

BULLETIN

No. 15

May 1990

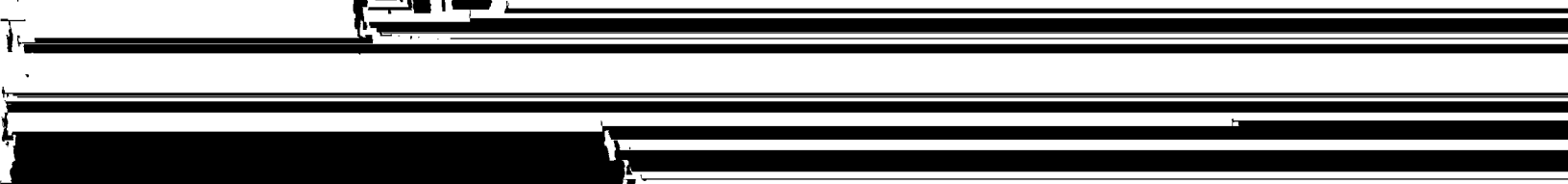


Publication in the Bulletin of information concerning

developments relating to the law of the sea emanating
from actions and decisions taken by States does not

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[REDACTED]

STATES

FINAL ACT
SIGNATURE

CONVENTION
SIGNATURE a/

CONVENTION
RATIFICATION

16 September

10 / 2 / 92

Albania

FINAL ACT

CONVENTION

CONVENTION

Costa Rica *	X	X	
Côte d'Ivoire	X	X	26/3/84
Cuba * **	X	X	15/8/84
Cyprus	X	X	12/12/88
Czechoslovakia	X	X	

Democratic People's Rep. of Korea	X	X	
Democratic Yemen **	X	X	21/7/87

Denmark	X	X	
Djibouti	X	X	
Dominica			28/3/83

Dominican Republic	X	X	
Ecuador	X		
Egypt **	X	X	26/8/83
El Salvador			5/12/84

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
India	X	X	
Indonesia	X	X	3/2/86
Iran (Islamic Republic of) *	X	X	
Iraq *	X	X	30/7/85
Ireland	X	X	
Israel	X		
Italy *	X	7/12/84	
Jamaica	X	X	21/3/83
Japan	X	7/2/83	
Jordan	X		
Kenya	X	X	2/3/89
Kiribati			
Kuwait **	X	X	2/5/86
Lao People's Democratic Republic	X	X	
Lebanon		7/12/84	
Lesotho	X	X	
Liberia	X	X	
Libyan Arab Jamahiriya	X	3/12/84	
Liechtenstein		30/11/84	
Luxembourg *	X	5/12/84	
Madagascar		25/2/83	
Malawi		7/12/84	
Malaysia	X	X	
Maldives	X	X	
Mali *		19/10/83	16/7/85
Malta	X	X	
Mauritania	X	X	
Mauritius	X	X	
Mexico	X	X	18/3/83
Monaco	X	X	
Mongolia	X	X	
Morocco	X	X	
Mozambique	X	X	
Myanmar f/	X	X	
Namibia g/	X	X	18/4/83

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Nauru	X	X	
Nepal	X	X	
Netherlands	X	X	
New Zealand	X	X	
Nicaragua *		9/12/84	
Niger	X	X	
Nigeria	X	X	14/8/86
Norway	X	X	
Oman * **	X	1/7/83	17/8/89
Pakistan	X	X	
Panama	X	X	
Papua New Guinea	X	X	
Paraguay	X	X	26/9/86
Peru	X		
Philippines * **	X	X	8/5/84
Poland	X	X	
Portugal	X	X	
Qatar *		27/11/84	
Republic of Korea	X	14/3/83	
Romania *	X	X	

Saint Kitts and Nevis h/

7/12/84

St. Vincent and the Grenadines

X

X

Samoa

X

28/9/84

San Marino

W/MS 100

CONVENTION

CONVENTION

Spain *	X	4/12/84	
Sri Lanka	X	X	
Sudan *	X	X	23/1/85
Suriname	X	X	
		10/1/84	

Sweden *	X	X	
Switzerland	X	17/10/84	
Syrian Arab Republic			
Thailand	X	X	
Togo	X	X	16/4/85

Tonga			
Trinidad and Tobago	X	X	25/4/86
Tunisia **	X	X	24/4/85
Turkey			
Tuvalu	X	X	

Uganda	X	X	
Ukrainian SSR *	X	X	

OTHERS (Art. 305 (1) (c), (d), (e) and (f))	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
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Cook Islands	X	X	
European Economic Community *	X	7/12/84	

Islands	X		
West Indies Associated States			

B. Chronological order of ratifications of the Convention,
giving ratifying State's regional group

	<u>Date</u>	<u>State</u>	<u>Regional group</u>
1.	10 December 1982	Fiji	Asian
2.	7 March 1983	Zambia	African
3.	10 March 1983	Mexico	Latin Am./Carib.

