

(xii) AALCC and the UN Decade of International Law:

Promotion of Teaching, study, Dissemination and Wider Appreciation of International Law

Apropos the objective of encouraging teaching, study, dissemination and wider appreciation of international law, the AALCC Secretariat continues to print the reports of its annual sessions. The Secretariat of the AALCC published the report of its 5th session held in Manila Philippines in 1996. A noteworthy feature of these volumes is that the briefs of documents prepared by the AALCC Secretariat for the annual session of the AALCC on some select topics are reproduced therein. The Secretariat has taken steps to ensure the widest possible dissemination of the aforementioned reports in the Afro-Asian region.

The Seminar convened with financial and technical assistance to commemorate the 30th Anniversary of the Bangkok Principles has recommended that the working documents, presentations and reports and recommendations of the Seminar be published, under the auspices of AALCC and UNHCR, and that these institutions, as well as Member States, adopt the necessary measures for the widest possible dissemination of such publication. The Office of the UNHCR has agreed to finance the publication and the Secretariat proposes to publish in the course of year a report on proceedings of the Manila Seminar. It is proposed to ensure widest distribution possible of the aforementioned publication.

The United Nations Decade of International Law, which had initially been called for by the non aligned movement countries has witnessed more success than had been anticipated at the time of the adoption of the General Assembly Resolution 44/23. The increasing number of ratification and accessions to various multilateral conventions such as the convention on the Law of the Sea, the Conventions relating to the Environment, the establishment of WTO following the conclusion of the Uruguay Rounds of talks are among some of the pointers underscoring the success of the Decade.

The successful attainment of the programmes of activities of the Decade owes much to the cooperation of the States, inter-institutional cooperation and general international cooperation. The AALCC has hitherto made its modest contribution to the attainment of the objectives of the United Nations Decade of International Law and the success attributable to the organizations of work relating to the United Nations Decade of International Law.

It may be stated that the Secretariat of the AALCC shall continue to liaise and cooperate with regional organizations and specialized agencies of the United Nations in the fulfilment of the activities and programme of work during the third term of the Decade (1997-99) aimed at realizing the objectives of the United Nations Decade of International Law.

(xiii) Report on Matters Concerning Headquarters Issue

Based on the resolution on relocation of Headquarters of the Secretariat adopted during the Manila Session held in March 1996, the AALCC Secretariat had consultations among the concerned Governments, and pursuant to the decision at the Thirty sixth Session of AALCC, a special meeting was held in New Delhi on 30 July 1997 to discuss the issue. This meeting was suspended in the light of a general feeling that certain amount of time was required to follow-up developments in the period since the adoption of the decision by the Heads of Delegations of Member States of the AALCC to the 36th Session held in Tehran in May 1997.

The president proposed that this special Session be resumed in the first half of October 1997 and consequently the resumed Session was held in New Delhi on 14th October 1997 and the issue of Headquarters was resolved. Since Qatar withdrew in favour of India the permanent headquarters now would be in New Delhi, India. The resolution to that effect which was adopted is given below. A formal Agreement is likely to be signed in the near future.

Asian African Legal Consultative Committee Resolution on The Headquarters Issue

Resolution No. SS 1997/1

October 14, 1997.

The Special Session of The Heads of Delegations of The Asian-African Legal Consultative Committee

Recalling the Resolution on the Headquarters Issue adopted at the 36th Session of the Asian African Legal Consultative Committee held in Tehran in May 1997.

Mandated to meet in a Special Session of The Heads of Delegations of the Asian-African Legal Consultative to adopt a final decision on the Headquarters Issue;

Having met in New Delhi at a Special Session on July 30th and at a Resumed Special Session on October 14th 1997 ;

Expressing profound gratitude to the Government of Qatar for its generous offer to host the Headquarters of the Committee and allocating a plot of land for the construction of the Headquarters of the AALCC and the residence of the Secretary General ;

Recalling its resolution adopted , on January 20, 1994, at the 33rd session whereby it authorized the Secretary General to finalize and sign a Headquarters Agreement , for and on behalf of the AALCC with the Government of the State of Qatar and decided to amend article 6 paragraph 1 of the Statutes to reflect the implementation of the decision at the Kampala Session, that the Committee shall have its Headquarters in Doha;

