

November-December 1995, that the election of the members of the Continental Shelf Commission be postponed until March 1997. The members of the Continental Shelf Commission were elected at the sixth meeting of the State Parties held in March 1997. The 21 States, including 8 member States of the AALCC, represented on the Continental Shelf Commission are Argentina; Brazil; Cameroon; China; Croatia; Egypt; France; Germany; India; Ireland; Jamaica; Japan; Republic of Korea; Malaysia; Mauritius; Mexico; New Zealand; Nigeria; Norway; Russian Federation; and Zambia.<sup>32</sup> It may be mentioned that at its first session held in June 1997 the Continental Shelf Commission elected Mr. Yuri B. Kazmin ( Russian Federation ) as its Chairman. It also elected Mr. O.P. Astiz ( Argentina ); Mr. L. C. Awosika ( Nigeria ) and Mr K.S.R. Srinivasan (India) Vice-Chairmen and Mr. P. F. Croker (Ireland) as Rapporteur

The functions of the Commission would be (i) to consider the data submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with Article 76 of the Convention and the statement of understanding adopted by UNCLÖS III on 29 August 1980; and (ii) to provide scientific and technical advice if requested by the coastal State concerned during the preparation of such data.

### INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

The States Parties to the Convention at their fifth meeting held in New York from 24 July to 2 August 1996 elected 21 Judges of the International

<sup>32</sup> Astiz, Osvaldo Pedro (Argentina), Albuquerque, Alexandre Tagore Medeiros De (Brazil), Betah, Samuel Sona (Cameroon), Lu, Wenzheng (China), Juraacic, Mladen (Croatia) Beltagy, Aly I (Egypt), Rio, Daniel (France), Hinz, Karl H.F. (Germany), Srinivasan, K.R. (India), Croker, Peter F. (Ireland), Francis, Noel, Newton St. Claver (Jamaica), Hamuro, Kazuchika (Japan), Park, Yong-Ahn (Republic of Korea), Jaafar, A. Bakar (Malaysia) Chan ChimYuk, Andre, C.W. (Mauritius), Carrera Hurtado, Galo (Mexico), Lamont, Lain C. (New Zealand), Awosika, Lawrence Folajimi (Nigeria), Brekke, Harald (Norway), Kazmin, Yuri Borisovitch (Russian Federation), M'Dala, Chisengu Leo (Zambia).

Tribunal for the Law of the Sea<sup>33</sup> In accordance with the understanding that no regional group would have less than three seats. The geographical representation of the elected members of the Tribunal is as follows: African Group<sup>34</sup> Asian Group<sup>35</sup> Latin American and Caribbean Group, <sup>36</sup> Eastern European Group, <sup>37</sup> and Western European and other States Group, <sup>38</sup> It may be mentioned that one third or 7 members of the Tribunal have been elected for 3 year terms<sup>39</sup> and two thirds or 14 members for 6 year terms.<sup>40</sup>

During its first executive session, held in the Free and Hanseatic City of Hamburg, in October 1996 the seat of the Tribunal, the Judges were sworn in and elected Judge Thomas A. Mensah (Ghana) to serve as the first President of the Tribunal and Judge Rudiger Wulfrum (Germany) was elected Vice President. On October 21, 1996 the Judges of the Tribunal appointed Mr. Gritakumar (Sri Lanka) as the first Registrar of ITLOS, and Mr. Philippe Gautier (Belgium) as the Deputy Registrar.

During its first session the ITLOS, apart from such organizational matters as the elections of the President, Vice President, Registrar and Deputy Registrar, considered: (i) the provisions of the Tribunal relating to matters of

<sup>33</sup> The Judges elected are: -D.H. Anderson, Hugo Caminos, Gudmundur Erikson, Paul Babela Engo, A. Joseph, Anatoly Lazarevich Kolodkin, Edward A. Laing, Rangel Vicente Marotta, Mohamed Mouldi Marsit, Thomas A Mensah, Tafsir Malick Ndiaye, L. Dolliver Nelson, Choon-Ho Park, P. C. Rao, Tullio Treves, Budislav Vukas, Joseph Sinde Warioba, Rudiger Wolfrum, Soji Yamamoto, Alexander Yankov, and Lihai Zhao.

<sup>34</sup> Cameroon; Ghana; Senegal; Tanzania; and Tunisia.

<sup>35</sup> China; India; Japan Republic of Korea; and Lebanon.

