

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



THE LAW OF THE SEA

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LIST OF ABBREVIATIONS

AALCO	Asian-African Legal Consultative Organization
CLCS	Commission on the Limits of Continental Shelf
EEZ	Exclusive Economic Zone
GMA	Global Marine Assessment
IHO	International Hydrographic Organization
IMO	International Maritime Organization
ISA	International Seabed Authority
ITLOS	International Tribunal for the Law of the Sea
JPOI	Johannesburg Plan of Implementation
MOP	Meeting of States Parties
UN	United Nations
UNCED	United Nations Conference on Environment and Development (or the Rio or Earth Summit)
UNCLOS	United Nations Convention on the Law of the Sea, 1982 or the Law of the Sea Convention
UNGA	United Nations General Assembly
WSSD	World Summit on Sustainable Development (or the Johannesburg Summit)

THE LAW OF THE SEA

I. INTRODUCTION

1. The year 2004 marked the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea (hereinafter UNCLOS or the Convention) 1982.¹ The UNCLOS, has been widely recognized as the “Constitution of the Sea”, as it established “for the first time one set of rules for the oceans, bringing order to a system fraught with potential conflict”.² Over the years it has provided global solidarity that has led to more coherent management of ocean affairs.

2. However, ten years after the entry into force of the Convention, time is opportune to retrospect on *first*, the developments since November 1994; *second*, the review of whether the legal regimes have so far benefited developing countries; and *third*, the new challenges in the governance of ocean affairs varying from technological advances that facilitate deeper exploration into the ocean, over-exploitation of fisheries, to the issues of maritime security, particularly smuggling related to terrorism or other transnational crimes. Added to this is the escalation in the number of maritime boundary disputes between States with opposite or adjacent coast. All these new challenges give a new thrust to reinvigorate the importance of the agenda item on the Law of the Sea. In this context, time is opportune, to explore the feasibility of suggesting any amendments to the “Constitution of the Sea”.

3. It may be recalled that the item “Law of the Sea” was taken up for consideration by the Asian-African Legal Consultative Organization (AALCO) at the initiative of the Government of Indonesia in 1970. Since then it has been considered as one of the priority items at successive Annual Sessions of the Organization AALCO and the deliberations in AALCO’s annual and inter-sessional meetings for nearly a decade were focused on this single most important item. The AALCO can take reasonable pride in the fact that new concepts such as the exclusive economic zone and archipelago States originated and developed in the AALCO’s annual session and were later codified in the UNCLOS.

4. After the adoption of the Convention in 1982, the AALCO’s Work Programme was oriented towards assisting Member States in matters concerning their becoming Parties to the UNCLOS and other related matters. With the entry into force of the UNCLOS in 1994, the process of establishment of institutions envisaged in the UNCLOS began. The AALCO Secretariat prepared studies monitoring these developments and the

¹ In accordance with Article 308 (1) of the Convention, it entered into force on 16 November 1994. Article 308 (1) states: “This Convention shall enter into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession”. It may be recalled that the Convention was adopted by the Third United Nations Conference on the Law of the Sea and opened for signature together with the Final Act of the Conference, at Montego Bay, Jamaica, on 10 December 1982. The Conference was convened pursuant to resolution 3067 (XXVIII) adopted by the United Nations General Assembly on 16 November 1973. The Conference held eleven sessions, from 1973 to 1982.

² *Oceans: The Source of Life*, Published on the occasion of the 20th anniversary (1982-22002) of the United Nations Convention on the Law of the Sea (UN, New York, 2002), pp. 14 at p. 1.

Secretariat documents for AALCO's annual sessions reported on the progress of work in the International Sea Bed Authority (ISA), the International Tribunal for Law of the Sea (ITLOS), the Commission on the Limits of the Continental Shelf (CLCS), the Meeting of States Parties to the UNCLOS and other related developments.

5. At the Forty-Fourth session of the Organization, at Nairobi, Republic of Kenya (27 June –1 July 2005), the item pertaining to Law of the Sea was considered as a non-deliberated item. Resolution 44/ S 2 adopted at the Session recognized the universal character of the United Nations Convention on Law of the Sea, and its legal framework governing the activities of the oceans. It took note of the deliberations at the United Nations Open-ended Informal Consultative Process (hereinafter the "Consultative Process"), established by the General Assembly to facilitate the annual review of the developments in ocean affairs. The resolution welcomed the active role being played by the ITLOS in the peaceful settlement of disputes with regard to ocean related matters. It reaffirmed that in accordance with Part XI of the UNCLOS, the Area was the common heritage of mankind and should be used for the benefit of the mankind as a whole. The resolution urged upon the Member States for full and effective participation in the work of the ISA and other related bodies established by UNCLOS 1982 and the Consultative Process so as to ensure and safeguard their legitimate interests.

6. The Secretariat Report prepared for the Forty-Fifth Session provides an overview of the sixth meeting of the Consultative Process; the consideration of the Oceans and the Law of the Sea issues at the 60th Session of the General Assembly; status of the UNCLOS and its implementing Agreements; fifteenth and sixteenth Sessions of the Commission on the Limits of the Continental Shelf; Eleventh Session of the International Seabed Authority; fifteenth Meeting of States Parties to the UNCLOS' 82; and the settlement of disputes under UNCLOS by the International Tribunal of the Law of the Sea in the Year 2005. It also places for consideration the provisions pertaining to amendments in the UNCLOS; delimitation of maritime zones particularly the Exclusive Economic Zone and the Continental Shelf and finally, it offers some general comments on the agenda item.

II. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA AND ITS IMPLEMENTING AGREEMENTS

7. The United Nations Convention on the Law of the Sea as at 20 September 2005 had 149 Parties, of which 38 States are AALCO Member States.³ This represents considerable progress towards universality since the entry into force of the Convention on 16 November 1994, one year after the deposit of the sixtieth instrument of ratification, when there were 69 States parties.

8. The Agreement relating to the implementation of Part XI of the UNCLOS was adopted on 28 July 1994 and has entered into force on 28 July 1996. As regards the status of this Agreement, as at 20 September 2005, 122 Member States have ratified or acceded to it, of which 29 States are AALCO Member States.⁴

9. The Agreement for the implementation of the provisions of the UNCLOS relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, 1995 was adopted on 4 August 1995 and has been signed by 59 States⁵ and ratified by 56 States, of which 8 are AALCO Member States. The Agreement came into force from 11 December 2001 after receiving the requisite 30 ratifications or accessions.

