the recommendations of the Preparatory Commission, 12/ inter alia, the following decisions:

(a) The first election of the members of the Tribunal would be deferred until 1 August 1996, and this would be a one-time deferment;

(b) The nominations for members would open on 16 May 1995 and would close on 17 June 1996. A State in the process of becoming a party to the Convention might nominate candidates. Such nominations would remain provisional and would not be included in the list of candidates to be circulated by the Secretary-General unless the State concerned had deposited its instrument of ratification or accession before 1 July 1996;

(c) The list of candidates would be circulated on 5 July 1996.

17. In the first year after the entry into force of the Convention, a second Meeting of States Parties was necessary in order to deal, inter alia, with organizational matters relating to the establishment of the Tribunal, which included the practical arrangements therefor. Accordingly, the Secretary-General convened the second Meeting of States Parties from 15 to 19 May 1995. 13/ In addition to the entities other than States parties that had earlier been invited, relevant international organizations and non-governmental organizations were also invited to participate as observers.

18. The Meeting considered and agreed on the structure and composition of the Bureau. It also considered the draft rules of procedure submitted by the Secretariat and adopted a revision thereof as its rules of procedure. 14/ A rule relating to decisions having financial implications was left to be developed.

19. On organizational matters, the Meeting discussed and agreed on several criteria regarding the establishment of the Tribunal, its initial functions and related matters, and the Meeting took, inter alia, the following decisions:

(a) The members of the Tribunal would hold their first organizational session on 1 October 1996;

(b) The President of the Tribunal would reside at its seat and all other members would attend meetings of the Tribunal as and when required;

(c) The overall remuneration of the members would consist of an annual allowance, a special allowance for each day that they are engaged in the business of the Tribunal and a subsistence allowance for each day that they attend meetings;

(d) The official languages of the Tribunal would be English and French. A party to a dispute might use another language for written and oral pleadings and related documentation, but the translation and interpretation into one of the official languages should be at that party's expense;

(e) When a language other than the Tribunal's official languages chosen by a party was an official language of the United Nations, the decision of the Tribunal should be translated into that official language at no cost to the parties;

(f) Subject to availability of funds, and provided that it would not result in an increase in the budget, consideration would be given in the future to the translation of final decisions of the Tribunal into the other official languages of the United Nations at the request of any of the States parties.

20. The Meeting also decided that the principle of cost-effectiveness would apply to all aspects of the Tribunal's work.

21. With respect to the question of the budget and the source of the budget or its funding, the Meeting requested the Secretariat to prepare a draft initial budget. The criteria agreed upon, as referred to above, would be used for purposes of organization and for assessing budgetary implications during the initial financial period (1 August 1996-31 December 1997). The States parties intend to adopt the budget at a Meeting to be held from 4 to 8 March 1996, which would be preceded by a Meeting to be held from 27 November to 1 December 1995, to review the draft budget with the participation of financial experts of delegations. The Meeting also noted that there would be a need for transition from the services of the Secretariat to the Registry of the Tribunal.

C. Actions taken by States

1. Maritime limits

22. According to information obtained by the Secretary-General as at 15 October 1995, the outer limits of the claims by 146 coastal States to the various maritime zones, measured from baselines, are as shown below. No information is available on the legislation of five other coastal States: Bosnia and Herzegovina, Eritrea, Georgia, Slovenia and Yugoslavia.

	Number of States
(a) Territorial sea	
12 miles 15/	121
Less than 12 miles	9
More than 12 miles	15
(200 miles 10)	
(20-50 miles 5)	
(b) Contiguous zone	
24 miles	47
Less than 24 miles	8
More than 24 miles	1
(c) Exclusive economic zone	
200 miles	86
Up to a line of delimitation, by determination of coordinates or without limits	10
(In addition, 15 States claim a fishery zone of 200 miles and 4 States claim a fishery zone of less than 200 miles.)	
(d) Continental shelf	
200-metre isobath plus exploitability criterion	37
Outer edge of continental margin, or 200 miles	25
200 miles	7
Others	13

In addition, 16 States have claimed archipelagic State status, although not all have specified archipelagic baselines.

2. National legislation

23. Following the previous reporting year, the trend in State practice to adopt or modify legislation in order to comply with the provisions of the Convention has continued to slow down during the past year. The entry into force of the Convention has thus far apparently not prompted States parties to amend their legislation that does not conform to the Convention.

24. Four European States - Croatia, Finland, Germany and Ukraine - transmitted to the Secretariat their new legislation on maritime areas under their jurisdiction. Croatia adopted a comprehensive Maritime Code on 27 September 1994, 16/ comprising 13 parts and 1,056 articles. It defines the baselines from which the territorial sea is measured, establishes a 12-mile territorial sea and provides for the possible establishment of an exclusive

economic zone up to the outer limits permitted by international law. It also contains the regime of the continental shelf, which extends up to the delimitation line with neighbouring States, and deals with shipping and navigation, including the regime of ports.

25. Finland, by an Act dated 30 July 1995, 17/ has amended the Act of 18 August 1956 defining the limits of the territorial waters, which are divided into internal waters and external waters or the territorial sea. The external limits of the territorial sea were extended from 4 to 12 miles, with the exception of the Gulf of Finland where the limit is 3 miles.

26. By a proclamation dated 11 November 1994, Germany extended the outer limit of the territorial sea from 3 to 12 miles both in the North Sea and in the Baltic Sea. Further, by a proclamation dated 25 November 1994, Germany established an exclusive economic zone in the North Sea and in the Baltic Sea. 18/ The limits of the German territorial sea and exclusive economic zone in the North Sea and in the Baltic Sea are indicated on Maritime Boundaries Charts Nos. 2920 and 2921, which have been deposited with the Secretary-General in accordance with articles 16, paragraph 2, and 75, paragraph 2, of the Convention on the Law of the Sea (see para. 39 below).

27. The task force established under the 1992 Paris Declaration on the Coordinated Extension of Jurisdiction in the North Sea 19/ presented its report on 7 February 1995. One of the main objectives of the task force was to promote the further establishment of exclusive economic zones in the North Sea in order to improve enforcement of international rules relating to pollution from ships. France, Germany, Norway and Sweden have already established an exclusive economic zone. Among the four other North Sea States, draft legislation has been completed in the Netherlands and Denmark. A first draft has been elaborated by Belgium. The United Kingdom of Great Britain and Northern Ireland adopted a merchant shipping (prevention of pollution) Act in 1994 and an Order-in-Council is being drafted to control pollution from ships within the limits of a zone permitted under the exclusive economic zone provisions.

28. Ukraine adopted on 16 May 1995 an Act 20/ establishing an exclusive economic zone which extends up to 200 miles. The Act comprises 32 articles, dealing with delimitation, sovereign rights over the living and non-living resources, jurisdiction with regard to artificial islands, installations and structures, the protection of the marine environment and the conduct of marine scientific research. It also establishes the supremacy of the Convention over the Act in case of conflict.

29. In Asia, Thailand communicated to the press, in September 1995, the establishment of a contiguous zone of 24 miles from the baselines from which the territorial sea is measured. 21/

30. Three protests were filed by Germany on behalf of the European Union. The first protest, 22/ dated 23 December 1994, relates to the straight baselines claims by Thailand in Area 4 considered to be "excessively long". The second protest, dated 14 December 1994, concerns the regulations adopted by Costa Rica subjecting to prior authorization the entry into and the passage through its territorial sea of foreign fishing vessels. 23/ The third protest, dated

14 December 1994, concerns the Act of 1993 on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and in the Oman Sea. 24/ The European Union considered that several baseline segments were "excessively long". The protest dealt also with the rules defining the innocent passage in relation to the defence and security of the Islamic Republic of Iran, the prior authorization of warships, submarines, nuclear-powered ships and vessels or any other floating objects or vessels carrying nuclear or other dangerous or noxious substances, harmful to the environment. The protest underscored that the Act was not in conformity with articles 5, 7, 19, 56, 58 and 78 of the Convention. 25/

31. A regional review of the maritime legislation of 146 coastal States reveals the impact of the Convention on their legislative activity:

(a) For Africa, at the time of the adoption of the Convention or shortly thereafter, 12 States 26/ adopted new legislation regarding their maritime zones. Cape Verde adopted a new law in 1992 in order to correct that of 1977, in which archipelagic baselines were not drawn in conformity with the Convention. Nine States still claim territorial seas extending beyond the 12-mile limit permitted under international law. They are: Angola with 20 miles; Nigeria and Togo with 30 miles; Cameroon with 50 miles; and Benin, Congo, Liberia, Sierra Leone and Somalia with 200 miles. Of those States, Benin, Congo and Liberia are not parties to the Convention.

(b) For Asia, it is convenient to view the practice of 49 States in their subregional contexts: (i) 16 of the 18 East and South Asian States claim a 12-mile territorial sea. Singapore claims 3 miles and the Philippines a rectangular zone. All these States, with the exception of Brunei Darussalam, Cambodia and China, had enacted their legislation before the adoption of the Convention. With the exception of China, Japan, the Republic of Korea and Singapore, which claim a 200-mile fishing zone, the 14 remaining States of this subregion have established an exclusive economic zone of 200 miles; (ii) Fifteen of the 16 States of the South Pacific have established a 12-mile territorial sea. Only Palau has set its claim to 3 miles. Ten of these States adopted their laws in the 1970s. All States claim a 200-mile zone, with three of them claiming a fishing zone (Nauru, Palau and Papua New Guinea); (iii) Four Gulf States have changed their maritime area jurisdiction very recently: Qatar in 1992; Bahrain, the Islamic Republic of Iran and United Arab Emirates in 1993. Oman adopted a territorial sea of 12 miles and an exclusive economic zone of 200 miles in 1981; (iv) Among the East Mediterranean States, the Syrian Arab Republic has a 35-mile territorial sea claim. Jordan and Turkey have territorial seas of 3 and 6 miles respectively.

(c) For Latin America and the Caribbean, among the 13 island States of the Caribbean Sea, only the Bahamas and the Dominican Republic have set claims to a territorial sea of less than 12 miles. Among the 18 Central and South American States, 5 which are not parties to the Convention claim a 200-mile territorial sea: Ecuador, El Salvador, Nicaragua, Panama and Peru. Argentina, Brazil and Chile have recently rolled back their territorial sea limits to 12 miles. Uruguay, having become a party to the Convention, has set its claims to the extent permitted by the Convention.

(d) For Europe and North America, 26 States claim a 12-mile territorial sea. Only three States still claim a territorial sea under 12 miles: Denmark (3 miles), Norway (4 miles) and Greece (6 miles). Fourteen States have proclaimed an exclusive economic zone. Eight claim fishing zones: Belgium, Canada, Denmark, Finland, Ireland, Malta, Netherlands and the United Kingdom. Eight States have established a contiguous zone, five extending up to 24 miles.

3. Other developments

32. In its resolution 49/82 of 15 December 1994 on the implementation of the Declaration of the Indian Ocean as a Zone of Peace, the General Assembly noted that the entry into force of the Convention "enhances prospects for mutually accommodative measures of cooperation on a regional as well as global basis, including the freedom of the high seas, in conformity with the Convention".

33. At the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries (25-27 April 1995), the Ministers welcomed the entry into force of the Convention and the establishment of the International Seabed Authority in Jamaica. They believed that the Convention and its agreements represented significant achievements of the international community through multilateral efforts in creating a legal order for the seas and oceans which would, inter alia, facilitate international communication, promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, as well as the protection and preservation of the marine environment. The Ministers expressed the hope that the Agreement relating to the implementation of Part XI of the Convention would be implemented in all of its aspects, including the agreement to set up the Authority without introducing new conditionalities that worked against the interests of the developing countries. 27/

34. The twenty-sixth South Pacific Forum (3-15 September 1995) "urged all Forum member countries to become parties to the 1982 United Nations Convention on the Law of the Sea at the earliest opportunity". 28/

35. In the Declaration adopted on 29 September 1995 at their nineteenth annual meeting, the Ministers for Foreign Affairs of the Group of 77 welcomed the entry into force of the Convention and invited countries that had not done so to accede to it. 29/

D. Actions taken by the Secretary-General

1. Establishment of a system for the deposit, recording and publicity of charts and geographical coordinates

(a) Due publicity obligations with respect to charts and geographical coordinates

36. Under articles 16 (2) (limits of the territorial sea), 47 (9) (archipelagic baselines), 75 (2) (exclusive economic zone) and 84 (2) (delimitation of the continental shelf) of the Convention, "due publicity" is to be given by the

coastal State to charts or lists of geographical coordinates and a copy of each such chart or list is to be deposited with the Secretary-General. Similarly, under article 76 (9) (definition of the continental shelf), the coastal State is to deposit with the Secretary-General charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf so that the Secretary-General may give "due publicity" thereto.

37. The General Assembly, conscious of these provisions, requested in its resolution 49/28, paragraph 15, the Secretary-General to carry out a number of functions consequent upon the entry into force of the Convention, inter alia, by:

> "(f) Establishing appropriate facilities, as required by the Convention, for the deposit by States of maps, charts and geographic coordinates concerning national maritime zones and establishing a system for their recording and publicity ..."

38. In order to carry out the functions entrusted to the Secretary-General under the Convention, and pursuant to the above request by the General Assembly, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, as the responsible substantive unit of the Secretariat, has established facilities for the deposit of charts and lists of geographical coordinates, including geodetic data, and adopted a system for their recording and publicity.

39. The Division, in order to give equal treatment to all States, will endeavour to be of service to States parties by publishing the charts and geographical coordinates received by the Secretary-General in a systematic and uniform manner. For administrative purposes, States parties have been invited by the Secretary-General to submit the charts concerned in triplicate together with relevant legislation, including lists of geographical coordinates, in electronic format whenever possible.

40. With respect to the recording system, the Division has already devised an internal computerized "data record". As for publicity, the Division has started to prepare a "Maritime Zone Notification" (MZN) for the purpose of informing States parties of the deposit of charts and geographical coordinates. The first MZN, dated 8 March 1995, concerned the deposit by Germany of the charts and geographical coordinates of its territorial sea and exclusive economic zone. Moreover, the MZN, together with the lists of geographical coordinates and charts deposited, is reproduced in a Law of the Sea Information Circular (LOSIC) and the charts and the text of the relevant legislation are published in the Law of the Sea Bulletin. 30/

(b) Other due publicity obligations

41. Consequent upon the entry into force of the Convention, the Division has taken due note of other "due publicity" obligations which must be complied with by States parties. Firstly, coastal States, pursuant to article 21 (3), shall give "due publicity" to all laws and regulations they may adopt on innocent passage through the territorial sea. Secondly, States bordering straits, pursuant to article 42 (3), shall give "due publicity", to all laws and regulations they may adopt relating to transit passage through straits used for

international navigation. Lastly, pursuant to articles 22 (4), 41 (6) and 53 (10), coastal States, States bordering straits and archipelagic States shall give "due publicity" to the charts indicating the designation, prescription or substitution of sea lanes and traffic separation schemes in the territorial sea and in straits used for international navigation as well as of air routes above archipelagic sea lanes used for international overflight.

42. The Division has taken initiatives in bringing to the attention of States parties its willingness to assist them with their obligations of such "due publicity". Accordingly, by notes verbales addressed to the States parties concerned, the Division has invited them to submit to the Legal Counsel a copy of the laws and regulations relating to transit passage through straits used for international navigation and to innocent passage through the territorial sea, as well as the charts indicating established sea lanes, traffic separation schemes and air routes above archipelagic sea lanes. Three States have so far responded to the invitation.

2. Preparation of the lists of conciliators, arbitrators and special arbitrators

43. The Convention confers on the Secretary-General a number of functions relating to the procedures for the settlement of disputes. In addition to the major task of preparing for the establishment of the International Tribunal for the Law of the Sea (see paras. 55-58 below), the Secretary-General is required to draw up and maintain lists of conciliators and arbitrators for the conciliation and arbitration procedures as set out in Annexes V and VII, respectively, to the Convention. Accordingly, the Secretary-General addressed a note verbale to all States to nominate conciliators and arbitrators in accordance with Annex V, article 2, and Annex VII, article 2. Every State party is entitled to nominate four conciliators and four arbitrators. The persons nominated as arbitrators should, in addition to the requirements of fairness, competence and integrity, be experienced in maritime affairs. Although only States parties to the Convention are entitled to nominate conciliators and arbitrators, the Secretary-General, bearing in mind the desire to achieve universal participation in the Convention and also the decisions taken by the Meeting of States Parties regarding the nomination of candidates for the Tribunal (see para. 16 above), invited all States to submit nominations, it being understood that inclusion in the list would be on the condition that the nominating States become a State party to the Convention. As at 15 October 1995, only one State party has submitted nominations for conciliators and arbitrators.

44. Annex VIII, article 2, to the Convention mandates four international organizations to draw up lists of experts in the fields of fisheries, protection and preservation of the marine environment, marine scientific research, and navigation, including pollution from vessels and by dumping, respectively. The Secretary-General has drawn the attention of the four designated organizations, i.e., FAO, the United Nations Environment Programme (UNEP), the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Maritime Organization (IMO), to the provisions of that annex and requested them

to take appropriate action in this regard. The Secretary-General also requested the above organizations to send a copy of the list to him, when established, and any subsequent changes which might be made to such list. So far FAO has received nominations from five States parties, and both IMO and IOC from 11 States parties. 31/

3. Development of a centralized system of integrated legislative databases

45. The Division for Ocean Affairs and the Law of the Sea has continued to develop a computer-generated information system on national legislation relating to the law of the sea. 32/ In this connection, an extensive review of national legislative acts from more than 140 States, as made available throughout the years to the United Nations, has been completed and a comprehensive inventory of those acts has been established. Thus, necessary prerequisites for further expansion, updating and verification of data stored in the system have been fulfilled. Projected improvements will further strengthen the Division's capacity in monitoring the practice of States. The system may also be a useful tool for assisting States at the preparatory stage of their legislative process. The pilot version of the computerized system is operational in the Division and ready to respond to various queries by interested permanent and observer missions, United Nations agencies as well as other international organizations.