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

A. Protest from States

Protest from the United States of America 1/

The United States refers to the army command announcement, of August 1, 1977, issued by the Democratic People's Republic of Korea, which purports to establish a 50-nautical-mile military maritime boundary, measured from a claimed straight baseline from which the territorial sea is drawn in the sea of Japan (East Sea), and a military maritime boundary coincident with the claimed exclusive economic zone limit in the Yellow sea (West Sea).

The Government of the United States wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the maximum breadth of the territorial sea is twelve nautical miles measured from properly drawn baselines.

The Government of the United States wishes to recall that, as recognized in

Adam Smith out of which therefore derives to the claims made

B. United Nations General Assembly resolutions of interest

1. General Assembly resolution 44/26 of 20 November 1989

Law of the sea 1/

The General Assembly,

Recalling its resolutions 37/66 of 3 December 1982, 38/59 A of 14 December 1983, 39/73 of 13 December 1984, 40/63 of 10 December 1985, 41/34 of 5 November 1986, 42/20 of 18 November 1987 and 43/18 of 1 November 1988, regarding the law of the sea,

Recognizing that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea, 2/ the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose,

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

Recalling that the Convention provides the régime to be applied to the Area and its resources,

Welcoming the expressions of willingness to explore all possibilities of

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration in 1987 as pioneer investors of the Institut français de recherche pour l'exploitation de la mer (IFREMER),

Conscious of the urgent need to increase the scientific knowledge of the marine environment,

Taking note of activities carried out in 1989 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989, in accordance with the report of the Secretary-General, 7/

Recalling its approval of the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations,

Taking special note of the report of the Secretary-General prepared in pursuance of paragraph 14 of General Assembly resolution 43/18, 8/

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and

9. Expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of the major programme on marine affairs set forth in chapter 25 of the medium-term plan for the period 1984-1989 and requests him to take into account the prospective entry into force of the Convention and the increased needs of States for assistance in the implementation of the Convention in the medium-term plan for the period 1992-1997;

10. Also expresses its appreciation for the report of the Secretary-General prepared in pursuance of paragraph 14 of General Assembly resolution 43/18 8/ and requests him to carry out the activities outlined

17. Requests the Secretary-General to prepare an updated and expanded report on the protection and preservation of the marine environment as a contribution to the proposed 1992 conference, taking into account, inter alia

18. Calls upon States and other members of the United Nations to

2. General Assembly resolution 44/225 of 22 December 1989

Transnational organized crime, drug trafficking and its impact on the

Noting that many countries are disturbed by the increase in the use of

Affirming that, in accordance with the relevant articles of the Convention, all members of the international community have a duty to co-operate globally and regionally in the conservation and management of living resources on the high seas, and a duty to take, or to co-operate with others in taking, such measures for their nationals as may be necessary for

Convention, it is the responsibility of all members of the international community to ensure the conservation and management of living

3. Recommends that all interested members of the international
community should be invited to participate in the study and to consider

3. General Assembly resolution 44/228 of 22 December 1989

United Nations Conference on Environment and Development 1/

The General Assembly,

Recalling its resolution 43/196 of 20 December 1988 on a United Nations conference on environment and development,

Taking note of decision 15/3 of 25 May 1989 of the Governing Council of the United Nations Environment Programme 2/ on a United Nations conference on environment and development,

Taking note also of Economic and Social Council resolution 1989/87 of 26 July 1989 on the acceleration of the implementation of the

Taking note further of Economic and Social Council resolution 1989/101 of 27 July 1989 on strengthening international co-operation on environment through the provision of additional financial resources to developing countries,

Recalling its resolutions 42/186 of 11 December 1987 on the Environmental

Deeply concerned by the continuing deterioration of the state of the environment and the serious degradation of the global life-support systems, as well as by trends that, if allowed to continue, could disrupt the global ecological balance, demandize the life-sustaining qualities of the Earth and

