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# Law of the Sea



Bulletin No. 84

### **NOTE**

The designations employed and the presentation of the material in this publication do not imply the expres sion of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning t, t

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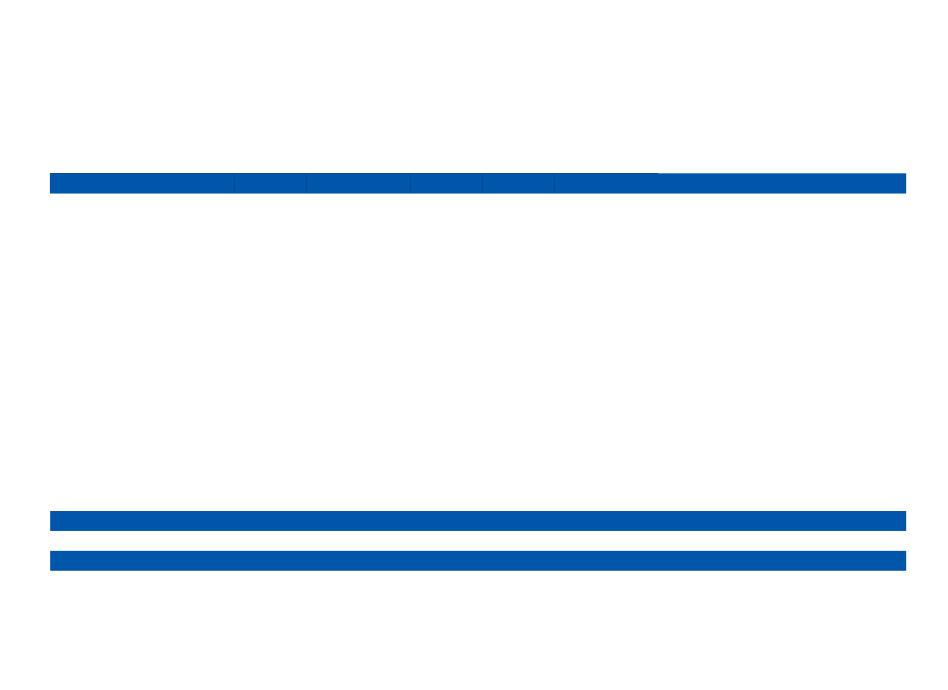
lated Agreements, as at 31 March 2014

Saudi Arabia: Declaration= e of the United Nations Convention on the Law of th]Se ]3.

A. RELEVANT DOCUMENTS OF THE SECURITY COUNCIL OF THE UNITED NATIONS

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

STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, OF THE AGREEMENT RELATING TO THE



	I Nations Conventhe Law of the Se	a	Agreemer implemen of the (in force as	nt relating to the tation of Part XI Convention from 28/07/1996)	Agreeme	ent for the implen	nentation
State or entity							
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State or entity						

- 81. **J6**rdan (27 November 1995) 82. Argentina (1 December 1995) 83. Nauru (23 January 1996) 84. Republic of Korea (29 January 1996) 85. Monaco (20 March 1996) 86. Georgia (21 March 1996) 87. France (11 April 1996) 88. Saudi Arabia (24 April 1996) 89. Slovakia (8 May 1996) 90. Bulgaria (15 May 1996) 91. Myanmar (21 May 1996) 92. China (7 June 1996) 93. Algeria (11 June 1996) 94. Japan (20 June 1996) 95. Czech Republic (21 June 1996) 96. Finland (21 June 1996) 97. Ireland (21 June 1996) 98. Norway (24 June 1996)
- 101. Panama (1 July 1996) NG2. uMMa)urîta uHau (17 ¶udyu 1996) 6u ul1 e )&e (a. )f 5 © 6 y) a € a f 1 -
- 103. New Zealand (19 July 1996)

99. Sweden (25 June 1996)100. Netherlands (28 June 1996)

104. Haiti (31 July 1996)

105. Mongolia (13 August 1996)

## (b) Agreement relating to the Implementation of Part XI of the Convention

- **1**. Kenya (29 July 1994)
- 2. The former Yugoslav Republic of Macedonia (19 August 1994)
- 3. Australia (5 October 1994)
- 4. Germany (14 October 1994)
- 5. Belize (21 October 1994)

6.