<sup>36</sup> Argentina; Belize; Brazil; and Grenada.

<sup>37</sup> Bulgaria; Croatia and Russian Federation.

<sup>38</sup> Germany; Iceland; Italy; and United Kingdom of Great Britain and Northern Ireland.

<sup>39</sup> The Judges elected for three year terms are: Paul B. Engo (Cameroon); A. Joseph (Lebanon); A.L. Kolodkin (Russian Federation); V. Marotta (Brazil); P.C. Rao (India); J.S. Warioba (Tanzania) and R. Wolfrum (Germany);.

<sup>40</sup> D.H. Anderson (United Kingdom); Hugo Caminos (Argentina); G. Eiriksson (Iceland); E.A. Laing (Belize); M.M. Marsit (Tunisia); T.A. Mensah (Ghana); T.M. Ndiaye (Senegal); L. Dolliver Nelson (Grenada); C.H. Park (Republic of Korea); T. Trevos (Italy); Budislav Vukas (Croatia); S. Yamamoto (Japan); Alexander Yankov (Bulgaria); and L. Zhao (China).

urgency; (ii) matters pertaining to the staff of the Tribunal; (iii) the principles and criteria relating to incompatible activities of members of the Tribunal; (iv) establishment of Chamber of Summary proceedings; (v) problems relating to the current budget and exchange of views about the 1998 budget; (vi) issues concerning the relations between the Tribunal and the United Nations, practical matters relating participation in the United Nations Common System, including the UN Joint Staff Pension Fund; (vii) the draft Headquarters Agreement; and (viii) planning of sessions of the Tribunal in 1997, as well as the organization of the intersessional work of the Members of the Tribunal.

It may be stated in this regard that the General Assembly at its 51<sup>st</sup> Session, *inter alia*, welcomed the establishment of the ITLOS. The programme for activities for the final term (1997-1998) of the United Nations Decade of International Law adopted by the General Assembly at its 51<sup>st</sup> Session *inter alia* takes note of the "establishment of the International Tribunal for the Law of the Sea in October 1996 in accordance with the United Nations Convention on the Law of the Sea" and encourages the States and other entities referred to in Article 20 of Annex VI of the Convention to consider making use of the Tribunal for the peaceful settlement of disputes in accordance with Article 21 of Annex VI of the Convention.<sup>41</sup>

At its 51<sup>st</sup> Session the General Assembly also asked States Parties to the Convention to consider making a written declaration choosing from the means set out in Article 287 of the Convention for the Settlement of Disputes concerning the interpretation or application of the Convention.

During the course of 1997 the members of the Tribunal decided the Tribunal would apply the draft Rules of the Tribunal, prepared by the PREPCOM, on a provisional basis. It also decided to give paramount consideration to ensure that the Rules be user friendly. It also established three standing chambers in addition to the Seabed Disputes Chamber. The three Chambers established are the (i) Chamber of Summary Procedure; (ii)

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<sup>41</sup> See *United Nations Decade of International Law. Report of the Sixth Committee Doc. No. A/51/625 and A/C.6/51/L.11.*

Chamber for Fisheries Disputes,<sup>42</sup> and (iii) Chamber for Marine Environment Disputes.<sup>43</sup>

On 4 December 1997 the International Tribunal for the Law of the Sea delivered its first judgment in "The MIV "Saiga" Case (Saint Vincent and the Grenadines vs. Guinea). In its first case the Tribunal unanimously found that it had jurisdiction under Article 292 of the Convention on the Law of the Sea to entertain the Application filed by Saint Vincent, and the Grenadines on 13 November 1997. By a vote of 12 to 9 the Tribunal<sup>44</sup> found that the Application was admissible. The Tribunal ordered that Guinea release the MIV Saiga and its crew from detention and decided that the release shall be upon the Posting of a reasonable bond or security. In further decided in this regard that the security shall consist of (i) gas oil discharged from the MIV Saiga; and (2) the amount of US \$ 400,000, to be posted in the form of a letter of credit or bank guarantee or, if agreed by the parties, in any other form.

#### THE GLOBAL PROGRAMME OF ACTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT FROM LAND BASED ACTIVITIES

At its 51<sup>st</sup> Session the General Assembly by its resolution 51/189 of December 16, 1996 endorsed the Washington Declaration on the

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<sup>42</sup> The Members of the Tribunal selected to serve on the Chamber for Fisheries Disputes are D.H Anderson; H. Carninos; G.Eiriksson; P.B.Engo; E.A.Laing; P.C.Rao; and S.Yamamoto.