10. The UN General Assembly at its Sixtieth Session on 29 November vide resolution 60/30 emphasized the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the UN Charter as well as for the sustainable development of the oceans and seas. It called 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 relating to the Implementation of Part XI of the UNCLOS of 10 December 1982, and the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. It also reaffirmed the unified character of the Convention and the need to

³ The UNCLOS 1982 entered into force on 16 November 1994 and as of 20 September 2005, it has been signed by 157 States and ratified or acceded to by 149 States. The AALCO Member States Parties to the UNCLOS are: Bahrain, Bangladesh, Botswana, Brunei Darussalam, China, Cyprus, Egypt, Gambia, Ghana, India, Indonesia, Iraq, Japan, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Mauritius, Mongolia, Myanmar, Nepal, Nigeria, Oman, Pakistan, Philippines, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Uganda, United Republic of Tanzania and Yemen. For details see Table recapitulating the Status of the UNCLOS and related Agreement, as at 20 September 2005, available on the website: <http://www.un.org/Depts/los/index.htm#oceans>.

⁴ As at 20 September 2005 the AALCO Members who have ratified the Agreement include: Bangladesh, Brunei Darussalam, China, Cyprus, India, Indonesia, Japan, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Mauritius, Mongolia, Myanmar, Nepal, Nigeria, Oman, Pakistan, Philippines, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Uganda and the United Republic of Tanzania. Ibid.

⁵ The AALCO Member States Parties to the Straddling Stocks Agreement are: Cyprus, India, Islamic Republic of Iran, Kenya, Mauritius, Senegal, South Africa and Sri Lanka. AALCO Member States signatories to this Agreement include: Bangladesh, Egypt, Indonesia, Japan, Pakistan, Philippines, Republic of Korea, Senegal, Sri Lanka and Uganda. Ibid.

preserve its integrity. It also inter alia urged all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism.

III. SIXTH MEETING OF THE UNITED NATIONS INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA (ICP-6-10 JUNE 2005, NEW YORK)

11. The United Nations Open-ended Informal Consultative Process on Oceans and the law of the Sea, was established by the General Assembly in its resolution 54/33 of 24 November 1999 and renewed for three years in resolution 57/141 of 12 December 2002, in order to facilitate the annual review of development in ocean affairs. ICP-6 marked the end of the second three-year cycle. The sixth meeting of this Consultative Process took place at the UN Headquarters in New York from 6 to 10 June 2005.⁶ The meeting was co-chaired by H. E. Mr. Cristian Maquieira (Chile) and Mr. Philip D. Burgess (Australia).

12. The Consultative Process, as decided vide paragraphs 90-92 of resolution 59/24 organized its discussions around the following areas: (a) Fisheries and their contribution to sustainable development; and (b) Marine debris. On the one hand, the ICP-6 agreed to a number of elements relating to fisheries and their contribution to sustainable development to be suggested to the General Assembly under its agenda item "Oceans and the law of the sea", on the other hand, it was not possible for the meeting to finalize proposed elements relating to marine debris and cooperation and coordination. It was agreed that Co-Chairpersons' proposed elements would be forwarded to the General Assembly.

A. Fisheries and their Contribution to Sustainable development

13. The Meeting recognized that fisheries, both commercial and artisanal were a major contributor in many States to economic development, food security and the cultural and social well-being of their people. The importance of fisheries to many States was brought into stark focus by the devastating Indian Ocean Tsunami in December 2004.

14. The contribution of fisheries to sustainable development relies on the continuing health of functioning, productive ecosystems. However, the report of the Food and Agriculture Organization of the United Nations on the state of world fisheries and aquaculture in 2004 confirms a trend already observed at the end of the 1990s of growing concerns with regard to the livelihoods of the fishers and the sustainability of commercial catches and the aquatic ecosystems from which they are to be extracted. While this is a general trend, it is important to note that there is a broad range of differences in the status of fisheries resources, the management of fisheries by States and regional arrangements, and the ability to respond to the need for effective and adaptive management.

It was proposed that the General Assembly inter alia:

⁶ The detailed report of the meeting is contained in "Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its sixth meeting", UN Doc. A/60/99 dated 7 July 2005. Also see "Summary of the Sixth Meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea: 6-10 June 2005", *Earth Negotiations Bulletin*, vol. 25, no. 13 available online at: <http://www.iisd.ca/oceans/icp6/>.

- encourage States, as appropriate, to recognize that the general principles in the Fish Stocks Agreement should also apply to high seas fish stocks;
- encourage States to eliminate subsidies that contribute to illegal, unreported and unregulated (IUU) fishing and to over-capacity, while completing the effort undertaken at the World Trade Organization (WTO) to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries; and
- take into account the importance of fisheries products for developing countries and urge States to eliminate obstacles imposed on trade on fish products that are not consistent with WTO obligations.

i. Regional fisheries management organizations and arrangements (RFMO-A):

The Consultative Process noted the key and evolving role that RFMOs-A play in ensuring effective and sustainable fisheries management and conservation, and proposed the General Assembly:

- call upon States and entities referred to in UNCLOS and the FSA, fishing in areas of their competence, to become members or to agree to apply their management and conservation measures;
- welcome and encourage efforts to improve RFMOs' performance, including filling gaps in their mandates to include ecosystem and biodiversity considerations, applying the precautionary approach, and using best scientific information;
- urge further coordination and cooperation among regional fisheries bodies, regional seas arrangements and other relevant organizations; and
- encourage States through their participation in RFMOs to initiate processes for their review, and welcome the involvement of FAO in the development of general objective for such reviews.

ii. Small-scale fisheries: This section addresses the ways small-scale fisheries contribute to poverty alleviation, policy development, and capacity building for developing countries and small island developing States (SIDS). ICP-6 called on the General Assembly to:

- welcome the work of the FAO in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including development of Code of Conduct Guidelines on Enhancing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security;
- urge States and relevant organizations to provide for greater participation of small-scale fisheries stakeholders in related policy development and fisheries management strategies, consistent with the duty to ensure the proper conservation and management of these fisheries resources; and
- encourage increased capacity building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers,
- in particular small-scale fishers in developing countries and SIDS.

iii. *Flag and port State responsibilities and obligations:* This section deals with the definition of the “genuine link” between flag States and vessels flying their flag. It addresses the relationship between flag and port State obligations and sustainable oceans management. ICP-6 recognized the gap in implementation and enforcement of flag State responsibilities and its impact on oceans governance, and proposes that the General Assembly:

- reiterate the importance of clarifying the role of the “genuine link” and note the International Maritime Organization’s (IMO) ongoing work in cooperation on the matter;
- recall the appeal made in the Food and Agriculture Organization (FAO) Ministerial Declaration of 12 December 2005 to take international action to eliminate IUU fishing vessels flying flags of convenience;
- encourage work to develop guidelines on flag State performance in relation to high seas fishing vessels that can be used by relevant international organizations as criteria for evaluating flag State performance;
- emphasize the obligations of States to adopt conservation and management measures for fisheries resources under UNCLOS and the FSA;
- encourage States to apply the FAO Port State Model and promote its application through RFMOs, and consider the possibility of adopting a legally binding instrument;
- call upon States to promote the establishment of negative and positive lists of vessels fishing within the area covered by RFMOs-A;
- request States and relevant international bodies in consultation with the WTO and FAO to develop effective measures to trace fish and fish products to enable importing States to distinguish against fish and products caught in a manner that undermines agreed international conservation and management measures, and to recognize the importance of effective market access for fish and fish products in conformity with such rules;
- call upon States and RFMOs to prevent transshipment of fish caught by IUU fishing vessels;
- encourage work of the International Labour Organization (ILO) on the Convention and Recommendation Concerning Work in the Fishing Sector; and
- welcome the adoption of the revised Code for Safety of Fishermen and Fishing Vessels.

iv. *Conservation and management of marine living resources:* The Consultative Process reaffirms the importance of paragraphs 66-69 of UNGA resolution 59/25, urges accelerated progress in implementing its elements, and proposes that the General Assembly:

- welcome progress made on the expansion of the competence of existing RFMOs or the establishment of new RFMOs;
- request RFMOs-A with existing competency to implement spatial and temporal-based measures to protect vulnerable marine ecosystems as a matter of urgency;
- encourage progress to establish criteria on the objectives and management of Marine Protected Areas (MPAs) for fisheries and welcome the proposed work of the FAO to develop technical guidelines on implementation of MPAs and urges

- close coordination and cooperation with relevant international organizations including the Convention on Biological Diversity (CBD);
 - call for States to urgently accelerate their cooperation in establishing interim targeted protection mechanisms for vulnerable marine ecosystems in regions where they have an interest in conservation and management of fisheries resources;
 - request States and RFMOs-A to report on actions pursuant to paragraphs 66-69 of UNGA resolution 59/25, when it reviews progress in 2006, and consider further recommendations for action;
 - request RFMOs-A to urgently implement all measures recommended in the FAO guidelines to help prevent the decline of all species of sea turtles; and
 - acknowledge the important role of certification and ecolabeling schemes, which should be consistent with the WTO and guidelines adopted by the FAO.
- v. ***Capacity building:*** ICP-6 proposes that the General Assembly:
- encourage the international community to enhance participation of Least Developed Countries (LDCs), Small Island Developing States (SIDS) and coastal African States in fishing activities undertaken in their EEZs by distant water fishing nations;
 - request distant water fishing nations, when negotiating access agreements with developing coastal States, to assist the realization of the benefits from the development of fisheries resources; and
 - encourage greater assistance to developing countries in designing, establishing and implementing agreements and tools for the conservation and sustainable management of fish stocks.

B. Marine Debris

15. Marine debris, also referred to as marine litter, is any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment. Marine debris may be found near the source of input, but can also be transported over long distances by ocean current and winds. As a result, marine debris is found in all sea-areas of the world-not only in densely populated regions, but also in remote places far away from any obvious sources. As such marine debris is a global transboundary pollution problem that constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine habitats and has significant costs to local and national economies. There are many different types of marine debris; different approaches to their prevention and removal are therefore required.

16. It was proposed that the General Assembly;
- note the lack of information and data concerning marine debris and encourage relevant organizations to undertake further studies on the issue;
 - encourage States to develop partnerships with industry and civil society to raise awareness of the impacts of marine debris on the marine environment;

- urge States to integrate the issue of marine debris within national strategies dealing with recycling, reuse and reduction, and promote the development of appropriate economic incentives to this issue;
- encourage States to cooperate to develop and implement joint presentation and recovery programmes;
- recognize the need to build capacity in developing countries, noting the particular vulnerability of SIDS to the impact of marine debris;
- invite the IMO to review Annex V of the MARPOL Convention and to assess its effectiveness in addressing sea-based sources of marine debris;
- welcome the IMO's continuing work relating to port waste reception facilities;
- welcome the convening of the Second Intergovernmental Review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) as an opportunity to discuss marine debris; and
- request that UNICPOLOS undertake a review of marine debris within five years.
- encourage close cooperation and coordination between relevant international and regional organizations and stakeholders to address the issues of lost and discarded fishing gear and marine debris.

C. Cooperation and Coordination

17. Based upon the report provided by the Executive Secretary of the Intergovernmental Oceanographic Commission of UNESCO, Co-ordinator of UN-Oceans, outlining progress to date on the establishment and the work of UN-Oceans the Consultative Process proposes that the General Assembly:

- welcome the work of secretariats of UN agencies and programmes, and of relevant international conventions, to enhance inter-agency coordination and cooperation on oceans issues through UN-Oceans; and
- encourage States to work closely with international organizations and UN agencies to identify emerging areas of focus for improved coordination and cooperation.

D. Future of the Consultative Process

18. At the forthcoming Sixtieth Session of the General Assembly, it would consider the question of the renewal of the mandate of the Consultative Process. The ICP-6 saw strong support being expressed by the delegations for the Consultative Process and many delegations underlines its contribution to the work of the United Nations and in particular, to an open exchange of views on topical issues relating to oceans and the law of the sea. They were of the view, that in general, the Consultative Process had achieved its goals and felicitated the annual review by the General Assembly of ocean affairs and the law of the sea. Its inclusiveness and open-ended nature were highlighted by many delegations as indicators of its success and relevance. They noted that it had made a crucial contribution towards achieving a more integrated approach to the solution of issues of global oceans governance and strengthened cooperation and coordination among all actors. For these reasons, delegations called for a renewal of the mandate of

the Consultative Process, indicating at the same time, that its format needed to be improved.

19. In view of the effectiveness and utility of the Consultative Process, the General Assembly at its sixtieth Session renewed the mandate of the Consultative Process for a further period of three years and would at its sixty-third session, once again review its effectiveness and utility.

