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REFERENCE: C.N.214.1996.TREATIES-9/7 (Depositary Notification)

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA
CONCLUDED AT MONTEGO BAY, JAMAICA, ON 10 DECEMBER 1982

RATIFICATION BY THE CZECH REPUBLIC, FINLAND, IRELAND, JAPAN,
THE NETHERLANDS, NORWAY, AND SWEDEN

AGREEMENT RELATING TO THE IMPLEMENTATION OF PART XI OF THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER
1982 ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS
ON 28 JULY 1994

RATIFICATION BY THE CZECH REPUBLIC, FINLAND, IRELAND, JAPAN,
MALTA, THE NETHERLANDS AND SWEDEN

ACCESSION BY NORWAY

ENTRY INTO FORCE OF THE AGREEMENT
AS OF 28 JULY 1996
IN ACCORDANCE WITH ARTICLE 6

TERMINATION OF PROVISIONAL APPLICATION OF THE AGREEMENT

STATUS OF THE AGREEMENT AS OF 28 JUNE 1996

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

I

The following States have deposited with the Secretary-General their respective instruments of ratification of the above Convention on the dates indicated:

<u>State</u>	<u>Date of deposit of the instrument</u>
Japan	20 June 1996
Czech Republic	21 June 1996
Finland	21 June 1996
Ireland	21 June 1996
Norway	24 June 1996
Sweden	25 June 1996
Netherlands	28 June 1996

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned



The instrument of ratification by the Government of the Czech Republic was accompanied by the following declaration:

(Original: English)

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

The instrument of ratification by the Government of Finland contained the following declarations:

(Original: English)

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

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

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

The instrument of ratification by the Government of Ireland was accompanied by the following declaration:

(Original: English)

"Declaration pursuant to article 310
of the [United Nations] Law of the Sea Convention, 1982

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



The instrument of ratification by the Government of the Netherlands was accompanied by the following declarations:

(Original: English)

A. Declaration in respect of article 287 of the Convention

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

B. Objections

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

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

I. INNOCENT PASSAGE IN THE TERRITORIAL SEA

The Convention permits innocent passage in the territorial sea for all ships, including foreign warships, nuclear-powered ships and ships carrying nuclear or hazardous waste, without any prior consent or notification, and with due observance of special precautionary measures established for such ships by international agreements.

II. EXCLUSIVE ECONOMIC ZONE

1. Passage through the Exclusive Economic Zone

Nothing in the Convention restricts the freedom of navigation of nuclear-powered ships or ships carrying nuclear or hazardous waste in the Exclusive Economic Zone, provided such navigation is in accordance with the applicable rules of international law. In particular, the Convention does not authorize the coastal state to make the navigation of such ships in the EEZ dependent on prior consent or notification.

2. Military exercises in the Exclusive Economic Zone

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

3. Installations in the Exclusive Economic Zone

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

4. Residual rights

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



III. PASSAGE THROUGH STRAITS

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

IV. ARCHIPELAGIC STATES

The application of Part IV of the Convention is limited to a state constituted wholly by one or more archipelagos, and may include other islands. Claims to archipelagic status in contravention of article 46 are not acceptable. The status of archipelagic state, and the rights and obligations deriving from such status, can only be invoked under the conditions of part IV of the Convention.

V. FISHERIES

The Convention confers no jurisdiction on the coastal state with respect to the exploitation, conservation and management of living marine resources other than sedentary species beyond the Exclusive Economic Zone. The Kingdom of the Netherlands considers that the conservation and management of straddling fish stocks and highly migratory species should, in accordance with articles 63 and 64 of the Convention, take place on the basis of international cooperation in appropriate subregional and regional organizations.

VI. UNDERWATER CULTURAL HERITAGE

Jurisdiction over objects of an archaeological and historical nature found at sea is limited to articles 149 and 303 of the Convention. The Kingdom of the Netherlands does however consider that there may be a need to further develop, in international cooperation, the international law on the protection of underwater cultural heritage.

VII. BASELINES AND DELIMITATION

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

VIII. NATIONAL LEGISLATION

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

IX. TERRITORIAL CLAIMS

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

X. ARTICLE 301

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



XI. GENERAL DECLARATION

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

C. Declaration in accordance with Annex IX of the Convention

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

The instrument of ratification by the Government of Norway contained the following declarations:

(Original: English)

"Declaration pursuant to article 310 of the Convention

According to article 309 of the Convention, no reservations or exceptions other than those expressly permitted by its provisions may be made. A declaration pursuant to its article 310 can not have the effect of an exception or reservation for the State making it. Consequently, the Government of the Kingdom of Norway declares that it does not consider itself bound by declarations pursuant to article 310 of the Convention that are or will be made by other States or international organizations. Passivity with respect to such declarations shall be interpreted neither as acceptance nor rejection of such declarations. The Government reserves Norway's right at any time to take a position on such declarations in the manner deemed appropriate.

Declaration pursuant to article 287 of the Convention

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

Declaration pursuant to article 298 of the Convention

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

The instrument of ratification by the Government of Sweden contained the following declarations:

(Original: English)

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



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

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

In accordance with its article 308 (2), the Convention will enter into force for the States concerned thirty days after the date of deposit of the instrument, i.e. for Japan on 20 July 1996, for the Czech Republic, Finland and Ireland on 21 July 1996, for Norway on 24 July 1996, for Sweden on 25 July 1996 and for the Netherlands on 28 July 1996.

