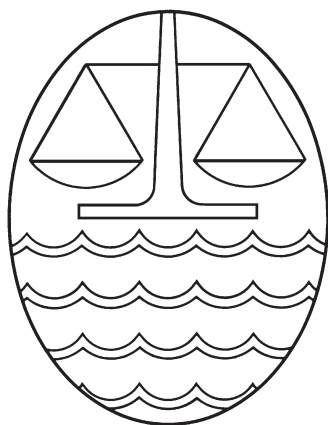


Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

Law of the Sea



Bulletin No. 81



United Nations
New York, 2014

NOTE

The designations employed and the presentation of the material in this publication do not imply the expression 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 the delimitation of its frontiers or boundaries.

Furthermore, 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 imply recognition by the United Nations of the validity of the actions and decisions in question.

IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN.

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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 Implementation of Part XI of the Convention and of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks¹1. Table recapitulating the status of the Convention and of the related Agreements, as at 31 March 2013

This consolidated table, prepared by the Division for Ocean Affairs and the Law of the Sea, Office of the Legal Affairs, provides unofficial, quick reference information related to the participation in UNCLOS and the two implementing Agreements. For official information on the status of these treaties, please refer to the publication entitled "*Multilateral Treaties deposited with the Secretary-General*" (<http://untreaty.un.org>). The symbol " " indicates (i) that a declaration or statement was made at the time of signature; at the time of ratification/accession or anytime thereafter, or (ii) declarations confirmed upon succession. A double icon () indicates that two declarations were made by the State. The abbreviation (c) indicates a formal confirmation; (a) an accession; (s) a succession; (ds) a definitive signature; (p) the consent to be bound; (sp) a simplified procedure. Names of States in *italics* indicate non-members of the United Nations; shaded rows indicate

State or entity	UNCLOS (in force as from 16/11/1994)		Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
Bahamas	10/12/82	29/07/83	Declaration	29/07/94	28/07/95(sp)		16/01/97(a)
Bahrain	10/12/82	30/05/85					
Bangladesh	10/12/82	27/07/01			27/07/01(a)	04/12/95	05/11/12
Barbados	10/12/82	12/10/93		15/11/94	28/07/95(sp)		22/09/00(a)
Belarus	10/12/82	30/08/06			30/08/06(a)		
Belgium	05/12/84	13/11/98		29/07/94	13/11/98(p)	03/10/96	19/12/03
Belize	10/12/82	13/08/83			21/10/94(ds)	04/12/95	14/07/05
Benin	30/08/83	16/10/97			16/10/97(p)		
Bhutan	10/12/82						
Bolivia (Plurinational State of)	27/11/84	28/04/95			28/04/95(p)		
Bosnia and Herzegovina		12/01/94(s)					
Botswana	05/12/84	02/05/90			31/01/05(a)		
Brazil	10/12/82	22/12/88		29/07/94	25/10/07	04/12/95	08/03/00
Brunei Darussalam	05/12/84	05/11/96			05/11/96(p)		
Bulgaria	10/12/82	15/05/96			15/05/96(a)		13/12/06(a)
Burkina Faso	10/12/82	25/01/05		30/11/94	25/01/05(p)	15/10/96	
Burundi							

State or entity	UNCLOS (in force as from 16/11/1994)		Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Costa Rica	10/12/82	21/09/92		20/09/01(a)		18/06/01(a)	
Côte d'Ivoire	10/12/82	26/03/84	25/11/94	28/07/95(sp)	24/01/96		
Croatia		05/04/95(s)		05/04/95(p)			

State or entity	UNCLOS (in force as from 16/11/1994)		Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
Liberia	10/12/82	25/09/08					16/09/05(a)
Libya	03/12/84				25/09/08(p)		
Liechtenstein	30/11/84						
			Declaration				

State or entity

State or entity	UNCLOS (in force as from 16/11/1994)		Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)	
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
Senegal	10/12/82	25/10/84	09/08/94	25/07/95	04/12/95	30/01/97
Serbia	^z	12/03/01(s)	12/05/95	28/07/95(sp) ¹		
Seychelles	10/12/82	16/09/91	29/07/94	15/12/94	04/12/96	20/03/98
Sierra Leone	10/12/82	12/12/94		12/12/94(p)		
Singapore	10/12/82	17/11/94		17/11/94(p)		
Slovakia						

