52 (1982) Nr. 3

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 272

A. TITEL

Verdrag van de Verenigde Naties inzake het recht van de zee, met bijlagen; Montego-Bay, 10 december 1982

B. TEKST

De Engelse en de Franse tekst van Verdrag en bijlagen zijn geplaatst in *Trb.* 1983, 83[1]). Zie ook *Trb.* 1984, 55.

De volgende correctie dient in de Franse tekst van Annex II te worden aangebracht:

Op blz. 337 van *Trb.* 1983, 83 vervalt in artikel 5, tweede regel, het woord „deux''.

Voor de ondertekeningen zie *Trb.* 1983, 83 en *Trb.* 1984, 55.

Het Verdrag is in overenstemming met artikel 305 nog ondertekend voor de volgende Staten:

Samoa	28 september 1984
Guinee[2])	4 oktober 1984
Argentinië[3])	5 oktober 1984
Zwitserland	17 oktober 1984
Bolivia[4])	27 november 1984
Qatar[5])	27 november 1984
Liechtenstein	30 november 1984
Libië	3 december 1984
de Centraalafrikaanse Republiek	4 december 1984
Spanje[6])	4 december 1984
België[7])	5 december 1984
Botswana	5 december 1984
Brunei Darussalam	5 december 1984
El Salvador	5 december 1984
Luxemburg[8])	5 december 1984
Niue	5 december 1984
Zuid-Afrika[9])	5 december 1984

de Comoren	6 december 1984
de Europese Economische Gemeenschap[10])	7 december 1984
Italië[11]).	7 december 1984
Libanon	7 december 1984
Malawi.	7 december 1984
Saint Kitts en Nevis	7 december 1984
Saudi-Arabië	7 december 1984
Nicaragua[12])	9 december 1984

[1]) De Secretaris-Generaal van de Verenigde Naties heeft op 12 juni 1985 de volgende verklaring ontvangen van de Regering van China:

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

De Regering van *Ethiopië* heeft op 8 november 1984 naar aanleiding van de door Zuid-Jemen afgelegde verklaringen het volgende medegedeeld:

''Paragraph 3 of the declaration relates to claims of sovereignty over unspecified islands in the Red Sea and the Indian Ocean which clearly is outside the purview of the Convention. Although the declaration, not constituting a reservation as it is prohibited by article 309 of the Convention, is made under article 310 of same and as such is not governed by articles 19–23 of the Vienna Convention on the Law of Treaties providing for acceptance of and objections to reservations, nevertheless, the Provisional Military Government of Socialist Ethiopia, wishes to place on record that paragraph 3 of the declaration by the Yemen Arab Republic cannot in any way affect Ethiopia's sovereignty over all the islands in the Red Sea forming part of its national territory.''

Tsjechië heeft de Secretaris-Generaal van de Verenigde Naties medegedeeld bij nota van 16 februari 1993, welke op 22 februari 1993 werd ontvangen, zich gebonden te achten aan de ondertekening van het Verdrag door Tsjechoslowakije.

Slowakije heeft de Secretaris-Generaal van de Verenigde Naties medegedeeld bij nota van 19 mei 1993, welke op 28 mei 1993 werd ontvangen, zich gebonden te achten aan de ondertekening van het Verdrag door Tsjechoslowakije.

[2]) Onder de volgende verklaring:

«Le Gouvernement de la République de Guinée se réserve le droit d'interpréter tout article de la Convention dans le contexte et en tenant dûment compte de la souveraineté de la Guinée et de son intégrité territoriale telle qu'elle s'applique à la terre, à l'espace et à la mer.»

[3]) Onder de volgende verklaringen:

''The signing of the Convention by the Argentine Government does not imply acceptance of the Final Act of the Third United Nations Conference on the Law of the Sea. In that regard, the Argentine Republic, as in its written statement of 8 December 1982 (A/CONF.62/WS/35), places on record its reservation to the effect that resolution III, in annex I to the Final Act, in no way affects the 'Question of the Falkland Islands (Malvinas)', which is governed by the following specific resolutions of the General Assembly: 2065 (XX), 3160 (XXVIII), 31/49, 37/9 and 38/12, adopted within the framework of the decolonization process.

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

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

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

Furthermore, it is the understanding of the Argentine Republic that, whereas the Final Act states in paragraph 42 that the Convention 'together with resolutions I to IV, [forms] an integral whole', it is merely describing the procedure that was followed at the Conference to avoid a series of separate votes on the Convention and the resolutions. The Convention itself clearly establishes in article 318 that only the Annexes form an integral part of the Convention; thus, any other instrument or document, even one adopted by the Conference, does not form an integral part of the United Nations Convention on the Law of the Sea.'' *(vertaling)*

[4]) Onder de volgende verklaringen:

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

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

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

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

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

[5]) Onder de volgende verklaring:

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

De Regering van Israël heeft op 10 april 1985 tegen deze verklaring het volgende bezwaar gemaakt:

"The Government of the State of Israel objects to the declaration made by Qatar upon signature of the Convention of the Law of the Sea. Such a declaration, which is explicitly of a political character extraneous to the Law of the Sea, is incompatible with the purposes and objects of this Convention and cannot in any way affect whatever obligations are binding upon Qatar under general international law or under particular conventions.

The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Qatar an attitute of complete reciprocity."

[6]) Onder de volgende verklaringen:

"1. The Spanish Government, upon signing this Convention, declares that this act cannot be interpreted as recognition of any rights or situations relating to the maritime spaces of Gibraltar which are not included in article 10 of the Treaty of Utrecht of 13 July 1713 between the Spanish and British Crowns. The Spanish Government also considers that Resolution III of the Third United Nations Conference on the Law of the Sea is not applicable in the case of the Colony of Gibraltar, which is undergoing a decolonization process in which only the relevant resolutions adopted by the United Nations General Assembly apply.

2. It is the Spanish Government's interpretation that the régime established in Part III of the Convention is compatible with the right of the coastal State to issue and apply its own air regulations in the air space of the straits used for international navigation so long as this does not impede the transit passage of aircraft.

3. With regard to article 39, paragraph 3, it takes the word 'normally' to mean 'except in cases of force majeure or distress'.

4. With regard to Article 42, it considers that the provisions of paragraph 1 (b) do not prevent it from issuing, in accordance with international law, laws and regulations giving effect to generally accepted international regulations.