<sup>43</sup> The Members of the Tribunal selected to serve on the Chamber for Marine Environment Disputes are the Vice President, Judge R. Wolfrum; A.L.Kolodkin; M.M.Marsit; Choon-Ho Park; J. S. Warioba; S. Yamamoto; and A. Yankov.

<sup>44</sup> The Judges who vote against the admissibility of the Application were the President Mensah, the Vice President Wolfrum) and Judges Yamamoto, Park, Nelson, P.C.Rao, Anderson, Ndiaye and Vukas.

Protection of the Marine Environment From Land Based Activities.<sup>45</sup> The Global Programme Of Action For The Protection Of The Marine Environment From Land Based Activities (hereafter referred to as the GPA) adopted by the Washington Conference comprises 5 parts viz. (i) Introduction; (ii) Action at the National Level; (iii) Regional Cooperation; (iv) International Cooperation; and (v) Recommended Approaches by Source Category.<sup>46</sup>

The GPA reflects that States face an increasing number of commitments flowing from Agenda 21 and related Conventions the implementation of which would require new approaches by, and new forms of collaboration among, Governments, Organizations and institutions with responsibilities and expertise relevant to marine and coastal areas at all levels - national, regional and global including the promotion of innovative financial mechanism to generate the needed resources.

The second part of the GPA addressed to **Actions at the National Levels** identifies the basis for action, objectives and finally the actions. The six actions recommended are : (i) identification and assessment of problems; (ii) establishment of priorities; (iii) setting management objectives for priority problems; (iv) identification, evaluation and selection of strategies and measures; (v) criteria for evaluating the effectiveness strategies and measures; and (vi) programme support elements.

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<sup>45</sup> The Washington Declaration on the Protection of the Marine Environment from Land Based Activities was adopted by the Inter-governmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land Based Activities, held in Washington from 23 October to 3 November 1995. The Conference was convened by the Executive Director of the UNEP pursuant to the request made in Chapter 17 of Agenda 21 for the purpose of adopting a programme of action for the protection of the marine environment from land based activities. The Conference affirmed the need to preserve the marine environment for the present and future generations and reaffirmed the relevant provisions of Chapters 17, 33 and 34 of Agenda 21 as well as the Rio Declaration on Environment and Development.

<sup>46</sup> A/51/116 dated 16 April, 1996

Part Four recognizes **International Cooperation** as being important for the successful and cost-effective implementation of the GPA and forms its central role in enhancing capacity building, technology transfer and cooperation as well as financial support. Apart from the fact that effective implementation of the GPA would require efficient support from appropriate international agencies, international cooperation is necessary to ensure regular review of the implementation of the programme and its further development and adjustment. Accordingly, the four major activities enumerated in this part relate to (i) capacity building; (ii) mobilization of financial resources; (iii) International Institutional Framework; and (iv) Additional areas of international arrangements.

The final part of the GPA recommends approaches by pollutant source category. The pollutants identified are (a) sewage; (b) persistent organic pollutants (POPS); (c) Radio active substances; (d) Heavy metals; (e) Oils (hydrocarbons); (f) Nutrients; (g) sediment mobilization; (h) litter; and (i) physical alterations and destruction of habitats. This part of the GPA provides guidance as to the actions that States need to consider at national, regional and global levels, in accordance with their national capacities, priorities and available resources, and with the cooperation of the UN and other relevant organizations as well as with the international cooperation for building capacities and mobilizing resources identified in the preceding part on "International Cooperation.

Finally, it may be stated in this regard that the Secretary General of the United Nations has in his report to the General Assembly pointed out that while this GPA has no binding character, it rests on a firm international legal basis, in particular, the UN Convention on the Law of the Sea and is expected to contribute substantially to the progressive development of international law, including the Law of the Sea.

#### **REVIEW OF THE IMPLEMENTATION OF CHAPTER 17 OF AGENDA 21**

Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development ( hereinafter called the UNCED) rests on

the foundation furnished by the Convention on the Law of the Sea. The Nineteenth Special Session of the General Assembly, held in June 1997, to Review and Appraise the Implementation of Agenda 21 *inter alia* recommended that Governments "take advantage of the challenge and opportunity presented by the International Year of the Oceans in 1998". To address the need for improving global decision-making on the marine environment the Programme of Action for the Further Implementation of Agenda 21 adopted by the Special Session called for periodic intergovernmental reviews by the Commission on Sustainable Development of all aspects of the marine environment and its related issues, as described in Chapter 17 of Agenda 21, for which the overall legal framework is provided by the Convention on the Law of the Sea.