46. Pursuant to the General Assembly's call, in resolution 49/28, for the development of "a centralized system with integrated databases for providing coordinated information and advice, inter alia, on legislation and marine policy", the Division established contacts with relevant organizations and has established initial working relationship with FAO.

47. Those contacts were made in order to avoid duplication in the compilation of legislation which falls under the competence of the United Nations as well as to explore existing projects and to improve the existing flow of information. In particular, the Division's computerized projects could be efficiently complemented, inter alia, by FAO's databases concerning fisheries legislation and agreements, which are being developed. Steps have been taken to advance future cooperation, including electronic transmission of data between the Division and FAO, with a view to acquiring experience for the establishment of similar links with other agencies and organizations. Through such links, a substantial increase in Division capabilities to respond to requests for information and assistance to States is expected in view of the implementation of the Convention and the recently adopted Agreement relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. The cooperative arrangements, however, involve complex technical problems and therefore need to be carefully elaborated.

E. Preparations for the establishment of the institutions created by the Convention

1. International Seabed Authority

48. The International Seabed Authority, established by the Convention with its seat in Jamaica, is the organization through which its members shall organize and control activities of exploration for, and exploitation of, the resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (the Area). The membership comprises States parties to the Convention and States non-parties which have consented to apply the Agreement provisionally (see para. 12 above).

49. Pursuant to article 308 (3) of the Convention, the Assembly of the Authority met on the date of entry into force of the Convention, i.e., 16 November 1994. The meeting, primarily of a ceremonial nature, was held at Kingston, Jamaica, from 16 to 18 November 1994. In 1995, the Assembly held two more meetings at Kingston, from 27 February to 17 March 1995 and from 7 to 18 August 1995, respectively.

50. During those meetings, it carried out a number of functions, advancing the organizational work substantially. 33/ The Assembly elected Mr. Hasjim Djalal (Indonesia) as President of its first session. The Assembly also elected four Vice-Presidents and appointed a 9-member Credentials Committee. Following the outcome of deliberations in a 10-member Working Group on the Draft Rules of Procedure appointed by it, the Assembly adopted the rules of procedure. 34/

51. The Assembly received the final report of the Preparatory Commission 35/ consisting of 13 volumes, which represent a comprehensive documentation of the work of the Preparatory Commission.

52. One of the earliest tasks of the Assembly was to elect the 36 members of the Council, comprising four groups representing - in essence, four sets of interests, i.e., consumers/importers of the minerals that could be supplied from the deep seabed sources, investors in deep seabed mining, producers/exporters of such minerals from land-based sources and developing States representing special interests, as well as a group of 18 members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole. 36/ Although substantial progress was made within each group and among the various groups, including among the five regions, and in spite of efforts by the President of the Assembly, the bureau and individual delegations, the Council could not be composed by the end of the first session of the Assembly. Informal inter-sessional consultations by the President of the Assembly on this subject are scheduled to be held in New York from 6 to 8 December 1995.

53. In the absence of the Council and of the Secretary-General, who is to be elected by the Assembly from among the candidates proposed by the Council, the Assembly decided upon certain administrative and budgetary arrangements for the Authority on an interim basis. It requested the Secretary-General of the United Nations to submit to the General Assembly at its fiftieth session, on behalf of the Authority, a draft budget covering the administrative expenses of the Authority for 1996. The Secretary-General has already responded to that

request. 37/ It also requested that the staff and facilities previously available to the United Nations Kingston Office for the Law of the Sea be continued as the interim secretariat of the Authority as of 1 October 1995, and authorized the Secretary-General of the United Nations to administer the interim secretariat until the entry on duty of the Secretary-General of the Authority. This decision of the Assembly is being implemented.

54. The Assembly decided to request the holding to two meetings of the Authority in 1996: the first meeting to take place beginning on 11 March 1996 for up to three weeks, if necessary, principally for the purpose of electing the members of the Council and the Secretary-General of the Authority and establishing the Finance Committee; the second meeting to take place beginning on 5 August 1996 for up to two weeks, primarily for the Finance Committee, the Council and the Assembly to consider and decide on the budget and to establish the Legal and Technical Commission. During these meetings, the Assembly and the Council, as far as practicable, shall also consider other items on their agendas.

2. International Tribunal for the Law of the Sea

55. The establishment of the Tribunal, as set out in its statute, is to commence with the election of members within six months of the date of entry into force of the Convention. That date, however, has been deferred as explained in paragraph 16 above by the decision of the Meeting of States Parties. The Meeting also established several criteria relevant to the establishment and organization of the Tribunal (see paras. 19-20 above).

56. In accordance with the decision of the Meeting of States Parties, nominations for the members of the Tribunal was opened on 16 May 1995 and all States were invited to submit nominations with the proviso that nominations by a State not party to the Convention shall not be included in the list of candidates to be circulated by the Secretary-General on 5 July 1996 unless the State concerned has deposited its instrument of ratification or accession before 1 July 1996. The nominations will be closed on 17 June 1996. 38/

57. In response to the decision of the Meeting of States Parties and as endorsed by the General Assembly, 39/ Mr. Gritakumar Chitty of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, has been designated as the officer charged with making preparations of a practical nature for the organization of the Tribunal, including the establishment of a library, with the necessary secretariat support. 40/

58. The Legal Counsel, on the invitation of the German Government, visited Bonn and Hamburg in June 1995 and held consultations with both the federal and the Hamburg authorities on a series of issues regarding the practical arrangements for the establishment of the Tribunal.

3. Commission on the Limits of the Continental Shelf

59. With the entry into force of the Convention, another new institution, the Commission on the Limits of the Continental Shelf, must be established, in accordance with article 76 and Annex II, within 18 months, i.e., before 16 May 1996. The members of the Commission are to be elected at a Meeting of States Parties convened by the Secretary-General. The Commission consists of 21 members who shall be experts in the field of geology, geophysics or hydrography, elected by States parties from among their nationals, having due regard to the need to ensure geographical representation, and who shall serve in their personal capacities.

60. The functions of the Commission shall be: (a) to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 miles, and to make recommendations in accordance with article 76 and the statement of understanding adopted by the Third United Nations Conference on the Law of the Sea concerning a specific method to be used in establishing the outer edge of the continental margin; and (b) to provide scientific and technical advice, if requested by the coastal State concerned, during the preparation of such data.

61. In an effort to ensure that the Commission upon its establishment has sufficient material and information and to facilitate an efficient commencement of its work, and without prejudice to the decisions of the Commission in this regard, the Division for Ocean Affairs and the Law of the Sea, as the secretariat of the Commission, has attempted to identify some of the issues that will have to be addressed by the Commission when it begins its examination of the submissions of coastal States. This was done with the assistance of a representative group of experts, which was convened at United Nations Headquarters from 11 to 14 September 1995. 41/

62. Since the issue of the definition of the continental shelf had already been addressed by the Division in 1993 by convening a group of experts and publishing a study, 42/ the recent meeting of the group of experts focused its attention principally on the functions and scientific and technical needs of the Commission and on the possible format of the coastal State's submission regarding the limits of its continental shelf.

F. Actions taken by relevant international organizations and bodies

63. The General Assembly, in its resolution 49/28, paragraph 18, invited the competent international organizations to assess the implications of the entry into force of the Convention in their respective fields of competence and to identify any additional measures that might need to be taken as a consequence of its entry into force with a view to ensuring a uniform, consistent and coordinated approach to the implementation of its provisions. The Assembly considered that this activity was also important for the implementation of Agenda 21, paragraphs 17.116 and 17.117. 43/

64. The results of these assessments by the competent international organizations 44/ will be very important for the preparation of the comprehensive report for the fifty-first session of the General Assembly, which the Secretary-General was requested to prepare in paragraph 19 of resolution 49/28, on the impact of the entry into force of the Convention on related existing or proposed instruments and programmes. As one of the initial steps to implement this and other related requests of the General Assembly, the Division has established a list of focal points for law of the sea matters in those organizations. Cooperation in these areas will be greatly expedited by this system of designated focal points.

65. A number of organizations and convention secretariats have initiated reviews in response to resolution 49/28; several, including the United Nations Commission on Narcotic Drugs (see A/49/631, para. 178), had already anticipated the need to revisit the Convention in order to clarify certain relationships consequent upon its entry into force. At the same time, in view of the entry into force of the Convention, the Division is frequently consulted on specific questions arising from the interrelationships among maritime instruments and the need to promote consistency in further legal development. A number of current activities under related treaties and instruments, involving particular questions of conformity and consistency with the Convention, are described in the following section.

1. International Maritime Organization

66. The IMO Council has considered the significance of the entry into force of the Convention and the specific measures undertaken by the Secretary-General to maintain appropriate cooperation between the IMO secretariat and the Division for Ocean Affairs and the Law of the Sea, including cooperation to assess the implications of the entry into force of the Convention for the various competent international organizations, in accordance with the requests made in General Assembly resolution 49/28. 45/ Since in many areas the Convention recognizes IMO as the "competent international organization" and IMO standards are regarded as "generally accepted international standards", the entry into force is also of particular significance for States parties to the Convention which are not members of IMO or parties to IMO conventions.

67. The Council stressed IMO's role as the "competent international organization" for the United Nations system, and therefore for the Convention, in the field of shipping and the effect of shipping on the marine environment. 46/ But since effective fulfilment of IMO's role will require a clear identification of the relevant provisions of the Convention and their relationship to IMO instruments, programmes and activities, the IMO secretariat will prepare a detailed study on the Convention in relation to IMO instruments, programmes and activities. 47/ This will also ensure that the governing bodies of IMO, its committees and subsidiary bodies are all fully aware of the organization's competence in respect of the Convention and of the legal framework within which that competence has to be exercised.

68. The work of IMO has provided many concrete examples of the close relationships between the Convention and the many, more specialized legal

instruments in the maritime field. Concern to ensure that proposals are in line with the Convention provisions has been evident on many occasions, and specific questions have been frequently referred to the Legal Committee in accordance with IMO procedures. 48/ In a number of instances, IMO committees and meetings of the 1972 Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (London Convention) have directed the IMO secretariat to consult the Division for Ocean Affairs and the Law of the Sea.

69. The Council foresees no need to institute new or additional procedures for dealing with law of the sea issues, and is confident that wide dissemination of the forthcoming IMO study will ensure the necessary awareness of these issues in the relevant IMO committees and bodies. At the same time, however, the Council has stressed that IMO must be kept aware of developments and trends in the practice of States and other international organizations in order to fulfil its role as a "competent international organization"; it consequently called upon the Secretary-General of IMO to follow closely all relevant developments in the General Assembly of the United Nations and in the meetings of States parties to the Convention and to report periodically to the Council.

2. World Meteorological Organization

70. In response to a request made by the Executive Council of the World Meteorological Organization (WMO) in 1994 as a consequence of the pending entry into force of the Convention, the WMO Secretary-General has brought to the attention of WMO members the necessary information on the legal status of observations from voluntary observing ships and related observations. 49/ This was considered necessary in order to assist States in national discussions relating to the maintenance of marine observation networks. The information circulated included the earlier consensus in the WMO Congress (1979 and 1983) to the effect that activities carried out under World Weather Watch and the Integrated Global Ocean Services System (IGOSS) were routine observations and data collection, and were not covered by the consent regime for marine scientific research in Part XIII of the Convention.

71. The letter circulated in 1994 thus affirmed the indispensable nature of routine meteorological and oceanographic observations, including those from the exclusive economic zone, for services in support of safety of life and property at sea; and also affirmed that these observations formed part of agreed, long-standing operations systems and were freely exchanged among countries for the general benefit. The Secretary-General of WMO has also advised that since these observations are generally made voluntarily by ships engaged in normal trading activities, the ship personnel should have the necessary assurances of the continuing legality and importance of their work.

3. Intergovernmental Oceanographic Commission

72. In recent years, IOC has expended considerable effort in assessing the impact of the Convention on the functions and activities of the Commission and has expedited this work as a consequence of the entry into force of the Convention. In 1994, the Executive Council authorized the IOC Secretary to take

immediate action to fulfil the short-term responsibilities, such as those under Annex VIII to the Convention. The IOC Assembly (June 1995) discussed "IOC and UNCLOS" at length, on the basis of an extensive report prepared by a working group. 50/ The report analysed IOC's role as the competent international organization to promote and facilitate international cooperation in marine science under the relevant Convention provisions, offered guidelines for cooperative arrangements with the International Seabed Authority and other organizations, identified priority areas for IOC's attention and suggested such future activities as preparation of detailed guidance on the application of the consent regime for marine scientific research, further to Draft Standard Form A, suggested in the publication of the Division for Ocean Affairs and the Law of the Sea on the subject. 51/

73. Particular note was taken of the need to conclude agreements with the International Seabed Authority and the Division for Ocean Affairs and the Law of the Sea regarding the discharge of its responsibilities. The IOC Assembly established an open-ended inter-sessional working group on the "IOC role in relation to UNCLOS" to complete the review of the Convention and to suggest actions to be taken by IOC, taking into account the competence of the bodies established under the Convention and that of other existing bodies of the United Nations system. The terms of reference of the group require that it take special account of the rights and duties of coastal States relating to the general principles of prior consent for the implementation of activities in the exclusive economic zone and on the continental shelf. 52/

74. IOC's main contribution to the effective implementation of the Convention lies in its programme areas dealing with ocean mapping, marine environmental research and monitoring, ocean observing systems, education, training and mutual assistance, and research programmes on living and non-living resources. To help fulfil its role with respect to the Commission on the Limits of the Continental Shelf, as set forth in article 3 (2) of Annex II to the Convention, and to promote understanding of the scientific aspects of the implementation of article 76, IOC organized an ad hoc expert consultation within the framework of its programme on Ocean Science in relation to Non-Living Resources (OSNLR). 53/

75. The IOC programme, as reformulated for 1996-1997, 54/ will be specifically recognized as being implemented within the framework of Agenda 21, the relevant conventions, including the Convention on the Law of the Sea, and the Programme of Action for the Sustainable Development of Small Island Developing States. 55/ Four main objectives have now been set: to reduce the scientific uncertainties regarding oceans and coastal areas; to strengthen data exchange and ocean service; to foster capacity-building in developing countries and stimulate international and regional cooperation for marine research and systematic ocean observations.

4. International Labour Organization

76. The secretariat of the International Labour Organization (ILO) has asserted the Organization's competence under the United Nations Convention on the Law of the Sea in the field of maritime labour and safety, as deriving from its Constitution in relation to the application of international labour Conventions

and Recommendations, which cover such topics as occupational health and safety, working conditions, labour inspections, human rights and economic and social policy generally. A number of them are important for preventing accidents at sea and protecting the marine environment, 56/ and some specifically address the situation of seafarers, fishermen and other fish workers. ILO consequently cooperated with IMO on the amendments to the 1978 International Convention on Standards, Certification and Watchkeeping for Seafarers (STCW), as it had earlier with IMO and FAO on the 1993 Protocol to the Torremolinos Convention for the Safety of Fishing Vessels.

77. As regards future instruments and consistency with the Convention on the Law of the Sea, ILO advises that the draft revised texts for five of its maritime instruments, approved by a Tripartite Meeting on Maritime Labour Standards (December 1994) for adoption by an International Labour Conference, include references to the entry into force of the Convention and generally take account of the relevant provisions.

5. United Nations Environment Programme

78. UNEP places great emphasis on the importance of the entry into force of the Convention and on its nature as a comprehensive, enforceable environmental convention and a strategic instrument for promoting an integrated approach to the sustainable development of marine and coastal areas. 57/ The UNEP Governing Council, furthermore, has included the entry into force of the Convention in the group of "major international events" having important implications for the Programme; 58/ this group also includes "An Agenda for Peace", 59/ and "An Agenda for Development". 60/ Attention was drawn not only to the impacts of the provisions of Part XII of the Convention, but also to such other provisions as article 43 (pollution in international straits), articles 61-68 and 116-120 (living resources in the exclusive economic zone and on the high seas), and article 145 (pollution from activities in the international seabed area). The broad range of responsibilities that States parties to the Convention assume was stressed, including the obligation to take legal action in the case of breaches of relevant national and international legal requirements. 61/

79. The UNEP Regional Seas Programme is an important avenue for the implementation of the Convention, and the Oceans and Coastal Areas Programme Activity Centre is designated as the focal point for ensuring UNEP's role as a competent international organization under the Convention. Note should therefore be taken of the decision to integrate programmes on freshwater and marine water bodies in the Centre. This integration of aquatic issues is also reflected in the International Waters component of the Global Environment Facility and in the draft global programme of action to protect the marine environment from land-based activities to be adopted at an intergovernmental conference in November 1995 (see paras. 196-197 below). The Governing Council has also noted the importance of the entry into force of the Convention for the future global programme. 62/

80. The scope of and the tasks undertaken by the UNEP regional seas programmes (now encompassing 13 conventions and action plans involving over 140 countries and territories) are limited only by the desires of its constituent Governments,

and a focus on designing, implementing and enforcing legislation, as a cooperative regional undertaking, would promise greater cost-effectiveness and efficiency, as well as facilitate the fulfilment of obligations under the Convention on the Law of the Sea and/or the regional convention or action plan.

81. UNEP's support for the development of national legislation and institutions and training in environmental law, policy and administration will also be undertaken in the context of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, 63/ again with a distinct law of the sea component.

6. Food and Agriculture Organization of the United Nations

82. In its resolutions on large-scale pelagic drift-net fishing, on the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, on fisheries by-catch and discards, and on unauthorized fishing in zones of national jurisdiction, the General Assembly has specifically noted the competence of FAO in these questions as they relate to the implementation of the Convention. In recent years, therefore, the Division for Ocean Affairs and Law of the Sea has developed special working procedures with FAO, inter alia, on the collection, review and analysis of information from various sources. Following the adoption of the 1995 Agreement for the implementation of the Convention provisions relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, which includes important monitoring and reporting activities, and taking account also of the adoption of the 1995 Code of Conduct for Responsible Fisheries, these practices will be further refined, in order also to avoid duplication of effort and to maximize the value of the work involved.