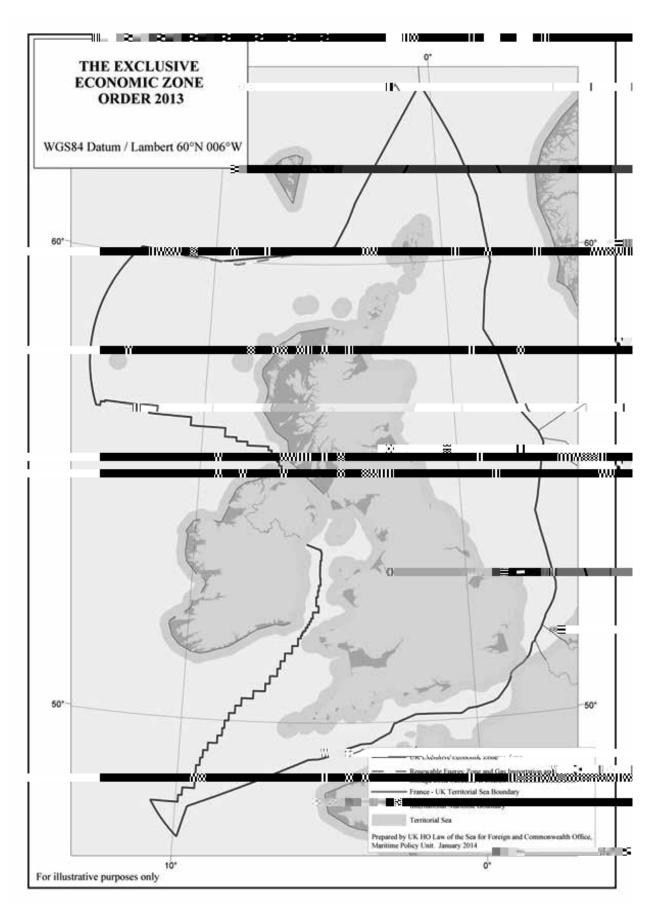
- 89. Lao People's Democratic Republic (5 June 1998)
- 90. United Republic of Tanzania (25 June 1998)
- 91. Suriname (9 July 1998)
- 92. Nepal (2 November 1998)
- 93. Belgium (13 November 1998)
- 94. Poland (13 November 1998)
- 95. Ukraine (26 July 1999)
- 96. Vanuatu (10 August 1999)
- 97. Nicaragua (3 May 2000)
- 98. Indonesia (2 June 2000)
- 99. Maldives (7 September 2000)
- 100. Luxembourg (5 October 2000)
- 101. Bangladesh (27 July 2001)
- 102. Madagascar (22 August 2001)
- 103. Costa Rica (20 September 2001)
- 104. Hungary (5 February 2002)
- 105. Tunisia (24 May 2002)
- 106. Cameroon (28 August 2002)
- 107. Kuwait (2 August 2002)
- 108. Cuba (17 October 2002)
- 109. Armenia (9 December 2002)
- 110. Qatar (9 December 2002)
- 111. Tuvalu (9 December 2002)
- 112. Ki

Agreement for the Implementation of the Provisions of the United Nations Convention o

## Article 2

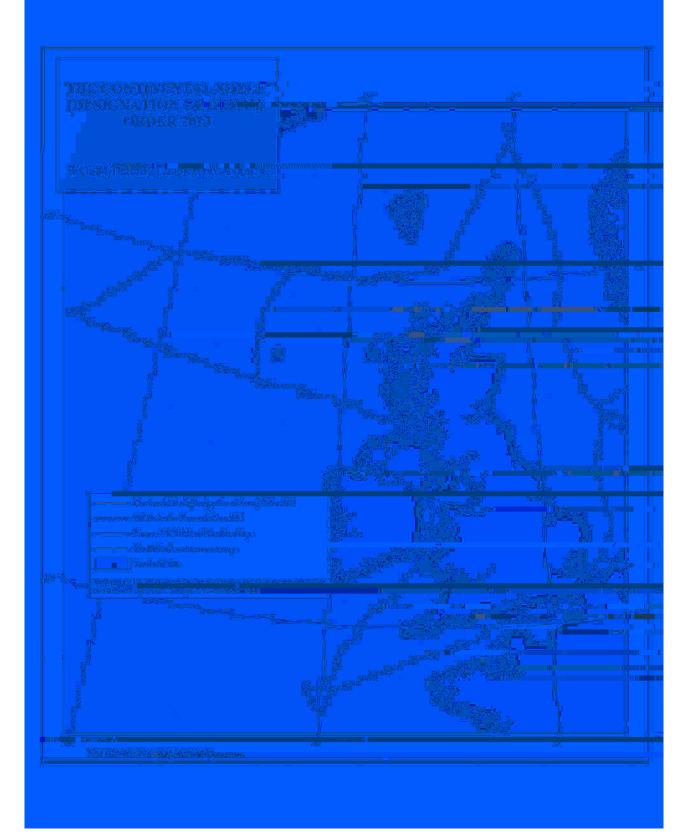
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Point No.	Latitude	Longitude	Line Type to following point
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(b) Continental Shelf (Designation of Areas) Order 2013

	Column 1	Column 2	
Point No.			



## 2. *France* <sup>13</sup>

Decree No. 2013-1175 of 17 December 2013 defining the baselines from which the breadth of the French territorial sea adjacent to Saint-Paul and Amsterdam Islands (French Southern and Antarctic Lands) is measured (NOR: OMES1325315D)

— Sixth column: type of line connecting the basepoint to the next basepoint. This line may be a rhumb line (a straight baseline or the closing line of a bay, channel or inlet) or the low-water line as shown in the applicable large-scale nautical charts published by the Navy Hydrographic and Ocean ographic Service.