Declaration

UNCLOS

State or entity

2. Chronological lists of ratifications of,

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)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatemala (11 February 1997)
113. Pakistan (26 February 1997)
114. Russian Federation (12 March 1997)
115. Mozambique (13 March 1997)
116. Solomon Islands (23 June 1997)
117. Equatorial Guinea (21 July 1997)
118. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
119. Chile (25 August 1997)
120. Benin (16 October 1997)
121. Portugal (3 November 1997)
122. South Africa (23 December 1997)
123. Gabon (11 March 1998)
124. European Union (1 April 1998)
125. Lao People's Democratic Republic (5 June 1998)
126. Suriname (9 July 1998)
127. Nepal (2 November 1998)
128. Belgium (13 November 1998)
129. Poland (13 November 1998)
130. Ukraine (26 July 1999)
131. Vanuatu (10 August 1999)
132. Nicaragua (3 May 2000)
133. Maldives (7 September 2000)
134. Luxembourg (5 October 2000)
135. Serbia (12 March 2001)
136. Bangladesh (27 July 2001)
137. Madagascar (22 August 2001)
138. Hungary (5 February 2002)
139. Armenia (9 December 2002)
140. Qatar (9 December 2002)
141. Tuvalu (9 December 2002)
142. Kiribati (24 February 2003)
143. Albania (23 June 2003)
144. Canada (7 November 2003)
145. Lithuania (12 November 2003)
146. Denmark (16 November 2004)
147. Latvia (23 December 2004)
148. Burkina Faso (25 January 2005)
149. Estonia (26 August 2005)
150. Belarus (30 August 2006)
151. Niue (11 October 2006)
152. Montenegro (23 October 2006) 151.

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

1.

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

A. United Nations General Assembly resolutions of interest

1. *General Assembly resolution 67/78 of 11 December 2012
Oceans and the Law of the Sea*

[...]

Note: The text of this resolution is available through the Official Document System of the United Nations (<http://documents.un.org>) as well as on the web site entitled “Oceans and Law of the Sea” prepared and maintained by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations (www.un.org/Depts/los).

2. *General Assembly resolution 67/79 of 11 December 2012
Sustainable fisheries, including through the 1995 Agreement for the
Implementation of the Provisions of the United Nations Convention on the
Law of the Sea of 10 December 1982 relating to the Conservation and Management
of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments*

[...]

Note: The text of this resolution is available through the Official Document System of the United Nations (<http://documents.un.org>) as well as on the web site entitled “Oceans and Law of the Sea” prepared and maintained by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations (www.un.org/Depts/los).

B. National Legislation

France

Decree No. 2012-1148 of 12 October Establishing an Economic Zone off the Coast of the Territory of the Republic in the Mediterranean Sea¹

18 October 2012

Having regard to Act No. 71-1060 of 24 December 1971, as amended, regarding the delimitation of French territorial waters,

Having regard to Act No. 76-655 of 16 July 1976, as amended, relating to the economic zone off the coasts of the territory of the Republic, in particular article 5 thereof,

Having regard to the Decree of 19 October 1967 defining the straight baselines and the lines enclosing bays used in

Number	Comment	Latitude north	Longitude east	Nature of segment
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Article 4

The Minister for Foreign Affairs, the Minister of Economic and Financial Affairs, the Minister for Ecology, Sustainable Development and Energy, the Minister of Defence and the Minister of Higher Education and Research shall be responsible, in their respective areas of competence, for the implementation of the present Decree, which shall be published in the Official Gazette of the French Republic.

Done on 12 October 2012

By the Prime Minister, Jean-Marc Ayrault

Laurent Fabius

Minister for Foreign Affairs

Pierre Moscovici

Minister of Economic and Financial Affairs

Delphine Batho

III.

Annex to the letter dated 21 December 2012 fr

2. Kuwait and Saudi Arabia

Letter dated 8 January 2013 from the Permanent Representatives of Kuwait and Saudi Arabia to the United Nations addressed to the Secretary-General²

The Permanent Missions of the State of Kuwait and the Kingdom of Saudi Arabia to the United Nations [...] have the honour to inform him that Iranian military launches have repeatedly violated and encroached upon the waters of the submerged area that is adjacent to the divided submerged area over which only Kuwait and Saudi Arabia have exclusive sovereign rights. In the most recent of those encroachments, which took place on at 1710

3. Greece

*Note verbale dated 20 February 2013 from the Permanent Mission of Greece to the United Nations addressed to the Secretary-General of the United Nations*³

Ref. 389

The Permanent Mission of Greece to the United Nations [...] has the honour to state the following:

On 27 April 2012, the Government of the Republic of Turkey published in its Official Gazette Decisions 2012/2974 and 2012/2968 of the Turkish Council of Ministers granting hydrocarbon exploration and exploitation licenses to the Turkish Petroleum Corporation (TPAO) in Eastern Mediterranean, in areas falling within Greek continental shelf (see “blocks” 5033, 5034, 5035 and 5028). In particular, “block 5033” lies in close proximity to the insular group of Castellorizo almost touching upon its current 6 n.m. territorial sea limit as well as to the island of Rhodes at a distance of 11,22 n.m. A similar exploration and exploitation license was granted to TPAO in 2008 with respect to “block 4512”, which also falls within areas of Greek continental shelf, by Decision 2008/14004 of the Turkish Council of Ministers published in the Official Gazette on 16 July 2009. Therefore, all these licenses are in clear violation of international law, both customary and conventional, including existing agreements.