Recognizing that new and additional financial resources will have to be channelled to developing countries in order to ensure their full participation in global efforts for environmental protection,

I

1. Decides to convene a United Nations Conference on Environment and Development, which shall be of two weeks' duration and shall have the highest possible level of participation, to coincide with World Environment Day, on 5 June 1992;

2. Accepts with deep appreciation the generous offer of the Government of Brazil to act as host to the Conference;

3. Affirms that the Conference should elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and

4. Affirms also that the protection and enhancement of the environment are major issues that affect the well-being of peoples and economic

11. Reaffirms that the serious external indebtedness of developing countries and other countries with serious debt-servicing problems has to be liquidated in an efficient and urgent manner in order to enable those countries

15. Decides that the Conference, in addressing environmental issues in the developmental context, should have the following objectives:

(a) To examine the state of the environment and changes that have occurred since the United Nations Conference on the Human Environment held in

1972, and since the adoption of such international agreements as the Plan of Action to Combat Desertification, the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985, and the Montreal Protocol on

Substances that Deplete the Ozone Layer, adopted on 16 September 1987, taking into account the actions taken by all countries and intergovernmental organizations to protect and enhance the environment;

(b) To identify strategies to be co-ordinated regionally and globally, as appropriate, for concerted action to deal with major environmental issues in the socio-economic development processes of all countries within a particular time-frame;

(c) To recommend measures to be taken at the national and international levels to protect and enhance the environment, taking into account the specific needs of developing countries, through the development and implementation of policies for sustainable and environmentally sound development with special emphasis on incorporating environmental concerns in

... experimental degradation and

(o) To recommend measures to Governments and the relevant bodies of the United Nations system with a view to strengthening technical co-operation

capacity for identifying, analysing, monitoring, managing or preventing environmental problems in accordance with their national development plans, objectives and priorities;

(p) To promote open and timely exchange of information on national environmental policies, situations and accidents;

(q) To review and examine the role of the United Nations system in dealing with the environment and possible ways of improving it;

(r) To promote the development or strengthening of appropriate institutions at the national, regional and global levels to deal with environmental matters in the context of the socio-economic development processes of all countries;

(s) To promote environmental education, especially of the younger generation, as well as other measures to increase awareness of the value of

3. Decides that the Preparatory Committee, at its organizational session, shall elect, with due regard to equitable geographic representation, a chairman and other members of its Bureau, comprising a substantial number of vice-chairmen and a rapporteur;

4. Decides that the Chairman of the Conference Brazil shall be

ex officio a member of the Bureau;

5. Requests the Secretary-General, following the organizational session of the Preparatory Committee, to establish an appropriate ad hoc secretariat at the United Nations Office at Geneva, with a unit in New York and another unit in Nairobi, taking into account the decisions to be made by the Preparatory Committee regarding the preparatory process for the Conference and based on the principle of equitable geographic distribution;

6. Decides that the ad hoc secretariat will be headed by the

12. Requests relevant non-governmental organizations in consultative status with the Economic and Social Council to contribute to the Conference

as appropriate;

13. Stresses the importance of holding regional conferences on

environment and development with the full co-operation of the regional commissions, and recommends that the results of such regional conferences be introduced into the preparatory process for the Conference, bearing in mind that regional conferences should make important substantive contributions to the Conference;

14. Decides that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations without adversely affecting other ongoing activities and without prejudice to the provision of sources of extrabudgetary resources;

15. Decides to establish a voluntary fund for the purpose of supporting developing countries, in particular the least developed among them, in participating fully and effectively in the Conference and in its preparatory

process, and invites Governments to contribute to the fund;

16. Requests the Chairman of the Preparatory Committee to report to the

4. General Assembly resolution 44/20 of 14 November 1989

Zone of peace and co-operation of the South Atlantic 1/

The General Assembly,

Recalling its resolution 41/11 of 27 October 1986, in which it solemnly declared the Atlantic Ocean, in the region situated between Africa and South America, the "Zone of peace and co-operation of the South Atlantic",

5. Urges all States to abstain from transferring to and disposing in the region hazardous, toxic and nuclear wastes;

1. Recommends that the Office for Ocean Affairs and the

Law of the Sea of the Secretariat and the United Nations Development Programme are extending towards the convening by the States of the zone of two seminars.