7. United Nations regional commissions

83. The Economic Commission for Europe (ECE), which carries out important activities in the field of environmental law, has drawn attention to the regional conventions for which it is responsible, many of which are also important for the effective implementation of the Convention on the Law of the Sea. Particular note should be taken of the 1979 Convention on Long-range Transboundary Air Pollution and the 1991 Espoo Convention on Environmental Impact Assessment in a Transboundary Context as the means of implementing, regionally, the relevant provisions of the Convention on the Law of the Sea. The Espoo Convention covers activities, such as ports and offshore installations, which may have a significant impact on the marine environment and requires a comprehensive impact assessment at an early planning stage of activities to be carried out under the jurisdiction of one party and are likely to have a significant transboundary impact within an area, including the territorial sea, under the jurisdiction of another party.

84. The Economic Commission for Latin America and the Caribbean (ECLAC) has been restructured and reprogrammed, 64/ inter alia, to integrate a sustainable development strategy and to create subprogrammes for the Caribbean and for Mexico and Central America. This is now considered to offer better

opportunities for conducting coastal and marine activities. ECLAC has established a "task team" within the Natural Resources and Energy Unit of the new Environment and Development Division to develop some activities in the marine sector, including those directed at supporting member States' negotiations within the context of the International Seabed Authority on land-based mineral production, environmental aspects of seabed mining and scientific research. Developments with respect to the Convention on the Law of the Sea would also be duly incorporated in the programme of the Commission.

85. The Economic and Social Commission for Asia and the Pacific (ESCAP) has a well-established Marine Affairs Programme. Its main emphasis is on the development of regional marine mineral resources, especially within the context of integrated coastal area management. Activities also involve promoting coordination among three subregional intergovernmental organizations: the Committee for Coastal and Offshore Geoscience Programmes in East and South-East Asia, the South Pacific Applied Geoscience Commission, and the Indian Ocean Marine Affairs Conference, all of which take a strong interest in the effective implementation of the Convention.

86. The Economic Commission for Africa (ECA) has also emphasized the importance of the ratification of the Convention on the Law of the Sea and its implementation, particularly in the ECA Strategy and Action Programme for Integrated Development and Management of Marine/Ocean Affairs in Africa. 65/

G. Legal developments under related treaties and instruments

1. IMO conventions: main developments

87. Steady progress has been made by Governments in ratifying or acceding to the various IMO conventions. There now remain only 5 out of 40 conventions that are not yet in force. 66/ Main developments are as follows:

- The 1990 International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC) entered into force on 13 May 1995;

- The 1992 Protocols to the 1969 International Convention on Civil Liability for Pollution Damage (CLC) and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) will enter into force on 30 May 1996;

- The 1989 International Convention on Salvage will enter into force on 14 July 1996;

- Amendments have been adopted to the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) to improve the implementation of its annexes I, II, III and V, and particularly in respect of inspections by port States; they will enter into force on 3 March 1996;

- A diplomatic conference scheduled for late 1996 will consider the adoption of a new annex to MARPOL containing mandatory measures to prevent air pollution from ships;

- Amendments to chapter V of the 1974 International Convention for the Safety of Life at Sea (SOLAS), to introduce mandatory ships' routeing systems, will enter into force on 1 January 1997 under the "tacit acceptance" procedure. Consequential amendments to the General Provisions on Ships' Routeing would also take effect at that time;

- Comprehensive amendments to STCW were adopted by a Conference of STCW Parties in July 1995. They are expected to enter into force on 1 February 1997 under the "tacit acceptance" procedure;

- A concurrent conference adopted the 1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F). This new Convention, containing the first mandatory safety standards and applying to crews of fishing vessels generally 24 metres or more in length, will enter into force 12 months after being accepted by 15 States;

- A Conference of Contracting Governments (November 1995) will adopt amendments to SOLAS aimed at enhancing the safety of ro-ro (roll-on, roll-off) passenger ships. The 1995 amendments to STCW and the draft STCW Code also include measures to improve the safety of these ships;

- A diplomatic conference in April 1996 will consider the adoption of the draft convention for liability and compensation in connection with the carriage of hazardous and noxious substances by sea (HNS Convention) and the draft protocol to revise the 1976 Convention on the Limitation of Liability for Maritime Claims 67/ (see also para. 113 below);

- The International Safety Management Code (ISM Code) is expected to become mandatory on 1 July 1998;

- Still under consideration is the possible revision of the 1952 International Convention for the Unification of Certain Rules relating to Arrest of Seagoing Ships, in the light of developments as reflected in the 1993 International Convention on Maritime Liens and Mortgages;

- The feasibility of a new convention on offshore mobile craft (based on a revised draft by the Comité maritime international) will be taken up in 1996. The question of a more comprehensive instrument on offshore structures has been generally considered by IMO bodies to lie outside the organization's competence. 68/

2. Navigational rules and the law of the sea

88. In the current reporting period, IMO bodies have considered several fundamental issues of importance to the interpretation and application of the Convention on the Law of the Sea: restrictions on navigational rights in the form of mandatory ship routeing and reporting, with commensurate benefits, however, for the protection of the marine environment and maritime safety; legal as well as practical problems as concerns the regime of transit passage through international straits; and the adverse impacts of naval blockades and alien smuggling by ship (see paras. 145, 161-164).

(a) Mandatory ships' routeing

89. Mandatory measures with respect to ships' routeing and ship reporting have been dealt with extensively in previous reports of the Secretary-General in view of their considerable importance for the navigational rights and duties under the Convention and in particular the implementation of its article 211 (6).

90. The newly amended regulation V/8 of SOLAS provides that ships' routeing systems may be made mandatory for "all ships, certain categories of ships or ships carrying certain cargoes" when adopted and implemented in accordance with IMO guidelines and criteria. 69/ Prior to this development, only the observance of traffic separation schemes was mandatory, and the observance of ships' routeing systems only recommendatory. The new regulation V/8 therefore will make such systems mandatory at the request of Governments, provided that the proposal is approved by IMO.

91. Nothing in this SOLAS amendment is to prejudice rights and duties under "international law or the legal regime of international straits"; furthermore the regulation specifically provides that all adopted ships' routeing systems and actions taken to enforce compliance shall be consistent with the relevant provisions of the Convention on the Law of the Sea.

92. The connection between the introduction of mandatory routeing systems and the new SOLAS provision on mandatory ship reporting to vessel traffic systems should also be noted (see A/49/631, para. 116). Both provisions reflect important progress in the task undertaken at IMO to provide port and coastal States with the regulatory framework necessary to prevent accidents in their jurisdictional waters.

93. The guidelines and criteria referred to in the new SOLAS regulation are the General Provisions on Ships' Routeing, originally adopted in 1985, and now amended to take account of the introduction of mandatory ships' routeing systems. 70/ With respect to systems which would extend beyond the territorial sea or lie in an international strait, the General Provisions enumerate the various elements which are to be considered and on which consultations are required with IMO: possible alternative routeing measures, the traffic pattern, navigational hazards, navigational aids, state of hydrographic surveys, marine environmental considerations, the extent of the proposed application to ships and their cargoes, and the delineation and charting of the proposed system.

94. In respect of routeing systems intended primarily for environmental protection, IMO would have to consider whether the proposal could reasonably be expected to significantly prevent or reduce the risk of pollution or other damage, and whether the proposed size of an area to be protected, particularly "areas to be avoided", would unreasonably limit navigation. According to the amended General Provisions, IMO will not adopt a proposed routeing system until it is satisfied that it does not impose unnecessary constraints on shipping; in particular, an area to be avoided will not be adopted if it would impede the passage of ships through an international strait.

95. The question of imposing routeing restrictions on the carriage of radioactive material has also been raised at IMO in the context of follow-up to matters complementary to the INF Code (transport of irradiated nuclear fuel, plutonium and high-level radioactive waste by sea). 71/ The matter was referred to the Legal Committee, where it was recognized that in order to minimize the risks involved in such transport, coastal States had the right to make specific routeing proposals to IMO. It was also agreed that continued consideration of the subject in the technical bodies of IMO, particularly the Maritime Safety Committee and its Subcommittee on the Safety of Navigation, should take account of the relevant provisions of the Convention. Various countries continue to express their dissatisfaction with the rate of progress in controlling transport of these substances, pointing particularly at the need to set criteria for restricting or excluding entry into certain sea areas, to explore compulsory salvage and to prepare a mechanism of consultation between exporting and importing States and interested coastal States. The view has also been expressed that a general exclusion from certain areas would be an excessive measure, in conflict with the Convention, in particular articles 22, 23, 58 and 211. 72/

96. It may be noted that the 26th South Pacific Forum (September 1995) reiterated its policy of having the highest international safety and security standards for such shipments, conducted in a manner which addresses all possible contingencies, and in full consultation with Forum countries. 73/ The Forum has also adopted the Waigani Convention on 16 September 1995, banning the importation of all hazardous and radioactive wastes from outside the Convention area to Pacific island developing States parties, and ensuring that any transboundary movements of hazardous wastes within the Convention area are completed in a controlled and environmentally sound manner.

97. An important basic aspect of ships' routeing is the status of hydrographic surveying and nautical charting, on which there are serious deficiencies worldwide. IMO and the International Hydrographic Organization (IHO) have joined in pressing this point also in the context of any future consideration of UNCED follow-up. 74/

(b) Navigation and the regime for international straits

98. Particular questions as to the conformity of national rules and regulations on navigation with international rules and regulations arose last year with respect to the Turkish Regulations for Traffic Order in the Area of Straits and the Sea of Marmara and the 1994 IMO Rules and Recommendations on Navigation

through the Strait of Istanbul, the Strait of Çanakkale and the Sea of Marmara (see A/49/631, paras. 118-122).

99. The Maritime Safety Committee has suggested that if, in the light of experience gained in the implementation of the IMO Rules and Recommendations, the need emerges for action to be taken on technical issues related to navigation in these areas, IMO is the right forum to take such action, and its mechanism for the purpose is the standing Working Group on Ships' Routeing. 75/ The IMO Rules and Recommendations were implemented only recently, on 24 November 1994, so that it is still too early to determine what the actual deficiencies in their implementation might be. It may be noted that the changed legal context brought about by the recent amendments to SOLAS Chapter V regarding mandatory ships' routeing and reporting systems and the corresponding amendments to the General Provisions on Ships' Routeing may contribute to future action to strengthen or modify the existing IMO Rules and Recommendations and consequently the national regulations.

100. Several delegations have made statements for the record, including comments on article 38 (2) of the Convention, both asserting and denying that the regime of transit passage applies in the Black Sea Straits. 76/

3. ILO conventions and recommendations

101. Draft texts (Proposed Conclusions) have been approved for adoption by a future International Labour Conference. They would revise substantially a number of existing maritime labour instruments to improve the conditions of work for seafarers, and would apply also to commercial maritime fishing and to offshore units, to the extent that competent State authorities deemed practicable. 77/

102. The Proposed Conclusions concern:

- The 1926 Labour Inspection (Seamen) Recommendation (No. 28), calling for both a convention and a recommendation on ship inspection, with emphasis on living and working conditions;

- The 1958 Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109) and 1958 Recommendation (No. 109), calling for a Convention on hours of work and manning which would establish international limits on maximum working hours or minimum rest periods, and a Recommendation which would be a comprehensive instrument primarily on seafarers' wages;

- The 1920 Placing of Seamen Convention (No. 9), which would be revised to become both a Convention and a Recommendation, which would, inter alia, regulate private employment services for seafarers;

- Extension of the 1976 Merchant Shipping (Minimum Standards) Convention (No. 147) through the addition of several more recent maritime labour Conventions to the appendix to that Convention. This Convention, with 53 parties, is an important aspect of port State control of ships. It refers in turn to the other ILO instruments on accident prevention, officers' certificates of competency, ship construction standards for crew, etc.

103. The drafting of the Proposed Conclusions has been proposed, in consultation with the Division for Ocean Affairs and Law of the Sea, to overcome potential problems arising from the difference in the scope of application of ILO instruments to vessels: ILO provisions normally apply to vessels registered in the territory of an ILO member State, whereas article 94 of the Convention on the Law of the Sea provides that a State's duties relate to ships flying its flag. Thus, jurisdiction could be split in the cases of bareboat charters and suspended registrations, leading to practical problems over real rights (e.g., liens to cover wage claims) and non-real rights (e.g., crew safety matters). The proposed addition would permit identification of the State that would have responsibility as regards a particular ship for a particular purpose.

4. Developments in environmental law

104. International legal and related efforts in the field of environment continue to see rapid development, constituting a substantial framework of legal, administrative, economic, financial and technical measures to prevent, control and reduce the adverse impact of human activities on terrestrial and aquatic ecosystems. The United Nations Convention on the Law of the Sea is a major component in this large and growing family of international legal instruments. Many of these instruments contribute, directly and indirectly, to the protection of the marine and coastal environment and to sustainable resource development, and thus to the attainment of the objectives of the Convention. Its effective implementation in these areas is in fact equally dependent on the effective implementation of these conventions as well as on the consistent and uniform application of the provisions of the Convention by parties to those conventions. In the light of the entry into force of the Convention, various Conferences of Parties and other competent bodies have taken up various aspects of their relationship with the Convention.

105. Many international organizations are seeking to strengthen greatly their technical cooperation programmes and advisory services in support of effective implementation of environmental and other treaties, as well as of UNCED-related activities. Donor organizations, in their policies and guidelines, have also begun to take account of specific needs associated with ensuring the effective implementation of treaty obligations and other international commitments and to help Governments integrate regional and global objectives into their national environment and development policies. The World Bank has specifically stated that it will not finance projects that contravene any international environmental agreement to which the member country concerned is a party, and that for certain projects, especially those financed through the Global Environment Facility, ratification of the relevant convention can be a

prerequisite to receiving financing. 78/ It includes the Convention on the Law of the Sea in its list of key agreements.

(a) The London Convention

106. The 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter is undergoing a substantial amendment process. A diplomatic conference in 1996 is expected to adopt a protocol extensively amending the Convention. The entry into force of the Convention on the Law of the Sea is therefore of considerable, and immediate, interest.

107. The 1994 Consultative Meeting of Contracting Parties noted that States parties to the Convention on the Law of the Sea would be legally bound to adopt laws and regulations and take other measures to prevent, reduce and control pollution by dumping. These must be no less effective than the global rules and standards referred to in article 210 of the Convention. These global rules and standards were considered to be those of the London Convention 1972 (see A/49/631, paras. 84-85).

108. At the request of the Consultative Meeting, the Secretary-General of IMO has written to States parties to the Convention on the Law of the Sea that are not parties to the London Convention, drawing attention to their obligations relating to the prevention of marine pollution by dumping of wastes and other matter at sea; to the objectives of, and the achievements made under the London Convention; and to the assistance which can be provided through cooperation with the contracting parties to that Convention. In the communication, the States parties to the Convention on the Law of the Sea were urged to become parties to the London Convention and to participate in the current process of its review and amendment, considering that the outcome of that work will have far-reaching implications for the future development of relevant global rules and standards. 79/

109. The amendment process has entailed extensive discussions on the future scope of the London Convention, including its extension to internal waters, artificial reefs, abandoned cables and offshore oil and gas operations. The issue of the scope of the Convention and the discussions of contracting parties are indicative of important trends in the development of international environmental law, including the emphasis on the application of the precautionary and polluter-pays principles and the widening of the objectives to include elimination as well as prevention, reduction and control of pollution. The broadening of definitions to cover all the environmentally adverse effects of human activities is also apparent in the discussions of the Amendment Group as the concept of "degradation of the marine environment" has effectively replaced "marine pollution" in many contexts (see also ibid., paras. 74-76).

(b) Marine biodiversity and the Convention on Biological Diversity

110. The subject of coastal and marine biodiversity was one of the priority items identified by the First Conference of Parties to the Convention on Biological Diversity (December 1994), which also recognized the relevance of obligations under the Convention on the Law of the Sea to its implementation. 80/ Its Subsidiary Body on Scientific, Technical and

Technological Advice (SBSTTA) has since also reiterated that national legislation on biodiversity should be in conformity with the Convention on the Law of the Sea, the agreement to be concluded on straddling fish stocks and highly migratory fish stocks, the FAO Code of Conduct for Responsible Fisheries, and IMO Guidelines dealing with harmful organisms transported in ships' ballast water.

111. SBSTTA has prepared an extensive recommendation for the Second Conference of Parties (November 1995), and for the Commission on Sustainable Development in 1996, on coastal and marine biodiversity (see paras. 201-202 below). 81/

(c) Responsibility and liability

112. Article 235, paragraph 3, of the Convention calls on States to cooperate in the further development of international law relating to responsibility and liability for environmental damage, including the development of criteria and procedures for payment of compensation, and the settlement of related disputes. Developments at IMO have considerably advanced the implementation of this provision as concerns pollution from ships. In addition to the entry into force of the 1992 Protocols concerning civil liability for oil pollution, 82/ the IMO Legal Committee has now concluded its work on the draft HNS Convention and the draft protocol to revise the Convention on the Limitation of Liability for Maritime Claims. A diplomatic conference will be convened early in 1996.

113. The draft HNS Convention covers in principle all kinds of hazardous and noxious substances defined by reference to lists of substances contained in other IMO instruments. The scope of application of the draft HNS Convention includes damage by contamination of the environment caused in the exclusive economic zone of contracting States. The HNS Convention is based on a two-tier system in one instrument, with shipowner liability supplemented by a fund financed through contributions from cargo interests. Decisions on the inclusion or exclusion of radioactive materials and coal from the draft HNS Convention, and on the notion of linkage between the HNS Convention and general limitation treaties, will have to be decided at the diplomatic conference. Many Governments are giving high priority to the adoption of this instrument, since without a global HNS Convention it is feared that regional regimes might develop, with consequent difficulties for the international shipping industry.

