

continental shelf, in accordance with the criteria set out either in the 1958 Convention or the 1982 Convention, are inconsistent with the provisions of article 76 of the 1982 Convention.

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 non-governmental 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 co-operation serves to enhance co-ordination 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".

It may be stated in this regard that the General Assembly at its 53rd Session taking into account of the importance of reliable hydrographic and nautical information to enhance the safety of navigation, *inter alia* encouraged States parties to the Convention to deposit with the Secretary-General charts and geographical coordinates, as provided for in the Convention.

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 focused 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 Organization and the WTO Committee on Rules of Origin, which are charged with further legal developments under the Agreement on Rules of Origin.

In recent times there has been an increasing threat to shipping from piracy and armed robbery at sea. According to the Report of the Secretary-General there had been 252 incidents of piracy and armed robbery against ships during 1997. The gravity of the problem has been brought to the attention of a number of fora including the Meeting of States Parties to the Convention, the International Maritime Organization (IMO), and the General Assembly of the United Nations. The General Assembly at its 53rd Session expressed its appreciation and support for the ongoing work of the IMO and urged all States, in particular the Coastal States in the affected regions³⁷ to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea and to investigate or cooperate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law. The Assembly also called upon States to cooperate fully with the IMO to combat piracy and armed robbery against ships, by submitting reports on such incidents.

³⁷ The areas most affected by pirates and armed robbers are the South China Sea; the Strait of Malacca; Indian Ocean; East and West Africa; and South America.

6 January 1999

**GENERAL ASSEMBLY
Fifty-third Session
Item 38 (a)**

**RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
(without reference to a Main Committee (A/53/L.35 and
Addl.)**

53/32. Oceans and the Law of the Sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 50/23 of 5 December 1995, 51/34 of 9 December 1996 52/26 of 26 November 1997 adopted subsequent to the entry into force of the Law of the Sea³⁸ ("the Convention") on 16 November 1994.

Recalling also its resolution 2749 (XXV) of 17 December 1970, and considering that the Convention, together with the Agreement relating to the implementation of part XI of the United Nations Convention on the Law of the Sea of 10 December 1982³⁹ ("the Agreement"), provides the regime to be applied to the Area and its resources as defined in the Convention.

Emphasizing the universal of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources.

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

³⁸ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations Publication, Sales No. E. 84. V.3.), document A/CONF.62/122.

³⁹ Resolution 48/263. Annex.

Noting with satisfaction that "Oceans and seas" will be the sectoral theme discussed by the Commission on Sustainable Development at its seventh session in 1999,

Reaffirming the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,⁴⁰ as well as in the Programme for the Further Implementation of Agenda 21, in particular paragraph 36 thereof dealing with oceans and seas,⁴¹

Recalling that, by its resolution 49/131 of 19 December 1994, it proclaimed 1998 the International Year of the Ocean,

Noting with satisfaction the increase in the number of States parties to the Convention and the Agreement,

Recognizing the impact on States of the entry into force of the Convention and the Agreement and the increasing need, particularly of developing States, for advice and assistance in their implementation in order to benefit thereunder,

Taking note with concern of the financial situation of the International Seabed Authority and the International Tribunal for the Law of the Sea,

Conscious of the need to promote and facilitate international cooperation, especially at the subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Conscious also of the importance of education and training in the field of ocean affairs and the law of the sea.

⁴⁰ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1991*. (United Nations publication, Sales No.E.93.I.8 and Corrigenda) vol.1.

⁴¹ Resolution S-19/2, annex.