5. The Spanish Government interprets articles 69 and 70 of the Convention as meaning that access to fishing in the economic zones of third States by the fleets of developed land-locked and geographically disadvantaged States is dependent upon the prior granting of access by the coastal States in question to the nationals of other States who have habitually fished in the economic zone concerned.

6. It interprets the provisions of Article 221 as not depriving the coastal State of a strait used for international navigation of its powers, recognized by international law, to intervene in the case of the casualties referred to in that article.

7. It considers that Article 233 must be interpreted, in any case, in conjunction with the provisions of Article 34.

8. It considers that, without prejudice to the provisions of Article 297 regarding the settlement of disputes, Articles 56, 61 and 62 of the Convention preclude considering as discretionary the powers of the coastal State to determine the allowable catch, its harvesting capacity and the allocation of surpluses to other States.

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

[7]) Onder de volgende verklaringen:

«Si le Gouvernement du Royaume de Belgique a décidé de signer la Convention des Nations Unies sur le Droit de la Mer, c'est parce que celle-ci présente un très grand nombre d'aspects positifs et qu'elle réalise sur ces points un compromis, acceptable par la plupart des États. En ce qui concerne néanmoins le statut des espaces maritimes, il regrette que la notion d'équité, adoptée pour la délimitation du plateau continental et de la zone économique exclusive, n'ait pas été

reprise dans la disposition relative à la délimitation de la mer territoriale. En revanche, il se félicite des distinctions que la Convention établit entre la nature des droits que les États côtiers exercent sur leur mer territoriale d'une part, sur le plateau continental et leur zone économique exclusive d'autre part.

Nul n'ignore que le Gouvernement belge ne peut se déclarer aussi satisfait de certaines dispositions du régime international des fonds marins qui, se fondant sur un principe qu'il ne songe pas à contester, ne paraît cependant pas avoir choisi les moyens les plus adéquats d'atteindre le plus rapidement et le plus sûrement le résultat recherché, au risque de compromettre le succès d'une entreprise généreuse, que la Belgique ne cesse d'encourager et d'appuyer. En effet, certaines dispositions de la partie XI et de ses annexes III et IV lui semblent présenter des insuffisances et des imperfections sérieuses qui expliquent d'ailleurs qu'un consensus n'ait pas été obtenu sur ce texte lors de la dernière session de la IIIème Conférence des Nations Unies sur le Droit de la Mer, à New York, en avril 1982. Ces insuffisances et ces imperfections ont notamment trait à la restriction de l'accès à la zone, aux limitations de la production ainsi qu'à certaines modalités du transfert de technologies, sans omettre l'incidence préoccupante du coût et du financement de la future Autorité des fonds marins ainsi que du premier site minier de l'Entreprise. Le Gouvernement belge espère vivement que ces insuffisances et ces imperfections parviendront à être corrigées en fait par les règles, règlements et procédures que la Commission préparatoire devrait élaborer dans la double intention de faciliter l'acceptation du nouveau régime par l'ensemble de Ia Communauté internationale et de permettre l'exploitation réelle du patrimoine commun de l'humanité au bénéfice de tous, et de préférence à celui des pays les moins favorisés.

Le Gouvernement du Royaume de Belgique n'est pas le seul à penser que le succès de ce nouveau régime, la mise en place effective de l'Autorité internationale des fonds marins et la viabilité économique de l'entreprise dépendront dans une large mesure de la qualité et du sérieux des travaux de la Commission préparatoire: aussi estime-t-il que toutes les décisions prises par celle-ci devraient l'être par consensus, seul moyen de préserver les intérêts légitimes de chacun.

Comme l'ont fait ressortir il y a deux ans les représentants de la France et des Pays-Bas, le Gouvernement belge voudrait qu'il soit bien clair que malgré sa décision de signer aujourd'hui la Convention, le Royaume de Belgique n'est pas d'ores et déjà déterminé à la ratifier. Sur ce point, il prendra ultérieurement une décision séparée qui tiendra compte de ce qu'aura accompli la Commission préparatoire en vue de rendre acceptable pour tous le régime international des fonds marins, en s'attachant principalement aux questions sur lesquelles l'attention a été ci-dessus attirée.

Le Gouvernement belge tient également à rappeler que la Belgique est membre de la Communauté économique européenne à laquelle elle a transféré compétence dans certains domaines couverts par la Convention: des déclarations détaillées sur la nature et sur l'étendue de ces compétences seront présentées en temps utile, conformément aux dispositions de l'annexe IX de la Convention.

Il souhaite d'autre part attirer formellement l'attention sur quelques points auxquels il se montre particulièrement sensible. C'est ainsi qu'il accorde une grande importance aux conditions auxquelles, dans les articles 21 et 23, la Convention soumet le passage inoffensif dans la mer territoriale, et qu'il a l'intention de veiller à la stricte application des critères imposés par les accords internationaux pertinents, que les Etats du pavillon en soient ou non parties. La limitation de la largeur de la mer territoriale, telle qu'elle est établie par l'article 3 de la Convention, confirme et codifie une pratique coutumière largement observée, et que n'importe quel État se doit de respecter, celle-ci étant seule admise par le droit

international: aussi le Gouvernement du Royaume de Belgique ne reconnaîtra-t-il pas le caractère de mer territoriale aux eaux qui seraient ou demeureraient revendiquées comme telles, au-delà de douze milles marins mesurés à partir de lignes de base établies par l'État côtier conformément à Ia Convention. Après avoir souligné l'étroite connexité qu'il aperçoit entre l'article 33, 1A de la Convention et son article 27, alinéa 2, le Gouvernement du Royaume de Belgique entend se réserver, dans les cas d'urgence et surtout de flagrant délit, le droit d'exercer les pouvoirs reconnus à l'État côtier par le dernier de ces deux textes, sans notification préalable à un agent diplomatique ou à un fonctionnaire consulaire de l'État du pavillon, étant entendu que cette notification interviendra dès que la possibilité matérielle en sera offerte. Enfin chacun comprendra que le Gouvernement du Royaume de Belgique se plaise à mettre l'accent sur les dispositions de la Convention qui lui donnent le droit de se protéger, au-delà de la mer territoriale, contre toute menace de pollution, et, à fortiori, contre toute pollution actuelle, résultant d'un accident de mer, et qui, d'autre part, reconnaissent Ia validité des obligations et des droits résultant de conventions et d'accords spécifiques conclus antérieurement ou pouvant être conclus postérieurement en application des principes généraux énoncés dans la Convention.