#### Article 2

The baselines from which the breadth of the territorial sea adjacent to Saint-Paul Island is measured shall be defined by the following basepoints and lines:

Island	Point	Designation	Latitude	Longitude	Type of line
-					

#### Article 3

The low-water line of Amsterdam Island shall be used to determine the baselines from which the breadth of the territorial sea adjacent to that island is measured.

#### Article 4

Article 3 of the above-mentioned Decree of 11 January 1978 is hereby repealed.

#### Article 5

The Minister for Foreign Affairs, the Minister of the Interior, the Minister for Ecology, Sustainable Development and Energy, the Minister of Defence, the Minister of Overseas Territories ani i ries anF ie D; dependent and event ren its thm ethal 1 e e lf ee

iel

(b) Decree No. 2013-1176 of 17 December 2013 defining the baselines from which the breadth of the French territorial sea adjacent to the Territory of the Wallis and Futuna Islands is measured (NOR: OMES1325321D)

*Relevant parties*: Foreign States whose vessels operate in the waters around the Territory of the Wal lis and Futuna Islands.

*Purpose*: Definition of the baselines from which the breadth of the French territorial sea adjacent to the Territory of the Wallis and Futuna Islands is measured.

Entry into force:

## Article 2

The baselines from which the breadth of the territorial sea adjacent to Wallis Island (Uvea) is measured shall be defined by the following basepoints and lines:

## Article 2

The baselines from which the breadth of the territorial sea adjacent to the Department of Mayotte is measured shall be defined by the following basepoints and lines:

Island	Point	Name	Latitude	Longitude	Type of line

#### Article 3

Decree No. 77-1067 of 12 September 1977, defining the straight baselines used to determine the base lines from which the breadth of the French territorial waters adjacent to the territorial collectivity of Mayotte is measured, is repealed.

#### Article 4

The Minister for Foreign Affairs, the Minister of the Interior, the Minister of Ecology, Sustainable Development and Energy, the Minister of Defence, the Minister of Overseas Territories and the Deputy Minister of Ecology, Sustainable Development and Energy with responsibility for Transport, the Sea and Fisheries, shall be responsible, within their respective mandates, for the implementation of the present de cree, which shall be published in the *Offcial Gazette of the French Republic*.

Done on 17 December 2013.

By the Prime Minister JEAN-MARC AYRAULT

Minister of Overseas Territories
VICTORIN LUREL

Minister for Foreign Affairs
LAURENT FABIUS

Minister of the Interior
MANUEL VALLS

Minister of Ecology, Sustainable Development and Energy
PHILIPPE MARTIN

Minister of Defence

# 3. *Niue* 14

## Maritime Zones Act 2013 No. 323

- 1. Name
- 2. Interpretation

To make provision with respect to the territorial sea, contiguous zone, exclusive economic zone and the continental shelf of Niue, and related matters.

#### 1. Name

This is the Maritime Zones Act 2013.

### 2. Interpretation

In this Act—

"contiguous zone" means the contiguous zone of Niue described in section 8;

"continental shelf" means the continental shelf of Niue described in section 10;

"exclusive economic zone" means the exclusive economic zone of Niue described in section 9;

"low-water mark" means the line of low water at the lowest astronomical tide;

"Minister" means the Minister responsible for maritime affairs;

"nautical mile" means the international nautical mile of 1,852 metres;

"territorial sea" means the territorial sea of Niue described in section 3.

### PART 1. TERRITORIAL SEA

#### 3. Territorial sea

The territorial sea comprises those areas of the sea having, as their inner limits, the baseline described in section 4 and, as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of the baseline.

### 4. Baseline of territorial sea

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### PART 3. EXCLUSIVE ECONOMIC ZONE

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- (ii) the subsoil under the seabed, and
- (iii) the waters over the seabed, and
- b) with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.
- (2) Within the continental shelf, Niue has
  - a) sovereign rights for the purpose of exploring it and exploiting its natural resources, and
  - b) exclusive rights to authorise and regulate drilling on it for all purposes.
- (3) Within the exclusive economic zone and the continental shelf, Niue has the exclusive right to con struct, authorise and regulate the construction, operation and use of:
  - a) artifcial islands;
  - b) installations and structures for the purposes provided in section 7, marine scientifc research, the protection and preservation of the marine environment and other economic purposes, and
  - c) installations and structures which may interfere with Niue's exercise of its rights in the exclu sive economic zone or continental shelf.
- (4) Within the exclusive economic zone and continental shelf, Niue has exclusive jurisdiction over the artificial islands, installations and structures-referred to in subsection (3), including jurisdiction with regard to customs, fscal, health, safety and immigration laws and regulations.
  - (5) Within the exclusive economic zone and continental shelf, Niue:
    - a) has jurisdiction with respect to protection and preservation of the marine environment, and
    - b) has the right to regulate, authorise and conduct marine scientifc research.
- (6) Within the contiguous zone, the exclusive economic zone and the continental shelf, Niue has such other rights as are conferred or recognised by international law.