20. ICP-7 would meet from 12 to 16 June 2006 and would focus its deliberations on “Ecosystem approaches and oceans”.

IV. FIFTEENTH MEETING OF STATES PARTIES TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (15-23 JUNE 2005, UN HEADQUARTERS, NEW YORK)

21. The fifteenth Meeting of States Parties (MOP) was held in New York from 16 to 23 June 2005.⁷ Ambassador Andreas D. Mavroyiannis of Cyprus was elected as the President of the Meeting. The election of the seven judges of the International Tribunal for the Law of the Sea (ITLOS) was the main achievement of the meeting. In addition, it considered a number of financial and administrative issues relating to ITLOS. The President of ITLOS, the Secretary-General of International Seabed Authority (ISA) and the Chairman of the CLCS delivered statements on the recent developments in their respective Organizations. For the first time, the Secretary-General's report to the General Assembly on oceans and the law of the sea had also been presented to the Meeting under Article 319 of the Convention, which obliges the Secretary-General to report to States Parties on general issues linked to UNCLOS. That item was subject of an extensive debate, with delegations expressing varied views as to the status of the report presented.

22. The Fifteenth Meeting of States Parties to the UNCLOS in a triennial election elected seven members for new terms to the ITLOS. The newly elected Judges are: Mr. L. Dolliver M. Nelson (Grenada), **Mr. Shunji Yanai (Japan)**, **Mr. Choon-Ho Park (Republic of Korea)**, Helmut Tuerk (Austria), **Mr. James L. Kateka (United Republic of Tanzania)**, **Mr. Albertus Jacobus Hoffman (South Africa)** and Mr. Stanislaw Pawlak (Poland). Judge Nelson and Judge Park were re-elected. It may be recalled that in accordance with article 5, paragraph 1 of the Statute of the Tribunal, its members are elected for nine years and may be re-elected.

23. The meeting *inter alia* considered an agenda item entitled "Report of the Secretary-General under article 319 for the information of States Parties on issues of a general nature, relevant to States Parties, that have arisen with respect to the United Nations Convention on the Law of the Sea". The Report covers developments relating to State practice regarding maritime space, safety of navigation, crimes at sea and international cooperation. It provides an overview of developments relating to the implementation of the Convention and also responds to the General Assembly's request for information on threats and risks to marine biodiversity beyond the limits of national jurisdiction and existing conservation and management measures.

24. While some States were of the view that the Meeting of States Parties served as an appropriate forum to discuss any issue regarding the Law of the Sea and ocean affairs, a few States were of the view that the General Assembly was the place to discuss the Secretary-General's report, for it was the most inclusive forum for the discussion of matters related to the oceans and the law of the sea. It was decided to include the agenda item in the agenda of the sixteenth meeting. The sixteenth meeting of States Parties would be convened in New York from 19 to 23 June 2006.

⁷ Details of the Meeting mentioned herein are drawn *UN Press Releases* SEA 1823 to 1828. The names of the newly elected Judges to the ITLOS from the AALCO Member States is indicated in bold. Also see UN Doc. SPLOS/135 dated 25 July 2005 containing the Report of the fifteenth Meeting of States Parties.

V. ELEVENTH SESSION OF THE INTERNATIONAL SEABED AUTHORITY (15 – 26 AUGUST, 2005, KINGSTON, JAMAICA)

25. The International Seabed Authority (hereinafter ISA) was established under UNCLOS'1982, as modified by the 1994 Agreement relating to the Implementation of Part XI (seabed provisions) of the UNCLOS. Its task, as set out in the UNCLOS, is to organize and control all resource-related activities in the seabed area beyond the jurisdiction of any State, an area underlying most of the world's oceans. The UNCLOS defines this deep-seabed area and its resources as "the common heritage of mankind". All parties to the Law of the Sea Convention are *ipso facto* Members of the Authority and the current membership is 145. It was established on 16 November 2004 following the entry into force of the UNCLOS. The three principal organs of the Authority are: the Assembly, in which all members are represented, and a 36-member Council elected by the Assembly and the Secretariat. A 24-member Legal and Technical Commission and a 15-member Finance Committee are the organs of Council.

26. The Eleventh Session of the International Seabed Authority took place from 15 to 26 August 2005 at its Headquarter in Kingston, Jamaica.⁸ The Meeting elected Mr. Olav Myklebust as the President of the Assembly of the ISA at its eleventh session and **Mr. Hee Kwon Park (Republic of Korea)** as the President of Seabed Authority Council for 2005.

27. Development of a legal regime for exploration of recently discovered rich mineral deposits in the deep oceans beyond national jurisdiction constituted the main topic for discussion at the two-week Session of the ISA. The policy-making Council began a detailed examination of the draft regulations for the prospecting and exploration of polymetallic sulphides and cobalt rich crusts which it first considered last year. The draft regulations set out the legal rules that contractors and the Authority must follow in prospecting or exploring for those metals. The draft text may be supplemented by further rules, regulations and procedures to protect marine environment. During the course of deliberations some delegations urged for more time to study. The most debated points were those, which dealt with the protection and preservation of marine environment. The Authority deferred the consideration and adoption of the regulations for prospecting and exploration for poly-metallic sulphides and cobalt rich crusts to its next Session.

28. The Council of the ISA approved an application for exploration of polymetallic nodules in the international seabed area submitted by the Federal Republic of Germany. It requested the Secretary-General to take the necessary steps to issue the plan of work of exploration in the form of a contract between the Authority and the Federal Republic of Germany in accordance with the regulations. The FRG, represented by the German Federal Institute for Geosciences and Natural Resources, will become the eighth contractor to prospect for polymetallic nodules in the international seabed area, once the contract between it and the Authority is signed.

⁸ Details stated herein are drawn from the Eleventh Session Press Releases available on the website of the Authority at URL: <http://www.isa.org.jm/en/>.

29. As only out of 148 Members of the Authority, only 63 Members were represented at the Eleventh Session, the issue of attendance at the Sessions of the Authority came in for discussion. The Nigerian delegate raised the issue and in response the Secretary-General of the Authority Mr. Satya Nandan said that the issue of lack of quorum had been a problem for the Authority for some time. His action on the matter included letters to Members as well as statements at Meetings of States Parties to the UNCLOS urging them to support the institution they helped to create. The matter was also addressed at the General Assembly of the United Nations. He urged members to impress upon their colleagues the need to participate in the Meetings of the Authority. The Law of the Sea Convention prescribes half of the 148 Members of the Assembly as a quorum.

