

Law of the Sea Information Circular

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Division for Ocean Affairs and the Law of the Sea
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FOREWORD

This is the thirtieth issue of the Law of the Sea Information Circular, a periodic publication of the Division for Ocean Affairs and the Law of the Sea (DOALOS) Office of Legal Affairs of the United Nations Secretariat. Its main objective is to communicate to States and entities information on actions taken by States Parties to the United Nations Convention on the Law of the Sea of 10 December 1982 (the "Convention") in implementing that Convention, in particular regarding the deposit obligation, as well as to report on activities undertaken by DOALOS in this respect.

The purpose of LOSIC is also to assist States Parties to the Convention in discharging their obligations to give due publicity to information in accordance with the Convention: Coastal States are *obliged*, to give due publicity with regard to (i) charts and lists of geographical coordinates (articles 16(2), 47(9), 75(2), 76(9) and 84(2)); (ii) laws and regulations relating to innocent passage (article 21(3)); and (iii) laws and regulations relating to transit passage through straits for international navigation adopted by States bordering straits (article 42(3)).

NOTE LIMINAIRE

La présente Circulaire d'information sur le droit de la mer constitue la trentième publication d'une série établie par la Division des affaires maritimes et du droit de la mer du Bureau des affaires juridiques du Secrétariat de l'Organisation des Nations Unies. Elle

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A. Status of the Convention and of the Agreements as at 31 October 2009 A. État de la Convention et des Accords y relatifs au 31 octobre 2009

1. From July to October 2009, two States – the Dominican Republic and Chad – ratified the Convention on 10 July 2009 and 14 August 2009, respectively. Thus, as at 31 October 2009, there were 60 Parties to that the Convention, including the European Community.

1. Entre juillet et octobre 2009, deux États - la République dominicaine et le Tchad - ont ratifié la Convention le 10 juillet 2009 et le 14 août 2009, respectivement. Au 31 octobre 2009, les États Parties à la Convention étaient au nombre de 60, y compris la République dominicaine et le Tchad et l'Union européenne.

2. From July to October 2009, two States – the Dominican Republic and Chad - expressed their consent to be bound by the Agreement relating to the implementation of Part XI of the Convention on 10 July 2009. Thus, as at 31 October 2009, there were 138 parties to that Agreement, including the European Community.

3. From July to October 2009, one State ratified the 1995 Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks: Indonesia on 28 September 2009. Thus, as at 31 October 2009, there were 76 Parties to this Agreement, including the European Community.

4. Official information regarding the status of the Convention and its Agreement (ratification, accession, etc.) is available on the website of the Treaty Section of the Office of Legal Affairs of the United Nations (hereinafter the "Treaty Section") at: <http://treaties.un.org>.

5. For ease of reference, a consolidated table and chronological lists recapitulating the status of the Convention and the related Agreements prepared by the Division for Ocean Affairs and the Law of the Sea (hereinafter, the "Division"), Office of Legal Affairs, are also available on the website of the Division at <http://www.un.org/Depts/los/> and published in the *Law of the Sea Bulletin*.

B. Declarations and statements under articles 287, 298 and 310 of the Convention and under articles 30, 43 and 47 of the 1995 United Nations Fish Stocks Agreement B. Déclarations faites conformément aux articles 287, 298 et 310 de la Convention et aux articles 30, 43 et 47 de l'Accord de 1995 sur les stocks de poissons

6. From May to October 2009, the following States made declarations or statements under articles 287, 298 and 310 of the Convention and under articles 30, 43 and 47 of the 1995 United Nations Fish Stocks Agreement: Switzerland (upon ratification of the Convention, 1 May 2009) and Angola (14 October 2009).

7. Official information regarding the declarations and statements under articles 287, 298 and 310 of the Convention and under articles 30, 43 and 47 of the 1995 United Nations Fish Stocks Agreement is available on the website of the Treaty Section at:
<http://treaties.un.org>.