114. In 1996, the Legal Committee will take up the question, referred to it by the Marine Environment Protection Committee, as to whether it is feasible and desirable to establish an international regime on compensation for pollution from ships' bunkers. Such compensation is not covered by the 1969 Civil Liability Convention or by the draft HNS Convention. The question of compulsory insurance is also already on the agenda of the Legal Committee. 83/

(d) Regional environmental agreements

115. There are two new regional seas programmes: the North-West Pacific, with four participating States; and the South Asian Seas, with five participating States. Two existing programmes have expanded their membership: the East Asian Seas, with five additional States; and the South-East Pacific, with four additional States from the Central American region. There are now eight

regional conventions in force, and the convention for the Eastern Africa region lacks only one ratification or accession for its entry into force. Of the 25 protocols to these regional conventions, five are not yet in force: two in the East Africa region, the protocol on protected areas in the Caribbean, and the dumping protocol for the Black Sea. 84/

116. In June 1995, amendments were adopted to the 1976 Barcelona Convention for the Protection of the Mediterranean Sea against Pollution and its Dumping Protocol, which incorporate the relevant advances made in international environmental law in the intervening years. The Conference of Plenipotentiaries also adopted the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. 85/ Like the Caribbean protocol, it will require a follow-up meeting to adopt the technical annexes.

117. The 1995 Amendments change the title of the Barcelona Convention to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean. It thus becomes the first marine environmental instrument fully to integrate land and sea issues, recognizing that the main impacts on the marine environment come from land-based activities. The amendments delete the specific exclusion of internal waters made in the 1976 Convention and allow each party to extend the application of the Convention to coastal areas within its own territory, according to its own definition. 86/

118. The 1995 Amendments to the Barcelona Convention refer only to the "relevant provisions" of the Convention on the Law of the Sea and provide that nothing in the Barcelona Convention and its Protocols "shall prejudice the rights and positions of any State" concerning the latter Convention. In fact, most parties to the Barcelona Convention are already parties to the Convention on the Law of the Sea. The new Protocol on protected areas contains a similar provision, with particularity as concerns the extent of marine areas and their delimitation, navigational rights on the high seas and in international straits, and the right of innocent passage. Designated "specially protected areas of Mediterranean importance" may lie partly or wholly on the high seas.

II. OTHER DEVELOPMENTS RELATING TO THE LAW OF THE SEA AND OCEAN AFFAIRS

A. Maritime disputes and conflicts

1. Settlement of disputes

(a) Bahrain and Qatar

119. On 1 July 1994, the International Court of Justice delivered a judgment on jurisdiction and admissibility in the Case concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain, ruling that Qatar and Bahrain had entered into international agreements by which they had undertaken to submit to the Court the whole of the dispute between them and fixing 30 November 1994 as the time-limit for submission (see A/49/631, para. 45).

120. On 30 November 1994, Qatar filed in the Registry a document entitled "Act to comply with paragraphs (3) and (4) of operative paragraph 41 of the Judgment of the Court dated 1 July 1994". In the document, Qatar referred to "the absence of an agreement between the Parties to act jointly" and stated that it was thereby submitting the whole of the dispute between Qatar and Bahrain. In Qatar's view, the following subjects fell within the Court's jurisdiction:

"1. The Hawar Islands, including the island of Janan;

"2. Fasht al Dibal and Qit'at Jaradah;

"3. The archipelagic baselines;

"4. Zubarah;

"5. The areas for fishing for pearls and for fishing for swimming fish and any other matters connected with maritime boundaries."

121. Further to its application, Qatar requested the Court to adjudge and declare that Bahrain had no sovereignty or other territorial right over the island of Janan or over Zubarah, and that any claim by Bahrain concerning archipelagic baselines and areas for fishing for pearls and swimming fish would be irrelevant for the purpose of maritime delimitation in the case under consideration.

122. On 30 November 1994, Bahrain submitted to the Court a "Report" on the attempt by the parties to implement the judgment of 1 July 1994. In that Report, Bahrain understood the 1994 Judgment as confirming that the submission to the Court of "the whole of the dispute" must be "consensual in character, that is, a matter of agreement between the Parties". On 5 December 1994, Bahrain further submitted observations on Qatar's "Act", stating that the Act, even when considered in the light of the Judgment, could not create that jurisdiction or effect a valid submission in the absence of Bahrain's consent.

123. On 15 February 1995, the Court delivered a judgment on jurisdiction and admissibility, finding, by 10 votes to 5, that it had jurisdiction to adjudicate upon the dispute submitted to it between Qatar and Bahrain; and further that the application of Qatar as formulated on 30 November 1994 was admissible. 87/

124. Subsequently, by an Order of 28 April 1995, the Court fixed 29 February 1996 as the time-limit for the filing by each of the parties of a Memorial on the merits.

(b) Australia and Portugal

125. On 22 February 1991, Portugal filed in the Registry of the International Court of Justice an application instituting proceedings against Australia in a dispute concerning "certain activities of Australia with respect to East Timor" (see A/46/724, para. 40). It claimed that Australia, by negotiating with Indonesia an "agreement relating to the exploration and exploitation of the continental shelf in the area of the 'Timor Gap'", signed on 11 December 1989, and by the ratification and the initiation of the performance of that agreement

and subsequent related measures, as well as by the exclusion of any negotiation on those matters with Portugal, had caused "particularly serious legal and moral damage to the people of East Timor and to Portugal, which will become material damage also if the exploitation of hydrocarbon resources begins".

126. In its application Portugal requested the Court, inter alia, to adjudge and declare that Australia had: (a) infringed the right of the people of East Timor to self-determination, to territorial integrity and unity and its permanent sovereignty over its natural wealth and resources, and was in breach of the obligation not to disregard but to respect that right, that integrity and that sovereignty; and (b) infringed the powers of Portugal as the administering Power of the Territory of East Timor.

127. In its counter-Memorial, Australia raised questions concerning the jurisdiction of the Court and the admissibility of the application.

128. In its judgment of 30 June 1995, the Court found that it could not exercise the jurisdiction conferred upon it by the declarations made by the parties to adjudicate upon the dispute. On Australia's principal objection to the effect that Portugal's application would require the Court to determine the rights and obligations of Indonesia, the Court concluded, inter alia, that Australia's behaviour could not be assessed without first entering into the question why Indonesia could not lawfully have concluded the 1989 Treaty, while Portugal allegedly could have done so; the very subject-matter of the Court's decision would necessarily be a determination whether, having regard to the circumstances in which Indonesia had entered and remained in East Timor, it could or could not have acquired the power to enter into treaties on behalf of East Timor relating to the resources of its continental shelf. The Court stated that it could not make such a determination in the absence of the consent of Indonesia. 88/

(c) Canada and Spain

129. On 28 March 1995, Spain filed in the Registry of the International Court of Justice an application instituting proceedings against Canada with respect to a dispute relating to the Canadian Coastal Fisheries Protection Act, as amended on 12 May 1994, and to the implementing regulations of that Act, as well as to certain measures taken on the basis of that legislation, more particularly the boarding on the high seas, on 9 March 1995, of a fishing boat, the Estai, sailing under the Spanish flag (see also paras. 182-183 below).

130. The application indicated, inter alia, that by the amended Act an attempt had been made to impose on all persons on board foreign ships a broad prohibition on fishing in the North-West Atlantic Fisheries Organization (NAFO) Regulatory Area, that is, on the high seas, outside Canada's exclusive economic zone; that the Act expressly permitted the use of force against foreign fishing boats on the high seas; that the implementing regulations of 25 May 1994 provided, in particular, for "the use of force by fishery protection vessels against the foreign fishing boats covered by those rules ... which infringe their mandates in the zone of the high seas within the scope of those regulations"; and that the implementing regulations of 3 March 1995 expressly permitted such conduct as regards Spanish and Portuguese ships on the high seas.

131. The application alleged the violation of various principles and norms of international law and stated that there was a dispute between Spain and Canada which, going beyond the framework of fishing, seriously affected the very principle of the freedom of the high seas and, moreover, implied a serious infringement of the sovereign rights of Spain.

132. Spain requested the Court to declare: (a) that the legislation of Canada, in so far as it claimed to exercise a jurisdiction over ships flying a foreign flag on the high seas, was not opposable to Spain; (b) that Canada was bound to refrain from any repetition of the acts complained of, and to offer to Spain the reparation that was due; and (c) consequently, that the boarding on the high seas, on 9 March 1995, of the ship Estai flying the flag of Spain and the measures of coercion and the exercise of jurisdiction over that ship and over its captain constituted a concrete violation of the aforementioned principles and norms of international law.

133. As a basis of the Court's jurisdiction, the application referred to the declarations of Spain and of Canada made in accordance with Article 36, paragraph 2, of the Statute of the Court.

134. In a letter of 21 April 1995, Canada contested jurisdiction, stating that the Court lacked jurisdiction to deal with the application by reason of paragraph 2 (d) of the declaration, dated 10 May 1994, whereby Canada had accepted the compulsory jurisdiction of the Court. In that regard, the Spanish application had specified, inter alia, that the exclusion of the jurisdiction of the Court in relation to disputes which might arise from management and conservation measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area and the enforcement of such measures, under paragraph 2 (d) of the Canadian declaration, did not even partially affect the current dispute, because its application did not refer exactly to the disputes concerning those measures, but rather to their origin, to the Canadian legislation which constituted their frame of reference. 89/

135. By an Order of 2 May 1995, the President declared that the written proceedings should first address the question of the jurisdiction of the Court to entertain the dispute, and fixed 28 September 1995 as the time-limit for the filing of a Memorial by Spain, and 29 February 1996 as the time-limit for the filing of a counter-Memorial by Canada. 90/

(d) Kuwait, Saudi Arabia and the Islamic Republic of Iran offshore boundaries

136. In an effort to settle outstanding issues on the final demarcation of the Kuwait-Saudi offshore borders, high-level meetings were held in Saudi Arabia for three days in mid-July 1995 between the Kuwaiti Minister for Foreign Affairs and the Saudi Minister of Defence. The two countries reportedly agreed on several specific points with regard to their common sea boundary, leaving it to technical experts from each side to follow up on the agreed points at later meetings. The outstanding border issue between the two countries relates to the demarcation of the offshore boundary of the partitioned neutral zone up to the Persian Gulf median line separating Saudi Arabia's and Kuwait's maritime zone from those of the Islamic Republic of Iran. Meanwhile, it was reported on 18 July that Kuwait was to start negotiations shortly with the Islamic Republic

of Iran on the demarcation of the territorial border between those two countries. The settlement of the Kuwait-Saudi Arabia border would clear one obstacle to an agreement on maritime boundary between Kuwait and the Islamic Republic of Iran. 91/

2. Other developments

(a) Israel's naval activities in Lebanese territorial waters

137. Early in 1995, Lebanon submitted to the IMO Secretariat a complaint with respect to Israel's naval blockade of South Lebanon. Subsequently, Lebanon complained to the Maritime Safety Committee, the Legal Committee and the Council that Israel's activities within the territorial waters of South Lebanon, which included the inspection and detention of national and foreign ships as well as the use of gunfire against fishing boats, amounted to a naval blockade and constituted a threat to the freedom and security of international maritime navigation, and that the actions were in "flagrant violation of international law, the 1982 United Nations Convention on the Law of the Sea and the Conventions on fishing and maritime ports" and a violation of the spirit and letter of the IMO Convention.

138. Israel informed the Maritime Safety Committee that enhanced security activities, which involved making enquiries, identification and the occasional delaying of vessels off the coast of Lebanon in areas near the approaches to Israel had been carried out solely because the Lebanese Government was unable to effectively guarantee that those waters would not serve as a passage for hostile terrorist attacks on Israel. As long as such dangerous circumstances prevailed, it was the obligation and duty of Israel to act in accordance with the right of self-defence in international law, and to maintain those limited and necessary measures so as to guarantee the safety and security of Israel against terror. Furthermore, Israel did not consider IMO to be the proper forum for the consideration of those security issues. The various IMO forums which had been addressed took note of the statements made as well as those of other delegations. 92/

(b) Situation in the South China Sea

139. Disputes relating to sovereignty and jurisdiction over some sea and seabed areas in the South China Sea have continued as sources of tension among countries in the region. 93/ In February 1995, the Philippines expressed concern over reports that China had built certain structures in the region, namely on the Panganiban Reef (Mischief Reef) in the Kalayaan island group, an action that the Philippines maintained was inconsistent with international law and the spirit and intent of the 1992 Manila ASEAN Declaration on the South China Sea by the Association of South-East Asian Nations (ASEAN). 94/

140. At their meeting in July 1995, the ASEAN Foreign Ministers expressed their concern over recent events and called on all claimants to refrain from taking actions which could destabilize the region, including possibly undermining the freedom of navigation and aviation in the affected areas. They reiterated the

significance of promoting confidence-building measures and mutually beneficial cooperative ventures in the ongoing Informal Workshop Series on Managing Potential Conflicts in the South China Sea initiated by Indonesia. 95/

141. Despite the continued tension, there were signs that the countries involved were moving towards a peaceful, negotiated solution, based on the principles of international law, and particularly the Convention on the Law of the Sea. For example, China and the Philippines have reportedly agreed on a mutual code of conduct that would allow for freedom of navigation through the South China Sea chain of islands and to settle the issues "in a peaceful and friendly manner" in accordance with the recognized principles of international law, including the Convention on the Law of the Sea." 96/

(c) Situation in the Caspian Sea

142. The situation in the Caspian Sea has also continued to be a source of possible tension owing to conflicting claims over its status (see A/49/631, para. 56). It was reported that at a May 1995 meeting of the five littoral States, the participants failed to resolve their differences over the legal status of the Caspian. Azerbaijan and Kazakstan maintained that the Caspian should be classified under maritime law as an enclosed sea. The Russian Federation and the Islamic Republic of Iran, on the other hand, maintained that the Caspian was a lake and its resources should be shared on the basis of common ownership. Declaring the Caspian an enclosed sea would give coastal States the rights to develop subsoil reserves in sectors drawn in accordance with the provisions of the Convention on the Law of the Sea, particularly those relating to the exclusive economic zone. 97/

(d) Dispute over Persian Gulf islands

143. The dispute between the United Arab Emirates and the Islamic Republic of Iran concerning sovereignty over the islands of Abu Musa, Greater Tunb and Lesser Tunb has remained unresolved. The United Arab Emirates reportedly announced in late 1994 its desire to refer the dispute to the International Court of Justice owing to Iran's "intransigence and its strong unwillingness to end its occupation of the three islands". The Islamic Republic of Iran, on the other hand, maintains that "cordial and bilateral dialogue" is the only way to settle the dispute. 98/ The Gulf Cooperation Council, at a meeting held in Manamah from 19 to 21 December 1994, also called on the Islamic Republic of Iran to submit the matter to the International Court of Justice, noting in a declaration "the Islamic Republic of Iran's failure to demonstrate any serious desire to discuss the ending of occupation (of the three islands)". 99/

B. Peace and security

144. One of the objectives laid down in the preamble to the Convention is the establishment of a legal order for the seas and oceans which will promote their peaceful uses. The comprehensive framework established by the Convention for the regulation of all ocean space promotes the peaceful uses of the seas and oceans and therefore constitutes an important contribution to the strengthening of peace, security, cooperation and friendly relations among all nations. The

Convention can thus be viewed as an important contribution to "An Agenda for Peace" and a particularly useful tool for preventive diplomacy.

145. In the area of peace-keeping, naval forces are being employed in pursuit of the collective interest of the international community for, inter alia, humanitarian relief, peace-keeping measures or enforcement operations designed to make economic sanctions effective. The impact of enforcement measures on merchant shipping was brought to the attention of IMO last year by the International Chamber of Shipping (ICS) in connection with shipping to and from ports in Jordan, Montenegro, Haiti and certain ports in Liberia and Angola. ICS proposed to IMO's Facilitation Committee the development of recommendations for the guidance of naval forces enforcing United Nations blockades in order to facilitate legitimate maritime traffic in such circumstances. 100/ The majority of the Committee members supported the proposal in principle. Realizing the political and legal implications involved, however, the Committee instructed the secretariat to seek the advice of the Security Council's Sanctions Committee. 101/ The IMO Council, in its consideration in June 1995 of the Facilitation Committee's proposed action, decided that the Committee should only deal with the issue if a request to that effect was received from the relevant Sanctions Committee and that, therefore, no further action should be taken at the time. 102/

146. The broadening of the concept of security, particularly to include food, resource and environmental security, as well as security against organized transnational crime and certain other crimes, has distinct maritime components, such as control over natural resource exploitation, illicit drug trafficking by sea, terrorism, smuggling of aliens, and piracy and armed robbery.

147. It has been suggested that maritime cooperation on ocean resources surveillance would be a particularly promising confidence-building measure which may be valuable in minimizing the risk of conflict in North-East and South-East Asia. 103/ That type of surveillance has precedents in the Asia-Pacific region, including both multilateral (e.g., fisheries surveillance cooperation in the South Pacific Forum) and bilateral (e.g., Australia/Indonesia Timor Gap surveillance and Malaysia/Indonesia pollution monitoring) measures. In the case of the Timor Gap, agreement on joint surveillance activities between Australia and Indonesia was not only an integral part of the agreement to establish the Zone of Cooperation in the Timor Sea, but it has also served as a catalyst for more general arrangements for coordinating surveillance operations between the two countries in the broader area of the Timor and Arafura seas.

148. Cooperation in ocean resources surveillance and development also has precedents in other regions of the world. For example, in the area of the South-West Atlantic, Argentina and the United Kingdom are cooperating through the South Atlantic Fisheries Commission in the conservation of fish stocks (see paras. 190-192 below) and have now, pursuant to a joint declaration signed on 27 September 1995, extended this cooperation to the exploration for and exploitation of hydrocarbons in the South-West Atlantic. 104/

149. Another valuable confidence-building measure which has been suggested for North-East and South-East Asia is the establishment of regional incidents-at-sea agreements which not only would include provisions of time-tested bilateral

incidents-at-sea agreements but would also address particular non-military maritime security concerns. 105/ A regional incidents-at-sea agreement and a text on search and rescue have been negotiated under the Middle East peace process and are expected to be adopted at the end of the year.