Taking account of the importance of reliable hydrographic and nautical information to enhance the safety of navigation,

Expressing its concern at the increasing threat to shipping from piracy and armed robbery at sea and its appreciation and support for the ongoing work of the International Maritime Organization in this area,

Expressing its appreciation once again to the Secretary-General for his efforts in support of the Convention and in its effective implementation, including providing assistance in the functioning of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 and 52/26, and emphasizing the importance of the performance of such responsibilities for the effective and consistent implementation of the Convention,

Taking note of the Report of the Secretary-General,⁴² and reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea ocean affairs,

1. *Call upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement;
2. *Reaffirms* the unified character of the Convention;
3. *Calls upon* States to harmonize as a matter of priority their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure that any declarations or statements that they have

⁴² A/53/456.

made or make when signing, ratifying or acceding are in conformity with the Convention and to withdraw any of their declarations or statements that are not in conformity;

4. *Encourages* States parties to the Convention to deposit with the Secretary-General charts and geographical coordinates, as provided for in the Convention;

5. *Requests* the Secretary - General to convene the Meeting of States Parties to the Convention in New York from 19 to 28 May 1999, during which, on 24 May, the election of seven Judges of the International Tribunal for the Law of the Sea ("the Tribunal") will take place,

6. *Notes with satisfaction* that the Tribunal established in accordance with annex VI to the Convention as a new means for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, delivered its first judgment on 4 December 1997-,

7. *Encourages* States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 for the settlement of disputes concerning the interpretation and application of the Convention and the Agreement, and invites States to note the provisions of annexes VI, VII and VIII to the Convention concerning, respectively, the Tribunal, arbitration and special arbitration;

8. *Requests* the Secretary-General to circulate lists of conciliators and arbitrators drawn up and maintained in accordance with annexes V and VII to the Convention and to update these lists accordingly,

9. *Notes with satisfaction* the progress in the work of the International Seabed Authority and emphasizes the importance of continued progress towards the adoption of the regulations on prospecting and exploration for poly metallic nodules;

10. *Notes with appreciation* the adoption of the Agreement concerning the Relationship between the United Nations and

the Authority and the Agreement on Cooperation and Relationship between the United Nations and the Tribunal,

11. *Appeal* to all members of the Authority and all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal, respectively, in full and on time in ensure that they are able to carry out their functions as provided for in the Convention;

12. *Notes with satisfaction* the progress in the work of the Commission on the limits of the Continental Shelf ("the Commission") during its third and fourth sessions, held in New York from 4 to 15 May and from 31 August to 4 September 1998, respectively, in adopting provisionally its rules of procedure and it adopting provisionally its scientific and technical guidelines aimed at assisting States to prepare their submissions regarding the outer limits of their continental shelf;

13. *Approves* the convening by the Secretary-General of the fifth and sixth sessions of the Commission in New York from 3 to 14 May and from 30 August to 3 September 1999, respectively;

14. *Express its appreciation* to the Secretary - General for the annual comprehensive report on oceans and the law of the sea⁴³ and for the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28 and 52/26;

15. *Requests* the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions under the Convention and other competent international organizations by providing advice and assistance taking into account needs of developing countries;

⁴³ A/53/456.

16. *Also requests* the Secretary - General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including those mentioned in paragraph 11 of resolution 52/26, and to ensure that the performance of such activities is not adversely affected by savings as may be realized under the approved budget for the Organization;

17. *Notes with appreciation* the continued efforts of the Division of Ocean Affairs and the Law of the Sea to provide timely information on the oceans, marine affairs and the law of the sea through its Web site, site on the Internet;⁴⁴

18. *Reaffirms* the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the efforts of the Secretary General to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

19. *Invites* Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the law of the Sea established by the General Assembly in resolution 35/116 of 10 December 1980, and to support the training activities under TRAIN-SEA-COAST programme of the Division for-Ocean Affairs and the Law of the Sea;

20. *Notes with interest* the ongoing work of the United Nations Educational, Scientific and Cultural Organization (UNESCO) towards a convention for the implementation of the provisions of the Convention, relating to the protection of the underwater cultural heritage, and stresses the importance of ensuring that the instrument to be elaborated is in full conformity with the relevant provisions of the Convention;

⁴⁴ www.un.org/Depts/los.