### 16. Rights of other States in maritime zones

- (1) The Minister may, by order, prescribe sea lanes and traffc separation schemes for foreign ships exercising the right of innocent passage through the territorial sea.
- (2) Subject to subsection (I), ships of all States have, in accordance with international law, the right of innocent passage through the territorial sea of Niue.
  - (3) Subject to this Act, any other law of m j e s

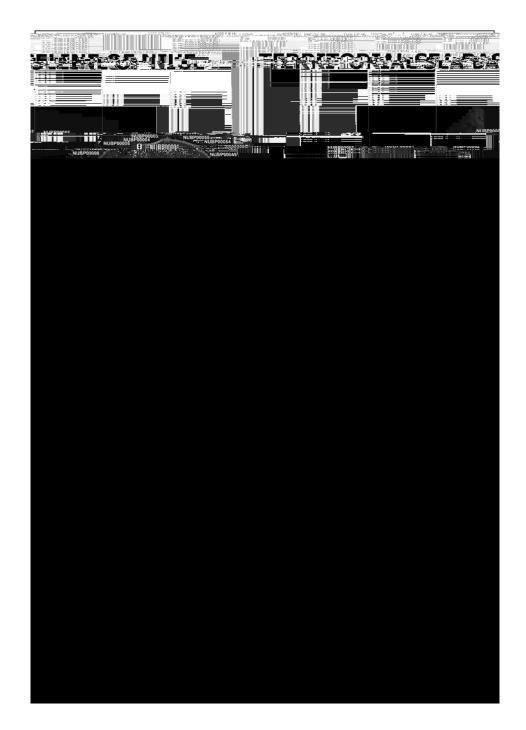
## Continental Shelf Act 1964

## Section 2 – Interpretation

Repeal the definition of "continental shelf" and insert: "'continental shelf' has the same meaning as in the Maritime Zones Act 2013."

Repeal Section 3.

(b) Domestic Fishing Act 1995 Section 2 – Interpretation \_\_\_\_



*Note*: This chart is provided as a general illustration of the points on the baseline specifed in Part 1 of the Schedule, and the baseline.

Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alof, this 10th day of September 2013.

Signed by Hon. TOKE TUFUKIA TALAGI Premier

Countersigned by CHARLENE FUNAKI
Clerk to Cabinet

## Maritime Territorial Sea Outer Limits Notice 2013 No. 2013/2B

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**MARITIME LIMITS OF NIUE** SAMOA VID AMERICAN SAMOA COOK

Part 2. Chart illustrating the outer limit of the territorial sea of Niue

*Note*: This chart is provided as a general illustration of the line specifed in Part 1 of the Schedule. Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alof this 10th day of Sep tember 2013.

Signed by Hon. TOKE TUFUKIA TALAGI
Premier
Countersigned by CHARLENE FUNAKI
Clerk to Cabinet

Point Identifer	Latitude	Longitude


Point Identifer	Latitude	Longitude

	Point Identifer	Latitude	Longitude

Point Identifer	Longitude

Point Identifer	Latitude	Longitude
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2. Then running along the geodesic to the point of commencement (NUCZ00001).

	Part 2.	Chart illustrating the outer limit of the contiguous zone of Niue
Note: Thi	s chart is	provided as a general illustration of the line specifed in Part 1 of the Schedule.

## Maritime Exclusive Economic Zone Outer Limit Notice 2013 No. 2013/2D

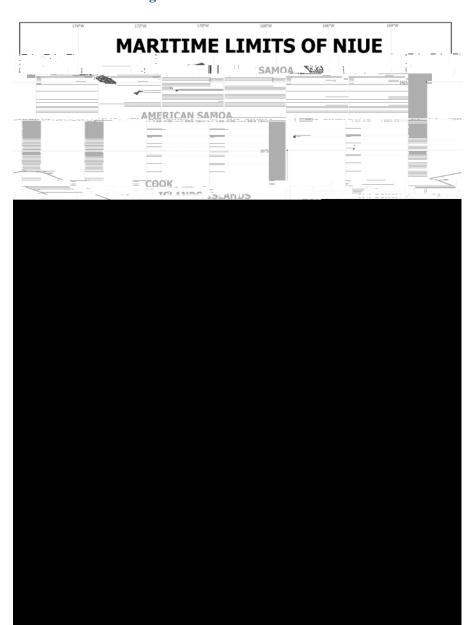
Notice is hereby given that Cabinet, acting under section 12 of the Maritime Zones Act 2013, has de

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Point Identifer	Latitude	Longitude	Point Information

. Then run nd then runn	ning north-westerly along the geodesics to the point NUEEZ00420 in the following along the geodesics sequentially connecting each point in the table.	ing table
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	running south along the geodesics to the point NUEEZ00439 in the following tag the geodesics sequentially connecting each point in the table.	ble and the
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Part 2. Chart illustrating the outer limit of the exclusive economic zone of Niue

*Note*: This chart is provided as a general illustration of the line specifed in Part 1 of the Schedule. Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alof this 10th day of Sep tember 2013.