8. The text of this declaration is also published in the Law of the Sea Bulletin.

6. Entre mai et octobre 2009, États suivants ont fait des déclarations conformément aux articles 287, 298 et 310 de la Convention et aux articles 30, 43 et 47 de l'Accord de 1995 sur les stocks de poissons: Suisse (au moment de ratification de la Convention le 1 mai 2009) et l'Angola (le 14 octobre 2009).

7. Les textes officiels des déclarations faites conformément aux articles 287, 298 et 310 de la Convention et aux articles 30, 43 et 47 de l'Accord de 1995 sur les stocks de poissons sont disponibles sur le site de la Section des traités à l'adresse suivante:
<http://treaties.un.org>.

8. Le texte de cette déclaration est également publié dans le Bulletin du droit de la mer.

C. Settlement of disputes mechanism

1. Settlement of disputes mechanism under the Convention: Choice of procedure under article 287 and optional exceptions to applicability of Part XV, Section 2, of the Convention under article 298 of the Convention

9. From May to October 2009,

2. Settlement of disputes mechanism under 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 Stocks: Choice of procedure and optional exceptions to applicability of Part XV of the Convention under article 30 of the Agreement

12. The official texts of declarations, which contain choice of procedure and optional exceptions to applicability of Part XV of the Convention under article 30 of the Agreement, are available on the website of the

2. Les mécanismes de règlement des différends conformément à l'Accord aux fins de l'application des dispositions de la Convention relatives à la conservation et à la gestion des stocks chevauchants et des stocks de poissons grands migrateurs: Choix de la procédure et les exceptions facultatives à l'application de la partie XV de la Convention conformément à l'article 30 de l'Accord

12. Les textes officiels des déclarations relatives au choix de la procédure et aux exceptions facultatives à l'application de la partie XV de la Convention conformément à l'article 30 de l'Accord sont disponibles

Treaty Section at <http://treaties.un.org>.

13. A recapitulative table on the choice of procedure and optional exceptions to applicability of Part XV of the Convention under article 30 of the Agreement is available on the website of the Division at:

http://www.un.org/Depts/los/settlement_of_disputes/choice_procedure.htm.

14. From July to October 2009, no States made declarations or statements that would contain choice of procedure and optional exceptions to applicability of Part XV of the Convention under article 30 of the Agreement.

3. Lists of conciliators and arbitrators nominated under

article 2 of the Convention (9a Conv) 74 Conv 7 TDnedx VI(1) ITJ. (6) (the 3 TD.002.005) (t) 9 0 9 90 39.34 m-.00050022 ITw(/tr

sur le site de la Section des traités à l'adresse suivante: <http://treaties.un.org>.

13. De plus, un tableau récapitulatif concernant le choix de la procédure et les exceptions facultatives à l'application de la partie XV de la Convention conformément à l'article 30 de l'Accord est disponible, en anglais, sur le site de la Division à l'adresse suivante:

http://www.un.org/Depts/los/settlement_of_disputes/choice_procedure.htm.

14. Entre juillet et octobre 2009, aucun État n'a fait de déclaration concernant le choix de la procédure et les exceptions facultatives à l'application de la partie XV de la Convention conformément à l'article 30 de l'Accord.

reputation for fairness, competence and integrity. The names of the persons so nominated shall constitute the list. If at any time the arbitrators nominated by a State Party in the list so constituted shall be fewer than four, that State Party shall be entitled to make further nominations as necessary. The names of the persons shall remain on the list until withdrawn by the State Party which made the nomination, provided that the arbitrators shall continue to serve on any arbitral tribunal to which that arbitrator has been appointed until the completion of the proceedings before that arbitral tribunal.

d'intégrité. Le nom des personnes ainsi désignées est inscrit sur la liste. Si, à un moment quelconque, le nombre des arbitres désignés par un État et figurant sur la liste est inférieur à quatre, cet État peut procéder aux désignations nécessaires.