The Programme of Action also emphasized the need for concerted action by all states and for improved cooperation to assist developing countries in implementing all relevant decisions and instruments in order to participate effectively in the sustainable use, conservation and management of their fishery resources, as provided for in the Convention and other international legal instruments and to achieve integrated coastal management.

The General Assembly noted that progress has been achieved since the UNCED in the negotiation of agreements and voluntary instruments for improving the conservation and management of fishery resources and for the protection of the marine environment. Furthermore, progress has been made in the conservation and management of specific fishery stocks for the purpose of securing the sustainable utilization of these resources. It, however, expressed concern about the decline of many fish stocks, high levels of discards, and rising marine pollution. It recognized the need to continue to improve decisionmaking at the national, regional and global levels.

To address the need for improving global decision-making on the marine environment, there is an urgent need for Governments to implement decision 4\ 1 5 of the Commission on Sustainable Development<sup>47</sup> in which the Commission,

<sup>47</sup> See *Official Records of the Economic and Social Council, 1996, Supplement No. 8* (E/1996/28). Chapter 1 Section C, decision 4\15, para 45 (a). The CSD at its fourth session in 1996 had in its review of Chapter 17 of Agenda 21 welcomed the important

*inter alia*, called for a periodic intergovernmental review by the Commission of all aspects of the marine environment and its related issues, as described in Chapter 17 of Agenda 21, and for which the overall legal framework was provided by the United Nations Convention on the Law of the Sea. There is a need for concerted action by all countries and for improved cooperation to assist developing countries in implementing the relevant agreements and instruments in order that they may participate effectively in the sustainable use, conservation and management of their fishery resources, as provided for in the Convention and other international legal instruments, and achieve integrated coastal zone management. The Resolution adopted at the Nineteenth Special Session of the General Assembly emphasized the need for:

(a) All Governments to ratify or to accede to the relevant agreements as soon as possible and to implement effectively such agreements as well as relevant voluntary instruments;

(b) All Governments to implement General Assembly Resolution 51/189 of 16 December 1996, including the strengthening of institutional links to be established between the relevant intergovernmental mechanisms involved in the development and implementation of integrated coastal zone management. Following progress on the United Nations Convention on the Law of the Sea, and bearing in mind Principle 13 of the Rio Declaration on Environment and

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advances made in the area since 1992 and made the following recommendations: (a) The establishment of institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and for periodic intergovernmental review; (b) The introduction of periodic intergovernmental review of all aspects of the marine environment and its related issues; (c) Reporting to the Secretary-General on the implementation of international fishery instruments and on "progress made in improving the sustainability of fisheries" (d) A review of the ACC Subcommittee with a view to improving its status and effectiveness including the need for closer inter-agency links (by the Secretary-General); (e) A review of the Joint Group of Experts on the Scientific Aspects of marine Pollution (GESAMP) with a view to improving its effectiveness and comprehensiveness while maintaining its status as a source of agreed, independent scientific advice and (f) Ongoing review of the need for additional measures to address the issue of degradation of the marine environment from offshore oil and gas development.

Development, there is a need to strengthen the implementation of existing international and regional agreements on marine pollution, with a view in particular to ensuring better contingency planning, response, and liability and compensation mechanisms;

(c) Better identification of priorities for action at the global level to promote the conservation and sustainable use of the marine environment, as well as better means for integrating such action;

(d) Further international cooperation to support the strengthening, where needed, of regional and sub-regional agreements for the protection and sustainable use of the oceans and sea

(e) Governments to prevent or eliminate over fishing and excess fishing capacity through the adoption of management measures and mechanisms to ensure the sustainable management and utilization of fishery resources and to undertake programmes of work to achieve the reduction and elimination of wasteful fishing practices, wherever they may occur, especially in relation to large scale industrialized fishing. The emphasis given by the Commission on Sustainable Development at its fourth session to the importance of effective conservation and management of fish stocks, and in particular to eliminating over fishing, in order to identify specific steps at national or regional levels to prevent or eliminate excess fishing capacity, will need to be carried forward in all appropriate international forums including, in particular, the Committee on Fisheries of the Food and Agriculture Organization of the United Nations;