Signed by Hon. TOKE TUFUKIA TALAGI
Premier
Countersigned by CHARLENE FUNAKI
Clerk to Cabinet

## Maritime Continental Shelf Outer Limit Notice 2013 No. 2013/2E

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Point Identifer		Point Information
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2.	Then running nort	th-easterly along the	he geodesics to t	the point NUCS	00409 in the 1	following table
and then	running along the	geodesics sequent	ially connecting	each point in the	e table.	

MARITIME LIMITS OF NIUE SAMOA VIA AMERICAN SAMOA COOK

Part 2. Chart illustrating the outer limit of the exclusive continenal shelf of Niue

*Note*: This chart is provided as a general illustration of the line specified in Part 1 of the Schedule. Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alof this 10th day of Septem ber 2013.

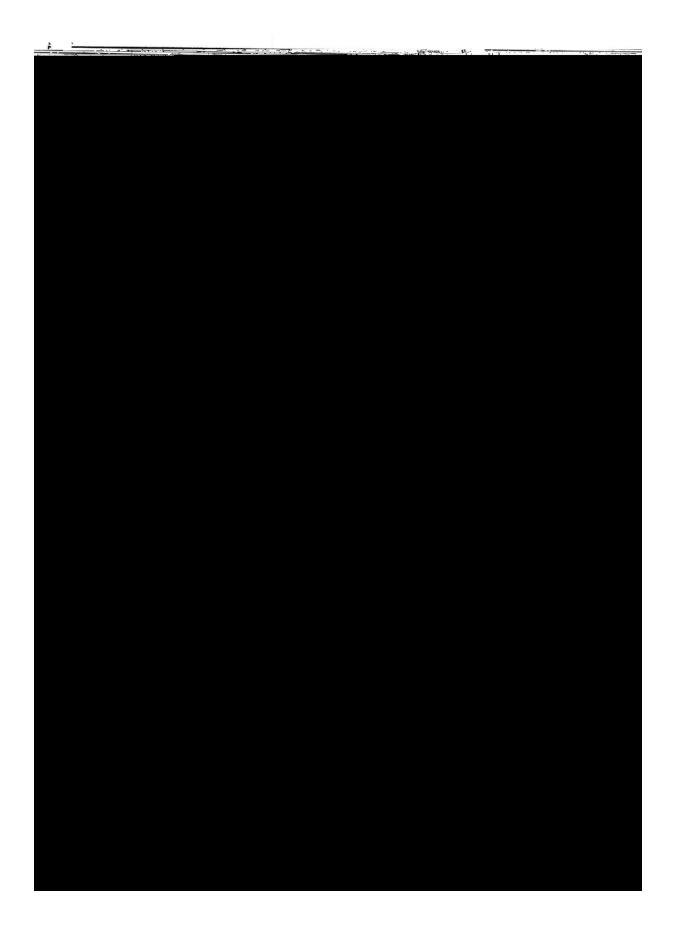
Signed by Hon. TOKE TUFUKIA TALAGI
Premier
Countersigned by CHARLENE FUNAKI
Clerk to Cabinet

# III. COMMUNICATIONS BY STATES

# 1. Kenya

Note verbale dated 9 January 2014 from the Permanent Mission of the Republic of Kenya to the United Nations addressed to the Secretary-General

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### 2. Somalia

Letter dated 4 February 2014 from the Minister of Foreign Affairs and International Cooperation addressed to the Secretary-General

Date: 04/02/2014

REF: MOFA/SFR/MO/258/2014

Excellency,

The Ministry of Foreign Affairs and International Cooperation of the Federal Republic of Somalia to the United Nations [...] has the honour to inform your Excellency that the Government of the Federal Re public of Somalia (the "Somali Government") objects to the registration of a purported Memorandum of Understanding (the "Purported MoU"), dated 7 April 2009, between the Transitional Government of the Somali Republic and the Government of the Republic of Kenya, with the Secretariat of the United Nations made by the Government of the Republic of Kenya on 11 June 2009 (Registration No. 46230).

I refer your Excellency to the communications made by the Transitional Federal Government of the Somali Republic, dated 10 October 2009 (OPM/IC/00/016/11/09), as submitted under cover of a letter dated 2 March 2010 (SOM/MSS/09/10), informing your offce that on 1 August 2009, the Parliament of the Transitional Federal Republic of Somalia voted to reject the Purported MoU, and that the referenced document was, therefore, rendered "non-actionable". In addition, your Excellency, attached herewith is a note verbale from the Minister of Foreign Affairs and International Cooperation of the Federal Republic of Somalia to your offce dated 4 February 2014 stating, inter alia, the basis on which the Purported MoU was deemed

zania to the south." The map that appears at page 9 of Kenya's Executive Summary depicts Kenya's claim to a maritime boundary with Somalia extending seaward along a parallel of latitude from the purported land boundary terminus through the territorial sea, the exclusive economic zone and the continental shelf beyond 200 M of Somalia. Somalia has expressly rejected Kenya's claim. This unresolved delimitation issue is to be considered a 'maritime dispute' for the purposes of rule 5(a) of Annex 1 to the Rules of Procedure of the Commission. The Kenyan and Somali claims cover an overlapping area which for the same purposes constitutes the areas under dispute.