150. The conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security was reaffirmed by the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons. 106/

151. In addition to the two existing nuclear-weapon-free zones, in Latin America and the Caribbean and in the South Pacific, a treaty establishing a similar zone in Africa was adopted by the OAU Council of Ministers of the Organization of African Unity (OAU) in 1995 and subsequently endorsed by the OAU Assembly of Heads of State and Government. 107/ One of the objectives laid down in the preamble to the Treaty on an African Nuclear-Weapon-Free Zone is that of keeping Africa free of environmental pollution by radioactive wastes and other radioactive matter. The Treaty and its three protocols apply to the territory, which is defined as "the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the seabed and subsoil beneath", within the zone. The rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas remain unaffected by the Treaty. Each party is left to decide for itself whether to allow visits by foreign ships to its ports, transit of its airspace by foreign aircraft and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits. The Treaty prohibits the testing of nuclear explosive devices and it also prohibits the dumping of radioactive wastes.

152. The decision of France to resume testing in the Pacific has been criticized, inter alia, by the Permanent Mechanism for Consultation and Policy Coordination (Rio Group), 108/ the South Pacific Forum, 109/ the South Pacific States Members of the United Nations, 110/ and the Movement of Non-Aligned Countries, 111/ as well as by the many Governments which have referred to the issue in the current session of the General Assembly. On 22 September 1995, the International Court of Justice dismissed New Zealand's request for an examination of the situation in accordance with the Court's 1974 judgment in the Nuclear Tests Case (New Zealand v. France) on the basis that it did not fall within the provisions of paragraph 63 of that judgment. The basis of that judgment was France's undertaking not to conduct any further atmospheric nuclear tests and therefore only a resumption of nuclear tests in the atmosphere would have affected it. 112/

C. Crimes at sea

153. The alarming rate of expansion of organized transnational crime, its global reach, its evasion of national controls and the lack of effective international cooperation in preventing and combating it threatens the security and stability of all States and makes effective national measures and global action

imperative. Transnational criminals are engaged in trafficking in arms, drugs, hazardous substances, endangered species and even human beings, leaving behind a trail of crime, corruption and human and environmental damage. 113/

154. Efforts by the international community are intensifying in the search for ways and means of strengthening and improving national capabilities and international cooperation against crime at sea and of laying the foundations for concerted and effective global action against such crime and the prevention of its further expansion.

1. Illicit traffic in narcotic drugs and psychotropic substances

155. The legal framework governing international cooperation in the suppression of illicit traffic in narcotic drugs and psychotropic substances by sea is provided for in article 108 of the 1982 United Nations Convention on the Law of the Sea and article 17 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. 114/ Article 108, paragraph 1, obligates all States to cooperate in the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas "contrary to international conventions", and article 17, paragraph 1, requires all States to cooperate to the fullest extent possible to suppress illicit traffic by sea "in conformity with the international law of the sea". As of 11 October 1995, 49 States parties to the 1982 Convention are also parties to the 1988 Convention.

156. However, international cooperation has not been effective enough to counter illicit traffic in narcotic drugs and psychotropic substances by sea. According to the Working Group on Maritime Cooperation of the Commission on Narcotic Drugs 115/ and the replies from 51 countries to a questionnaire on the status of international cooperation in the implementation of article 17, 116/ the barriers to international cooperation include the inability of some States to exercise effective jurisdiction over vessels flying their flag outside the territorial sea, and accordingly their inability to reply to requests by other States to board such vessels, as well as the inability of States to exercise criminal jurisdiction over offenders other than their nationals on board vessels beyond the territorial sea. Furthermore, maritime law-enforcement capability was often weak, and domestic legal restrictions in some States regarding the use of naval vessels in drug law-enforcement operations further limited the interception capabilities of several coastal States. The Working Group considered that it was necessary to endeavour to strengthen the existing international legal framework, to encourage universal ratification of the 1982 and 1988 Conventions and to promote bilateral and multilateral agreements.

157. The Working Group on Maritime Cooperation, established in 1994 with the mandate to develop a comprehensive set of principles and specific recommendations to enhance on a global basis the implementation of article 17 (A/49/631, paras. 178-180), concluded its work at its second meeting in February 1995 with the adoption of, inter alia, the following recommendations: 117/

- States should maintain a register containing information on vessels flying their flag, designate an authority or authorities to receive or respond to requests made pursuant to article 17, and improve and streamline channels for direct communication between competent authorities;

- States should take the necessary measures to ensure that they exercise effective jurisdiction over ships flying their flags in accordance with the principles of the international law of the sea, and exercise jurisdiction over drug-trafficking offences involving vessels without nationality or those assimilated to them in accordance with international law;

- States should reach agreement on the general minimum safeguards applicable in cases involving the boarding of suspected vessels and on the measures that might be taken by the intervening State in relation to a suspicious vessel, such as stopping, boarding, inspection and search.

158. The recommendations are prefaced by a general recommendation that observance of the principles of international law, in particular those concerning the full respect of sovereignty and territorial integrity and the principles of the international law of the sea regime, should govern international cooperation in the fight against illicit traffic by sea of narcotic drugs and psychotropic substances.

159. The Working Group pointed out that the technique of controlled delivery usually produces better law enforcement results than does intervention at sea. It recommended that, where operational circumstances permit, preference should be given to the surveillance of vessels and the increased use of controlled delivery in order to target the crime syndicates involved, rather than to boarding operations.

160. The Working Group's report on the meeting and the recommendations adopted were endorsed by the Commission on Narcotic Drugs. 118/ The Secretary-General hailed the recommendations and principles as representing "a milestone in efforts to contain the problem of illicit drug shipments that traverse international waters". 119/

2. Smuggling of aliens

161. There has been a resurgence of incidents involving the smuggling of aliens by ship. Aliens are being smuggled in the holds of ships, in containers and on board fishing vessels, many of which are not registered. Often the mode of transportation is changed several times between the country of origin and the country of destination. Reports demonstrate that this organized transnational crime constitutes serious threat to the safety of life at sea.

162. The Facilitation Committee of IMO has emphasized that from the humanitarian, operational and administrative points of view, it is high time to solve the problems related to stowaways and that an international agreement on

the treatment of stowaways would be of benefit to national immigration authorities as well as to the shipping industry. There is currently no international agreement as to where and how stowaways would be disembarked, or as to how their return or repatriation should be organized. The resolution of stowaway cases is difficult because of different national legislation in each of the several potential countries involved: the country of embarkation, the country of disembarkation, the flag State of the vessel, the country of apparent, claimed or actual nationality of the stowaway, and the countries of transit during repatriation. 120/

163. The Facilitation Committee has established a working group with the mandate to develop a resolution for adoption at the twentieth session of the IMO Assembly in 1997 on the need to deal in a practical way with the ever increasing problem of stowaways, to reduce the problem for shipping and to ensure proper treatment of stowaways. It was agreed that such an Assembly resolution might be further implemented by means of a memorandum of understanding between national Administrations, given the need for involvement of immigration as well as maritime authorities. 121/

164. The Economic and Social Council, in its resolution 1995/10 of 24 July 1995, on criminal justice action to combat the organized smuggling of illegal migrants across national boundaries adopted on 24 July 1995, urged States to share information, to coordinate law enforcement activities between national authorities in cooperation with competent international bodies and carriers engaged in international transport, and otherwise to cooperate, if their law permitted, in order to trace and arrest those who organized the smuggling of illegal migrants and to prevent the illegal transport by smugglers of third-country nationals through their territory.

3. Piracy and armed robbery at sea

165. As of 31 August 1995, the total number of acts of piracy and armed robbery against ships reported to IMO since 1991 was 568, and 51 of those acts took place between January and August 1995. 122/ The Maritime Safety Committee at its sixty-fifth session, 123/ noting with concern that the piracy and armed robbery trend, which in the middle of 1994 had been downwards, had now reversed, in particular in South-East Asia and South America, invited all Governments concerned and the industry to intensify their efforts to eliminate such unlawful activities in all areas concerned. The International Chamber of Commerce (International Maritime Bureau) issued a warning to shipping on the increase in the number of attacks against ships which had occurred in Indonesian waters during the last quarter of 1994, particularly on container and bulk carrier vessels. 124/ In view of the upward trend in attacks, the Committee decided that the IMO secretariat should issue monthly reports on all incidents of piracy and armed robbery against ships reported to the organization and, in addition, on a quarterly basis, composite reports accompanied by an analysis of the situation.

D. Conservation and management of living marine resources

1. World fisheries situation

166. In a report entitled "The state of world fisheries and aquaculture", prepared for the Ministerial Meeting on Fisheries (Rome, 14-15 March 1995), held in conjunction with the twenty-first session of the FAO Committee on Fisheries, FAO reported that total world fish production had reached 101.3 million tonnes in 1993, up from 97 million tonnes in 1991, owing to input almost entirely from aquaculture. 125/ In order to maintain a consumption rate of about 13 kilograms per person per year to the year 2010 in the face of population growth, 91 million tonnes of food fish per year would be required. Such an increase was considered feasible if aquaculture production could be doubled in the next 15 years and if significant improvements could be achieved in the conservation and management of world marine fisheries, through stock rebuilding and more rational harvesting practices, and with the application of food technology to improve utilization of by-catches and small pelagic fish yields for direct human consumption. 126/

167. The report noted also that more than 69 per cent of the world's marine stocks were either fully exploited, overfished, depleted or in the process of rebuilding from overfishing and therefore in need of urgent corrective conservation and management measures, 127/ and that such conservation and management measures should include reduction of overcapacity and fishing efforts. 128/

168. At its twenty-first session, the Committee on Fisheries also agreed that an improvement in fisheries conservation and management was essential for long-term sustainable fisheries development and that international cooperation was essential for effective fisheries management, calling in particular for the strengthening of regional fishery bodies as means of achieving such cooperation. 129/ Following an exchange of views on the problem of fleet overcapacity, over-investment, excessive manpower in the fishing sector and the difficulty in finding a solution to the problem as well as the possible negative effects of increased overcapacity in the industrial sector on artisanal fisheries, the Committee urged FAO to study further the effects of subsidies to industrial fisheries on competition and trade, in particular with regard to the impacts on fish exports from developing countries. 130/ Moreover, the Committee supported the view that discards should be minimized and that post-harvested losses should be reduced. 131/

169. The Ministerial Meeting on Fisheries adopted the Rome Consensus on World Fisheries, in which it urged Governments and international organizations to take prompt action, inter alia, to: reduce fishing to sustainable levels in areas and on stocks currently heavily exploited or overfished; adopt policies, apply measures and develop techniques to reduce by-catches, fish discards, and post-harvest losses; review the capacity of fishing fleets in relation to sustainable yields of fishery resources and where necessary reduce these fleets; continue and, when possible, increase technical, financial and other assistance to developing countries, in particular to least developed countries, to support their efforts in fisheries conservation and management, and in aquaculture development; and effectively implement the relevant rules of international law

on fisheries and related matters which are reflected in the provisions of the United Nations Convention on the Law of the Sea. 132/

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

170. The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks concluded its work on 4 August 1995 by adopting without a vote the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1992 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Agreement is to be opened for signature on 4 December 1995. It is aimed at facilitating the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks as well as strengthening the cooperation of States for that purpose.

171. The Secretary-General has submitted to the General Assembly a report on the Conference, together with the text of the Agreement (A/50/550).

172. In the Declaration adopted on 29 September 1995 at their nineteenth annual meeting, the Ministers for Foreign Affairs of the Group of 77 noted the successful conclusion of the Conference as "an essential contribution towards conservation and sustainable use of marine living resources" and in particular expressed satisfaction at the recognition in the Agreement of the special requirements of developing States. 133/

3. Code of Conduct for Responsible Fisheries

173. On the basis of the substantial comments and detailed suggestions received at the FAO 1994 Technical Consultations (A/49/631, paras. 148-149), the FAO secretariat submitted a revised draft of the Code of Conduct for Responsible Fisheries to the twenty-first session of the Committee on Fisheries in March 1995. The Committee stressed the importance of the Code of Conduct as "an instrument which can support the implementation of the United Nations Convention on the Law of the Sea and UNCED". 134/

174. In June 1995, the Council established an open-ended Technical Committee to continue elaboration of the Code. The Technical Committee met in June and September 1995 and completed the final text of the draft Code taking into account the outcome of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The draft Code has been submitted to the one hundred and ninth session of the FAO Council, which is to transmit it to the twenty-eighth session of the FAO Conference in October 1995 for adoption.

175. The draft Code sets out principles and international standards of behaviour for responsible fisheries practices with a view to ensuring the effective

conservation, management and development of living aquatic resources, with due respect for the ecosystem and biodiversity. It recognizes the nutritional, economic, social, environmental and cultural importance of fisheries, as well as the interests of all those concerned with the fishery sector. The Code is voluntary and global in scope. However, certain parts of it are based on relevant rules of international law, including those contained in the Convention on the Law of the Sea. The Code is to be interpreted and applied, inter alia, in conformity with those rules and in a manner consistent with the Agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks. The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas forms an integral part of the Code.

4. Protection of marine mammals

176. At its forty-seventh annual meeting (Dublin, Ireland, 29 May-2 June 1995), the International Whaling Commission (IWC) adopted several decisions regarding the management of marine mammals following its 1994 ban on commercial whaling around Antarctica (A/49/631, paras. 150-155).

177. With respect to the question of whale killing methods, which was considered within a workshop of the Technical Committee, IWC agreed to revise the action plan on whale killing methods and decided to continue to review the effectiveness of secondary killing methods with a view to reducing time to death in whales and encouraged the application of the most effective methods. 135/ The Commission also decided to reconsider the question of introducing a schedule amendment on the electric lance at its 1996 meeting with a view to reaching a decision and urged the contracting parties, in the meantime, to suspend the use of this gear as a method of killing whales. 136/

178. With respect to the management of small cetaceans in areas under national jurisdiction, IWC took note of the opposition of several contracting parties, members of the Organization of Eastern Caribbean States, to its competence in the management of small cetaceans and related research in their territorial seas and exclusive economic zones, "which their Governments consider to be their sovereign right". 137/

179. With respect to the commercial whaling of mink whales in the North-Eastern Atlantic, IWC, noting that the Scientific Committee had agreed that there was currently no valid abundance estimate for mink whales in the region, called on Norway to halt immediately all whaling activities under its jurisdiction. The Commission also indicated that, notwithstanding the objection of Norway, commercial whaling should not be taking place while the moratorium remained in force. 138/ In addition, IWC recommended that whaling for research scientific purposes under special permit be undertaken by non-lethal methods and scientific research involving the killing of cetaceans be permitted only in exceptional circumstances. 139/

5. Regional developments

(a) Atlantic Ocean

180. The International Commission for the Conservation of Atlantic Tunas (ICCAT) at its ninth special meeting (Madrid, 28 November-2 December 1994) adopted several recommendations with a view to: maintaining the current levels of bluefin tuna catch in the Eastern Atlantic Ocean, the Mediterranean and the Western Atlantic Ocean; and reducing the levels of southern albacore catch in the South Atlantic and Atlantic swordfish catch in the North and South Atlantic.

181. In addition, ICCAT adopted resolutions on: the greater enforcement responsibility of contracting parties to ensure that their nationals and fishing vessels complied with General Assembly resolution 46/215 of 20 December 1991 on large-scale pelagic drift-net fishing; prohibition of large pelagic long-line fishing in the Mediterranean Sea in June and July; request to contracting parties to report fishing activities violating ICCAT conservation management measures and to collect information aboard fishing vessels of non-contracting parties fishing in the ICCAT Convention Area upon the consent of the vessel master to board; and request to port State contracting parties to inspect such vessels and request to contracting parties to discourage their nationals from associating with activities of non-contracting parties which would undermine ICCAT conservation and management measures. 140/

(b) North Atlantic

182. After a dispute involving the arrest of a Spanish vessel and the application by Spain of an aspect of the case to the International Court of Justice (see paras. 129-135 above), on 16 April 1995, Canada and the European Union reached an agreement establishing the terms and conditions of fishing on the Grand Banks within the regulatory area of NAFO. 141/ The agreement, which included enhanced control and enforcement measures, provided for the deployment of observers and satellite tracking devices on board fishing vessels operating in the area. Canada and the European Union would also jointly propose to NAFO that these measures be adopted by all NAFO members for 1995 and beyond. 142/ Under the agreement, the two parties would implement immediately on a provisional basis such control and enforcement as increase of the inspection presence, improved hail system, dockside inspection, effort plans and catch reporting, list of major infringements including established procedures for inspection of major infringements, follow-up of apparent infringements and pilot project for observers and satellite tracking.