30. The ISA would meet for its twelfth Session from 7 to 18 August 2006 in Kingston.

**VI. FIFTEENTH AND SIXTEENTH SESSIONS OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF
(4-22 APRIL 2005 & 29 AUGUST-16 SEPTEMBER 2005, NEW YORK)**

31. Article 76 of the UNCLOS sets out the definition and various methods for a coastal State to establish the outer limits of its continental shelf, including beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. The same article also envisages the establishment of the Commission on the Limits of the Continental Shelf (hereinafter CLCS or the Commission).⁹ The CLCS established in 1997 consists of 21 members who serve in their personal capacity and are experts in the field of geology, physics, geophysics, or hydrography, bearing in mind the need to give consideration to equitable geographical representation. It ordinarily meets twice a year, in the spring and fall, at the UN Headquarters.

32. The functions of the CLCS are to consider the data and other material submitted by coastal States concerning the outer limits of their continental shelves in areas where those limits extend beyond 200 nautical miles; to make recommendations to coastal States in accordance with the UNCLOS; and to provide technical advice in this respect, if requested by the coastal States.

33. The fifteenth session of the Commission was held at United Nations Headquarters from 4 to 22 April 2005.¹⁰ The Commission had taken up the submission by Australia—the third country after the Russian Federation in 2001 and Brazil in 2004 to make an application for an extended continental shelf jurisdiction. As in the case of the Russian Federation and Brazil, the Commission decided that the submission of Australia would be examined through the establishment of a subcommission. Following its preliminary examination of the date, that body reconvened in New York from 27 June to 1 July 2005 and would also continue its work during the sixteenth session of the Commission.

34. Also during the fifteenth Session, the subcommission considered the case of Brazil and had made considerable progress in the examination of the submission.

35. The Commission was also informed of the completion of the draft of a training manual, which had been prepared by the Division of Ocean Affairs and the Law of the Sea, in cooperation with two Coordinators who were members of the Commission. The Commission was also informed about a series of training courses given by the Division for Ocean Affairs and the Law of the Sea on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and on the preparation of the submissions.

36. States that have decided to make their submission included Tonga prior to December 2006, Nigeria by mid-2006, New Zealand in 2006, the United Kingdom before

⁹ Annex II to the Convention provides for the Commission, its composition, functions etc.

¹⁰ Details mentioned herein are drawn from “Statement by the Chairman of the Commission on the Limits of Continental Shelf on the progress of work in the Commission”, UN Doc. CLCS/44 dated 3 May 2005; and following *UN Press Releases*: “Commission on Limits of Continental Shelf concludes fifteenth Session”, SEA/1819 dated 29 April 2005.

2007, Uruguay in 2007, Japan in the first half of 2009, Myanmar and Guyana before the 10-year limit expired in 2009, and Canada by 2013.

37. The sixteenth Session of the Commission took place from 29 August to 16 September 2005.¹¹ The Commission examined the submission by Ireland and decided that it would be addressed through the establishment of a sub-commission. The sub commissions established by the CLCS also proceeded with the dealing with claims by Brazil and Australia respectively.

38. The Commission also dealt with several organizational issues. In particular, the Commission discussed the issue of the projected workload associated with the examination of the submission expected in the coming years and noted the need to increase the number or durations of sessions convened each year. Because of constraints on time and funding to allow members of the Commission, whose participation is financed by their Governments, to spend an increased amount of time in New York, the Commission decided to bring this issue to the attention of the General Assembly and the Meeting of States Parties to the UNCLOS.

39. At the sixteenth session, the Commission adopted an “Internal Code of Conduct for Members of the Commission on the Limits of the Continental Shelf”.

40. The Commission decided that two sessions would be held in 2006: the seventeenth session would be held from 20 March to 21 April and the eighteenth session from 21 August to 15 September.

¹¹ Details stated herein are drawn from *UN Press Release*, “Commission on Limits of Continental Shelf concludes Sixteenth Session”, SEA/1845 dated 26 September 2005.

VII. CONSIDERATION OF THE OCEANS AND THE LAW OF THE SEA ISSUES AT THE 60TH SESSION OF THE GENERAL ASSEMBLY

41. The UN General Assembly considered the agenda item on “Oceans and the Law of the Sea” in its Plenary meetings on 17th November 2005. The Assembly considered the annual comprehensive report of the Secretary-General and its addendum¹² and adopted two resolutions namely;

- i. Oceans and the law of the sea;¹³
- ii. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.¹⁴

42. The Report of the Secretary-General on Oceans and the law of the sea and its addendum submitted for the consideration of the sixtieth session of the General Assembly contain his annual comprehensive report on developments and issues relating to oceans and law of the sea. It was also presented to States Parties to the UNCLOS, pursuant to article 319 of the Convention and was considered by the Fifteenth Meeting of Parties. In addition, it formed the basis for discussion at the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The Report contains information on fisheries and their contribution to sustainable development and marine debris, the area of focus for ICP-6, as recommended by the General Assembly. It also contains information on the status of the United Nations Convention on the Law of the Sea and its implementing Agreements and declarations and statements made by States under articles 287, 298 and 310 of the Convention, and on recent submissions to the Commission on the Limits of Continental Shelf. The Report includes a special section on the Indian Ocean tsunami disaster and a section on capacity-building activities and elaborates on recent developments regarding the safety and security of navigation and protection of the marine environment. Finally, it covers the activities of the Ocean and Coastal Areas Network, a mechanism for inter-agency coordination and cooperation. The addendum also reviews developments in the CLCS; maritime claims; and capacity-building. It reviews developments relating to safety of navigation, maritime security, the protection of the marine environment and marine living resources. It also provides an update on the response to the Indian Ocean Tsunami disaster.

43. The nineteen page comprehensive resolution adopted by the General Assembly is divided into the following parts: Preamble; Implementation of the Convention and related agreements and instruments; Capacity-building; Meeting of States Parties; Peaceful settlement of disputes; The Area; Effective functioning of the Authority and Tribunal; The continental shelf and work of the Commission; Maritime safety and security and flag State implementation; Marine environment, marine resources, marine biodiversity and

¹² UN Doc. A/60/63 and A/60/63 Add. 2.

¹³ UNGA Res. A/60/30 adopted on 29 November 2005.

¹⁴ UNGA Res. A/60/31 adopted on 29 November 2005.

the protection of vulnerable marine ecosystems, Marine science; Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects; Regional Cooperation; Open-ended informal consultative process on oceans and the law of the sea; Coordination and cooperation; Activities of the Division for Oceans Affairs and the Law of the Sea; Sixty-first Session of the General Assembly.