(f) Governments to take actions, individually and through their participation in competent global and regional forums, to improve the quality and quantity of scientific data as a basis for effective decisions related to the protection of the marine environment and the conservation and management of marine living resources; in this regard, greater international cooperation is required to assist developing countries, in particular small island developing States, to operationalise data networks and clearing houses for informationsharing on oceans. In this context, particular emphasis must be placed on the collection of biological and other fisheries-related information

and the resources for its collation, analysis and dissemination.<sup>48</sup>

## ROLE OF INTERNATIONAL ORGANIZATIONS

The General Assembly at its 49th session, it will be recalled, had invited all the competent international organizations to assess the implications of the entry into force of the Convention in their respective fields of competence and to identify additional measures that may need to be taken as a consequence of the entry into force of the Convention with a view to ensuring a uniform, consistent and coordinated approach to the implementation of the provisions of the Convention throughout the United Nations system. It requested the Secretary General, in that regard, to prepare a comprehensive report on the impact of the entry into force of the Convention on related existing or proposed instruments and programmes throughout the United Nations system and to submit a report thereon to the General Assembly at its 51<sup>st</sup> session.

General Assembly Resolution 49\28 had also invited the competent international organizations, as well as developmental and funding institutions to take specific account in their programmes and activities of the impact of the entry into force of the Convention on the needs of States, especially developing States, for technical and financial assistance and to support, sub-regional or regional initiatives aimed at cooperation in the effective implementation of the Convention.

In order to avoid potential confusion regarding which organization or organizations are primarily responsible for the activities set forth in the specific provisions of the Convention the Division for Ocean Affairs and the Law of the Sea of the office of legal Affairs, acting as the Secretariat responsible for the United Nations Convention on the law of the Sea, has now prepared a table to assist States and to contribute to a better understanding of the implications of the Convention for the organizations and bodies both within and outside the UN system dealing with marine affairs within their respective fields of competence.

<sup>48</sup> See Programme for the Further Implementation of Agenda 21, General Assembly Resolution A/RES/S-19/2 adopted, without a vote, on June 28, 1997, Annex, para 36.

The table lists 12 subjects<sup>49</sup> in the Sequence in which they appear in the Convention, together with the names of 18 "competent international organizations" in such subject areas. The Organizations identified are the FAO; the IAEA; ICAO; IHO; ILO, IMO, IOC, ISBA, IWC; UNCTAD; UNDP; UNEP; UNESCO; UNIDO; WHO; WIPO; WMO; and the WTO. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs has, however, clearly indicated that the table is indicative and not authoritative. It has clarified that some organizations may become "competent" in the future with respect to certain provisions of the Convention, while others not formally named but considered to be competent in an advisory or another capacity may cooperate with the organizations listed."<sup>50</sup>

## MERGING ISSUES

Article 319 (2) (a), of the Law of the Sea Convention requires the Secretary General of the United Nations to report to all States Parties, the International Seabed Authority and competent international organizations on issues of a general nature that have arisen with respect to the Convention. The Secretary General had in a report, drawn the attention of States Parties, the Authority and competent international organizations, to three issues which in his opinion have arisen and which warrant their consideration.<sup>51</sup> The issues identified were: (i) Protection of the underwater cultural Heritage; (ii) Marine and Coastal Biodiversity; and (iii) Rules of origin.

<sup>49</sup> The subjects listed are (i) Territorial Sea and Contiguous zone, (ii) Straits used for International Navigation; (iii) Archipelagic States, (iv) Exclusive Economic Zone; (v) Continental Shelf; (vi) High Seas, (vii) Enclosed or Semi Enclosed seas; (viii) The Area (ix) Protection and Preservation of the Marine Environment; (x) Marine Scientific Research; (xi) Development and Transfer of Marine Technology; and (xii) Settlement of Disputes.

<sup>50</sup> SecLawof the Sea Bulletin No. 3 IUN Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, New York, 1996p. 79 para 3.

<sup>51</sup> Report of the Secretary General under Article 319 of the United Nations Convention on the Law of the Sea. SPLOS/6. Such reports are in accordance with article 319 (3), to be transmitted also to those States which are listed in article 156 as observers of the Authority.