Greece having protested strongly to Turkey for there unilateral acts which attempt to deprive the Dodecanese islands of their legitimate maritime zones, *inter alia*, through verbal notes dated 24.7.2009, 27.11.2011, 30.4.2012 and 12.7.2012, wishes to reiterate the following:

- In accordance with the UN Convention on the Law of the Sea (1982) and customary international law, all Greek islands, including the island of Rhodes and the insular group of Castellorizo, enjoy, beyond their territorial waters, maritime zones as any other land territory. This is enshrined in article 121(2) of the Law of the Sea Convention and confirmed by jurisprudence.
- Therefore, Turkey’ contention that the “above-mentioned permit areas decreed by the Council of Ministers fall entirely within the Turkish continental shelf”, as stated in the annex to the letter dated 5 September 2012 from the Permanent Representative of Turkey to the United Nations (see A/66/899), is totally unfounded.
- Greece exercises *ab initio* and *ipso facto* sovereign rights for the exploration of its continental shelf and the exploitation of its natural resources. These rights cannot be prejudiced by unilateral acts and actions by Turkey, such as the granting of permits to TPAO, which are contrary to international law and as a result bear no legal consequences.
- The outer limits of Greece’s continental shelf are clearly defined by Article 2(1) of Law No. 2289/1995, as amended by Law No. 4001/2011, which has been transmitted to the Secretary-General by verbal note No.974 of 8 May 2012.

In concluding, the “permits” granted to TPAO by the Turkish Council of Ministers in areas of Greek continental shelf in Eastern Mediterranean are in violation of international law and are, therefore, *null* and *void*.

The Permanent Mission of Greece to the United Nations would highly appreciate it if the Secretary-General in his capacity as depositary of the Convention could circulate the present verbal note to all States Parties to the Convention and publish it in the next “Law of the Sea Bulletin”.

[...]

³ Transmitted by letter dated 20 February 2013, from the Permanent Mission Greece to the United Nations addressed to the Secretary-General of the United Nations.

4.

5. Iran (Islamic Republic of)

Letter dated 20 February 2013 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General⁵

I have the honour to transmit to you the following documents:

1. A note verbale dated 14 August 2012 addressed to you by the Permanent Mission of the Islamic Republic of Iran, protesting the identification of basepoints by the Kingdom of Saudi Arabia in the Persian Gulf (see annex I).
2. A note verbale dated 24 December 2012 from the Ministry of Foreign Affairs of the Islamic Republic

6. Turkey

Note verbale dated 12 March 2013 from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General of the United Nations

2013/14136816/22273

The Permanent Mission of Turkey to the United Nations [...] with reference to the Verbal Note of the Permanent Mission of Greece No: 389, dated 20 February 2013 regarding the decrees published in the Turkish Official Gazette of 16 July 2009 and 27 April 2012, granting oil exploration and exploitation licenses to the Turkish Petroleum Corporation (TPAO), has the honour to state the following:

As was emphasized in our letter of 5 September 2012 (published as UN General Assembly document A/66/899), the above-mentioned permit areas fall entirely within the Turkish continental shelf where Turkey exercises exclusive sovereign rights for the purpose of exploring and exploiting its natural resources of the seabed and subsoil under international law, both customary and as reflected in the jurisprudence of international courts and arbitral tribunals. Contrary to the Greek allegations, those permit areas lie well beyond the territorial waters of the island of Castellorizo, as well as other Greek islands in the region.

The Permanent Mission also wishes to state that Turkey's views and position on this matter were communicated to Greece through a number of Verbal Notes of the Turkish Foreign Ministry, inter alia, No: 2012/DHGY/712916, dated 23 November 2012; No: 2012/DHGY/7385070, dated 7 May 2012; No: 2011/DHGY/1692972, dated 23 January 2012; No: 2011/DHGY/4448771, dated 30 September 2011; No: 2010/DHGY/23169, dated 19 August 2010; No: 2010/DHGY/321378, dated 5 March 2010; and No: 2008/DHGY/553030, dated 22 December 2008.

Furthermore, the Greek contention that "the outer limits of Greece's continental shelf are clearly defined by the Article 2(1) of the Greek Law No. 4001/2011" is misleading and unfounded. The said article of the law clearly contradicts the well-established rules and principles of international law by attempting to establish continental shelf and exclusive economic zone boundaries through a median line between continental land masses and insular formations. As was emphasized also in the Turkish Verbal Notes No: 2012/DHGY/996420, dated 23 November 2012 and No: 2012/DHGY/5999476, dated 9 May 2012 communicated to Greece, the fundamental principle according to international law governing the delimitation of the continental shelf or the exclusive economic zone between states with opposite or adjacent coasts is to produce an equitable result (principle of equity).