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<u>States</u>	<u>Convention ratification</u>	<u>Territorial sea</u>	<u>Contiguous zone</u>	<u>Exclusive economic zone</u>	<u>Fishery zone</u>	<u>Continental shelf</u>
Venezuela		12	15	200		200m/EXP
Yemen		12	24	200		200/OM
Yugoslavia	5/5/86	12				200m/EXP
Zaire	17/2/89	12		200		
<u>Others under article 305 (1) (c), (d) and (e)</u>						
Cook Islands		12		200		200/OM
Fiji		12		200		
Marshall Islands		12	24	200		
Micronesia, Federated States of		12		200		

1/

States

States

1/

the various maritime zones
breadth of the zone or the

184

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. [REDACTED]

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94. [REDACTED]

95. [REDACTED]

96. [REDACTED]

97. [REDACTED]

98. [REDACTED]

99. [REDACTED]

100. [REDACTED]

E. Treaties

Regional treaties

(a) Protocol for the Protection of the South-East Pacific
Against Radioactive Pollution

[Original: Spanish]

The High Contracting Parties,

Aware of the need to protect and preserve the maritime area of the
South-East Pacific against radioactive pollution,

Recognizing the need to adopt measures for prohibiting all dumping and/or
burial of radioactive wastes or other radioactive substances in the sea and/or
on the sea-bed and subsoil thereof,

Have agreed on the following Protocol for the Protection of the Marine

Article III

Measures for avoiding pollution

The High Contracting Parties shall take the measures necessary to

- (c) The results of the monitoring programmes; and
- (d) The measures adopted, results obtained and difficulties encountered in implementing this Protocol.

Article VII

Monitoring programmes

The High Contracting Parties, directly or in collaboration with the Executive Committee and with the competent international organizations shall

To this end, the High Contracting Parties undertake to co-ordinate the use of their communication media in order to ensure timely reception, transmission and dissemination of all information on such emergency measures.

The information obtained shall be communicated immediately.

Article XI

Enactment of laws and regulations

The High Contracting Parties shall enact national laws and regulations

(b) The need to amend or revise this Protocol and the advisability of extending or amending the resolutions and recommendations adopted under the Protocol;

(c) The adoption of monitoring, training and emergency programmes; and

(d) The development of any other function that may further the aims of this Protocol.

Article XV

Entry into force

This Protocol shall enter into force 60 days after the date of deposit of the third instrument of ratification with the General Secretariat of the Permanent Commission of the South Pacific.

Article XVI

Denunciation

This Protocol may be denounced by any High Contracting Party two years after its entry into force for such denouncing Party.

This Protocol shall enter into force for an acceding State 60 days after the deposit of the relevant instrument.

Article XIX

Reservations

No reservations to this Protocol shall be admitted.

DONE in seven identical copies, one of which shall be deposited with the Secretary-General of the United Nations.

(b) Protocol for the Conservation and Management of Protected

[Original: Spanish]

The High Contracting Parties

To this end, the High Contracting Parties shall establish areas under their protection in the form of parks, reserves, flora and fauna sanctuaries and other such areas. In these areas integration management shall be established on the basis of studies and inventories of their resources, with a view to ensuring their sustained development, and any activity liable to have adverse effects on the environment.

Article III

Information on protected areas

The High Contracting Parties undertake to provide each other, through the Executive Secretariat of this Protocol, with information on the designation of protected areas, specifying the relevant factors which were taken into account in making the designation, such as the importance of the areas from the scientific, ecological, economic, historical, archaeological, cultural, educational, touristic, aesthetic or other point of view.

The information provided by the High Contracting Parties shall indicate the effects that it may have on the environment, coastal resources or the value thereof.

Each State Party shall endeavour, to the extent possible and prior to establishing its protected areas, to exchange information thereon with the other States Parties to the Protocol.

Each State Party shall also

- (b) It shall prohibit activities relating to prospecting and mining of the soil and subsoil of the protected area;

activity in the area;

- (d) It shall regulate trade affecting the flora, fauna and their habitat in the protected area;

- (e) In general, it shall prohibit any activity liable to have adverse

Article VIII

Environmental Impact Assessment

The High Contracting Parties shall assess the environmental impact of any activity liable to produce significant effects on the environment.

Article XI

Environmental education

The High Contracting Parties shall promote environmental education and community participation in the conservation and management of the protected areas.

Article XII

Authorities of the protected areas

The High Contracting Parties undertake to supply, through the Executive Secretariat, information on:

[REDACTED]

- (a) The national organization and authorities responsible for managing the protected areas;
- (b) Research programmes in the protected areas.