As regards the matter of the protection of underwater cultural heritage attention was drawn to the work of the UNESCO on the possible drafting of an international standard-setting instrument for the protection of the underwater cultural heritage. It was pointed out that the UNESCO General Conference had called upon UNESCO to consult with the United Nations Office on Law of the Sea matters, as well as the IMO on such aspects as salvage, and to organize a meeting of experts. Comments were invited on the findings of the experts, and a final report submitted to the General Conference at its twenty-ninth session in 1997, for it "to determine whether it is desirable for the matter to be dealt with on an international basis and on the method which should be adopted for this purpose".

Apropos coastal biodiversity the attention of Member States was drawn to the 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 to the Convention of Biological Diversity had declared a new global consensus on the importance of marine and coastal biological diversity.<sup>52</sup> The Conference of Parties had, in a resolution, requested the secretariat of the Convention on Biological Diversity, in consultation with the Division for Ocean Affairs and the Law of the Sea of the United Nations, "to undertake a study of the relationship between the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea with regard to the conservation and sustainable use of genetic resources on the deep seabed, with a view to enabling the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to address at future meetings as appropriate, the scientific, technical and technological issues relating to bio-prospecting of genetic resources on the deep seabed."

The topic touches not only on the protection and preservation of the marine environment, including that of the international seabed area, 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.

<sup>52</sup> Resolution II\ 10 on the "Conservation and Sustainable Use of Marine and coastal Biological Diversity"

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 appropriate intergovernmental forum for consideration of the issues now raised, as well as other institutional issues, including coordination among treaty bodies and the competent international organizations.

The entry into force of the Convention has brought new attention to all areas affected, or potentially affected, by the Law of the Sea. Attention is now focussed by the World Trade Organization (WTO) and the World Customs Organization on the possible need to formulate special provisions as 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 has brought a broad range of issues to the attention of the Technical Committee of the World Customs Organizations and the WTO Committee on Rules of Origin, which are charged with further legal development under the Agreement on Rules of Origin.

### COMMENTS AND OBSERVATIONS

The International Community has, since the entry into force of the Law of the Sea Convention in November 1994 devoted its attention to the establishment of the institutions that instrument had envisaged. The establishment of the new treaty system of ocean institutions is now almost complete and what is more it has begun functioning. The conclusion of an Agreement concerning the relationship between the United Nations and the International Seabed Authority, the work of the Legal and Technical Commission on the draft regulations governing the exploration of polymetallic nodules in the Area and the first judgment of the Tribunal for the Law of the Sea in *The MIVI/Saiga* are all pointers to that end.

The General Assembly has repeatedly called on States to harmonize their national legislation with the provisions of the Convention and ensure their consistent application. A persistent inconsistency with the Convention are the claims of 15 States<sup>53</sup> for a territorial sea extending beyond 12 miles and the claim of one coastal State for a contiguous zone exceeding 24 nautical miles.

With its entry into force and with new prospects for its universal acceptance the Convention on the Law of the Sea is attracting renewed and widespread interest among governments and, intergovernmental and nongovernmental organizations. The Convention is being increasingly recognized as providing the mechanism for addressing all ocean related issues, and by clearly defining the terms of international cooperation serves to enhance coordination and promote coherence of action. In the words of the Secretary-General of the United Nations "the Convention provides a universal legal framework for rationally managing marine resources and an agreed set of principles to guide consideration of the numerous issues and challenges that will continue to arise from navigation and over flight to resource exploration and exploitation conservation and pollution and fishing and shipping, the Convention provides a focal point for international deliberation and for action."

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<sup>53</sup> Angola, Benin, Cameroon, Congo, Ecuador, El Salvador, Liberia, Nicaragua, Nigeria, Panama, Peru, Sierra Leone, Somalia Syrian Arab Republic, and Togo.

### III. THE UNITED NATIONS DECADE OF INTERNATIONAL LAW

#### (i) Introduction

The item "The United Nations Decade of International Law" was placed on the agenda of the 29<sup>th</sup> Session of the AALCC held in Beijing in 1990 following the adoption by the General Assembly of Resolution 44\23 declaring the Decade of the Nineties as the United Nations Decade of International Law. The main objectives of the Decade were : (i) to promote acceptance of and respect for the principles of international law; (ii) to promote methods and means for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice; (iii) to encourage the progressive development and codification of international law; and (iv) to encourage the teaching, study, dissemination and wider appreciation of international law.