7. Saudi Arabia

*Note verbale dated 14 March 2013 from the Permanent Mission
of Saudi Arabia to the United Nations addressed to the Secretary-General⁶*

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations presents its compliments to the Secretary-General, and has the honour to transmit herewith a letter from the Ministry of Foreign Affairs of Saudi Arabia dated 2 March 2013 addressed to the Secretary-General (see annex).

The letter was issued in response to the letter dated 14 August 2012 from the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/67/762, annex I) regarding the baselines of marine areas of the Kingdom of Saudi Arabia in the Red Sea, the Gulf of Aqaba and the Arabian Gulf.

The Permanent Mission of the Kingdom of Saudi Arabia requests that the present note and its annex be circulated as a document of the General Assembly, under agenda item 75 (a). The Permanent Mission of the

9. Spain

*Note verbale dated 27 March 2013 from the Permanent Mission of Spain to the United Nations addressed to the Secretariat of the United Nations*⁸

No. 061 NP/ot

The Permanent Mission of Spain [...] has the honour to submit, for its records, a copy of note verbale No. 31661 of 23 October 2012 from the Ministry of Foreign Affairs and Cooperation of Spain addressed to the Embassy of the Republic of France in Madrid, in which the Government of Spain reiterates its position concerning Decree No. 2012-2248 of the Republic of France. That Decree, which establishes a French exclusive economic zone in the Mediterranean, was recently transmitted to the Secretariat by the Permanent Mission of France.

[...]

No. 31661

The Ministry of Foreign Affairs and Cooperation presents its compliments to the Embassy of the French Republic in Madrid and has the honour to refer to Decree No. 2012-1148 of 12 October 2012, which establishes a French exclusive economic zone in the Mediterranean (Official Gazette of the French Republic of 14 October 2012).

The Government of Spain recognizes the right of all States to establish an exclusive economic zone in the Mediterranean, but not when that right is exercised in a unilateral manner.

The authorities of Spain wish to stress that, in accordance with article 74 of the United Nations Convention on the Law of the Sea, the delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, in order to achieve an equitable solution. In the view of the Government of Spain, a line that is equidistant from the baselines from which the breadth of the territorial sea is measured would be the most just and equitable solution, and would be subject to modification only in the case of special or particular circumstances.

The authorities of Spain therefore wish to place on record their opposition to the unilateral establishment of the aforementioned exclusive economic zone, which has boundaries that extend far beyond the equidistant border line between the two coasts that was drawn in accordance with international law, and thus contravene article 74 of the United Nations Convention on the Law of the Sea.

For this reason, the Government of Spain believes that none of the coordinates set out in the Decree can in any way be considered to constitute a dividing line between the maritime areas of the two States.

In addition, the authorities of Spain wish to place on record their surprise at the unilateral establishment of the exclusive economic zone at a time when both countries are involved, on the one hand, in informal talks on maritime delimitation that would affect the Mediterranean, among other areas, and, on the other, in finding ways to improve the environmental protection of the area, within the framework of, for example, the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean to the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention) of 1978.

Under these circumstances, the Government of Spain reserves the right to carefully consider the practical consequences of the decision of the French Government.

The Ministry of Foreign Affairs and Cooperation takes this opportunity to convey to the Embassy of the French Republic the assurances of its highest consideration.

Madrid, 23 October 2012

⁸ Original: Spanish.

State Party

Nominations:

B. Recent Judgments, Awards, and Orders

International Tribunal for the Law of the Sea:

Therefore, in its Order of 15 December 2012, the Tribunal,

(1) *Unanimously,*

Prescribes, pending a decision by the Annex VII arbitral tribunal, the following provisional measures under article 290, paragraph 5, of the Convention:

Ghana shall forthwith and unconditionally release the frigate ARA Libertad, shall ensure that the frigate ARA Libertad, its Commander and crew are able to leave the port of Tema and the maritime areas under the jurisdiction of Ghana, and shall ensure that the frigate ARA Libertad is resupplied to that end.

(2) *Unanimously,*

Decides that Argentina and Ghana shall each submit the initial report referred to in paragraph 103 not later than 22 December 2012 to the Tribunal, and authorizes the President to request such information as he may consider appropriate after that date.

(3) *Unanimously,*

Decides that each Party shall bear its own costs.

Judge Paik appends a declaration to the Order of the Tribunal.

Judge Chandrasekhara Rao appends a separate opinion to the Order of the Tribunal.

Judges Wolfrum and Cot append a joint separate opinion to the Order of the Tribunal.

Judge Lucky appends a separate opinion to the Order of the Tribunal.