183. At its September 1995 meeting, NAFO adopted the above package of control measures as applicable to all its members as from 1 January 1996. 143/

(c) North-East Atlantic

184. The European Commission and Morocco agreed on 13 October 1994 to end their four-year agreement a year early on 30 April 1995, after failing to break a talks deadlock at a mid-term review. Earlier negotiations having produced no results, on 28 August 1995 the European Union (EU) began a new round of talks with Morocco for the renewal of the 1992 agreement, which granted fishing rights

to EU fishing vessels, mainly Spanish vessels, in areas under the national jurisdiction of Morocco. 144/

185. Morocco indicated that, in order to protect dwindling fish stocks and guarantee local fishermen future work, it planned to halve the number of European Union fishing vessels operating within its exclusive economic zone and cut their catch quotas by 30 to 65 per cent for different species, including sardines, tuna, squid and shrimp. The European Union, in return, proposed a maximum cut of 25 per cent, which Morocco found unacceptable given the fact that Moroccan authorities believed that there had been over-exploitation of fishery resources, particularly of squid. 145/

186. On 13 October 1995, Morocco and the European Union announced that they had reached a general understanding on catch quotas within the Moroccan exclusive economic zone. The compromise entailed a reduction of the European Union fish efforts by 40 per cent and included the obligation of landing part of the catches in Moroccan ports. Under the new agreement, however, the European Union was expected to pay the same amount of financial compensation to Morocco as established in the previous agreement although its level of fishing effort was greatly reduced by the new agreement. 146/

(d) Mediterranean

187. A diplomatic conference on fisheries management in the Mediterranean was held in Crete from 12 to 14 December 1994 on the initiative of the European Commission. The "Solemn Declaration on the Conservation and Management of the Fishery Resources of the Mediterranean", adopted at the end of the conference, encouraged effective regional cooperation among the parties concerned, including all coastal States and all States whose vessels fished in the Mediterranean. Such cooperation, covering the resources, the environment and the application of legal principles, would be aimed at implementing a system of conservation and management, harmonized at the Mediterranean level, on the basis of the best available scientific advice and the most beneficial existing practices, with the purpose of ensuring effective protection of the fishery resources in the Mediterranean as well as their rational exploitation under the most favourable circumstances. 147/

(e) South Pacific

188. The South Pacific Forum, at its meeting in September 1995, welcomed and noted the significance of the adoption of the Agreement relating to the conservation and management of straddling fish stocks and highly migratory fish stocks and urged all interested States to become parties to the Agreement as soon as possible. In the light of the outcome of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the Forum considered that comprehensive regional fisheries management arrangements, and a structure consistent with the Conference outcome to administer them, should be developed as a matter of urgency. The Forum registered its view that those management arrangements must be based on a precautionary approach to ensure the sustainable exploitation of the region's valuable tuna resources. 148/

189. The first meeting of the Commission for the Conservation of Southern Bluefin Tunas, established by the Convention for the Conservation of Southern Bluefin Tunas, was held at Wellington, New Zealand, in May 1994 (see A/48/527, para. 127). The meeting noted that the stock of southern bluefin tunas remained severely depleted, with the parental stock at its lowest level ever. However, there were indications that the major catch cutbacks in 1988 and 1989 should now, or next year, begin to benefit the parent stocks and reverse the decline. Also, improvements in recruitment and current fishing mortality, if maintained during the 1990s, could ensure the stock recovery. The Commission intended to hold a series of scientific meetings to develop better methods of data collection and to address various sources of uncertainty in the stock assessment. The urgent problem of incidental take of seabirds by long-line fishery would also be addressed. 149/

(f) South Atlantic

190. At the tenth meeting of the South Atlantic Fisheries Commission (London, 5-6 June 1995), the Argentinian and United Kingdom delegations welcomed the report of the Scientific Subcommittee of the Fisheries Commission and agreed that they attached fundamental importance and the greatest priority to conserving various species in the fisheries, most notably illex and blue whiting, on the basis of the best available scientific advice. 150/

191. The Commission took note of the recommendation of the Subcommittee that additional research on blue whiting was urgently needed, and agreed that the planning of the blue whiting research would be the subject of consultation between the relevant institutions of the member States. The Commission expressed its satisfaction for the existing cooperation between the institutions and scientists of member States and encouraged them to develop their consultations further. 151/

192. The Commission noted with concern the illegal activities of fishing vessels in the South-West Atlantic and agreed to continue cooperation, including an intensified exchange of information, to curtail such activities. 152/

E. Marine environmental protection and sustainable resource development: major policy and programme initiatives

193. International policy in the area of marine environmental protection has been progressively strengthened and refined through the adoption of major policy instruments. The United Nations Convention on the Law of the Sea is as much a strategic policy document as it is a treaty instrument. 153/ The adoption of Agenda 21, the entry into force of the Convention, the adoption of the Agreement on straddling fish stocks and highly migratory fish stocks, the forthcoming global plan of action on the protection of the marine environment from land-based activities (November 1995), and review of the implementation of chapter 17 of Agenda 21 by the Commission on Sustainable Development in 1996, will have a cumulative impact on the development of international policy in this area.

194. Implementation of the Convention on the Law of the Sea requires a very wide spectrum of activities, most of which are still at a relatively early stage of

development. There is also a particular need to consider questions of sound management, including its scientific basis, and to clarify just how best to develop, through international cooperation, the approach of integrated marine and coastal management, targeting particular areas. There is clearly an inadequate level of implementation of existing conventions and of international rules, regulations and standards, as reflected in the insufficient adaptation of national legislation and procedures, the inefficiency of enforcement and the increasing gap between developed and developing countries in their capacity for implementation. Furthermore, lack of investment in ocean potential, lack of awareness of both the potentials and the impacts, lack of human and financial resources have all complicated the process of implementation of the Convention and related instruments and the promotion of international cooperation in ocean affairs.

195. Preparation of the necessary documentation on the implementation of chapter 17 of Agenda 21, for the review to be conducted by the Commission on Sustainable Development, has been delegated to the Administrative Committee on Coordination Subcommittee on Oceans and Coastal Areas, with the primary objective of facilitating the preparation of inputs by the Secretary-General and the United Nations system to the Commission.

1. Protection of the marine environment from land-based activities

196. A global programme of action for the protection of the marine environment from land-based activities is expected to be completed and adopted at an intergovernmental conference in Washington, D.C. in November 1995. 154/ Like the Programme of Action for the Sustainable Development of Small Island Developing States, the programme on land-based activities will provide a new framework for the coordination of the efforts of the various international organizations having relevant mandates and activities. Also, these two global programmes will complement each other in important ways.

197. The primary emphasis of the new programme will be on promoting and facilitating national and regional measures, particularly through integrated coastal area management approaches, supported by global mechanisms. In terms of particular contaminants, the global programme will emphasize sewage and industrial waste-waters and persistent organic pollutants. In terms of global measures, the programme concentrates on institutional aspects, calling for a clearing-house and a regular international forum for review. With respect to persistent organic pollutants, proposals were advanced for the global programme to initiate, directly, an intergovernmental process to consider and negotiate a global, legally binding instrument. However, much of this legal development may focus more within the broad field of chemical safety.

198. UNEP Governing Council decision 18/32 of 25 May 1995, on persistent organic pollutants, 155/ anticipates that a decision on an appropriate legal mechanism on persistent organic pollutants will be taken up by the UNEP Governing Council and the World Health Assembly by 1997, based on the results of the ECE process, the outcome of the Washington Conference and the recommendations of the Intergovernmental Forum on Chemical Safety.

199. Account should be taken of the important advances made by parties to the Barcelona Convention on the subject of land-based activities (see paras. 116-118 above): expansion of the scope of the Convention; the joining in a single provision of land-based sources with atmospheric sources of marine pollution; and the inclusion of underground watercourses and run-off in indirect sources to better integrate coastal area management with water resources management. These same approaches are to be adopted in the new global programme on land-based activities.

2. Science and ocean policy

200. It has been emphasized in many forums, including UNCED in its Agenda 21, chapter 17, that international decision-making on ocean issues generally should be made in a holistic way, and be based on "good science". An initiative has been taken by the Government of the United Kingdom to convene an International Workshop on Environmental Science, Comprehensiveness and Consistency in Global Decisions on Ocean Issues (November 1995). The workshop will assess the extent to which international organizations have suitable access to good science, and the effectiveness of current arrangements where global actions are required. This exploration of the way in which international decisions on ocean issues make use of scientific advice is expected to lead to a determination as to whether an intergovernmental panel on the oceans, under the auspices of the relevant United Nations agencies, should be established. 156/

201. The Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) has long been a model for inter-agency cooperation in a complex area spanning many agency mandates, and the principal instrument for joint assessments of the state of the marine environment. 157/ As such, GESAMP makes an important contribution to the overall United Nations mandate for the system-wide Earthwatch, involving the inter-agency coordination of observation, assessment and reporting activities in the United Nations system. The sponsoring organizations of GESAMP are currently investigating how best to achieve a new assessment by the year 2000, in order that it can also serve as a major element in the decadal State of the World Environment report, which UNEP must prepare for 2002. The GESAMP agencies also anticipate some important differences from previous assessments, particularly in the need to provide Governments with more forward-looking reports that try to anticipate and give early warning of coming problems.

202. The General Assembly has proclaimed 1998 to be the International Year of the Ocean. 158/ This initiative is expected to generate important cooperative efforts in the United Nations system 159/ and stimulate greater global awareness of the oceans and greater cooperation for the effective protection and management of marine and coastal areas and resources. The Government of Portugal has been particularly supportive of this Expo '98 initiative; for example, Expo '98 in Lisbon will be devoted entirely to ocean issues, looking to the future and the "urgency of implementing rational and scientific strategies that will ensure the ecological balance of the planet". 160/ The United Nations and UNESCO will together lead a joint United Nations system participation in this world exposition.

3. Marine and coastal biodiversity

203. It has been recognized for some time that the regime set forth in the Convention on Biological Diversity, even as supplemented by certain provisions in the Convention on the Law of the Sea, does not provide a coherent and comprehensive regime appropriate to the particularities of marine life-forms. The issue of marine and coastal biodiversity therefore became one of the first priorities for consideration by the parties to the Biodiversity Convention, and thus for its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) at its first meeting in September 1995. 161/ The main features of the initial advice prepared by the SBSTTA concern the importance of integrated marine and coastal area management as the most suitable framework in which to address human impacts on biodiversity, and the special problems created by fisheries, aquaculture and the introduction of alien organisms. An ad hoc panel of experts will now proceed to identify particular needs, such as gaps in knowledge of the distribution and abundance of marine and coastal biodiversity and the linkages with watershed management.

204. From the scope of the work undertaken by SBSTTA at its first meeting, it may be concluded that it will be necessary to establish a close connection with the institutional process established for the implementation of the global programme of action for protection of the marine environment from land-based activities. The connection would be particularly important with regard to the promotion of integrated coastal area management approaches at the national and regional levels and the development of clearing-houses or linkages for information exchange. Having decided to establish a clearing-house, the parties to the Convention are now studying the feasibility of developing an institutional capacity that can provide brokerage services and assist national capacity-building, as well as provide information and data exchange.

4. Integrated coastal area management

205. Agenda 21 and virtually every other related global and regional policy instrument all point to the adoption of integrated coastal area management (ICAM) approaches as offering the best results for environmentally sustainable development over the longer term. While all such policy instruments share certain basic themes and objectives, the particular objectives in each context can lead to different perceptions as to how an integrated management approach can be applied to programming and activities within the United Nations system, and how the ICAM process would be initiated and maintained in concrete, geographically specific situations.

206. Thus, international organizations face a particular problem in responding effectively to this important challenge, both individually and collectively. A highly significant step for the general effectiveness of United Nations system cooperation and coordination in ocean affairs has been taken by the Administrative Committee on Coordination Subcommittee on Oceans and Coastal Areas in its decision to pursue the development of a comprehensive programme framework to embrace the development of appropriate strategies as well as

planning and implementation of concrete ICAM-related activities. Recommendations on this programme initiative will be put before the Commission on Sustainable Development in 1996.

207. Numerous workshops and other meetings on the subject of ICAM have been held in recent years. An important recent development has been the proposed project on environment and development in coastal regions and in small islands, which would bring together all relevant IOC and UNESCO programmes, integrating the environmental and social sciences, and giving added value to them. 162/ At IMO also, there is a strong interest in using an ICAM approach to improve the situation as regards the operation of waste reception facilities for ships, waste management issues within the ambit of the London Convention and the development and maintenance of ports and harbours in the interests of maritime trade.

5. Waste reception facilities and other port-related problems

208. IMO is attempting to deal in a more integrated fashion with ship/port interface (SPI) questions, e.g., the establishment and operation of reception facilities, including funding mechanisms, risk analysis in port planning and port operations, and emergency preparedness and response. An SPI Working Group has been established to provide a necessary focal point within the organization and to facilitate consideration of the complex demands of international maritime trade. Coordination of activities in the port sector will in any event require close contact between IMO, ILO and the United Nations Conference on Trade and Development (UNCTAD). The International Hydrographic Organization (IHO) also has expressed a strong interest in the subject, citing the effects on port development and operation of problems created by absent or inadequate hydrographic capability and lack of coordination between port and hydrographic authorities. 163/

209. The implementation of the obligation contained in MARPOL to provide port reception facilities for ships' wastes faces mounting problems of both a technical and a financial nature. IMO and UNCTAD have joined in a search for solutions, and now consider that the most feasible approach would be to focus on individual ports, with some aspects handled at the national, regional or even global level. There is wide agreement that shipowners should pay for waste reception services, but it may be necessary to impose a mandatory scheme to avoid unfair competition between ports. This could be done by amending MARPOL to incorporate an International Code of Reception Facilities with provisions on the calculation of a fee to finance the running of reception facilities.

6. Technical cooperation and capacity-building

210. A number of organizations have modified and reoriented technical cooperation programmes substantially, many, including particularly the IMO Integrated Technical Cooperation Programme, in order to promote and facilitate the effective implementation of conventions and the adoption of national legislation and regulations. This entails a considerable effort to harmonize objectives and efforts under numerous instruments, and to do so to the extent

feasible within a comprehensive and integrated approach to marine and coastal area management.

211. A new IOC strategy for capacity-building in marine sciences, services and observations has been elaborated "in response to UNCLOS and UNCED", which calls for closer partnerships with other relevant programmes, including the TRAIN-SEA-COAST Programme (see paras. 251-256 below).

212. The establishment of a technical cooperation programme is a feature of the current revision of the London Convention; the process has also focused attention on IMO's responsibilities with respect to that Convention, considering that it does not deal directly with shipping, but deals with important aspects of marine environmental protection, particularly waste management. The London Convention is primarily responsible for IMO's involvement in the area of marine protection from land-based activities, including integrated coastal zone and marine pollution risk management. As has been pointed out by the IMO Secretary-General, the development of a technical cooperation and assistance programme under the London Convention, with clearing-house functions, will call for additional financial means. 164/

F. Maritime safety and pollution prevention

1. General issues

213. IMO continues to focus attention on the effects of two decades of difficult economic conditions in the shipping industry: a combination of older vessels and poorer maintenance has obvious safety implications. Major structural changes in the industry have brought declines in the fleets of the traditional flags while newer shipping nations have emerged.

214. Until recently the indications were that IMO's efforts to improve safety and reduce pollution were paying off. The rate of serious casualties was falling and the amount of oil and other pollutants entering the sea from ships was decreasing quite dramatically. But recently there has been a disturbing rise in accidents. Future projections show growing cargo volumes and higher percentages of dangerous and processed goods, as well as yet greater movement in the recruitment of seafarers from developing countries. The projected shortfall in the numbers of ships' officers and ratings as against the projected increase in the number of ships in the maritime trade, and the already high average age of these ships, poses a great challenge for maximizing the benefits of modern technological innovations and upgrading safety standards and training standards for seafarers.

215. IMO is greatly concerned that measures to date may not be enough to cope with problems that may become worse in the next few years. Major changes in approach may have to be made, including changes in the overall approach to maritime safety.

2. Vessel safety

216. Improvements in ro-ro (roll-on, roll-off) passenger ferry safety have been treated as a matter of urgency at IMO, so that in a very short time, amendments to SOLAS were prepared for adoption in November 1995. The economic impacts will be considerable: the amendments apply also to the existing ro-ro fleet, requiring many ships to undergo extensive conversions.

217. The safety of bulk carriers is a special question, as casualty statistics demonstrate: 15 total losses occurred in 1994 with a total loss of 141 seamen. 165/ A substantial review of the situation is now under way at IMO. 166/ Loading and unloading operations, as well as stowage and securing, have been the subject of new amendments to chapter VI of SOLAS (to enter into force on 1 January 1996). It may also be noted that port State control action has been stepped up: as of 1 July 1996, an expanded inspection will be carried out once a year on all bulk carriers older than 12 years, calling at ports of European Union member States. 167/

218. The nineteenth IMO Assembly is expected to adopt a new resolution on the safety of ships carrying solid bulk cargoes that will give high priority to the development of a set of comprehensive requirements and recommendations covering, inter alia, survivability standards, design and construction standards, operational standards and management and training. In the meantime, Governments, classification societies, shipowners and masters, and terminal operators are called on to take immediate action along the lines recommended in an annex to the resolution. 168/

219. With respect to the safety of small fishing vessels and training of their personnel, IMO considers entry into force of the 1993 Torremolinos Protocol (relating to the 1977 International Convention for the Safety of Fishing Vessels) a matter of urgency.

3. Flag State and port State control

220. The IMO Subcommittee on Flag State Implementation is charged generally with the task of monitoring the overall effectiveness of IMO conventions and instruments and proposing concrete measures over a wide spectrum. Currently, it is finalizing work on a draft code of international standards and recommended practices in maritime accident investigations, preparing basic guidance on the infrastructure, personnel and capabilities necessary for a flag State to carry out its treaty obligations, and analysing deficiency data to determine which flag States are in urgent need of assistance.

221. The Subcommittee is also responsible for reviewing the overall situation as regards port State control and is now amalgamating all IMO provisions on the subject, including those in the 1995 Amendments to STCW (see para. 87 above).

222. Regional systems of port State control continue to be strengthened. Caribbean countries are now actively considering maritime transport issues at the regional level, including such diverse issues as management of ship wastes from tourism. The Association of Caribbean States is stressing implementation

of crucial international maritime conventions within an agreed harmonized framework and has decided to examine the feasibility of broadening participation in the draft Caribbean agreement on port State control to include all Caribbean countries and territories. 169/

223. Regional systems have also had the effect of widening the ratification and improving the implementation of ILO standards as well as IMO standards. ILO also emphasizes that port State control, while only an adjunct to flag State control, is none the less effective in placing greater pressure on flag States and shipowners to improve maritime labour conditions.

G. Other uses of the seas

1. Right of access of land-locked States

224. Practical needs and problems of land-locked and transit developing countries were discussed extensively at the two Meetings of Governmental Experts from Land-locked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions, held in May 1993 170/ and in June 1995, 171/ respectively, pursuant to General Assembly resolutions 46/212 of 20 December 1991 and 48/169 of 20 December 1993, as well as at a Symposium for Land-locked and Transit Developing Countries (New York, 14-16 June 1995). 172/

225. As a result of those deliberations, a Global Framework for Transit Transport Cooperation between Land-locked and Transit Developing Countries and the Donor Community was adopted by the Second Meeting of Governmental Experts and subsequently endorsed by the Trade and Development Board of UNCTAD at its autumn session (11-20 September 1995). 173/ The document pointed out, inter alia, that the use of international agreements had long been a successful instrument in promoting an efficient and reliable transit transport system and recommended that land-locked and transit developing countries should consider further enhancing efforts to adhere to those agreements. It also recommended that the Governments of port States consider taking the necessary administrative action to accede to and implement relevant international conventions related to port safety and pollution control and to port facilities and services for transit traffic.