44. Moreover, the Assembly urges all donor agencies and international financial institutions to review their programmes in order to ensure the availability in all States, particularly in developing States, for the skills necessary for the full implementation of the Convention, as well as the sustainable development of the oceans and seas, bearing in mind the interests and needs of landlocked developing States.

45. The Resolution adopted by the General Assembly also encourages States to cooperate to address piracy, armed robbery at sea, smuggling and terrorist acts against shipping and other maritime interests, and to work with the International Maritime Organization (IMO) to promote safe and secure shipping while ensuring freedom of navigation. It also emphasized progress in regional cooperation in that regard and urge States to give urgent attention to adopting, concluding and implementing cooperation agreements at the regional level in high risk areas.

46. In addition, the Assembly urged States to integrate the issue of marine debris within national strategies dealing with waste management in the coastal zone, ports and maritime industries and to discourage ships from discharging marine debris at sea. It would call on States to control, reduce and minimize marine pollution from land-based sources. The Assembly also called on States to improve understanding and knowledge of the deep sea, in particular of the extent and vulnerability of deep sea biodiversity and ecosystems. The Assembly endorsed the conclusions of the second International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (“the regular process”).

47. The resolution on sustainable fisheries¹⁵ adopted by the General Assembly emphasizes that the legal framework within which all activities in the oceans and seas must be carried out - while mindful of the relationship between the Convention and the Fish Stocks Agreement. It urges to all States to apply, in accordance with international law, the “precautionary” and “ecosystem” approach to the conservation, management and exploitation of fish stocks, including straddling fish stocks and high migratory fish stocks. Moreover, the Assembly also urged on parties to the Agreement to harmonize their national legislation with the Agreement’s provisions, and ensure that those

¹⁵ UNGA Res. A/60/31. The resolution on Sustainable fisheries is includes a preamble and twelve subheadings, namely: Achieving sustainable fisheries, Implementation of the 1995 agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, Related fisheries instruments, Illegal, unreported and unregulated fishing, Fishing overcapacity, Large-scale pelagic drift-net fishing, Fisheries by-catch and discards, Sub-regional and regional cooperation, Responsible fisheries in the marine ecosystem, Capacity building, Cooperation within the United Nations system, and Sixty-fist session of the General Assembly

provisions are implemented into regional fisheries management arrangements and that their vessels comply with those measures.

48. In addition, the Assembly requested States not to permit their vessels to engage in fishing on the high seas or in areas under the national jurisdiction of other States unless authorized by the States concerned, and to deter the re-flagging of vessels by their nationals.

49. The Assembly affirmed the need to strengthen the international legal framework to combat illegal, unreported and unregulated fishing at the regional and sub-regional levels by developing vessel monitoring systems and -- where consistent with international law -- monitoring trade by collecting global catch data.

VIII. DISPUTE SETTLEMENT UNDER UNCLOS

50. States Parties to UNCLOS involved in a dispute when they have not reached a settlement by peaceful means in accordance with the UN Charter are obliged to resort to the compulsory dispute settlement procedures entailing binding decisions, subject to limitations and exceptions provided. UNCLOS provides for four alternative fora for the settlement of disputes: ITLOS, ICJ, an arbitral tribunal constituted in accordance with Annex VII to UNCLOS or a special arbitral tribunal constituted in accordance with annex VIII to UNCLOS. States Parties may choose one or more of those fora by written declaration made under article 287 of UNCLOS and deposited with the Secretary-General of the United Nations.

51. The International Tribunal for the Law of the Sea (ITLOS) was established by the Convention to adjudicate disputes arising out of the interpretation and application of the Convention.¹⁶ It has exclusive jurisdiction in disputes concerning deep seabed mineral resources and provides advisory opinions when requested to do so. The jurisdiction of the Tribunal is mandatory in cases relating to the prompt release of vessels and crews or with regard to requests for the prescription of provisional measures, pending the constitution of an arbitral tribunal. It is composed of 21 judges elected for nine-year terms.

52. So far, the Tribunal received thirteen cases for the hearing and out of thirteen cases one case¹⁷ is pending before the tribunal. In this case the President of the Special Chamber further extended the time-limit for making preliminary objections until 1 January 2006 under the order date 16th December 2003.

¹⁶ For details see www.itlos.org.

¹⁷ Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)

IX. PROVISIONS PERTAINING TO THE AMENDMENT OF THE UNCLOS

53. More than a decade has passed since the entry into force of the United Nations Convention on the Law of the Sea. It is increasingly evident that the adoption of the Convention was but the first step toward identifying and resolving ocean-related disputes. The distinguished delegate of the Republic of Indonesia stated at the Forty-Third Session of the AALCO that this provides a good momentum for the international community especially the people of Asia and Africa to retrospect on in particular:

- a. the development since November 1994;
- b. the review of whether the legal regimes has so far benefited developing countries;
- c. and the new challenges in the governance of ocean affairs varying from technological advances that facilitate deeper exploration into the ocean to the issue of maritime security, particularly smuggling related to terrorism or other transnational crimes.

54. Articles 312, 313 and 314 deal with the amendment of the Convention. While Article 312 calls for amendment of the Convention by calling for a Conference, Article 313 prescribes for amendment by simplified procedure and Article 314 pertains to the amendments to the provisions of the Convention relating exclusively to activities in area.

55. Article 312 stipulates that a State party, after the expiry of a period of 10 years from the date of entry into force of the Convention, by a written communication addressed to the Secretary-General of the United Nations, propose specific amendments to this Convention, other than those relating to the Area, and request the convening of a Conference to consider such proposed amendments. The Secretary-General is required to circulate such communication to all States Parties. If, within 12 months from the date of the circulation of the communication, not less than one-half of the States Parties reply favourably to the request, the Secretary-General would convene the Conference.

56. Article 313 lays down the procedure for amendment by simplified procedure. A State Party may, by written communication addressed to the Secretary-General, propose an amendment to the Convention, other than those relating to activities in the Area, to be adopted by the simplified procedure without convening a Conference. The Secretary-General is required to circulate the communication to all States Parties. If, within a period of 12 months from the date of circulation of the communication, a State Party objects to the proposed amendment or to the proposal for its adoption by the simplified procedure, the amendment shall be considered as rejected. On the other hand if, 12 months from the date of circulation of the communication, no State Party has objected to the proposed amendment or to the proposal for its adoption by the simplified procedure, the proposed amendment shall be considered as adopted. In both the cases, the Secretary-General is required to notify the States Parties immediately.