At the 29th Session of the AALCC the Secretary-General had observed, *inter alia*, that it was appropriate that the Committee addressed itself to and responded to the Resolution 44\23 of the General Assembly. The AALCC at its 29th Session after due consideration of the Secretariat Note mandated the Secretariat to prepare a comprehensive study on the United Nations Decade of International Law.

In pursuance of the above mandate the Secretariat prepared and forwarded to the Office of the Legal Counsel of the United Nations its observations and views on the Decade which were reproduced in the Report of the Secretary-General of the United Nations on the item "The United Nations Decade of International Law". The item has thereafter been considered at each successive sessions of the General Assembly of the United Nations as well as the AALCC. The matter has also been discussed at the meetings of the Legal Advisers of the Member States of the AALCC.

At the thirty sixth session of the AALCC, *inter alia* reaffirmed that many of the political, economic and social problems which riddle the member States of the international society can be resolved on the basis of the rule of

law. Reiterating the significance of strict adherence to the principles of law as enshrined in the Charter of the United Nations the AALCC requested its member States to give serious attention to the observance and implementation of the Decade. It requested the Secretary General to urge the Member States to ratify the relevant international conventions and apprise the Secretary General of the United Nations of the initiative taken by the AALCC Secretariat in that regard. It also directed the Secretariat of the AALCC to continue its efforts towards the realization of the objectives of the United Nations Decade of International Law.

### **Meeting of The Legal Advisers of Member States of The AALCC**

The proposal for the periodic meetings among the Legal Advisers of the Member States of the AALCC for exchange of views on current problems and issues was initiated and approved at the Committee's Tokyo Session held in 1974. Since then a number of meetings of the Legal Advisers of Member States of the AALCC have been held.

It may be mentioned that speaking at a panel discussion on the UN Decade of International Law: Progress and Promises organized by The American Society of International Law Ambassador Andreas J. Jacovides, Ambassador of Cyprus to the United States of America, had inter alia referred to

“the very useful practice of such regional organizations as the Asian African Legal Consultative Committee (AALCC) to hold meetings of their respective countries representatives in New York, at the same time as the ILC debate in the Sixth Committee. These meetings are often addressed by personalities visiting New York at the same time, such as the President and other members of the International Court of Justice. This practice, in addition to the annual sessions of the AALCC and other regional organizations, such as the European Committee on Legal Cooperation and the Inter-American Juridical Committee, certainly contributes positively to the objectives of the Decade.”\*

\* See the remarks of Ambassador Andreas J. Jacovides, Ambassador of Cyprus to the United States America in the *American Society of International Law; Proceedings of the 89th Annual Meeting* April 5-8 1995. page 172 at 174-175

The Committee at its 36<sup>th</sup> Session held in Tehran, 1997 had directed the Secretariat to convene a meeting of the Legal Advisers of Member States at the United Nations Headquarters in New York.

Pursuant to that mandate a meeting of the Legal Advisers of Member States of the AALCC was convened at the UN Office in New York in October 1997. This meeting was chaired by Dr. Javad M. Zarif, Deputy Foreign Minister for Legal and International Affairs, Government of the Islamic Republic of Iran, and the then president of the AALCC. Representatives of Member States and senior officials of the United Nations participated in that meeting which was addressed by the President of the International Court of Justice Mr. Stephen M. Schwebel; the Chairman of the Sixth Committee Ambassador Tomka; the Chairman of the International Law Commission, Professor Alain Pellet, the Chairperson of the Working Group on the United Nations Decade of International Law, Ambassador Ms. Socorro Flores and the Chairman of the Preparatory Committee on the Establishment of an International Criminal Court, Ambassador Mr. Adrian Bos.

The discussions at the meeting were based on a Background Note prepared by the Secretariat wherein two items had been identified for an informal exchange of views among the Legal Advisers of Member States: (i) the United Nations Decade of International Law; and (ii) the Reservation to Treaties.

In his address to the Legal Advisers of the Member States the Secretary General said that the Secretariat did not expect the Legal Advisers to give detailed comments on the above mentioned subjects but merely sought their opinion and policy guidance as to which of these items the Legal Advisers of Member States would desire the Secretariat to take up as a matter of priority. The Legal Advisers approved the convening of a Special Meeting at the 37<sup>th</sup> Session of the AALCC, on the Reservation To Treaties.