20. The official information regarding the list of arbitrators is available on the website of the Treaty Section at:
<http://treaties.un.org>.

which made the nomination, provided that such expert shall continue to serve on any special arbitral tribunal to which that expert has been appointed until the completion of the proceedings before that special arbitral tribunal."

désigné, étant entendu que cet expert continue de siéger au sein de tout tribunal arbitral spécial auquel il a été nommé jusqu'à ce que la procédure devant ce tribunal soit achevée."

22. The following lists are available on the website of the Division:

(a) List of experts in the field of fisheries maintained by the Food and Agriculture Organization of the United Nations (communicated on 27 September 2001)

(b) List of experts in the field of protection and preservation of the marine environment maintained by the United Nations Environment Programme (communicated on 8 November 2002)

(c) List of experts in the field of marine scientific research maintained by the Intergovernmental Oceanographic Commission of UNESCO (communicated on 22 January 2008)

(d) List of experts in the field of navigation, including pollution from vessels and by dumping, maintained by the International Maritime Organization (communicated on 19 May 2005)

23. The above lists are available at:
http://www.un.org/Depts/los/settlement_of_disputes/experts_special_arb.htm.

D. Communications received with regard to declarations

24. The official information regarding communications received with regard to declarations are available on the website of the Treaty Section at:
<http://treaties.un.org>.

22. Les listes suivantes sont affichées, en anglais, sur le site de la Division:

(a) Liste d'experts en matière de pêche tenue par l'Organisation des Nations Unies pour l'alimentation et l'agriculture (communiquée le 27 septembre 2001)

(b) Liste d'experts en matière de protection et de préservation du milieu marin dressée et tenue par le Programme des Nations Unies pour l'environnement (communiquée le 8 novembre 2002)

(c) Liste d'experts en matière de recherche scientifique marine tenue par la Commission océanographique intergouvernementale de l'UNESCO (communiquée le 22 janvier 2008)

(d) Liste d'experts en matière de navigation, y compris la pollution par les navires ou par immersion, tenue par l'Organisation maritime internationale (communiquée le 19 mai 2005)

23. Les listes mentionnées ci-dessus peuvent être consultées à l'adresse suivante:
http://www.un.org/Depts/los/settlement_of_disputes/experts_special_arb.htm.

D. Communications relatives aux déclarations

24. Les informations officielles relatives aux communications reçues à l'égard des déclarations sont disponibles sur le site de la Section des traités à l'adresse suivante:
<http://treaties.un.org>.

28. States Parties are encouraged to provide all the necessary information for conversion of the submitted geographic coordinates from the original datum into the World Geodetic System 84 (W

B. Submissions by States Parties in compliance with

D. Information relating to temporary suspensions of the innocent passage of foreign ships

D. Information concernant les suspensions temporaires de

39. From July to October 2009, the Secretary-General received no requests to publish information relating to temporary suspensions of the innocent passage of foreign ships, pursuant to article 25, paragraph 3, of the Convention.

40. The texts of notifications relating to temporary suspensions of the innocent passage of foreign ships are posted on the website of the Division at:
http://www.un.org/Depts/los/convention_agreements/innocent_passages_suspension.htm.

46. In conformity with paragraph 1(d) of the decision contained in SPLOS/183, the preliminary information submitted has been made publicly available through the web site of the Division (www.un.org/Depts/los). In addition, the Secretary-General has informed the Commission on the Limits of the Continental Shelf accordingly.

47. As provided in paragraph 1(b) of that decision, such preliminary information shall not be considered by the Commission and, in accordance with paragraph 1(c) of the same decision, it is without prejudice to the submission in accordance with the requirements of article 76 of the Convention and with the Rules of Procedure and the Scientific and Technical Guidelines of the Commission, and the consideration of the submission by the Commission.