226. On 19 December 1994, the General Assembly adopted resolution 49/102, on transit environment in the land-locked States in Central Asia and their transit developing neighbours, in which the Assembly recognized the importance of the access to the sea by those States for their overall socio-economic development and invited the Secretary-General of UNCTAD, in consultation with the Governments concerned and in cooperation with relevant United Nations bodies, to elaborate a programme for improving the efficiency of the current transit environment in the newly independent and developing land-locked States in Central Asia and their transit developing neighbours and to make a comprehensive analysis and study of the transit system for Central Asian countries, paying particular attention to the development of all new, appropriate and feasible alternative transit routes and corridors, including the shortest ones.

227. In another development concerning a land-locked country, the Foreign Ministers of Greece and the former Yugoslav Republic of Macedonia on 14 September 1995 signed a wide-ranging interim accord on their mutual relations. 174/ The two parties agreed that, having regard to the fact that one party was a land-locked State, they should be guided by the applicable provisions of the United Nations Convention on the Law of the Sea as far as practicable both in practice and when concluding bilateral agreements in various areas of mutual interest. They also agreed to promote, on a reciprocal basis, road, rail, maritime and air transport and communication links, using the best available technologies, and to facilitate the transit of their goods between them and through their territories and ports.

2. Archaeological and historical objects found at sea

228. With the advance in technology, which now permits the recovery of objects of archaeological or historical value sunk almost at any depth, growing attention is being paid to the legal issues relating to their removal and their protection. The United Nations Convention on the Law of the Sea deals with some aspects of the questions only in general terms, in articles 149 and 303 as well as article 33, which is referred to in article 303.

229. In 1993, the Executive Board of UNESCO adopted a resolution by which it requested the Director-General to undertake a study of the feasibility of a new instrument for the protection of the underwater cultural heritage. The UNESCO secretariat study, issued in March 1995, concluded that "it would be feasible to elaborate a legal instrument for this seriously threatened part of humanity's heritage". 175/ The secretariat further believed that the draft of a convention on the subject prepared by the Cultural Heritage Committee of the International Law Association in 1994, which had been presented to UNESCO by the Association, was a useful basis for the development of the future instrument. 176/

230. Having considered the secretariat study, the Executive Board, in a decision of 1 June 1995, considered that the jurisdictional aspects of the proposal, in particular its possible implications for the provisions about national jurisdiction contained in the United Nations Convention on the Law of the Sea, required further examination, and recommended that the Director-General convene a group of experts to discuss all aspects of the proposal, with emphasis on jurisdictional matters. The meeting of the experts group, originally scheduled for September 1995, has been postponed to the first half of 1996.

231. In the meantime, upon invitation by the UNESCO secretariat, the Division for Ocean Affairs and the Law of the Sea prepared comments on archaeological and historical objects under the Convention for submission to the UNESCO General Conference in October 1995. The paper explained the background of the questions involved and analysed the legislative history of the above-mentioned articles of the Convention.

3. The offshore industry

(a) Removal and disposal of installations and structures

232. Articles 60, paragraph 3, and 80 of the Convention on the Law of the Sea require installations or structures to be removed essentially "to ensure safety of navigation". Entire removal is not specified; rather, appropriate publicity is required concerning any installations or structures which are not entirely removed. The Convention recognizes the need for the competent international organization to establish international standards, which must be taken into account by States when removing an installation or structure. Such guidelines and standards were established by the IMO Assembly in 1989. 177/ The Convention makes no reference to the ultimate fate of decommissioned installations or structures or their components, by disposal at sea (dumping) or otherwise. Other relevant provisions are article 208, paragraph 1, dealing with pollution of the marine environment from seabed activities within national jurisdiction, and article 210 on dumping.

233. Questions of the removal and disposal of offshore structures have been closely followed at the regional level, particularly in Europe, by the Oslo and Helsinki Commissions, and in South-East Asia. ESCAP recently held a training seminar with information and advice on legal aspects provided by the Division for Ocean Affairs and the Law of the Sea.

234. Practice in regional cooperation has not been uniform. In some cases the requirement for removal is stricter than what is required by the 1982 Convention and by the 1989 IMO Guidelines and Standards. In some cases disposal at sea is not an option; for example, the 1992 Convention on the Protection of the Marine Environment of the Baltic Sea requires entire removal and disposal on land. A number of offshore structures in the North Sea/North-East Atlantic are nearing the end of their lifetime, so that a similar approach is being contemplated in this region also. At the Fourth International Conference on the Protection of the North Sea (June 1995), the majority of ministers agreed that more environmentally acceptable and controllable land-based solutions were preferable and that decommissioned offshore installations should either be reused or disposed of on land. 178/ The Oslo and Paris Commissions (June 1995) adopted a moratorium on the disposal at sea of decommissioned offshore installations, with effect from 4 August 1995, and also agreed that the revised London Convention should require disposal on land. 179/

(b) Pollution from offshore activities

235. Having reviewed existing regulatory measures relating to discharge, emissions and safety of offshore operations, IMO has found no compelling need at this time for further development of globally applicable environmental regulations. 180/

236. Existing global regulations include the provisions on offshore units in the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC). Article 3 (b) (ii) of MARPOL 73/78 and regulation 21 of annex I thereto exempt from MARPOL's coverage discharges arising from the exploration, exploitation and associated offshore processing of seabed mineral resources and

discharges associated with production water, displacement water (associated with separation storage) and platform drainage, namely those oily waters arising from exploration and exploitation of mineral resources.

237. Most harmonized regulations have been developed at the regional level, and IMO has actively encouraged the strengthening and expansion of a regional approach in this area. There are currently four regional agreements, covering the Kuwait region, the North-East Atlantic, the Baltic Sea and the Mediterranean Sea. The Fourth International Conference on the Protection of the North Sea called on the industry to develop and implement effective environmental management systems, utilizing the best techniques and methods to deal with those cases where there are no alternatives to the use of oil-based muds. The Oslo and Paris Commissions were requested to investigate pollution from produced water, to consider banning by 1997 the discharge of oil-contaminated cuttings into the sea, to assess possible needs for cleaning up contaminated seabeds and to adopt a Harmonized Mandatory Control System for the use and discharge of chemicals offshore.

238. Article III (1) (c) of the London Convention, on the definition of dumping, excludes from the scope of the Convention the disposal of material associated with offshore operations for seabed mineral resources. Proposals have been made to delete the subparagraph to allow possible regulation of these activities under the Convention, noting that the discharge of many substances from offshore installations is currently prohibited or controlled by virtue of their inclusion in annexes I or II to the Convention. 181/

H. Marine science and technology

239. Significant advances have occurred in marine science and technology despite the fact that in recent years funds for research and development have been relatively scarce. Scientific and technological developments are influenced by, and in turn influence, man's evolving relationship with the oceans.

240. In the field of marine biology, new discoveries of marine creatures dwelling on or in seabed ooze, often miles deep, thriving in pitch darkness under enormous pressure, have led experts radically to revise upwards their rough estimates of the number of species of all types of marine life from 200,000 to between 10 million and 100 million, which is the same as the range projected by the possible total number of terrestrial species. 182/ The newly recognized creatures are considered important because of their possible commercial value as well as because of their role in maintaining the earth's ecological balance. The potential commercial value of the new organisms lies in their great genetic diversity. The aim is to use their exotic genes to develop new drugs, catalysts and agents that can break down wastes.

241. Hydrothermal vents, which occur at an average depth of about 7,300 ft, with temperatures reaching up to 750° F, are perhaps the most extreme deep seabed habitat for marine organisms. The new discoveries have been made in numerous oceanographic research trips. For example, a team of scientists, in a research trip in summer 1994 to a site of volcanic eruption in Juan de Fuca ridge, off America's north-western coast, made striking observations of vast bacterial

"mats" emerging from undersea vents with the fresh magma. They are primitive, heat-loving bacteria that thrive on hydrogen sulphide and live in nearly boiling hot water. 183/ Another team of scientists drilling deep beneath the seabed has encountered evidence that scores of microbial life forms flourish deep within the planet. The scientists' findings are complemented by those of another team drilling independently deep beneath land. 184/

242. Growing attention is being paid to investigations on the commercial uses of exotic undersea and deep earth species. For example, a company based in San Diego, California, is looking for bacterial enzyme adapted to high temperature and intense pressures that might be industrially useful. 185/ The on-land drilling programme mentioned above has isolated more than 5,000 microbes from the deep earth and is making them available to scientists in government and industry. Some of the microbes are already being scanned for antibiotics and agents that might help fight diseases. 186/ Japanese biologists have begun a major effort to retrieve microbes from the deep, and perhaps to make new drugs and tools for genetic engineering. 187/ One of their projects involves building a plant that can reproduce on land the extreme pressures and temperatures found in the sea's depths. The aim is to have a repository for breeding unique bacteria and organisms brought to land.

243. The scientific and commercial value of deep seabed genetic resources has raised questions regarding the legal status of these resources and activities involving them. The Convention on the Law of the Sea does not specifically refer to such resources, since their potential use was not known to the negotiators. It has been suggested that if found in areas beyond the national jurisdiction of any State these resources fall within the high seas legal regime and are freely accessible to all States subject to the rights and obligations of other States. While the term "living resources" in the Convention might be broad enough to include free living and symbiotic micro-organisms, the collection and subsequent use of microbial genetic resources is not necessarily analogous to traditional methods of harvesting marine living resources. They are studied as part of marine scientific research and may be passed to industry for biotechnological applications. It has therefore been suggested that a fundamental consideration in discussions would be the legal status and nature of marine scientific research involving these resources.

244. SBSTTA recommended in its report to the forthcoming meeting of the Conference of the Parties to the Convention on Biological Diversity that it intended to address questions related to bio-prospecting on the deep seabed, including access to its genetic resources, at its forthcoming meeting. 188/ It is to be noted that the recommendation did not enjoy the full support of SBSTTA. One delegation expressed the view that the issue of bio-prospecting on the deep seabed was beyond the scope of that Convention. 189/

245. In the field of marine geology, research efforts have focused on obtaining a better understanding of the formation of the earth's crust. Research in deep-sea volcanic activities can shed light on the evolution of the earth's crust as well as on the fate of the earth's climate. The trip to the site of volcanic eruption in Juan de Fuca ridge (see para. 241) was part of a series of trips that have given scientists their first look at what happens when the earth's crust is created at the underwater ridges in association with volcanic

eruptions. Also, for the first time ever, scientists will drill into the vent of a deep-sea volcano. 190/

246. Offshore oil and gas development spurred a number of efforts in marine geological and geochemical research. This year, one interesting scientific finding was that although the reservoir in Eugene Island in the Gulf of Mexico from which oil was being pumped was formed at the time of the Pleistocene era less than 2 million years ago, oil now being recovered from the reservoir has a chemical signature characteristic of the Jurassic period, which ended more than 150 million years ago. The implication, researchers believe, is that highly pressurized oil from lower levels of "stacked" reservoirs is frequently breaking through geological barriers and "burping" upward, eventually reaching the reservoir from which oil is being pumped. Others, while acknowledging that oil is almost certainly flowing into certain reservoirs from somewhere, are doubtful of the "stacked" reservoir idea as well as about the extent of replenishment in the reservoir being exploited. 191/

I. Capacity-building in the law of the sea and ocean affairs

1. Fellowships

247. The Division for Ocean Affairs and the Law of the Sea has continued its activities under the Hamilton Shirley Amerasinghe fellowship programme. The fellowship is aimed at providing training and assistance to chosen fellows in order to acquire additional knowledge of the law of the sea and its wider application. The fellows pursue postgraduate-level research and training in the field of the law of the sea, its implementation and related marine affairs at a participating university of their choice. They are in addition given the opportunity to carry out an internship programme with the Division for up to three months. 192/

248. For the 1995/96 school year, the United Kingdom has made a special contribution to fund a fellowship under this programme. 193/ The Advisory Panel welcomed the contribution. While extending its appreciation to the United Kingdom Government, the Panel expressed the hope that this could become a tradition as a continuing commitment on the part of the United Kingdom Government and urged other countries to consider making similar contributions.

249. The United Kingdom contribution has made it possible to award two fellowships in 1994, to be implemented in 1995/96. The Advisory Panel recommended Mr. Maurice Kengne Kamgue, a diplomatic officer from Cameroon, for the ninth annual award and Mr. Frank Elizabeth, a State Counsel of Seychelles, for the special award under the United Kingdom contribution. 194/

250. The Advisory Panel noted that as in the previous years, the candidates were all of a very high calibre and recommended that efforts be made to acquire additional funding for fellowships from philanthropic and other institutions and to encourage universities to award fellowships to all finalists in the programme. Along those lines on the basis of the Panel's endorsement, selected candidates would be designated as "Finalists" in consideration for the award and

that they should be encouraged to use this information in applying directly to universities for fellowship consideration.

2. The TRAIN-SEA-COAST Programme

251. Under the TRAIN-SEA-COAST Programme launched in 1994 (see A/49/631, paras. 234-243) in cooperation with the Science, Technology and Private Sector Division of the United Nations Development Programme (UNDP), the first Course Developers Workshop was convened in Stony Brook, Long Island, United States of America, from 23 January to 3 February 1995. At the Workshop, 19 professionals from participating TRAIN-SEA-COAST centres and three from United Nations agencies (IMO, United Nations Institute for Training and Research, and Universal Postal Union) were trained in the preparation of advanced, high quality course material to TRAIN-SEA-COAST standards in the form of standardized training packages. Additionally, as members of the TRAIN-SEA-COAST network, the participants discussed an extensive menu of courses and agreed, at the network level, on their particular course development tasks.

252. Following the Workshop, the participants returned to their respective institutions to establish their Course Development Units (CDUs). Most of the CDUs are now fully established. Others face some constraints owing primarily to funding limitations, availability of personnel on a full-time basis, and commitments made prior to their joining the TRAIN-SEA-COAST Programme. Despite these limitations, the majority of CDUs, having the equipment and the team in place, have started the preparation of courses.

253. After the training of course developers, activities in the central unit (the Division for Ocean Affairs and the Law of the Sea) focused on: building-up of an information and assistance programme; setting up of a programme strategy; and network consolidation. The first includes a communication system through monthly contact sheets to follow the stage of development of standardized training packages and formal progress reports through which the central unit provides regular quality control of the training packages under preparation.

254. The programme strategy consists of the following key elements: a closer involvement with United Nations agencies and with TRAIN-X sister programmes; assessment of the training component of approved field projects of Global Environment Facility and UNDP; fund-raising and marketing of the programme; and network expansion.

255. Consultations have been undertaken with sister programmes on possible modes of cooperation and assistance between the programmes. Similar consultations were undertaken with IOC of UNESCO on possible modes of cooperation with the TRAIN-SEA-COAST Programme. Consultations with other United Nations agencies are also under way.

256. Network expansion activities focus on identification and assessment of potential new TRAIN-SEA-COAST CDUs and the organization and implementation of a Second Course Developers Workshop tentatively scheduled for the first semester of 1996.

Notes

1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

2/ These States are as follows: Angola, Antigua and Barbuda, Australia, Austria, Bahamas, Bahrain, Barbados, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Cameroon, Cape Verde, Comoros, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Djibouti, Dominica, Egypt, Fiji, Gambia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, Iceland, India, Indonesia, Italy, Iraq, Jamaica, Kenya, Kuwait, Lebanon, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Namibia, Nigeria, Oman, Paraguay, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Somalia, Sri Lanka, Sudan, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

3/ General Assembly resolution 48/263, annex.

4/ These States are: Bahamas, Barbados, Côte d'Ivoire, Grenada, Guinea, Iceland, Jamaica, Namibia, Nigeria, Sri Lanka, Togo, Trinidad and Tobago, Uganda, Yugoslavia, Zambia and Zimbabwe.

5/ These States are: Brazil, Cameroon, Cape Verde, Egypt, Indonesia, Malta, Philippines, Sudan, Tunisia, United Republic of Tanzania and Uruguay.

6/ These States are: Cyprus, Fiji, Micronesia (Federated States of), Paraguay, Senegal and Seychelles.

7/ These States are: Australia, Austria, Bahamas, Barbados, Belize, Bolivia, Cook Islands, Côte d'Ivoire, Croatia, Cyprus, Fiji, Germany, Greece, Grenada, Guinea, Iceland, India, Italy, Jamaica, Kenya, Lebanon, Mauritius, Micronesia (Federated States of), Namibia, Nigeria, Paraguay, Samoa, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Sri Lanka, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Uganda, Yugoslavia, Zambia and Zimbabwe.

8/ These States are: Brazil, Bulgaria, Denmark, Iran (Islamic Republic of), Ireland, Jordan, Mexico, Morocco, Portugal, Romania, Saudi Arabia, Spain, Sweden and Uruguay.

9/ A/CONF.164/37.

10/ The report of the first Meeting of States Parties is contained in document SPLOS/3.

11/ The report was subsequently issued as LOS/PCN/152, vols. I-IV.

12/ The recommendations are contained in the statement by the Chairman (LOS/PCN/L.115/Rev.1, para. 43).

13/ The report of the second Meeting of States Parties is contained in document SPLOS/4.

14/ SPLOS/2/Rev.3.

15/ "Miles" throughout this document refers to "nautical miles".

16/ The text of the Code is available only in Croatian.

17/ Act amending an Act on the Border of the Territorial Waters of Finland (981/95), entered into force on 2 August 1995. Text to be reproduced in Law of the Sea Bulletin, No. 29 (1995).

18/ Ibid., No. 27 (1995), pp. 55-61.

19/ Ibid., No. 23 (1993), p. 65.

20/ To be reproduced in ibid., No. 30, to be published in 1996.

21/ Information confirmed by a representative of the Permanent Mission of Thailand to the United Nations.

22/ Law of the Sea Bulletin, No. 28 (1995), p. 31.

23/ Ibid., pp. 31-32.

24/ The text of the Act is reproduced in ibid., No. 24 (1993), pp. 10-15.

25/ The acceding States, i.e., Austria, Finland and Sweden, also endorsed the protest.

26/ These States were: Cape Verde, Comoros, Equatorial Guinea, Ghana, Guinea, Guinea-Bissau, Madagascar, Mauritania, Namibia, Senegal, United Republic of Tanzania and Zaire.

27/ A/49/920-S/1995/489, annex I, para. 28.