- 3. The areas under dispute cover approximately 15,000 square M within 200 M of the Somali Republic, and a significant portion of Kenya's claim in the outer continental shelf beyond 200 M.
  - 4. BaseM pe Min n x]t ed cn of Keny li cl ns y c Ânic R s iorl

- d) At the time of signature, the Minister for National Planning and International Cooperation in formed the representatives of the Government of Kenya that, in accordance with the provisions of the Transitional Federal Charter of the Somali Government of February 2004, the MoU would require ratification by the Transitional Federal Parliament of the Somali Republic.
- e) The Transitional Federal Parliament of the Somali Republic voted on 1 August 2009 against ratification of the MoU. Thus, the MoU is void and of no effect. The Secretary-General was notified in the 2009 Letter by the Prime Minister of the Somali Republic of the outcome of the Transitional Federal Parliament's vote, and was accordingly requested to "treat" the MoU as "non-actionable."

aso

- 8. The Somali Republic observes that, given the existence of a dispute between the Somali Republic and Kenya concerning entitlement to parts of the continental shelf in the Indian Ocean claimed by Kenya and in light of the vote of the Transitional Federal Parliament not to ratify the MoU, frst, there are no and never have been any provisional arrangements of a practical nature between Kenya and the Somali Republic, whether within the meaning of Article 83 paragraph 3 of UNCLOS or at all; and further that the Somali Republic has not given its consent (and does not hereby give its consent) to the consideration by the Commission of the submissions presented by Kenya.
  - 9. Recalling inya and thk y` no2i Repf yhk i`

# IV. OTHER INFORMATION RELEVANT TO THE LAW OF THE SEA

# A. RELEVANT DOCUMENTS OF THE SECURITY COUNCIL OF THE UNITED NATIONS

Resolution 2146 (2014)
Adopted by the Security Council at its 7142nd meeting, on 19 March 2014
The Security Council

- 6. *Requests* that Member States, before taking the measures authorized in paragraph 5, frst seek the consent of the vessel's fag State;
- 7. *Decides* that any Member State that undertakes an inspection pursuant to paragraph 5 shall submit promptly a report to the Committee on the inspection containing relevant details, including efforts made to seek the consent of the vessel's fag State;
- 8. Affrms that the authorization provided by paragraph 5 of this resolution applies only with respect to inspections carried out by warships and ships owned or operated by a State and r teek r a and tm mænt -

**Dides** 

# B. LIST OF CONCILIATORS, ARBITRATORS AND EXPERTS NOMINATED UNDER ARTICLE 2 OF ANNEXES V, VII AND VIII TO THE CONVENTION

1. List of conciliators and arbitrators nominated under article 2 of annexes V and VII of the Convention<sup>2</sup> (as of 31 July 2014)

State Party	NominationsDte Pof depositPof Secretary-General

State Party	

State Party	

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# The UNESCO/IOC List of Experts in the feld of Marine Scientifc Research for use in special Arbitration under Annex VIII 2014<sup>3</sup> (as of 31 March 2014)

State Party	
-	
-	

State Party	Nominations

# C. RECENT JUDGMENTS, AWARDS, AND ORDERS

1. International Court of Justice: Maritime Dispute (Peru v. Chile)

Judgment delivered on 27 January 2014<sup>4</sup>

The Court determines the course of the single maritime boundary between Peru and Chile

THE HAGUE, 27 January 2014. The International Court of Justice (ICJ), the principal judicial organ of

continental coasts which abut such insular maritime zones, it did not establish a lateral maritime boundary between Peru and Chile along the parallel of latitude running into the Pacifc Ocean from the seaward ter minus of their land boundary. It nevertheless observes that, at the time of the Declaration, there might have been some sort of shared understanding among the States parties of a more general nature concerning their maritime boundaries.

The Court next considers later agreements and arrangements adopted by Peru, Chile and Ecuador. In particular, it analyses the 1954 Special Maritime Frontier Zone Agreement, which established a zone of tol erance, starting at a distance of 12 nautical miles from the coast, "of 10 nautical miles on either side of the parallel which constitutes the maritime boundary". That zone was intended to beneft small and ill-equipped vessels, in order to avoid "friction between the countries concerned" as a result of inadvertent violations of the maritime frontier by those vessels. The Court finds that the terms of this Agreement acknowledge in a binding international agreement that a maritime boundary already exists. The Court, however, notes that this Agreement does not indicate when and by what means that boundary was agreed upon. It therefore considers that the Parties' express acknowledgment of the existence of a maritime boundary can only refect a tacit agreement which they had reached earlier and which was "cemented" by the 1954 Special Maritime Frontier Zone Agreement. The Court further observes that this Agreement gives no indication of the nature of the maritime boundary. Nor does it indicate its extent, except that its provisions make it clear that the maritime boundary extends beyond 12 nautical miles from the coast.