Mindful of the concern expressed by a number of Member Governments about the seriousness of the financial implications involved and also of the difficulty felt by Member Governments about the inevitable increase of the assessed contributions in case of relocation to Doha

Recalling the decision on the Headquarters Issue adopted at the 35th session of the Asian African Legal Consultative Committee held in Manila in 1996 mandating the President and the Secretary - General to coordinate their efforts and consult urgently with Member Governments to seek a possible solution and report the results of their consultations to the Member States.

Having considered the Report of the President and the Secretary General of the Committee on their consultations with the Government of the State of Qatar and the Government of India

Appreciative of the generous response and commitment of the Government of India to provide land and financial grant for the construction of the Headquarters of the AA LCC and the residence of the Secretary General;

Having heard with great satisfaction and interest the statements of the Representatives of the Governments of the State of Qatar and India;

1. *Expresses its gratitude* for the efforts of the Presidents of the 35th and 36th Session as well as the Secretary General of the Asian African Legal Consultative Committee to finalise the Headquarters Issue by consensus;
2. *Expresses its great satisfaction* and appreciation for the magnanimous decision of the State of Qatar concerning the establishment of the Headquarters;
3. *Decides* to convey a message of thanks and gratitude to His Highness the Emir of the State of Qatar for his positive decision;
4. *Expresses its deep appreciation* and esteem to the Government of India for the tremendous efforts and sincere support rendered to the AALCC for more than four decades;

5. *Decides also* to convey a message of thanks and gratitude to the Hon'ble Prime Minister of the Government of India for his continuing support to the Comn-fitee and positive response to its appeal

6. *Decides* that the permanent Headquarters of the Asian African Legal Consultative Committee be located at New Delhi ;

7. *Authorizes the Secretary General* to terminate the Headquarters Agreement between the State of Qatar and the Asian African Legal Consultative Committee , signed on April 22, 1995, in accordance with Article 18 paragraph 2 thereof ;

8. *Authorizes also the Secretary General* to negotiate and conclude a Headquarters Agreement between the AALCC and the Government of India in accordance with the text of the draft Agreement approved at the 33rd Session ;

9. *Decides* that the Committee amend Article 6 paragraph 1 of the Statutes to reflect the implementation of this decision that the Conunittee shall have its Permanent Headquarters in New Delhi ;

10. *Requests the Government of India* to take the necessary steps in order to expedite the construction of the Headquarters and the residence of the Secretary General

11. *Requests* that the President and the Secretary General of the Asian African Legal Consultative Committee report the progress on the implementation of the decision of this Special Session to the 37th Session of the Committee, and

12. *Directs the Secretariat* to prepare and circulate the report and proceedings of this Special Session to Member States as soon as possible.

II. Law of The Sea

(i) Introduction

The item Law of the Sea was initially taken up, at the initiative of the Government of Indonesia in 1970 and has thereafter remained a priority item at successive Sessions of the AALCC. The subject matter is one in which all the Member States of the AALCC are deeply interested and it has also been the subject of discussion at inter-sessional and Working Group Meetings. Initially conceived as a programme of rendering assistance to Asian-African governments to prepare themselves for the Third United Nations Conference on the Law of the Sea through preparation of background papers and provision of opportunities for in-depth discussions, the AALCC has gradually emerged as a useful forum for a continuing dialogue on some of the major issues on this subject.

Following the adoption of the United Nations Convention on the Law of the Sea, 1982 (hereinafter referred to as the Law of the Sea Convention, 1982 or simply the Convention) the AALCC at its 23rd Session held in Tokyo in 1983, approved the future work programme on this subject. This included a comprehensive set of broad issues among which were: (i) the encouragement of taking steps towards ratification of the Convention (ii) undertaking of studies from time to time on specific matters or issues of practical importance to member governments for the purposes of the implementation of the Convention; (iii) assistance to Governments in regard to the work of the Preparatory Commission; and (iv) the examination of the question of promoting regional or sub-regional co-operation taking into account the interests of landlocked and geographically disadvantaged States.