A défaut de tout autre moyen pacifique, auquel il donne évidemment la priorité, le Gouvernement du Royaume de Belgique croit opportun, comme l'y invite l'article 287 de la Convention, de choisir subsidiairement, et dans l'ordre de ses préférences, les moyens suivants de régler les différends relatifs à l'interprétation ou l'application de la Convention:

1. Un tribunal arbitral constitué conformément à l'annexe VIII;
2. Le Tribunal International du Droit de la Mer constitué conformément à l'annexe VI;
3. La Cour Internationale de Justice.

Toujours à défaut de tout autre moyen pacifique, le Gouvernement du Royaume de Belgique tient d'ores et déjà à reconnaître la validité de la procédure d'arbitrage spécial pour tout différend relatif à l'interprétation ou à l'application des dispositions de la Convention qui concernent la pêche, la protection et la préservation du milieu marin, la recherche scientifique marine ou la navigation, y compris la pollution par les navires ou par immersion.

Pour le moment, le Gouvernement belge ne souhaite faire aucune déclaration conformément à l'article 298, se bornant à celle qu'il a faite ci-dessus conformément à l'article 287. Enfin, le Gouvernement du Royaume de Belgique ne se considère comme engagé par aucune des déclarations que d'autres États ont faites ou pourraient faire en signant ou en ratifiant la Convention, se réservant si nécessaire le droit de fixer sa position en temps opportun à l'égard de chacune d'entre elles.»

[8]) Onder de volgende verklaringen:

«Si le Gouvernement du Grand-Duché de Luxembourg a décidé de signer la Convention des Nations Unies sur le Droit de la Mer, c'est parce qu'elle constitue, dans le cadre du droit de la mer, une contribution majeure à la codification et au développement progressif du droit international.

Toutefois, certaines dispositions de la partie XI de la Convention et de ses annexes III et IV présentent aux yeux du Gouvernement luxembourgois des insuffisances et des imperfections sérieuses qui expliquent d'ailleurs qu'un consensus n'ait pu être obtenu sur ce texte lors de la dernière session de la troisième Conférence des Nations Unies sur le Droit de la Mer, à New York, en avril 1982.

Ces insuffisances et ces imperfections ont trait notamment au transfert obligatoire des techniques et au coût ainsi qu'au financement de la future autorité des

fonds marins et du premier site de l'entreprise. Elles devront être corrigées par les règles, règlements et procédures qu'élaborera la commission préparatoire. Le Gouvernement luxembourgeois reconnaît que le travail qui reste à faire est d'une grande importance et espère vivement qu'il sera possible de parvenir à un accord sur des modalités de mise en oeuvre d'un régime d'exploitation minière des fonds marins, qui soient généralement acceptables et, de ce fait, de nature à promouvoir les activités de la zone internationale des fonds marins.

Comme l'ont fait ressortir il y a deux ans les représentants de la France et des Pays-Bas, mon Gouvernement voudrait qu'il soit bien clair que, malgré sa décision de signer aujourd'hui la convention, le Grand-Duché de Luxembourg n'est pas d'ores et déjà déterminé à la ratifier.

Sur ce point, il prendra ultérieurement une décision séparée tenant compte de ce qu'aura accompli la commission préparatoire en vue de rendre acceptable pour tous le régime international des fonds marins.

Mon Gouvernement tient également à rappeler que le Luxembourg est membre de la Communauté Economique Européenne et qu'il a de ce fait transféré compétence à la communauté dans certains domaines couverts par la convention. Des déclarations détaillées sur la nature et l'étendue de ces compétences seront présentées en temps utile en vertu des dispositions de l'annexe IX de la convention.

A l'instar d'autres membres de cette Communauté, le Grand-Duché de Luxembourg tient également à réserver sa position à l'égard de toutes déclarations faites à la session finale de la troisième Conférence des Nations Unies sur le Droit de la Mer, à Montego Bay, susceptibles de contenir des éléments d'interprétation concernant les dispositions de la Convention des Nations Unies sur le Droit de la Mer.

[9]) Onder de volgende verklaring:

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

[10]) Onder de volgende verklaringen:

''On signing the United Nations Convention on the Law of the Sea, the European Economic Community declares that it considers that the Convention constitutes, within the framework of the Law of the Sea, a major effort in the codification and progressive development of international law in the fields to which its declaration pursuant to Article 2 of Annex IX of the Convention refers. The Community would like to express the hope that this development will become a useful means for promoting co-operation and stable relations between all countries in these fields.

The Community, however, considers that significant provisions of Part XI of the Convention are not conducive to the development of the activities to which that Part refers in view of the fact that several Member States of the Community have already expressed their position that this Part contains considerable deficiencies and flaws which require rectification. The Community recognises the importance of the work which remains to be done and hopes that conditions for the implementation of a sea bed mining regime, which are generally acceptable and which are therefore likely to promote activities in the international sea bed area, can be agreed. The Community, within the limits of its competence, will play a full part in contributing to the task of finding satisfactory solutions.

A separate decision on formal confirmation will have to be taken at a later

stage. It will be taken in the light of the results of the efforts made to attain a universally acceptable Convention.''

Competence of the European Communities with regard to matters governed by the Convention on the Law of the Sea (Declaration made pursuant to article 2 of annex IX to the Convention)''.

Article 2 of Annex IX to the Convention of the Law of the Sea stipulates that the participation of an international organisation shall be subject to a declaration specifying the matters governed by the Convention in respect of which competence has been transferred to the organisation by its member states.

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

In accordance with the provisions referred to above this declaration indicates the competence of the European Economic Community in matters governed by the Convention.

The Community points out that its Member States have transferred competence to it with regard to the conservation and management of sea fishing resources. Hence, in the field of sea fishing it is for the Community to adopt the relevant rules and regulations (which are enforced by the Member States) and to enter into external undertakings with third states or competent international organisations.

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

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

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

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

Annex

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

Council Decision of 3 December 1981 establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea (81/971/EEC) (OJ No L 355, 10.12.1981, p. 52).

Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (76/464/EEC) (OJ No L 129, 18.5.1976, p. 23).

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

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

Council Directive of 30 October 1979 on the quality required of shellfish waters (79/923/EEC) (OJ No L 281, 10.11.1979, p. 47).