21. *Invites* States to cooperate in carrying out hydrographic surveys and nautical services for the purpose of ensuring safe navigation as well as to ensure the greatest uniformity in charts and nautical publications and to coordinate their activities so that hydrographic and nautical information is made available on a worldwide scale;

22. *Urges* all States, in particular coastal States in affected regions, to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea and to investigate or cooperate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law;

23. *Calls upon* States to cooperate fully with the International Maritime Organization to combat piracy and armed robbery against ships, including by submitting reports on incidents to that organization;

24. *Takes note* of the work of the Independent World Commission on the Oceans, and of its report "The Ocean..Our Future", and welcomes its issuance in the context of the International Year of the Ocean;

25. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

26. *Reaffirms* also its decision, in resolution S-19/2 of 28 June 1997, to consider the results of the review by the Commission Sustainable Development of the sectoral theme of "Oceans and seas" in 1999 under the agenda item "Oceans and the law of the sea";

27. *Requests* the Secretary - General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report

on oceans and the law of the sea, and to circulate the report sufficiently in advance of consideration by the General Assembly of the item concerning oceans and the law of the sea;

28. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Oceans and the law of the sea".

III. UNITED NATIONS DECADE OF INTERNATIONAL LAW: REPORT OF THE SECRETARY GENERAL ON THE AALCC MEETING ON THE THREE PRELIMINARY REPORTS ON THE THEMES OF THE FIRST INTERNATIONAL PEACE CONFERENCE HELD IN NEW DELHI, ON 11TH AND 12TH FEBRUARY, 1999

(i) Introduction

The General Assembly of the United Nations had by its Resolution 44/23 declared the Decade of the Nineties as the United Nations Decade of International Law. Four main objectives of the Decade are:

- (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.

Following upon the adoption of General Assembly Resolution 44/23 an item entitled "The United Nations Decade of International Law" was placed on the agenda of the 29th Session of the AALCC (Beijing, 1990). The item has thereafter been considered at each successive Session 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.

The item was also considered at the 37th Session of the AALCC (New Delhi, 1998). At that session 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 at its 37th Session 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.

At the 37th Session of the AALCC, held in New Delhi in April 1998 note was taken of the proposal advanced by the Russian Federation, at the 51st session of the General Assembly, for a third international peace conference with a view to considering international law and order in the post cold-war world at the threshold of the twenty first century. Recalling General Assembly Resolution 52/159 on "1999 Action Dedicated to the Centennial of the First Peace Conference and to the Closing of the United Nations Decade of International Law" the delegations of several Member States whilst supporting the convening of a Peace Conference in 1999 emphasized the active participation by the Member States and the Secretariat of the AALCC in preparing for the proposed conference in 1999. The view was expressed that the commemoration of the first Peace Conference, together with the adoption of a Declaration and a Plan of Action would assist in furthering the avowed objectives of the Decade even during the next millennium. The Secretariat of the AALCC was requested to monitor developments in this regard and to study the means to appropriately mark the closure of the United Nations Decade of International Law.

Meeting of the Legal Advisers of Member States of the AALCC

The Committee at its 37th Session (New Delhi, 1998) had *inter alia* 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 1998.

The basic objective of the meeting was to seek the opinion and policy guidance of Legal Advisers of Member States on three items namely (i) United Nations Decade of International law including the Third International Peace Conference; (ii) the World Trade Organization; and (iii) Environmental Law. The consideration of these items had been based on a background note prepared by the Secretariat.