This endeavour has hitherto been a modest step in the AALCC Secretariat's resolve to underscore the unified character of and to promote the universal adherence to the Law of the Sea Convention.

The item was last considered at the 35th Session of the AALCC held in Manila in March 1996. The brief of documents prepared by the Secretariat for that session *inter alia* furnished an overview of developments since the entry into force of the Law of the Sea Convention including the Meeting of the States Parties to the Convention, the work of the International Seabed Authority (hereinafter referred to as ISBA), and the establishment of the International Tribunal for the Law of the Sea. It had also contained an overview of the 1995 Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (hereinafter called the 1995 Agreement).

The committee, *inter alia* urged its Member States, who have not already done so, to consider ratifying the Convention on the Law of the Sea. It also urged the full and effective participation of the Member States in the International Seabed Authority (ISBA) so as to ensure and safeguard the legitimate interests of the development of the principle of the Common Heritage of Mankind.

The committee called upon Member States to give consideration to the need for adopting a common policy and strategy for the interim period before the commercial exploitation of the deep seabed minerals becomes feasible. To this end the AALCC urged Member States to adopt an "Revolutionary approach" especially to the "initial function" of the Authority so as to make the International Seabed Authority useful to the International Community and the developing countries during this initial period.

It directed the Secretariat to continue to cooperate with such international organizations as are competent in the field of ocean and marine affairs and to consider assisting Member States in their representation at the ISBA. The AALCC at that Session *inter alia* decided to inscribe on the agenda of its 36th Session an item entitled "Implementation of the Law of the Sea Convention, 1982". The AALCC study of the Thirty-Sixth session seeks to furnish an overview of some recent developments in the matters relating to the Law of the sea.

The Assistant Secretary General Mr. Asghar Dastmalchi while introducing the item "Law of the Sea" stated that the item had been on the agenda of the AALCC since 1970 and been considered at successive sessions. This was last considered at the 35th Session of the Committee held in Manila and that the brief of documents for Tehran Session listed the developments since then. Following the entry into force of the Convention in recent times the international community had been busy consolidating the establishment of the international institutions envisaged by the Convention.

He also stated that the States Parties to the Convention had elected 21 judges of the Tribunal for the Law of the Sea and that 10 of the 21 judges elected are from the Asian-African region. Seven of these judges are nationals of Member States of the AALCC viz. Ghana, India, Japan, Republic of Korea, Senegal and Tanzania. The Judges of the Tribunal had appointed Mr. Gritakumar of Sri Lanka the first Registrar of the Tribunal.

The International Seabed Authority at its recent meeting held in March 1997 had decided to defer until August discussion on the draft protocol on the legal privileges and immunities of the Authority because of differing views on the need for protocol arising from what some delegates thought of as the duplication in the Document of some provisions already addressed in the 1982 Convention. The Council of the Seabed Authority, the Assistant Secretary General said, had decided to recommend to Authority's Assembly that it approve a relationship agreement between the Authority and the United Nations. Under the proposed agreement the UN would recognize the Authority as an autonomous International Organization through which State Parties to the Convention would organize and control activities in the Seabed area beyond the limits of national jurisdiction.

In the view of the Legal and Technical Commission of the Council of the Seabed Authority considerable progress has been made on the Code for mining technology in the International Sea bed area. As regards mining technology he stated that the International Ocean Institute

had once again proposed the establishment of joint undertaking in exploration technology, testing and upgrading, coupled with long-term (4 year) environmental impact assessment including research on the biodiversity of deep sea-bed areas, its flora and fauna as well as its genetic resources (microbes). The undertaking should also have a training component. The proposal is based on three elements which include the mandate of the Law of the Sea Convention, plan for Joint exploration of the central area reserved for the enterprise and the mandate of the biodiversity and climate change conventions.