Council Directive of 22 March 1982 on limit values and quality objectives for

mercury discharges by the chlor-alkali electrolysis industry (82/176/EEC) (OJ No L 81, 27.3.1982, p. 29).

Council Directive of 26 September 1983 on limit values and quality objectives for cadmium discharges (83/513/EEC) (OJ No L 291, 24.10.1983, p. 1 et seq.).

Council Directive of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry (84/156/EEC) (OJ No L 74, 17.3.1984, p. 49 et seq.).

The Community has also concluded the following Conventions:

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

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

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

Protocol concerning co-operation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency (Council Decision 81/420/EEC of 19 May 1981 published in OJ No L 162, 19.6.1981, p. 4).

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

[11]) Onder de volgende verklaringen:

''Upon signing the United Nations Convention on the Law of the Sea of 10 December 1982, Italy wishes to state that in its opinion part XI and annexes III and IV contain considerable flaws and deficiencies which require rectification through the adoption by the Preparatory Commission of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea of appropriate draft rules, regulations and procedures.

Italy wishes also to confirm the following points made in its written statement dated 7 March 1983:

– according to the Convention, the Coastal State does not enjoy residual rights in the exclusive economic zone. In particular, the rights and jurisdiction of the coastal State in such zone do not include the right to obtain notification of military exercises or manoeuvres or to authorize them.

Moreover, the rights of the coastal States to build and to authorize the construction, operation and the use of installations and structures in the exclusive economic zone and on the continental shelf, is limited only to the categories of such installations and structures as listed in art. 60 of the Convention.

– None of the provisions of the Convention, which corresponds on this matter to customary international law, can be regarded as entitling the coastal State to make innocent passage or particular categories of foreign ships dependent on prior consent or notification.''

[12]) Onder de volgende verklaringen:

''In accordance with article 310, Nicaragua declares that such adjustments of its domestic law as may be required in order to harmonize it with the Convention will follow from the process of constitutional change initiated by the revolutionary State of Nicaragua, it being understood that the Convention and the Resolutions adopted on 10 December 1982 and the Annexes to the Convention constitute an inseparable whole.

For the purposes of articles 287 and 298 and of other articles concerning the interpretation and application of the Convention, the Government of Nicaragua

shall, if and as the occasion demands, exercise the right conferred by the Convention to make further supplementary or clarificatory declarations.'' *(vertaling)*

C. VERTALING

Zie *Trb.* 1984, 55.

D. PARLEMENT

Zie *Trb.* 1984, 55.
Artikel 1 van de Rijkswet van 26 juni 1996 (*Stb.* 357) luidt als volgt:

„Artikel 1

Het op 10 december 1982 te Montego-Bay tot stand gekomen Verdrag van de Verenigde Naties inzake het recht van de zee, met bijlagen, waarvan de tekst is geplaatst in Tractatenblad 1983, 83, en de vertaling in het Nederlands in Tractatenblad 1984, 55, wordt goedgekeurd voor het gehele Koninkrijk.''

Deze Rijkswet is gecontrasigneerd door de Minister van Buitenlandse Zaken H. A. F. M. O. VAN MIERLO, de Minister van Economische Zaken G. J. WIJERS, de Minister van Verkeer en Waterstaat A. JORRITSMA-LEBBINK en de Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer MARGARETHA DE BOER.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 1995/96 24 433 (R 1549); Hand. II 1995/96, blz. 5116–5133; 5243; 5249–5251; Kamerstukken I 1995/96, nrs. 278 en 278a; Hand. I 1995/96, zie vergadering d.d. 25 juni 1996.

E. BEKRACHTIGING

Zie *Trb.* 1983, 83 en *Trb.* 1984, 55[1]).

Behalve door de aldaar genoemde Staten is nog in overeenstemming met artikel 306 van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd door:

Gambia	22 mei 1984
Cuba[2])	15 augustus 1984
Senegal	25 oktober 1984
Sudan	23 januari 1985
Saint Lucia	27 maart 1985
Togo	16 april 1985
Tunesië[3])	24 april 1985
Bahrein	30 mei 1985
IJsland[4])	21 juni 1985
Mali	16 juli 1985
Irak	30 juli 1985
Guinee	6 september 1985

Tanzania[5])	30 september 1985
Kameroen	19 november 1985
Indonesië	3 februari 1986
Trinidad en Tobago	25 april 1986
Koeweit[6])	2 mei 1986
Joegoslavië[7])	5 mei 1986
Nigeria	14 augustus 1986
Guinee-Bissau[8])	25 augustus 1986
Paraguay	26 september 1986
Noord-Jemen[9])	21 juli 1987
Kaapverdië[10])	10 augustus 1987
Sao Tomé en Principe	3 november 1987
Cyprus	12 december 1988
Brazilië[11])	22 december 1988
Antigua en Barbuda	2 februari 1989
Zaïre	17 februari 1989
Kenya	2 maart 1989
Somalië	24 juli 1989
Oman[12])	17 augustus 1989
Botswana	2 mei 1990
Uganda	19 november 1990
Angola	5 december 1990
Grenada	25 april 1991
de Seychellen	16 september 1991
Djibouti	8 oktober 1991
Dominica	24 oktober 1991
Costa Rica	21 september 1992
Uruguay[13])	10 december 1992
Saint Kitts en Nevis	7 januari 1993
Zimbabwe	24 februari 1993
Malta[14])	20 mei 1993
Saint Vincent en de Grenadines	1 oktober 1993
Honduras	5 oktober 1993
Barbados	12 oktober 1993
Guyana	16 november 1993
de Comoren	21 juni 1994
Sri Lanka	19 juli 1994
Vietnam[15])	25 juli 1994
Australië	5 oktober 1994
Mauritius	4 november 1994
Singapore	17 november 1994
Sierra Leone	12 december 1994
Libanon	5 januari 1995
Italië[16])	13 januari 1995
de Cookeilanden	15 februari 1995
Bolivia	28 april 1995
India[17])	29 juni 1995

Oostenrijk[18])	14 juli 1995
Griekenland[19])	21 juli 1995
Samoa	14 augustus 1995
Argentinië[20])	1 december 1995
Nauru	23 januari 1996
Zuid-Korea	29 januari 1996
Monaco	20 maart 1996
Frankrijk[21])	11 april 1996
Saudi-Arabië[22])	24 april 1996
Slowakije	8 mei 1996
Bulgarije	15 mei 1996
Myanmar	21 mei 1996
China[23])	7 juni 1996
Algerije[24])	11 juni 1996
Japan	20 juni 1996
Finland[25])	21 juni 1996
Ierland[26])	21 juni 1996
Tsjechië[27])	21 juni 1996
Noorwegen[28])	24 juni 1996
Zweden[29])	25 juni 1996
het *Koninkrijk der Nederlanden*[30]) (voor Nederland)	28 juni 1996

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[1]) De Regering van Israël heeft op 11 december 1984 naar aanleiding van de door Egypte afgelegde verklaringen bij de bekrachtiging van het Verdrag het volgende medegedeeld (zie *Trb.* 1984, 55 blz. 230):

''The concerns of the Government of Israel, with regard to the law of the sea, relate principally to ensuring maximum freedom of navigation and overflight everywhere and particularly through straits used for international navigation.