2. Continental Shelf Notifications and other communications circulated by the Secretary-General

48. "Continental Shelf Notifications" are circulated to all Member States of the United Nations, as well as States Parties to the Convention, in order to make public the executive summary of the submission made by a coastal State to the Commission on the Limits of the Continental Shelf pursuant to article 76, paragraph 8, of the Convention. In the absence of submissions from July to October 2009, the Division has not circulated any continental shelf notifications.

49. The texts of all previous continental shelf notifications are available at www.un.org/Depts/los/clcs_new/commission_submissions.htm.

46. Conformément au paragraphe 1 d) de la décision figurant dans le document SPLOS/183, les informations préliminaires fournies ont été publiées sur le site Web de la Division (www.un.org/Depts/los). Le Secrétaire général en a également informé la Commission des limites du

- A communication dated 7 July 2009 from Norway in relation to the submission by Denmark (see

- A communication dated 20 August 2009 from Argentina in relation to the submission by the United Kingdom of Great Britain and Northern Ireland (see CLCS.45.2009.LOS of 14 May 2009);
- A communication dated 4 August 2009 from Myanmar in relation to the submission by India (see CLCS.48.2009.LOS of 14 May 2009);
- A communication dated 29 October 2009 from Bangladesh in relation to the submission by India (see CLCS.48.2009.LOS of 14 May 2009);
- A communication dated 9 July 2009 from Suriname in relation to the submission by Trinidad and Tobago (see CLCS.49.2009.LOS of 14 May 2009);
- A communication dated 21 August 2009 from Mexico in relation to the submission by Cuba (see CLCS.51.2009.LOS of 8 June 2009).

51. The Secretary-General also received a communication dated 7 August 2009 from Indonesia with regard to the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Australia on 15 November 2004 on information on the proposed outer limits of its continental shelf beyond 200 nautical miles".

52. The texts of the above-mentioned communications are available at:

http://www.un.org/Depts/los/clcs_new/commission_submissions.htm.

53. The following communications have also been received in relation to the preliminary information submitted by coastal States:

- A communication dated 23 July 2009 from Japan in relation to the preliminary information provided by China ;
- A communication dated 23 July 2009 from Japan in relation to the preliminary information provided by the Republic of Korea ;
- A communication dated 31 July 2009 from Angola in relation to the preliminary information by the Democratic Republic of the Congo;
- A communication dated 28 August 2009 from the Netherlands may also be relevant in respect to some preliminary information.

54. The texts of the above-mentioned communications are available at:

http://www.un.org/Depts/los/clcs_new/clcs_home.htm.

55. The Secretariat informed the Commission on the Limits of the Continental Shelf accordingly.

- Une communication datée du 20 août 2009 de l'Argentine en relation à la demande présentée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (CLCS.45.2009.LOS du 14 mai 2009);
- Une communication datée du 4 août 2009 du Myanmar en relation à la demande présentée par l'Inde (CLCS.48.2009.LOS du 14 mai 2009);
- Une communication datée du 29 octobre 2009 du Bangladesh en relation à la demande présentée par l'Inde (CLCS.48.2009.LOS du 14 mai 2009);
- Une communication datée du 9 juillet 2009 du Suriname en relation à la demande présentée par la Trinité et Tobago (CLCS.49.2009.LOS du 14 mai 2009);
- Une communication datée du 21 août 2009 du Mexique en relation à la demande présentée par Cuba (CLCS.51.2009.LOS du 8 juin 2009).

51. Le Secrétaire-général a également reçu une communication de l'Indonésie datée du 7 août 2009 en relation aux « Recommandations de la Commission des limites du plateau continental concernant la demande datée du 15 novembre 2004, présentée par l'Australie, au sujet des renseignements concernant les limites extérieures proposées pour le plateau continental au-delà des 200 milles marins »

52. Les textes de ces communications apparaissent à la page suivante:

http://www.un.org/Depts/los/clcs_new/commission_submissions.htm.

53. Des communications ont également été reçues en relation aux informations préliminaires présentées par les États côtiers.