The Assistant Secretary General also said that the Secretary General of the UN had drawn the attention of States Parties, the Authority and competent international organizations, to three issues which in his opinion had arisen and warranted their consideration. The issues identified were, (i) Protection of the underwater cultural heritage; (ii) Marine and Coastal Biodiversity, and (iii) Rules of origin. As regards the matter of the protection of under-water cultural heritage the Secretary General had invited attention to the work of UNESCO on the possible drafting of an international standard-setting instrument for the protection of the underwater cultural heritage. With regard to coastal biodiversity the Secretary General of the United Nations had drawn the attention of Member States to recent developments in the field of marine and coastal biodiversity and to the implications thereof for the Law of the Sea. It has been pointed in this regard that the Second Meeting of the Conference of Parties of the Convention on Biological Diversity declared a new global consensus on the importance of marine and coastal biological diversity. The topic touches not only on the protection and preservation of the marine environment, including that of the international seabed areas, but also on such other matters as the application of the consent regime for marine scientific research, the regime for protected areas in the exclusive economic zone, the duties of conservation and management of the living resources of the high seas, and the sustainable development of living marine resources generally. The specific issue of access points to the need for the rational and orderly development of activities relating to the utilization of genetic resources derived from the deep seabed area beyond the limits of national jurisdiction. In addition to the questions that may be raised concerning applicable or relevant international law and the possible development of generally accepted international rules and

regulations, a number of concerns exist as to the institutional issues including coordination among treaty bodies and the competent international organizations.

Finally, on its entry into force the Convention had brought attention to all areas affected or potentially affected, by the Law of the Sea. Attention was focused by the World Trade Organization (WTO) and the World Customs Organization on the possible need to formulate special provisions to "rules of origin" to deal with products (both living and non-living) originating or derived from the various maritime zones. In addition to clarifying the concepts and the jurisdictional aspects of the territorial sea, the high seas, the continental shelf, the exclusive economic zone and the international seabed area the Division for Ocean Affairs and the Law of the Sea had brought a broad range of issues to the attention of the Technical Committee of the World Customs Organization and the WTO Committee on Rules of Origin.

It was stated that the AALCC might wish to consider the emerging issues that were outlined as well as the proposal relating to the establishment of a joint undertaking to permit the authority to survive and flourish and to prove its utility. In so doing the August Assembly to direct the future work preparing of the AALCC Secretariat on matters relating to the Law of the Sea.

The Delegate of Japan expressed appreciation for the Secretariat in preparing an excellent background report on the Law of the Sea. Recalling that the UN Convention on the Law of the Sea has come into force, he said that the AALCC Member States who had not ratified the Convention should consider doing so. He expressed satisfaction at the setting up of the International Tribunal on the Law of the Sea and the establishment of a Commission on Continental Shelf. He further added that Japan had sent Prof. Yamamoto on the Tribunal and expressed the hope that bearing in mind his distinguished work on the Law of the Sea, he would continue his good work in the Tribunal too. As regards, Dr. Hamuro's election to the Commission on Continental shelf expressed confidence in his abilities. Recalling the long association of Japan with matters relating to the Law of the Sea, he stated that it would continue its support to the work on the ISBA.

The Delegate of Singapore while supporting the view of the Delegate of Japan, said Singapore extended full support and cooperation to the Law of the Sea Tribunal and was hopeful that more States would ratify the UN Convention of the Law of the Sea.

The Under Secretary and the Legal Counsel of the United Nations informed the Committee of the endeavours of the UN to render assistance to member States in the process of ratification of the Law of the Sea Convention.

(ii) Decision on the "Law of the Sea"

(Adopted on 7.5.1997)

The Asian-African Legal Consultative Committee At Its Thirty-Sixth Session

Having considered the Secretariat Brief on "The Law of the Sea" contained in Doc. No. AALCC/XXXVI/Tehran/97/S.6

1. *Notes* with great satisfaction that the United Nations Convention on the Law of the Sea entered into force on 16 November 1994;
2. *Notes also* the Establishment of the International Seabed Authority (ISBA);
3. *Satisfied* with the Establishment of the International Tribunal for the Law of the Sea (ITLOS);
4. *Urges* the Member States which have not already done so to consider ratifying the Convention on the Law of the Sea;
5. *Express* its appreciation to the Secretariat for the comprehensive brief;
6. *Urges* the full and effective participation of the Member States in the ISBA so as to ensure and safeguard the legitimate interests of the developing countries, and for the development of the principle of the common Heritage of Mankind;
7. *Reminds* Member States to give timely consideration to the need for adopting a common policy and strategy for the interim period before the commercial exploitation of the deep seabed minerals becomes feasible, and for this purpose urges Member States to take an evolutionary

approach especially to the "initial function" of the Authority so as to make the ISBA useful to the international community and developing countries during this initial period.