In this regard, the Government of Israel states that the regime of navigation and overflight, confirmed by the 1979 Treaty of Peace between Israel and Egypt, in which the Strait of Tiran and the Gulf of Aqaba are considered by the Parties to be international waterways open to all nations for unimpeded and non-suspendable freedom of navigation and overflight, is applicable to the said areas. Moreover, being fully compatible with the United Nations Convention on the Law of the Sea, the regime of the Peace Treaty will continue to prevail and to be applicable to the said areas.

It is the understanding of the Government of Israel that the declaration of the Arab Republic of Egypt in this regard, upon its ratification of the [said] Convention, is consonant with the above declaration [made by Egypt].

De Regering van de *Sowjet-Unie* heeft op 25 februari 1985 naar aanleiding van de door de Filippijnen bij de bekrachtiging van het Verdrag op 8 mei 1984 bevestigde ,,understanding'' (zie *Trb.* 1983, 83 blz. 323) het volgende bezwaar gemaakt:

''The Union of Soviet Socialist Republics considers that the statement made by the Philippines upon signature, and then confirmed upon ratification, of the United Nations Convention on the Law of the Sea in essence contains reservations and exceptions to the Convention, which is prohibited under article 309 of the Convention. At the same time, the statement of the Philippines is incompatible with article 310 of the Convention, under which a State, when signing or

ratifying the Convention, may make declarations or statements only 'provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State'.

The discrepancy between the Philippine statement and the Convention can be seen, inter alia, from the affirmation by the Philippines that 'The concept of archipelagic waters is similar to the concept of internal waters under the Constitution of the Philippines, and removes straits connecting these waters with the economic zone or high sea from the rights of foreign vessels to transit passage for international navigation'.

Moreover, the statement emphasizes more than once that, despite its ratification of the Convention, the Philippines will continue to be guided in matters relating to the sea, not by the Convention and the obligations under it, but by its domestic law and by agreements it has already concluded which are not in line with the Convention. Thus, the Philippines not only is evading the harmonization of its legislation with the Convention but also is refusing to fulfil one of its most fundamental obligations under the Convention – namely, to respect the regime of archipelagic waters, which provides that foreign ships enjoy the right of archipelagic passage through, and foreign aircraft the right of overflight over, such waters.

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

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

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

De Regering van *Tsjechoslowakije* heeft op 29 mei 1985 tegen de door de Filippijnen bij de bekrachtiging van het Verdrag op 8 mei 1984 bevestigde „understanding'' het volgende bezwaar gemaakt:

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

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

The Czechoslovak Socialist Republic considers that this understanding of the Philippines

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

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

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

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

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

De Regering van *Wit-Rusland* heeft op 24 juni 1985 tegen de door de Filippijnen bij de bekrachtiging van het Verdrag op 8 mei 1984 bevestigde „understanding'' het volgende bezwaar gemaakt:

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

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

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

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

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

De Regering van de *Oekraïne* heeft op 8 juli 1985 tegen de door de Filippijnen bij de bekrachtiging van het Verdrag op 8 mei 1984 bevestigde „understanding'' het volgende bezwaar:

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

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

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

Paragraph 7 of the statement draws an analogy between internal waters of the Republic of the Philippines and archipelagic waters and contains a reservation, which is inadmissible in the light of article 309 of the Convention, depriving foreign vessels of the right of transit passage for international navigation through the straits connecting the archipelagic waters with the economic zone or high sea. This reservation is evidence of the intention not to carry out the obligation under the Convention of parties thereto to comply with the régime of archipelagic waters and transit passage and to respect the rights of other States with regard to international navigation and overflight by aircraft. Failure to comply with this

obligation would seriously undermine the effectiveness and significance of the United Nations Convention on the Law of the Sea.

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

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

De Regering van *Bulgarije* heeft op 17 september 1985 tegen de door de Filippijnen bij de bekrachtiging van het Verdrag op 8 mei 1984 bevestigde „understanding'' het volgende bezwaar gemaakt:

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

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

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

De Regering van *Vietnam* heeft op 23 februari 1987 naar aanleiding van de door de Filippijnen bij de bekrachtiging van het Verdrag op 8 mei 1984 afgelegde verklaring en de door China op 12 juni 1985 gedane mededeling de volgende mededeling gedaan:

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

The Socialist Republic of Vietnam once again reaffirms its indisputable sover-

eignty over the Truong Sa Archipelago and hence its determination to defend its territorial integrity.''

De Regering van *Australië* heeft op 3 augustus 1988 naar aanleiding van de door de Filippijnen bij de bekrachtiging van het Verdrag op 8 mei 1984 bevestigde „understanding'' de volgende mededeling gedaan:

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

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

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

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

De Regering van de *Filippijnen* heeft op 26 oktober 1988 tegen dit bezwaar de volgende verklaring afgelegd:

''The Philippine Declaration was made in conformity with Article 310 of the United Nations Convention on the Law of the Sea. The Declaration consists of interpretative statements concerning certain provisions of the Convention.

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

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

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

[2]) Onder de volgende verklaringen:

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

jurisdiction of the Court with respect to the provisions of either articles 297 and 298.