# 2. The nature of the agreed maritime boundary

The Court then turns to the question of the nature of the agreed maritime boundary, that is, whether it is a single maritime boundary applicable to the water column, the sea-bed and its subsoil, or a boundary applicable only to the water column. Pointing out that the tacit agreement of the Parties must be understood

mum distance of 200 nautical miles, such as the ones made by the Parties in the 1952 Santiago Declaration, were not in accordance with international law at the time.

On the basis of the fshing activities of the Parties in the early 1950s, which were conducted up to a distance of some 60 nautical miles from the main ports in the area, the relevant practice of other States and the work of the International Law Commission on the Law of the Sea at that time, the Court is of the view that the evidence at its disposal does not allow it to conclude that the agreed maritime boundary along the parallel extended beyond 80 nautical miles from its starting-point.

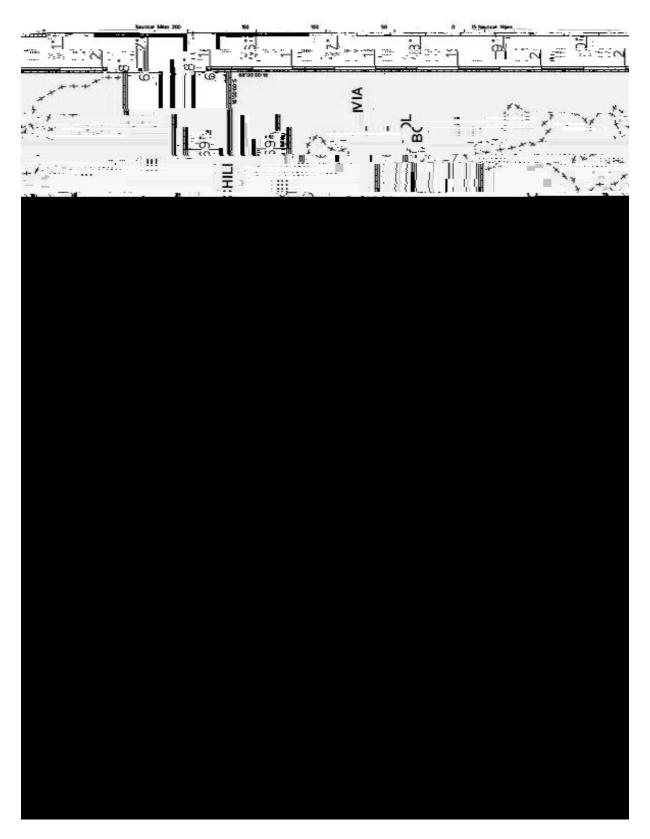
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that limit from Point B to Point C, where the 200-nautical-mile limits of the Parties' maritime entitlements intersect.

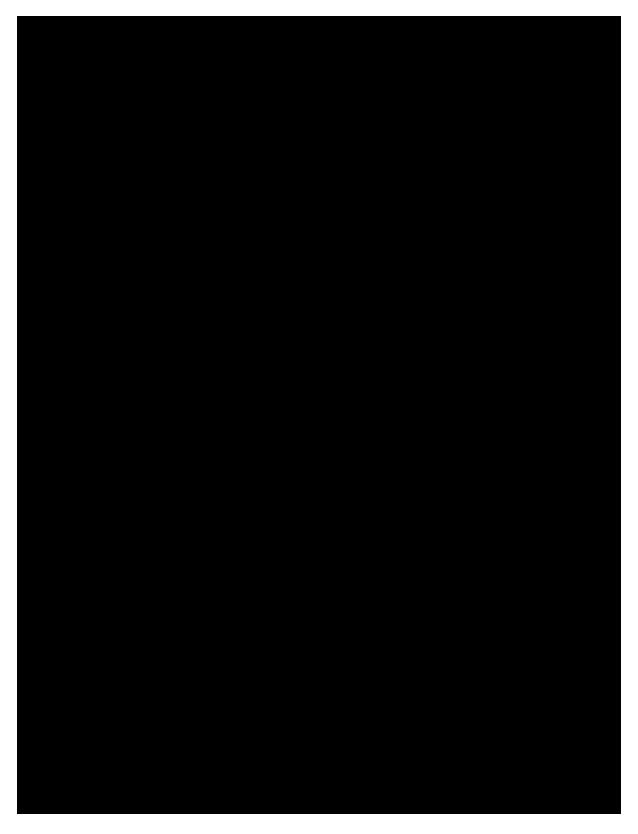
*Secondly*, the Court considers that no relevant circumstances call for an adjustment of the provisional equidistance line.

Thirdly

ANNEX TO PRESS RELEASE 2014/2
Sketch-map No. 2. The maritime boundary lines claimed by Peru and Chile respectively



Sketch-map No. 4. Course of the maritime boundary



# II. INTERPRETATION OF ARTICLE VIII, PARAGRAPH 1,

The interpretation and application of Article VIII of the Convention is central to the current case. In the view of the Court, while this Article gives discretion to a State party to the Convention to reject the re quest for a special permit or to specify the conditions under which a permit will be granted, the question of whether the killing, taking and treating of whales pursuant to a requested special permit is for purposes of scientific research cannot depend simply on that State's perception.