8. *Urges* Member States to cooperate in regional initiative for the securing of practical benefits of the new ocean regime;

9. *Directs* the Secretariat to continue to cooperate with such international organizations as are competent in the fields of ocean and marine affairs and to consider assisting Member States in their representation at the ISBA; and

10. *Decides* to inscribe on the agenda of its thirty-seventh Session an item entitled "Implementation of the Law of the Sea Convention, 1982"

(iii) Secretariat Study

Law of The Sea

Consideration of The Topic in The General Assembly

The item "Law of the Sea" has been on the agenda of the General Assembly since its 37th session¹ (1982) when the General Assembly, *inter alia* approved the assumption, by the Secretary General, of the responsibilities entrusted to him under the UN Convention on the Law of the Sea, 1982 and the related resolution adopted by UNCLOS 111 and has thereafter been considered at successive sessions. In the course of consideration of the item at its 50th Session the General Assembly *inter alia* emphasized the universal character of the United Nations Convention on the Law of the Sea 1982¹

By its resolution 50/23 the General Assembly called upon all States that had already not done so to become parties to the Convention and to ratify, conform formally or accede to the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, (hereinafter referred to as the 1994 Agreement) in order to achieve the goal of universal participation. The General Assembly while affirming the unified character of the Convention called upon all States

¹ The Convention has been ratified by 106 States viz. Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cameroon, Cape Verde, Comoros, China, Cook Islands, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Dominica, Egypt, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Korea, Republic of, Kuwait, Lebanon, Macedonia (former Yugoslav Republic of), Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Paraguay, Philippines, Saint Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, Sri Lanka, Sudan, Sweden, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

to harmonize their national legislation with the provisions of the Convention and to ensure consistent application of those provisions. At its recently concluded 51st Session the General Assembly also called upon States to ensure that any declarations or statements that they had made or make when signing, ratifying or acceding are in conformity with the Convention.² The General Assembly reaffirmed its decision to continue to undertake an annual consideration and review of the overall developments pertaining to the implementation of the Convention and other developments relating to the Law of the Sea and Ocean Affairs.

The provisions of the Convention have, since its adoption, been developed in two implementing agreements viz.

- (a) The Agreement Relating to the Implementation of Part XI of the Convention adopted in 1994; and
- (b) The Agreement for the Implementation of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted in 1995.

(a) The Agreement Relating to the Implementation of Part XI of the Convention adopted in 1994:

The Agreement was adopted by General Assembly Resolution 48/263 on July 28, 1994 and was open for signature until July 28, 1995 and has been signed by 78 States³ and one international organization⁴.

² See UNGA Document no. A/51/L.21, 19 November 1996.

³ The States signatories to the Agreement are: Algeria, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Brazil, Burkina Faso, Cameroon, Canada, Cape Verde, China, Cote d'Ivoire, Cyprus, Czech Republic, Denmark, Egypt, Fiji, Finland, France, Gabon, Germany, Greece, Grenada, Guinea, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Lao People's Democratic Republic, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nigeria, Pakistan, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Samoa, Senegal, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Yugoslavia, Zambia and Zimbabwe.

⁴ European Community.