With regard to article 292, the Government of the Republic of Cuba considers that once financial security has been posted, the detaining State should proceed promptly and without delay to release the vessel and its crew and declares that where this procedure is not followed with respect to its vessels or members of their crew it will not agree to submit the matter to the International Court of Justice.'' *(vertaling)*

[3]) Onder de volgende verklaringen:

''Declaration 1

The Republic of Tunisia, on the basis of resolution 4262 of the Council of the League of Arab States, dated 31 March 1983, declares that its accession to the United Nations Convention on the Law of the Sea does not imply recognition of or dealings with any State which the Republic of Tunisia does not recognize or have dealings with.

Declaration 2

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

Declaration 3

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

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

(ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree;

(iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties;

b) disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights

or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3;

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

Declaration 4

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

[4]) Onder de volgende verklaring:

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

[5]) Onder de volgende verklaring:

''In accordance with Article 287 of the United Nations Convention on the Law of the Sea, the United Republic of Tanzania declares that it chooses the International Tribunal for the Law of the Sea for the settlement of disputes concerning the interpretation or application of the Convention.''

[6]) Onder de volgende verklaring:

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

De Regering van Israel heeft op 15 augustus 1986 tegen deze mededeling het volgende bezwaar gemaakt:

''The Government of the State of Israel objects to the declaration made by Kuwait upon ratification of the Conventon on the Law of the Sea. Such a declaration, which is explicitly of a political character extraneous to the Law of the Sea, is incompatible with the purposes and objects of this Convention and cannot in any way affect whatever obligations are binding upon Kuwait under general international law or under particular conventions.

The Government of the State of Israel will, in so far as concerns the substances of the matter, adopt towards Kuwait an attitude of complete reciprocity.''

[7]) Onder de volgende verklaringen:

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

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

3. Due to the fact that the provisions of the Convention relating to the contiguous zone (Article 33) do not provide rules on the delimitation of the contigu-

ous zone between States with opposite or adjacent coasts, the Government of the Socialist Federal Republic of Yugoslavia considers that the principles of the customary international law, codified in Article 24, para. 3, of the Convention on the Territorial Sea and the Contiguous Zone, signed in Geneva on 29 April 1958, will apply to the delimitation of the contiguous zone between the Parties to the United Nations Convention on the Law of the Sea.''

[8]) Onder de volgende verklaringen:

«Le Gouvernement de la République de Guinée-Bissau déclare qu'en ce qui concerne l'article 287 sur le choix d'une procédure pour le règlement des différends relatifs à l'interprétation ou à l'application de la Convention des Nations Unies sur le Droit de la Mer, il n'accepte pas la juridiction de la Cour Internationale de Justice, et qu'en conséquence il ne l'acceptera pas non plus pour ce qui est des articles 297 et 298.»

[9]) Onder de volgende verklaringen:

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

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

[10]) Onder de volgende verklaringen:

''I. The Republic of Cape Verde reaffirms in its entirety its Declaration dated December, 10, 1982, handed over upon the signature of the United Nations Convention on the Law of the Sea. [.....]

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

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

a) the International Tribunal for the Law of the Sea;

b) the International Court of Justice.

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

[11]) Onder de volgende verklaringen:

''In accordance with Article 310 of the United Nations Convention on the Law of the Sea, the Government of the Federal Republic of Brazil makes the following statement:

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

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

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

[12]) Onder de volgende verklaringen:

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

Declaration No. 1, on the territorial sea

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

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

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

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

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

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

Declaration No. 4, on the contiguous zone

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

Declaration No. 5, on the exclusive economic zone

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

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

Declaration No. 6, on the continental shelf

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

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

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

[13]) Onder bevestiging van de bij de ondertekening afgelegde verklaring (zie *Trb.* 1983, 83 blz. 328 e.v.).

[14]) Onder de volgende verklaringen:

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

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

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

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

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

The Government of Malta interprets Article 74 and Article 83 to the effect that in the absence of agreement on the delimitation of the exclusive economic zone or the continental shelf or other maritime zones, for an equitable solution to be achieved, the boundary shall be the median line, namely a line every point of

which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other States is measured.

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

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

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

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

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

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

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

De Regering van *Tunesië* heeft op 22 februari 1994 tegen deze verklaring de volgende mededeling gedaan:

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

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

[15]) Onder de volgende verklaring:

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

The National Assembly reaffirms the sovereignty of the Socialist Republic of Vietnam over its internal waters and territorial sea; the sovereign rights and jurisdiction in the contiguous zone, the exclusive economic zone and the continental shelf of Vietnam, based on the provisions of the Convention and principles of international law and calls on other countries to respect the above-said rights of Vietnam.

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

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

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

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

[16]) Onder de volgende verklaringen:

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

Italy has the honour to declare, under paragraph 1a) of Article 298 of the Convention, that it does not accept any of the procedures concerning the interpretation of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles.

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

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

[17]) Onder de volgende verklaring:

''a) The Goverment of the Republic of India reserves the right to make at the appropriate time the declarations provided for in Articles 287 and 289, concerning the settlement of disputes.

b) The Government of the Republic of India understands that the provisions of the Convention do not authorise other States to carry out in the exclusive zone and on the continental shelf military exercises or manoeuvres, in particular those

involving the use of weapons or explosives without the consent of the coastal State.''

De Regering van Italië heeft op 24 november 1995 tegen deze verklaring het volgende bezwaar gemaakt:

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

[18]) Onder de volgende verklaringen:

''In the absence of any other peaceful means to which it would give preference the Government of the Republic of Austria hereby chooses one of the following means for the settlement of disputes concerning the interpretation or application of the two Conventions in accordance with Article 287 of the Convention on the Law of the Sea, in the following order:

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

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

[19]) Onder de volgende verklaringen:

«1. La Grèce en ratifiant la Convention des Nations Unies sur le droit de la mer assure tous ses droits et assume toutes les obligations qui découlent de cette Convention.

Le moment où ces droits seront exercés et la manière dont ils seront exercés, sans que cela implique le moindre renoncement de sa part à ces droits, est une question qui relève de sa stratégie nationale.

2. La Grèce réitère la déclaration d'interprétation concernant les détroits qu'elle a déposée aussi bien lors de l'adoption de la Convention que de la signature de cette dernière .....

3. En application de l'article 287 de la Convention des Nations Unies sur le droit de la mer, le Gouvernement de la République hellénique choisit par la présente déclaration le Tribunal international du droit de la mer constitué conformément à l'annexe VI de la Convention comme organe pour le règlement des différends relatifs à l'interprétation ou à l'application de la Convention.