The Court then turns to the meaning of the phrase "for purposes of scientific research" in Article VIII of the Convention. In the view of the Court, the two elements of this phrase are cumulative. As a result, even if a whaling programme involves scientific research, the killing, taking and treating of whales pursuant to such a programme does not fall within Article VIII unless these activities are "for purposes of" scientific research. Therefore, the Court does not consider it necessary to offer a general definition of "scientific re search" and focuses its attention on the meaning of the term "for purposes of".

In order to ascertain, in particular, whether a programme's use of lethal methods is "for purposes of" scientific research, the Court considers whether the elements of such a programme's design and implemen tation are reasonable in relation to its stated research objectives. As shown by the arguments of the Parties, these elements may include: decisions regarding the use of lethal methods; the scale of the programme's use of lethal sampling; the methodology used to select sample sizes; a comparison of the target sample sizes and the actual take; the time frame associated with a programme; the programme's scientific output; and the degree to which a programme co-ordinates its activities with related research projects.

# III. APPLICATION OF ARTICLE VIII, PARAGRAPH 1, TO JARPA II

The Court finds that JARPA II can broadly be characterized as "scientific research". It then examines whether its design and implementation are reasonable in relation to achieving the programme's stated re search objectives.

Examining Japan's decisions regarding the use of lethal methods, the Court finds no evidence of any studies of the feasibility or practicability of non-lethal methods, either in setting the JARPA II sample sizes or in later years in which the programme has maintained the same sample size targets. The Court also finds no evidence that Japan examined whether it would be feasible to combine a smaller lethal take and an in crease in non-lethal sampling as a means to achieve JARPA II's research objectives.

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the objectives relating to ecosystem research and multi-species competition justify a larger target sample size for minke whales, as compared to that in JARPA.

The Court notes that there are three additional aspects of JARPA II which cast further doubt on its characterization as a programme for purposes of scientifc research: the open-ended time frame of the programme, its limited scientifc output to date, and the lack of co-operation between JARPA II and other do mestic and international research programmes in the Antarctic Ocean.

Taken as a whole, the Court considers that JARPA II involves activities that can broadly be character ized as scientific research, but that "the evidence does not establish that the programme's design and imple mentation are reasonable in relation to achieving its stated objectives". The Court concludes that the special permits granted by Japan for the killing, taking and treating of whales in connection with JARPA II are not "for purposes of scientific research" pursuant to Article VIII, paragraph 1, of the Convention.

## IV. EXAMINATION OF ALLEGED VIOLATIONS OF THE SCHEDULE

The Court turns next to the implications of that conclusion, in light of Australia's contention that Japan has breached several provisions of the Schedule. As regards paragraphs 7 (b d e ule, the Court considers that, although the wording of these provisions differs, all whaling that falls outside Article VIII, paragraph 1, other than aboriginal subsistence whaling, is subject to all three provisions. The Court therefore concludes that Japan has violated: (i) the moratorium on commercial whaling in each of the years during which it has set catch limits above zero for minke whales, fn whales and humpback whales under JARPA II; (ii) the factory ship moratorium in each of the seasons during which fn whales were taken, killed and treated under JARPA II; and (iii) the prohibition of commercial whaling in the Southern Ocean Sanctuary in each of the seasons during which fn whales have been taken under JARPA II.

The Court then turns to Australia's allegation that Japan violated paragraph 30 of the Schedule, which requires that Contracting Governments provide the Secretary to the International Whaling Commission with proposed scientific permits before they are issued and in sufficient time to allow the Scientific Committee to review and comment on them. In this regard, the Court observes that Japan submitted the JARPA II Research Plan for review by the Scientific Committee in advance of granting the first permit for the programme and also submitted for review all subsequent permits. The Court also finds that the JARPA II Research Plan sets forth all the information specified by that provision. For these reasons, the Court considers that Japan has met the requirements of paragraph 30 as far as JARPA II is concerned.

# IV. REMEDIES

The Court observes that JARPA II is an ongoing programme. Under these circumstances, measures that go beyond declaratory relief are warranted. The Court therefore orders that Japan revoke any extant au thorization, permit or licence to kill, take or treat whales in relation to JARPA II, and refrain from granting any further permits under Article VIII, paragraph 1, of the Convention, in pursuance of that programme. The Court sees no need to order the additional remedy requested by Australia, which would require Japan to refrain from authorizing or implementing any spe] # erm t \_ ing e i ti M e e rch thih the e ming i f i rticle i III,m ince i hat i b

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# D. DOCUMENTS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS ISSUED UNDER AGENDA ITEM ENTITLED "OCEANS AND THE LAW OF THE SEA",

8/75 ]e ]3 ÂÂ] ) et Re e r d ¢ # d 11 71 M m ]–1 1. A/68/644-S/2013/720: Letter dated 5 December 2013 from the Permanent Representative of Cy prus to the United Nations addressed to the Secretary-General 2. A/68/657: Letter dated 11 December 2013 from the Permanent Representative of the Islamic Re

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