It will be recalled that Article 6 of the Agreement stipulates that the Agreement will enter into force 30 days after the date on which 40 States has established their consent to be bound, provided that such States include at least seven of the States referred to in paragraph 1 (a) of Resolution II of the Third United Nations Conference on the Law of the Sea and that at least five of those States are developed States. The Secretary General of the United Nations in his report to the General Assembly at its 51st session has, *inter alia*, pointed out that the Agreement entered into force on 28 July 1996.⁵ The General Assembly at its 51st Session called upon States not done so to become parties to the 1994 Agreement.⁶

The Agreement is to be interpreted and applied together with the Convention as a single instrument. In the event of any inconsistency between the Agreement and Part XI of the Convention, the provisions of the Agreement are to prevail. After the adoption of the Agreement, any ratification or accession to the Convention represents also consent to be bound by the Agreement, and no State or entity can establish its consent to be bound by the Agreement unless it has previously established or establishes, at the same time, its consent to be bound by that Convention. States that were parties to the Convention prior to the adoption of the

⁵ As of August 1996 the 67 States had consented to be bound by the Agreement: Argentina, Australia, Austria, Bahamas, Barbados, Belize, Bolivia, Bulgaria, China, Cook Islands, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guinea, Haiti, Iceland, Italy, Jamaica, Jordan, Kenya, Lebanon, Mauritania, Micronesia (Federated States of), Monaco, Mongolia, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Republic of Korea, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Sri Lanka, Sudan, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Uganda, Yugoslavia, Zambia and Zimbabwe. Be that as it may, pending its entry into force the Agreement was, in accordance with paragraph 1 of Article 7, being provisionally applied by 126 States. For these States their consent to be bound by the Agreement is subject to ratification.

⁶ *Law of the Sea* A/51/L.21.

Agreement now have to establish their consent to be bound by the Agreement, separately, by depositing an instrument of ratification or accessions.⁷

(b) The Agreement for the Implementation of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted in 1995.

The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea, 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Species was adopted without a vote, on August 4, 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.⁸ That Conference also adopted two resolutions.⁹ Resolution I underscored the significance of early and effective implementation of the Agreement and inter alia called upon States and other entities to apply the Agreement provisionally

Resolution II adopted by the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, *inter alia*, recognizing the significance of periodic consideration and review of developments relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks recommended to the General Assembly that it review developments relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, on the basis of a report to be submitted by the Secretary-General at the second session following the adoption of the Agreement and biennially thereafter.

The Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks has been signed by 25 States

⁷ For a detailed account of the 1994 Agreement see Doc. AALCC/XXXIV/Doha/95/5. Reprinted in Report and selected documents of the Thirty Fourth Session, Doha, Qatar.

⁸ See UN Document A/CONF.164/33

⁹ The Final Act of the United Nations Conference on straddling Fish Stocks and Highly Migratory Fish Stocks A/CONF.164/38

including 6 Member States of the AALCC¹⁰ and will enter into force 30 days after it has been ratified by 30 signatory States. The Agreement is a separate instrument and greatly elaborates upon the general provisions of the Convention on the Law of the Sea, it is to be interpreted and applied in a manner consistent with that Convention. There is no link or nexus between this Agreement and the Convention in establishing a consent to be bound by these two instruments.

However, many states are expected to apply the Agreement provisionally in tune with Resolution 1 on the Early and Effective Implementation of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea, 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks as adopted by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

By its resolution 50/24 the General Assembly had requested the Secretary-General to report at its 51st Session, on developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks taking into account information provided by States, relevant specialized agencies, in particular the FAO, and other appropriate organs and organizations and programmes of the United Nations system and regional organizations and arrangements for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Assembly at its 51st Session inter alia, emphasized the importance of the early entry into force and effective implementation of the 1995 Agreement and called upon all States and other entities referred to in article 1 paragraph 2(b) of the Agreement sign and ratify or accede to it and to consider applying it

¹⁰ The States signatory to the UN Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks are: Argentina, Australia, Austria, Bangladesh, Belize, Brazil, Canada, Cote d'Ivoire, Denmark, Egypt, Fiji, Finland, Germany, Greece, Guinea Bissau, Iceland, Indonesia, Israel, Italy, Jamaica, Luxembourg, Marshall Islands, Mauritania, Micronesia (Federated States of), Morocco, New Zealand, Niue, Norway, Pakistan, Papua New Guinea, Philippines, Portugal, Russian Federation, Saint Lucia, Samoa, Senegal, Sweden, Tonga, Ukraine, United Kingdom, the United States of America and the European Community.