4. La Grèce, en sa qualité d'État Membre de la Communauté Européenne, lui a transféré compétence en ce qui concerne certaines questions relevant de la Convention. La Grèce, après le dépôt par l'Union Européenne de son instrument de confirmation formelle, fera une déclaration spéciale détaillée spécifiant les matières dont traite la Convention pour lesquelles elle a transféré compétence à l'Union Européenne.

5. La ratification par la Grèce de la Convention des Nations Unies sur le droit de la mer n'implique pas la reconnaissance de sa part de l'Ancienne République Yougoslave de Macédoine et n'engendre pas de ce fait de lien conventionnel avec elle.»

De Regering van Turkije heeft op 21 december 1995 tegen deze verklaringen het volgende medegedeeld:

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

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

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

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

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

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

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

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

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

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

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

[20]) Onder de volgende verklaringen:

''a) With regard to those provisions of the Convention which deal with innocent passage through the territorial sea, it is the intention of the Government of the Argentine Republic to continue to apply the regime currently in force to the

passage of foreign warships through the Argentine territorial sea, since that regime is totally compatible with the provisions of the Convention.

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

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

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

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

d) The ratification of the Convention by the Argentine Government does not imply acceptance of the Final Act of the Third United Nations Conference on the Law of the Sea. In that regard, the Argentine Republic, as in its written statement of 8 December 1982 (A/CONF.62/WS/35), places on record its reservation to the effect that resolution III, in annex I to the Final Act, in no way affects the 'Question of the Falkland Islands (Malvinas)', which is governed by the following specific resolutions of the General Assembly: 2065 (XX), 3160 (XXVIII) 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19, 43/25, 44/406, 45/424, 46/406, 47/408 and 48/408, adopted within the framework of the decolonization process.

In this connection, and bearing in mind that the Malvinas and the South Sandwich and South Georgia Islands form an integral part of Argentine territory, the Argentine Government declares that it neither recognizes nor will recognize the title of any other State, community or entity or the exercise by it of any right of maritime jurisdiction which is claimed to be protected under any interpretation of resolution III that violates the rights of Argentina over the Malvinas and the South Sandwich and South Georgia Islands and their respective maritime zones.

Consequently, it likewise neither recognizes nor will recognize and will consider null and void any activity or measure that may be carried out or adopted

without its consent with regard to this question, which the Argentine Government considers to be of major importance.

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

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

Furthermore, it is the understanding of the Argentine Republic that the Final Act, in referring in paragraph 42 to the Convention together with resolutions I to IV as forming an integral whole, is merely describing the procedure that was followed at the Conference to avoid a series of separate votes on the Convention and the resolutions. The Convention itself clearly establishes in article 318 that only the Annexes form an integral part of the Convention; thus, any other instrument or document, even one adopted by the Conference, does not form an integral part of the United Nations Convention on the Law of the Sea.

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

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

f) In accordance with the provisions of article 287, the Argentine Government declares that it accepts, in order of preference, the following means for the settlement of disputes concerning the interpretation or application of the Convention:

a) the International Tribunal for the Law of the Sea; b) an arbitral tribunal constituted in accordance with Annex VIII for questions relating to fisheries, protection and preservation of the marine environment, marine scientific research, and navigation, in accordance with Annex VIII, article 1. The Argentine Government also declares that it does not accept the procedures provided for in Part XV, section 2, with respect to the disputes specified in article 298, paragraph 1a), b) and c).''

[21]) Onder de volgende verklaringen:

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

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

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

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

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

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

[22]) Onder de volgende verklaringen:

''In accordance with article 310 of the United Nations Convention on the Law of the Sea, the Government of the Kingdom of Saudi Arabia avails itself of the opportunity provided by its ratification of the Convention to issue the following declarations:

1. The Government of the Kingdom of Saudi Arabia is not bound by any domestic legislation or by any declaration issued by other States upon signature or ratification of this Convention. The Kingdom reserves the right to state its position concerning all such legislation or declarations at the appropriate time.

In particular, the Kingdom's ratification of the Convention in no way constitutes recognition of the maritime claims of any other State having signed or ratified the Convention, where such claims are inconsistent with the provisions of the Convention on the Law of the Sea and prejudicial to the sovereign rights and jurisdiction of the Kingdom in its maritime areas.

2. The Government of the Kingdom of Saudi Arabia is not bound by any international treaty or agreement which contains provisions that are inconsistent with the Convention on the Law of the Sea and prejudicial to the sovereign rights and jurisdiction of the Kingdom in its maritime areas.

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

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

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

6. In view of the inherent danger entailed in the passage of nuclear-powered vessels or vessels carrying nuclear material or other material of a similar nature

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

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

[23]) Onder de volgende verklaring:

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

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

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

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

De Regering van Vietnam heeft onder verwijzing naar de bekrachtiging door China op 7 juni 1996 het volgende verklaard:

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

2. In drawing the baseline at the segment east of the Leishou peninsula from point 31 to point 32, the People's Republic of china has also failed to comply with the provisions, particularly Articles 7 and 38, of the 1982 United Nations Convention on the Law of the Sea. By so drawing, the People's Republic of

China has turned a considerable sea area into its internal water which obstructs the rights and freedom of international navigation including those of Vietnam through the Qiongzhou strait. This is totally unacceptable to the Socialist Republic of Viet Nam.'' *(Vertaling).*

[24]) Onder het volgende voorbehoud en de volgende verklaringen:

''The People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 287, paragraph 1b), of the United Nations Convention on the Law of the Sea dealing with the submission of disputes to the International Court of Justice.

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

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

[25]) Onder de volgende verklaringen:

''1. As declared upon signature, it is the understanding of Finland that the exception from the transit passage regime in straits provided for in article 35c) of the Convention is applicable to the strait between Finland (the Aland Islands) and Sweden. Since in that strait the passage is regulated in part by a longstanding international convention in force, the present legal régime in that strait will remain unchanged after the entry into force of the Convention.

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

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

[26]) Onder de volgende verklaring met betrekking tot artikel 310:

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

[27]) Onder de volgende verklaring:

''The Government of the Czech Republic, having considered the declaration of the Federal Republic of Germany of 14 October 1994, pertaining to the interpretation of the provisions of Part X of the United Nations Convention on the Law of the Sea, which deals with the right of access of land-locked States to and from the sea and freedom of transit, states that the above-mentioned declaration of the Federal Republic of Germany cannot be interpreted with regard to the Czech Republic in contradiction with the provisions of Part X of the Convention.''