57. Article 314 pertains to the Amendments to the provisions relating exclusively to activities in Area. A State party may, by written communication addressed to the Secretary-General of the International Seabed Authority, propose an amendment to the provisions of the Convention relating exclusively to activities in Area, including Annex

VI, section 4 (pertaining to Seabed Disputes Chamber of the ITLOS). The Secretary-General is required to communicate such proposal to all States Parties. The proposed amendment is subject to approval by the Assembly following its approval by the Council. The proposed amendment as approved by the Council and the Assembly shall be considered as adopted.

58. In the light of these provisions, it is suggested that any AALCO Member State wishing to propose any amendment could, like in the past, first deliberate it within the AALCO forum. This would ensure its focused deliberation and then the proposal could be taken up as stipulated in the Convention provisions.

X. DELIMITATION OF MARITIME ZONES PARTICULARLY THE EXCLUSIVE ECONOMIC ZONE AND THE CONTINENTAL SHELF: AN INTRODUCTORY NOTE

A. Background

59. The law governing the delimitation of maritime areas, particularly the exclusive economic zone (EEZ) and the continental shelf between states with opposite or adjacent coasts has assumed great importance because of the important economic consequences. Apart from the extension of the maritime boundary to long distances from the coast it involves questions of resources, namely, fisheries, petroleum, gas, minerals, energy and other aspects of the uses of the sea, including marine scientific research and preservation of the marine environment. On the one hand, a large number of maritime boundary delimitation agreements have been concluded between the States, on the other hand there has been much litigation also on the subject. The International Court of Justice has produced “magnificent jurisprudence”¹⁸ concerning equitable maritime delimitation and it has “played and continues to play, a vital role in this domain, having been seised of a total of some 20 international disputes involving this area”.¹⁹

60. The Commission on the Limits of Continental Shelf (CLCS), established under the United Nations Convention on the Law of the Sea (UNCLOS, 1982) is also meanwhile proceeding with the consideration of the claims of several States on the outer limits of their continental shelf.

61. It may be recalled that in 1983, the Tokyo Session of AALCO, mandated the AALCO Secretariat to initiate a study on the question of delimitation of the EEZ and the continental shelf between States with opposite or adjacent coasts in order to assist Member Governments in their negotiations in the context of Article 74 and Article 83 of UNCLOS. To facilitate the preparation of preliminary study, a Seminar was organized at the AALCO Secretariat in February 1984. The preliminary Secretariat study on the topic entitled “Delimitation of the Exclusive Economic Zone and Continental Shelf” was first considered at Kathmandu Session (1985)²⁰ and a revised version of the study was subsequently considered at the Arusha Session (1986).²¹

62. It would be useful to draw attention to the relevant provisions in the 1982 Convention pertaining to these matters. UNCLOS contemplates as many as four maritime zones as falling within national jurisdictions. These are the territorial sea; the contiguous

¹⁸ Barbara Kwiatkowska, “The Law of the Sea Related cases in the International Court of Justice During the Presidency of Judge Stephen M. Schwebel (1997-2000), *International Journal of Marine & Coastal Law*, vol. 16 (2001), pp. 1-40; available on URL: <http://www.law.uu.nl/nilos>.

¹⁹ Speech by His Excellency Judge Gilbert Guillaume, President of the International Court of Justice, to the Sixth Committee of the General Assembly of the United Nations, 31 October 2001, available on URL: <http://www-cij.org>.

²⁰ AALCO Doc. No. AALCC/XXIV/10.

²¹ AALCO Doc. No. AALCC/XXV/5. Also see AALCC, *Report of twenty-Third, Twenty-Fourth and Twenty-Fifth Sessions held in Tokyo (1983), Kathmandu (1985) and Arusha (1986)* (New Delhi, 1988), pp. 17-20.

zone; exclusive economic zone and the continental shelf. The outer limits of the first three are determined in terms of breadth criteria whilst the outer limits of the continental shelf are prescribed on breadth-cum-depth criteria. The maximum breadth of the territorial sea is fixed at 12 nautical miles measured from the appropriate base lines, whilst that of the contiguous zone may not extend beyond 24 nautical miles from the base lines, from which the breadth of the territorial sea is measured. The exclusive economic zone is an area beyond and adjacent to the territorial sea subject to a specific legal regime established under the Convention, which shall not extend beyond 200 nautical miles from the base lines from which the breadth of the territorial sea is measured (Article 57 of the Convention). The maximum prescribed area of the Continental Shelf is an amalgam of many formulae which has found expression in Article 76 of the Convention which provides in paragraph 1: that;

“The continental shelf of a coastal State comprises the sea-bed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the base-lines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.”

63. The determination of the outer edge of the continental margin is based on an extremely complex formula contained in paragraphs 3 to 7 of the Article 76 and is intended to be settled on the basis of recommendations of a Commission established for the purpose in accordance with the procedures set out in Annex II to the Convention.

64. Closely linked with the question of the outer limits of the various maritime zones is the question of delimitation where the claims of two or more states opposite or adjacent in relation to the maritime zones overlap. Maritime boundary is a sensitive subject akin to territorial boundary.²² According to one study there may be as many as 300 boundary issues which may fall to be taken into account for the purpose of delimitation of maritime zones out of which 156 are between states with opposite coast lines and 144 between states adjacent.²³

65. The UNCLOS contains three provisions, on delimitation namely, Article 15 in relation to the territorial sea; Article 74 for the exclusive economic zone and Article 83 concerning continental shelf, the texts of which are set out below:

Article 15: Delimitation of the territorial sea between States with opposite or adjacent coasts

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which

²² S. P. Jagota, “Maritime Boundary”, *Recueil des Cours*, vol. 171 (1981-II), pp. 81-224.

²³ T. Masayuki, “The Frontier of the Seas; Problems of Delimitation”, *Proceedings of the Fifth International Ocean Symposium* (Tokyo, 1980), p. 53

the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way, which is at variance therewith.