The Background Note prepared by the Secretariat had recalled that at its 51st Session the Sixth Committee of the General Assembly considered a proposal related to the 1999 Action dedicated to the centennial of the First International Peace Conference and to the closing of the United Nations Decade of International Law" submitted by the Governments of the Netherlands and the Russian Federation. It had recommended that the General Assembly invite the Governments of the Russian Federation and the Netherlands to arrange a preliminary discussion with other interested Member States on the substantive content of 1999 action and to seek in this respect the co-operation of the International Court of justice, the Permanent Court of Arbitration, relevant intergovernmental organizations, as well as other relevant organizations. The Sixth Committee had also recommended that the General Assembly call upon the competent United Nations organs, programmes and specialized agencies to study the possibilities of providing assistance to that end. Finally, the Sixth Committee recommended that the Assembly include in the provisional agenda of its 52nd Session, under the item "United Nations Decade of International Law" a sub-item entitled "1999 Action dedicated to the Centennial of the first International Peace Conference and to closing of the United Nations Decade of International Law".

It was against this backdrop that the Sixth Committee

had considered the Programme of Action for the Celebration of the Centennial of the First International Peace Conference proposed by the Russian Federation and the Netherlands. The proposal envisaged that the three main themes viz. (i) the armament question; (ii) humanitarian law and the laws and customs of war; and (iii) the peaceful settlement of disputes, on the agenda of the First Peace Conference would feature on the agenda of the 1999 celebration of the Centennial of the first Hague Peace Conference.

The General Assembly at its 52nd Session had welcomed the Programme of Action dedicated to the Centennial of the first International Peace Conference, presented by the Governments of the Kingdom of the Netherlands and of the Russian Federation aiming to contribute to the further development of the themes of the first and the second International Peace Conference and which could be regarded as a third International Peace Conference. The Assembly invited (i) the Governments of the Kingdom of the Netherlands and of the Russian Federation to proceed with the implementation of the Programme of Action; (ii) all States to participate in the activities set out in the Programme of Action, as well as to initiate such activities and to co-ordinate their efforts in this respect at the global level, as well as at the regional and national levels; and (iii) All States to take appropriate measures to ensure universal participation in the activities pursuant to the Programme of Action, with special consideration for the participation of representatives of the least developed countries.

Further it may be recalled in this regard that an item entitled "Co-operation Between the United Nations and the Asian African Legal Consultative Committee" was placed on the provisional agenda of the 53rd Session of the General Assembly and that in its resolution on the "Co-operation Between the United Nations and the Asian African Legal Consultative Committee" adopted on 4 November 1996 the General Assembly had *inter alia* noted with appreciation the decisions of the AALCC to "participate actively in the programmes of the United Nations Decade of International Law.

Within the framework of the United Nations Decade of

International Law, the Governments of the Kingdom of Netherlands and the Russian Federation had been called upon to organize and co-ordinate the Centennial of the First International Peace Conference. Thereafter the co-organizers of the 1999 Centennial celebrations transmitted the first preliminary report on the peaceful settlement of disputes with the request that the report be considered by Asian African Legal Consultative Committee. It was requested also that a report on the Committee's consideration of the preliminary report on the Peaceful Settlement of Disputes be made available to the Executive Secretariat of the Centennial of the First International Peace Conference with a view to its inclusion in the revision of the reports for final discussions at the expert meetings at the Hague in May 1999 and St. Petersburg in June 1999.

Similar requests had also been made in respect of the Preliminary Reports on International Humanitarian Law and the Laws of War; and development of international law relating to disarmament and arms control since the first Hague Peace Conference, 1899.

In the "Progress Report on the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law" submitted by the delegations of the Kingdom of the Netherlands and the Russian Federation at the 53rd Session of the General Assembly, the co-organizers proposed the convening of six regional meetings to discuss the preliminary reports on the themes of the first International Peace Conference. The AALCC was identified as one of the regional intergovernmental organizations which could convene such a meeting and thus provide an opportunity for the representative of AALCC Member States to exchange views on the Three Reports for final discussion at the Expert Meetings scheduled to be held at the Hague in May 1999 and St. Petersburg in June 1999. The Legal Advisers of Member States of the AALCC at their meeting in New York in October 1998 directed the Secretariat to convene a meeting envisaged in that Report and endorsed by the General Assembly resolution on the subject of Action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law.