[28]) Onder de volgende verklaringen:

''Declaration pursuant to article 310 of the Convention

According to article 309 of the Convention, no reservations or exceptions other

than those expressly permitted by its provisions may be made. A declaration pursuant to its article 310 can not have the effect of an exception or reservation for the State making it. Consequently, the Government of the Kingdom of Norway declares that it does not consider itself bound by declarations pursuant to article 310 of the Convention that are or will be made by other States or international organizations. Passivity with respect to such declarations shall be interpreted neither as acceptance nor rejection of such declarations. The Government reserves Norway's right at any time to take a position on such declarations in the manner deemed appropriate.

Declaration pursuant to article 287 of the Convention

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

Declaration pursuant to article 298 of the Convention

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

[29]) Onder de volgende verklaringen:

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

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

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

[30]) Onder de volgende verklaringen:

''A. Declaration in respect of article 287 of the Convention

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

B. Objections

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

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

I. *Innocent passage in the territorial sea*

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

ance of special precautionary measures established for such ships by international agreements.

II. *Exclusive economic zone*

1. Passage through the Exclusive Economic Zone

Nothing in the Convention restricts the freedom of navigation of nuclear-powered ships or ships carrying nuclear or hazardous waste in the Exclusive Economic Zone, provided such navigation is in accordance with the applicable rules of international law.

In particular, the Convention does not authorize the coastal state to make the navigation of such ships in the EEZ dependent on prior consent or notification.

2. Military exercises in the Exclusive Economic Zone

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

3. Installations in the Exclusive Economic Zone

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

4. Residual rights

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

III. *Passage through straits*

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

IV. *Archipelagic States*

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

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

V. *Fisheries*

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

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

VI. *Underwater cultural heritage*

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

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

VII. *Baselines and delimitation*

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

VIII. *National legislation*

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

IX. *Territorial claims*

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

X. *Article 301*

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

XI. *General declaration*

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

C. Declaration in accordance with Annex IX of the Convention

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

F. TOETREDING

In overeenstemming met artikel 307 van het Verdrag hebben de volgende Staten een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Micronesia	29 april 1991
de Marshalleilanden	9 augustus 1991
Duitsland[1])	14 oktober 1994
Tonga	2 augustus 1995
Jordanië	27 november 1995
Georgië	21 maart 1996

Verklaring van voortgezette gebondenheid

De volgende Staten hebben medegedeeld zich gebonden te achten aan het Verdrag:

Bosnië-Herzegowina	12 januari 1994
De Voormalige Joegoslavische Republiek Macedonië	19 augustus 1994
Kroatië[2])	5 april 1995
Slovenië[3])	16 juni 1995

[1]) Onder de volgende verklaringen:

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

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

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

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

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

General declaration on the safeguarding of rights

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

Territorial Sea, Archipelagic Waters, Straits

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

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

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

According to the provisions of the Convention, archipelagic sea-lane passage

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

Exclusive Economic Zone

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

The exercise of these rights can therefore not be construed as affecting the security of the coastal State or affecting its rights and obligations under international law. Accordingly, the notion of a 200-mile zone of general rights of sovereignty and jurisdiction of the coastal State cannot be sustained either in general international law or under the relevant provisions of the Convention.

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

According to the Convention, the coastal State does not enjoy residual rights in the exclusive economic zone. In particular, the rights and jurisdiction of the coastal State in such zone do not include the rights to obtain notification of military exercises or manoeuvres or to authorize them.

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

The High Seas

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

Land-Locked States

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

Marine Scientific Research

Although the traditional freedom of research suffered a considerable erosion by the Convention, this freedom will remain in force for States, international organizations and private entities in some maritime areas, e.g., the sea-bed beyond the

continental shelf and the high seas. However, the exclusive economic zone and the continental shelf, which are of particular interest to marine scientific research, will be subject to a consent régime, a basic element of which is the obligation of the coastal State under article 246, paragraph 3, to grant its consent in normal circumstances. In this regard, promotion and creation of favourable conditions for scientific research, as postulated in the Convention, are general principles governing the application and interpretation of all relevant provisions of the Convention.

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

[2]) Onder de volgende verklaring:

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

[3]) Onder de volgende verklaringen:

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

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

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 308, eerste lid, op 16 november 1994 in werking getreden voor de Staten die het Verdrag vóór of op 17 oktober 1994 hebben bekrachtigd of vóór of op 17 oktober 1994 tot het Verdrag zijn toegetreden.

Voor iedere Staat, die dit Verdrag bekrachtigt of er toe toetreedt na 17 oktober 1994, treedt het Verdrag in werking op de dertigste dag, volgend op de nederlegging van de akte van bekrachtiging of toetreding.

Wat het Koninkrijk der Nederlanden betreft, is het Verdrag ingevolge artikel 308, tweede lid, voor Nederland op 28 juli 1996 in werking getreden.

J. GEGEVENS

Zie *Trb.* 1983, 83.

Verwijzingen

Voor het op 7 december 1944 te Chicago tot stand gekomen Verdrag inzake de internationale burgerluchtvaart zie ook, laatstelijk, *Trb.* 1996, 32.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1994, 277.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationaal Gerechtshof zie ook *Trb.* 1987, 114.

Voor het op 26 oktober 1956 te New York tot stand gekomen Statuut van de Internationale Organisatie voor Atoomenergie zie ook, laatstelijk, *Trb.* 1990, 52.

Voor het op 29 april 1958 te Genève tot stand gekomen Verdrag inzake de territoriale zee en de aansluitende zone zie ook *Trb.* 1996, 267.

Voor het op 29 april 1958 te Genève tot stand gekomen Verdrag inzake de volle zee zie ook *Trb.* 1996, 268.

Voor het op 29 april 1958 te Genève tot stand gekomen Verdrag inzake de visserij en de instandhouding van de levende rijkdommen van de volle zee zie ook *Trb.* 1996, 269.

Voor het op 29 april 1958 te Genève tot stand gekomen Verdrag inzake het continentale plateau zie ook *Trb.* 1996, 270.

Voor het op 29 april 1958 te Genève tot stand gekomen Protocol van facultatieve ondertekening inzake de verplichte beslechting van geschillen zie ook *Trb.* 1996, 271.

Uitgegeven de *negende* oktober 1996.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO

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