28/ A/50/475, annex, para. 14.

29/ A/50/518, annex, para. 33.

30/ Starting with No. 27, the Bulletin has become a sales publication of the United Nations, whereas LOSIC is not a sales item. LOSIC is a new periodical publication of the Division with the objective of communicating to all States and entities, in particular States not yet parties to the Convention, information on actions taken by States parties in implementing the Convention as well as on activities undertaken by the Division pursuant thereto. Thus far, LOSIC Nos. 1 and 2 have been issued.

31/ The lists prepared by these organizations are included in Law of the Sea Information Circular No. 2.

32/ For wider and speedy dissemination of more general information on the law of the sea, the Division has, as the first unit in the Organization, started to post information on the United Nations Gopher, a part of the Internet. At its address, "gopher.un.org", the menu pick of "Law of the Sea" provides the user with many documents, e.g., the current status and the full text of the United Nations Convention on the Law of the Sea, the 1994 Agreement on Part XI of the Convention and the 1995 Agreement on fish stocks. Information on the International Tribunal for the Law of the Sea, the International Seabed Authority as well as selected documents and press releases concerning them are also available.

The Division now has its own Home Page within the United Nations Home Page. Located at "http://un.org/Depts/DOALOS", it has a content similar to that of the Gopher but also includes graphics and will be capable of being made "interactive" so that remote users may query it and receive customized outputs meeting their individual needs.

33/ For further details of the work of the Assembly during these meetings, see ISBA/A/L.1/Rev.1 and Corr.1, and ISBA/A/L.7/Rev.1.

34/ ISBA/A/WP.3.

35/ LOS/PCN/153.

36/ For further details about the composition of the Council, see article 161 (1) of the Convention and section 3, para. 15, of the annex to the Agreement.

37/ See A/C.5/50/28.

38/ Twenty-two nominations were received by the Secretariat by 15 October 1995.

39/ General Assembly resolution 49/28, para. 11.

40/ SPLOS/4, para. 14.

41/ It should be noted that the convening of such a meeting by the Division was part of its continuing efforts to promote the uniform and consistent development of States practice in a manner consistent with the provisions of the Convention, and in pursuing a series of special studies which are intended to provide assistance to States in their application of some highly technical provisions of the Convention. In the past, four such studies were prepared with the assistance of the groups of experts: (1) The Law of the Sea. Baselines: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.788.V.5); (2) The Law of the Sea. Marine Scientific Research: A Guide to the Implementation of the Relevant Provisions of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.91.V.3); (3) The

Law of the Sea. The Regime for High Seas Fisheries: Status and Prospects (United Nations publication, Sales No. E.92.V.12); and (4) The Law of the Sea. Definition of the Continental Shelf: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.93.V.16).

42/ See note 41 above.

43/ Paragraph 17.116 sets forth the objectives of chapter 17, programme area F, on strengthening international cooperation, and paragraph 117 calls on the General Assembly to provide for regular intergovernmental consideration "of general marine and coastal issues, including environment and development matters ..."

44/ In view of the need to have a common understanding in the United Nations system as to which organizations should be considered "competent international organizations" for the purposes of the Convention, an agreed listing has been prepared by the Division for Ocean Affairs and the Law of the Sea and will be published in a forthcoming issue of the Law of the Sea Bulletin.

45/ See IMO documents C 74/22(b)/1, paras. 4, 5 and 9; C 74/27(c), paras. 225 to 228; C 74/SR.4; and A 19/27.

46/ See article 59 of the Convention on the International Maritime Organization.

47/ The study will involve updating and expansion of a study done in 1986 on the implications of the Convention for IMO, to include also current programmes of work and the IMO's long-term plan.

48/ E.g., mandatory ship reporting by the Maritime Safety Committee in 1993. See A/48/527, paras. 52-56.

49/ See WMO document EC-XLVI, para. 6.4.2, and WMO circular letter of 12 August 1994.

50/ "Report of the ad hoc Working Group on IOC Responsibilities and Actions in relation to UNCLOS", IOC document IOC/INF-990.

51/ Marine Scientific Research: A guide to the Implementation of the Relevant Provisions of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.91.V.3).

52/ See IOC-XVIII/3 prov., Pt.3; and IOC resolution XVIII-4 on IOC and UNCLOS.

53/ See IOC document IOC/INF-991.

54/ See IOC document IOC-XVIII/2, annex 7.

55/ Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 26 April-6 May 1994

(United Nations publication, Sales No. E.94.I.8 and corrigendum), chap. I, resolution 1, annex II.

56/ Recent ILO instruments of particular relevance to the protection of the marine environment include the Chemicals Convention 1990 (No. 170) and Recommendation (No. 177), the Prevention of Major Industrial Accidents Convention 1993 (No. 174) and Recommendation (No. 180).

57/ Oceans Day Message by the UNEP Executive Director, 8 June 1995.

58/ See Official Records of the General Assembly, Fiftieth Session, Supplement No. 25 (A/50/25), annex, decision 18/16.

59/ See A/47/277-S/24111.

60/ See A/48/689, A/48/935 and A/49/665.

61/ See UNEP document UNEP/GC.18/26.

62/ See Governing Council decision 18/31 on the protection of the marine environment from land-based activities, and the related decision 18/32 on persistent organic pollutants; Official Records of the General Assembly, Fiftieth Session, Supplement No. 25 (A/50/25), annex.

63/ See note 55 above.

64/ See ECLAC resolution 541 (XXV) on restructuring and resolution 544 (XXV) on environment and development.

65/ See ECA document NRD/MAR/1/94.

66/ See IMO document C 74/4 and addendum.

67/ The texts of the draft convention and the draft protocol are contained in IMO documents LEG/CONF.10/6 (a) and (b).

68/ See IMO document LEG 72/9, paras. 111-115.

69/ Adopted by resolution MSC.46(65); see IMO document MSC 65/25/Add.1, annex 2. The regulation does not apply to warships, naval auxiliary or other government vessels, although they are encouraged to participate in ships' routeing systems.

70/ IMO document MSC 65/25/Add.1, annex 3 - subject to final adoption by the 19th IMO Assembly (November 1995).

71/ The International Atomic Energy Agency (IAEA) plans to start revising the emergency response planning provisions in late 1996 and to initiate research into the severity of accidents at sea under all relevant accident scenarios, in particular fire accidents in relation to IAEA packaging performance standards.

72/ See IMO documents LEG 72/9, paras. 116-121, and MSC 65/25, paras. 24.1-24.8.

73/ A/50/475, annex.

74/ See IMO document on the implementation of Agenda 21 (MEPC 36/INF.2), in relation to Agenda 21, para. 17.30 (a) (vii).

75/ IMO document MSC 65/25, paras. 19.5-19.7. This Working Group is also cited in IMO's report on the implementation of Agenda 21 (MEPC 37/INF.2) as the IMO machinery responsible for the implementation of para. 17.30 (a) (ii) as concerns ships' routeing, and as being adequate for current needs.

76/ See statements by the Russian Federation, Greece, Cyprus, Bulgaria, Turkey and Romania in IMO document MSC 65/25/Add.2, annexes 34 to 39, and by the United States of America in Add.2/Corr.1. The Russian Federation, in its submission, reported that 80 ships flying its flag had been stopped in the area between July and December 1994.

77/ See Report of the Tripartite Meeting on Maritime Labour Standards (December 1994) ILO document GB.262/3; the revisions are contained in documents TMMLS/1994/I-IV.

78/ See Mainstreaming the Environment: The World Bank Group and the Environment since the Rio Earth Summit: Fiscal 1995 (The World Bank, Washington, D.C.), pp. 54-61.

79/ The IMO letter to States parties to the Convention on the Law of the Sea, dated 16 June 1995, has also been circulated in Law of the Sea Information Circular No. 2.

80/ UNEP document UNEP/CBD/COP/1/4.

81/ See the report of the first SBSTTA meeting (UNEP document UNEP/CBD/COP/2/5), particularly recommendation I/8 and the annex on integrated marine and coastal area management.

82/ The 1992 Protocols to the CLC and FUND Conventions more than double the amount of compensation, extend the scope of application of the treaties to the exclusive economic zones of Contracting States, and introduce a more expeditious system of amending the limitation amounts by the IMO Legal Committee.

83/ See IMO document LEG 72/9, paras. 124-127.

84/ See Status of regional agreements negotiated in the framework of the Regional Seas Programme (UNEP publication), revision 4, December 1994.

85/ The Final Act of the Conference is contained in UNEP document UNEP (OCA): MED IG.6/7.

86/ The area of application of the 1995 Protocol includes "the seabed and its subsoil; the waters, the seabed and its subsoil on the landward side of the baseline ... extending ... up to the freshwater limit; the terrestrical coastal areas designated by each of the Parties, including wetlands".

87/ Maritime Delimitation and Territorial Questions between Qatar and Bahrain, Jurisdiction and Admissibility, Judgment, I.C.J Reports 1995, p. 6.

88/ Communication from the Registry of the International Court of Justice, 2 August 1995.

89/ International Court of Justice, Fisheries Jurisdiction (Spain v. Canada). Application Instituting Proceedings, filed in the Registry of the Court on 28 March 1995.

90/ Ibid., Order of 2 May 1995.

91/ Middle East Economic Survey, 24 July 1995.

92/ The written statements by the delegations of Lebanon and of Israel to the Maritime Safety Committee, as well as the written statements made on the issue by the delegations of the Syrian Arab Republic, Morocco and the League of Arab States are reproduced in annexes 41 to 45 to the report of the Committee (IMO document MSC 65/25/Add.2). For the discussions on the issue in the Maritime Safety Committee, the Legal Committee and the Council, see IMO documents MSC 65/25, paras. 24.41-24.44; LEG 72/9, paras. 132-136; and C 74/SR.7, pp. 11-12, respectively.

93/ For background, see A/47/623, paras. 33-36, and A/49/631, para. 55.

94/ Asahi Shimbun (Tokyo), 26 and 29 March, 5 April 1995.

95/ A/49/953-S/1995/652, annex, para. 9.

96/ Agence France-Presse, 11 August 1995.

97/ Reuter European Business Report, 30 June 1995.

98/ Middle East Economic Survey, 19 December 1994.

99/ See A/49/815-S/1994/1446.

100/ IMO document FAL 23/8/4.

101/ IMO document FAL 23/19, paras. 8.1-8.4.

102/ IMO document C 74/SR.3, pp. 5-7.

103/ See "Risk reduction and maritime security in Asia and the Pacific", paper, presented to the Seventh Regional Disarmament Meeting in the Asia-Pacific Region, Katmandu, 13-15 February 1995. Disarmament: A periodic review by the United Nations, vol. XVIII, No. 2 (1995), p. 78.

104/ The text of the joint declaration, entitled "Cooperation over offshore activities in the South-West Atlantic", was transmitted to the Secretariat by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

105/ See "Concluding statement of the Seventh Regional Meeting". Disarmament: A periodic review by the United Nations, vol. XVIII, No. 21 (1995), p. 190.

106/ NPT/CONF.1995/32/DEC.2.

107/ See A/50/426.

108/ A/50/425-S/1995/787, para. 20.

109/ A/50/225 and A/50/475, appendix III.

110/ A/50/224.

111/ A/50/317-S/1995/627.

112/ United Nations Department of Public Information press release ICJ/541 of 22 September 1995. France has not signed any of the Protocols to the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), but the President of France declared on 23 October 1995 that France would sign all the protocols in the first half of 1996 as soon as it had completed the last of its nuclear testing. See also A/50/665-S/1995/877.

113/ A/50/373, para. 7.

114/ E/CONF.82/15 and Corr.2.

115/ E/CN.7/1995/13, chap. II, paras. 13, 20 and 22.

116/ See UNDCP/1994/MAR.2 and Add.1, and UNDCP/1994/MAR.WP.1.

117/ E/CN.7/1995/13, pp. 2-7.

118/ Official Records of the Economic and Social Council, 1995, Supplement No. 9 (E/1995/29), chap. XII.A, resolution 8 (XXXVIII).

119/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 1 (A/5O/1), para. 374.

120/ Joint submission by the United Kingdom and the International Chamber of Shipping, IMO document FAL 23/10/1.

121/ IMO document FAL 23/19, sect. 10.

122/ See IMO documents MSC 65/16/Add.1 (regional analysis of reports on piracy and armed robbery received by the IMO secretariat in the period between the end of September 1994 and the end of December 1994); MSC 65/16/Add.2

(information provided by the Government of Bangladesh); MSC/Circ.679 (reports of incidents received between 31 December 1994 and 31 March 1995); MSC/Circ.698 (reports of incidents received between 31 March and 30 June 1995); and MSC/Circ.701 and 703 (monthly reports for July and August 1995, respectively).

123/ See IMO document MSC 65/25, sect. 16.

124/ IMO document 65/16/1.

125/ The State of World Fisheries (Rome, FAO, 1995), p. 3.

126/ Ibid., p. 5.

127/ Ibid., p. 8.

128/ Ibid., p. 12.

129/ Report of the twenty-first session of the Committee on Fisheries, Rome, 10-13 March 1995, FAO Fisheries Report No. 524, paras. 17-18.

130/ Ibid., para. 19.

131/ Ibid., para. 21.

132/ Text transmitted by FAO to the United Nations Secretariat on 28 March 1995.

133/ A/50/518, annex, para. 33.

134/ Report of the twenty-first session of the Committee on Fisheries (see note 129 above), para. 11.

135/ International Whaling Commission, Chairman's draft report of the forty-seventh annual meeting, 29 May-2 June 1995, p. 46.

136/ Ibid., resolution on methods of killing whales, ibid., p. 48.

137/ Ibid., resolution on small cetaceans, p. 50.

138/ Ibid., resolution on North-Eastern Atlantic mink whales, p. 51.

139/ Ibid., resolution on whaling under special permit in sanctuaries, and resolution on whaling under special permit, pp. 54-56.

140/ ICCAT Newsletter, vol. 25, 1 May 1995.

141/ Law of the Sea Bulletin, No. 28 (1995), p. 34.

142/ Government of Canada, news release, 2 May 1995.

143/ Ibid., 15 September 1995.

144/ Le Monde (Paris), 30 April 1995.

145/ IPS Daily Journal, vol. 3, No. 75 (25 April 1995); Le Monde (Paris), April 1995.

146/ Le Monde (Paris), 15 and 16 October 1995.

147/ Communication of the European Communities addressed to the Secretary-General, 14 February 1995.

148/ A/50/475, annex, paras. 9 and 11.

149/ Review of the State of World Fishery Resources: Marine Fisheries, FAO Fisheries Circular No. 884 (Rome, FAO, 1995), p. 62.

150/ A/AC.109/2027, para. 20 (1) and (4).

151/ Ibid., para. 20 (4) and (5).

152/ Ibid., para. 20 (7).

153/ Thus, General Assembly resolution 49/28 points to the "strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also ... in chapter 17 of Agenda 21" (preamble).

154/ The report of the final preparatory meeting (Reykjavik, March 1995) is contained in UNEP document UNEP/ICL/IG/1/L.6.

155/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 25 (A/50/25), annex.

156/ The Workshop originated in a recommendation of the British Government Panel on Sustainable Development (January 1995).

157/ The last GESAMP "State of the Marine Environment", published in 1989, took five years to complete.

158/ General Assembly resolution 49/131.

159/ Organized through the Intersecretariat Committee for Scientific Programmes Relating to Oceanography, for which IOC provides the secretariat.

160/ Letter dated 9 May 1995 from the Prime Minister of Portugal to the Secretary-General.

161/ UNEP document UNEP/CBP/COP/2/5.

162/ See IOC resolution XVIII-7.

163/ IMO document MSC 65.17/1.

164/ IMO document A 19/7.

165/ IMO document MSC 65/25, p. 8.

166/ IMO document MSC 65/INF.15.

167/ See IMO document MSC 65/25, para. 5.6.

168/ IMO document MSC 65/25/Add.1, annex 10.

169/ See A/50/407, annex I.

170/ See TD/B/LDC/AC.1/3.

171/ TD/B/LDC/AC.1/6.

172/ A/50/341, annex, paras. 3-6.

173/ A/56/341, para. 3; see also TD/B/42(1)/11-TD/B/LDC/AC.1/7.

174/ S/1995/74, annex I.

175/ UNESCO document 146 EX/27, para. 38.

176/ Ibid., para. 20.

177/ Text reproduced in Law of the Sea: Annual Review of Ocean Affairs, Law and Policy, Main Documents, 1989 (United Nations publication, Sales No. E.93.V.5), p. 395.

178/ The North Sea Declaration, reproduced in IMO document MEPC 37/INF.14, para. 54.

179/ See IMO document LC 18/3.

180/ See IMO document MEPC 37/INF.2, annex, pp. 1-15.

181/ See IMO document LC 17/14, paras. 5.28-5.29.

182/ The New York Times, 17 October 1995. It should be noted that the estimate is not universally accepted; some experts are of the opinion that the deep sea total is unlikely to exceed a half million species.

183/ The Economist, 3 September 1994.

184/ The New York Times, 4 October 1994.

185/ The Economist, 3 September 1994.

186/ The New York Times, 4 October 1994.

187/ Ibid., 18 October 1994.

188/ UNEP document UNEP/CBD/COP/2/5, recommendation I/8.

189/ Ibid., para. 75.

190/ The New York Times, 9 August 1994.

191/ Ibid., 26 September 1995.

192/ The fellowship award is given by the Legal Counsel, on the recommendations of an Advisory Panel of prominent personalities in law of the sea and international affairs under the chairmanship of Professor John Norton Moore, Director of the Center for Oceans Law and Policy, University of Virginia School of Law. Nine awards have been made since 1986.

193/ In making this donation, the United Kingdom requested that the candidate should be chosen from a developing country and should pursue a one year LL.M. programme or carry out advanced study and research at the graduate level at a university in the United Kingdom followed by an internship period with the Division for Ocean Affairs and the Law of the Sea.

194/ Mr. Kamgue is expected to carry out his fellowship and research and study at the Graduate Institute of International Studies, Geneva, and Mr. Elizabeth has already commenced his advanced research and study at Cambridge University Research Centre for International Law.