II

The following States deposited with the Secretary-General their respective instruments of ratification or accession in respect of the above Agreement of 28 July 1994 on the dates indicated:

<u>State</u>	<u>Date of deposit of the instrument of ratification or accession (a)</u>
Japan	20 June 1996
Czech Republic	21 June 1996
Finland	21 June 1996
Ireland	21 June 1996
Norway	24 June 1996 (a)
Sweden	25 June 1996
Malta	28 June 1996
Netherlands	28 June 1996

It is recalled that the Agreement has been applied provisionally as of 16 November 1994, by a number of States, including the Czech Republic, Finland, Japan, Malta, the Netherlands, Norway and one intergovernmental organization (see depositary notification C.N.369.1994.TREATIES-4/7 of 22 March 1995).

In accordance with paragraph 2 of its article 7, the Agreement is being applied provisionally by Ireland and Sweden from the date of deposit of their respective instruments, i.e. on 21 and 25 June 1996.

III

Upon deposit of the instrument of ratification by the Government of the Netherlands, the conditions required under paragraph 1 of article 6 of the above Agreement have been met. Accordingly, the Agreement will enter into force on the thirtieth day after the date of deposit of such instrument, i.e. on 28 July 1996.

IV

In accordance with its article 7 (3), the provisional application of the Agreement shall terminate upon the date of its entry into force, i.e. on 28 July 1996.

Reference is made in this connection to the terms of paragraph 12 of Section I of the Annex to the above Agreement which provide that:



"12. Upon the entry into force of this Agreement, States and entities referred to in article 3 of this Agreement which have been applying it provisionally in accordance with article 7 and for which it is not in force may continue to be members of the Authority on a provisional basis pending its entry into force for such States and entities, in accordance with the following subparagraphs:

(a) If this Agreement enters into force before 16 November 1996, such States and entities shall be entitled to continue to participate as members of the Authority on a provisional basis upon notification to the depositary of the Agreement by such a State or entity of its intention to participate as a member on a provisional basis. Such membership shall terminate either on 16 November 1996 or upon the entry into force of this Agreement and the Convention for such member, whichever is earlier..."

V

As of 28 June 1996, the following States had expressed their consent to be bound by the above Agreement of 28 July 1994 in accordance with its articles 4 and 5 on the dates indicated:

<u>State</u>	<u>Date of deposit of the instrument of ratification, accession (a), definitive signature (s), simplified procedure (p) or participation (P)</u>	
Algeria	11 June	1996 <u>P</u>
Argentina	1 December	1995
Australia	5 October	1994
Austria	14 July	1995
Bahamas	28 July	1995 <u>p</u>
Barbados	28 July	1995 <u>p</u>
Belize	21 October	1994 <u>a</u>
Bolivia	28 April	1995 <u>P</u>
Bulgaria	15 May	1996 <u>a</u>
China	7 June	1996 <u>P</u>
Cook Islands	15 February	1995 <u>a</u>
Côte d'Ivoire	28 July	1995 <u>p</u>
Croatia	5 April	1995 <u>P</u>
Cyprus	27 July	1995
Czech Republic	21 June	1996
Fiji	28 July	1995
Finland	21 June	1996
France	11 April	1996
Georgia	21 March	1996 <u>P</u>
Germany	14 October	1994
Greece	21 July	1995
Grenada	28 July	1995 <u>p</u>
Guinea	28 July	1995 <u>p</u>
Iceland	28 July	1995 <u>p</u>
India	29 June	1995
Ireland	21 June	1996
Italy	13 January	1995
Jamaica	28 July	1995 <u>p</u>
Japan	20 June	1996
Jordan	27 November	1995 <u>P</u>
Kenya	29 July	1994 <u>a</u>
Lebanon	5 January	1995 <u>P</u>
Malta	26 June	1996
Mauritius	4 November	1994 <u>P</u>
Micronesia (Federated States of)	6 September	1995
Monaco	20 March	1996 <u>P</u>
Myanmar	21 May	1996 <u>a</u>



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<u>State</u>	<u>Date of deposit of the instrument of ratification, accession (a), definitive signature (s), simplified procedure (p) or participation (P)</u>	
Namibia	28 July	1995 p
Nauru	23 January	1996 P
Netherlands	28 June	1996
Nigeria	28 July	1995 p
Norway	24 June	1996 a
Paraguay	10 July	1995
Republic of Korea	29 January	1996
Samoa	14 August	1995 P
Saudi Arabia	24 April	1996 P
Senegal	25 July	1995
Seychelles	15 December	1994
Sierra Leone	12 December	1994 P
Singapore	17 November	1994 P
Slovakia	8 May	1996
Slovenia	16 June	1995
Sri Lanka	28 July	1995 p
Sweden	25 June	1996
the former Yugoslav Republic of Macedonia	19 August	1994 P
Togo	28 July	1995 p
Tonga	2 August	1995 P
Trinidad and Tobago	28 July	1995 p
Uganda	28 July	1995 p
Yugoslavia	28 July	1995 p
Zambia	28 July	1995 p
Zimbabwe	28 July	1995 p

19 July 1996