Article XIII

Compliance and penalties

Each High Contracting Party undertakes to ensure compliance with the provisions of this Protocol and to adopt legal and administrative measures within its jurisdiction for preventing or penalizing any activity in violation of these provisions.

The High Contracting Parties shall notify the Executive Secretariat of the measures adopted for implementing the provisions of the preceding paragraph.

Article XIV

Meetings of the High Contracting Parties

The High Contracting Parties shall hold regular meetings at least every two years, or special meetings at any time, when two or more of the Parties so request. These meetings shall be convened by the Executive Secretariat.

At regular meetings, the High Contracting Parties shall adopt resolutions on the basis of an analysis, inter alia, of the following points:

- (a) The extent to which this Protocol is being implemented and the effectiveness of the measures taken and the need to develop other kinds of activities in compliance with the objectives of this

The High Contracting Parties

Executive Secretariat of the Protocol

For the purposes of administering and implementing this Protocol, the

Accession shall be effected by the deposit of the relevant instrument

with the Executive Secretariat which shall communicate it to the High Contracting Parties.

This Protocol shall enter into force for the State acceding thereto 60 days after the deposit of the relevant instrument.

Article XX

Reservations

No reservations to this Protocol shall be admissible

DONE in seven identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission for the South Pacific (CPPS), all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF this Protocol has been signed at Paipa, Colombia, on 21 September 1989.

III. INFORMATION ABOUT THE PREPARATORY COMMISSION

A. Statements made by delegations at the conclusion of the 1989 summer meeting

At the conclusion of the 1989 summer meeting of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, delegations, speaking on behalf of regional

Universality of the Convention

It is important, perhaps, to recall that during the Third United Nations Conference on the Law of the Sea, the Group of 77 was always willing to co-operate with all interest groups to negotiate what turned out to be a compromise document - the Convention. We have never changed the basic stand of co-operation, even during the work of the Preparatory Commission.

However, for some unexplained reasons, it could appear as if our position

It is obvious from the above that the costs of the Authority at any given moment will depend upon the activities it will be required to perform on a cost-effective basis. The contributions of members will be related thereto and if the organization is initially established on a modest basis, because the activities at that stage will not be enormous, so too the contributions.

Discharge of obligations by registered pioneer investors

Finally, let me turn to a very important aspect of our work which unfortunately has a sad note to it.

- 5 -

2. Denmark on behalf of the Group of Eleven
("Friends of the Convention")

Mr. Chairman,

The members of the Group of Eleven, known also to colleagues here as the "Friends of the Convention", on whose behalf I am taking the floor, have

[REDACTED]

The United Nations Convention on the Law of the Sea is a major

[REDACTED]

Many of its provisions reflect customary international law, but equally important are the new areas which the Convention seeks to define.

[REDACTED]

3. France on behalf of the countries of the European Economic Community

4. Bulgaria on behalf of the Group of Eastern European States

Mr. Chairman,

On behalf of the Group of Socialist States of Eastern Europe, I wish to express our support to the statement made by the distinguished Chairman of the Group of 77 concerning the universality of the Convention.

We are ready to cooperate with all interested countries.

5. Italy on behalf of the Group of Six

Mr. Chairman,

Under your expert and capable direction, the summer session of the Preparatory Commission comes this morning to an end. On behalf of the Group of Six, my delegation would like to express to you, Sir, and to the Special Representative of the Secretary-General for the Law of the Sea, Mr. Nandan.

6. Canada on behalf of Potential Applicants

Mr. Chairman,

On behalf of the members of the Committee on

IV. OTHER INFORMATION

A. International Court of Justice - Communiqué.
Arbitral Award of 31 July 1989
(Guinea-Bissau v. Senegal)

Request for indication of provisional measures

The following information was communicated to the press by the Registry of the International Court of Justice:

"In the above case a request for the indication of provisional measures has been received from the Government of the Republic of Guinea-Bissau.

"Oral proceedings, as provided for in Article 74, paragraph 3, of the Rules of Court, will open on Monday 12 February 1990 at 10 a.m. in the Great Hall of Justice of the Peace Palace, The Hague.

"The case was instituted by an Application which the Republic of Guinea-Bissau filed against the Republic of Senegal on 23 August 1989, in respect of a dispute concerning the existence and validity of the

- B. Two scientific sessions hosted by the United Nations Office for Ocean Affairs and the Law of the Sea 1/

The collection of oceanographic data and its