Article 74: Delimitation of the exclusive economic zone between States with opposite or adjacent coasts

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.
3. Pending agreement as provided for in paragraph 1, the States concerned; in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

Article 83: Delimitation of the continental shelf between States with opposite or adjacent coasts

1. The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.
3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.

66. The tests laid down for delimitation of the territorial sea would seem to present fewer problems, in so far as norms and principles are concerned, since the provision is based on past practice and is virtually the same as the provision on delimitation found in the 1958 Geneva Convention on Territorial Sea. It would be noticed that the criteria applicable under the provisions of Articles 74 and 83, of UNCLOS which are identical, are different from the provisions of Article 15 and do not contain anything specific in the shape of norms or principles and are capable of differing interpretations. Apart from this, delimitation in so far as the exclusive economic zone and continental shelf are concerned, the matter is far more complex than delimitation in the territorial sea in view of the conflicting interests of States in the vast resources of both the exclusive economic zone and the continental shelf. Furthermore, the complexities in the fixation of the limits of the continental shelf would appear to render the task of delimitation even more difficult.

67. It would be noticed that the text as adopted in the Convention both in Articles 74 and 83 omits altogether any indication of specific criteria that could give guidance to States either on the means or the manner on which a solution has to be reached. The Convention therefore gives little guidance on the applicable substantive rules or the factors that are to be taken into consideration except by way of a reference to “international law as referred to in Article 38 of the Statute of the ICJ.” It merely indicates that the delimitation has to be effected by agreement of parties and the goal of such an agreement should be achieving an “equitable solution”.

68. With regard to continental shelf delimitations, Article 83 of UNCLOS differs from the 1958 Continental Shelf Convention in requiring the State concerned (i) to reach agreement on the basis of international law “in order to achieve an equitable solution” and (ii), in the absence of agreement, to have recourse to the 1982 Convention dispute settlement procedures. Under Article 6 (2), of the 1958 Geneva Convention on Continental Shelf, states are free to make such agreements as they wish; in the absence of agreement, an equidistance rule applies. Article 6 (2) reads:

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.
2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.
3. In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the principles set out in paragraphs 1 and 2

of this article should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

69. There can be little doubt that delimitation of both the exclusive economic zone and the continental shelf has to be effected by agreement of States concerned, whether opposite or adjacent, but the questions that fall to be considered are: (i) what is meant by “equitable solution”- the goal to be achieved in the process of delimitation? And (ii) what rules are to be applied for the purpose that would be found in international law referred to in Article 38 of the Statute of the International Court of Justice?

70. The concept of “equitable principles” being applied in the matter of delimitation of maritime zones in order to reach a goal is well recognized in international jurisprudence, although it has never been laid down with any precision as to what would constitute “equitable principles”. These seem to have varied from case to case in the context of given situations and have often meant simply that special circumstances had to be taken into account. It would be noted that in Article 74 and Article 83 of the 1982 Law of the Sea Convention it is not mentioned that “equitable principles” should be applied for the purposes of delimiting, but what it sets out is that the goal to be achieved through delimitation is to achieve an equitable solution. The “equitable principles”, as hitherto understood, cannot therefore be taken as the only guiding factor, but at the same time “equitable principles” may well be said to take us a long way in reaching an equitable solution. It is also for consideration whether the economic resources of the exclusive economic zone or the continental shelf should become a relevant factor to be taken into account in the context of finding an equitable solution in regard to delimitation.

B. Agreements on Delimitation

71. Based upon the information available from the website of the Oceans and Law of the Sea Division of the United Nations,²⁴ one may infer that there exists a large number of bilateral or multilateral maritime boundary agreements between States. Based upon the information extracted from the UN website, the Secretariat has listed out such agreements based upon the Asia-African region and as also between AALCO Member States and of an AALCO Member with a non-Member State or States.

72. It is suggested that texts of these Agreements may be studied to infer the principles upon which the States has concluded these Agreements. However, the earlier Secretariat study (1986), which had analyzed 31 such agreements, had noted, “in most of the agreements the equidistance/median line principle has been used and in every case in order to bring an equitable solution various special circumstances have been taken into consideration”.

²⁴ <http://www.un.org/depts/los/LEGISLATIONANDTREATIES/introduction.htm>.

C. Jurisprudence developed by the International Court of Justice on the delimitation of the Exclusive Economic Zone and the Continental Shelf

73. Judge Gilbert Guillaume is of the view that the “delimitation of maritime areas was long considered a secondary question, involving the fixing of boundaries between narrow territorial seas. Extension of State jurisdiction to the high seas and technological developments have made this into one of the main territorial issues in the last 30 years”.²⁵ After a long period of development, in which, he points out the Court has played a leading role, today’s law of the sea distinguishes between the delimitation of territorial seas, on the one hand, and of the continental shelf and exclusive economic zones on the other.

74. For the delimitation of the maritime areas, from the beginning two methods were recommended. Some suggested the “equidistance method”, pursuant to which the maritime boundary between States must follow “the median line every point of which is equidistant from the nearest points” on the coasts. Others pointed out that, while the equidistance method appeared generally acceptable for delimitation of territorial seas between States with opposite coasts, which were comparable in length, it could yield inequitable results in other circumstances. They thus advocated maritime delimitations based on equitable principles or producing equitable results. After, a long period of development, in which the Court played a leading role, present day’s law of the sea distinguishes between the delimitation of territorial seas, on the one hand, and of the continental shelf and fishing zones on the other.²⁶

75. In the *North Sea Continental Shelf Cases*²⁷ (1969) the Court initially inclined towards a delimitation of continental shelf in accordance with equitable principles, and taking account of all the relevant circumstances”. As regards Article 6(2) of the Geneva Convention on Continental Shelf of 1958, the Court ruled that it did not represent customary international law at least as far as lateral line delimitations between adjacent states (as opposed to median line delimitations between opposite states) were concerned. The Court then stated the customary rules that did apply, emphasizing above all the need to achieve an equitable result. It held that equidistance may lead to inequity, particularly when the continental shelf boundary of adjacent states extended to long distances from the coast. The Court specified the factors which have to be balanced and taken into account in delimitation as follows: *first*, the geographical aspects of the coastline and the area; *second*, the geology of the shelf in order to find out whether the direction taken by certain configurational features should influence delimitation; *third*, the unity of any deposits; and *fourth*, a reasonable degree of proportionality between the extent of the continental shelf appertaining to the States concerned and the length of their respective coastlines, measured according to their general direction in order to reduce the effect of concavity, convexity or irregularity of their coastlines.

²⁵ Note 19.

²⁶ Ibid.

²⁷ Case concerning the North Sea Continental Shelf (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. The Netherlands), Judgment of 20 February 1969, *ICJ Reports* 1969, p. 3.

76. The Court finally decided the criteria to be applied in the following terms: “Delimitation is to be effected by agreement in accordance with equitable principles, and taking into account of all the relevant circumstances in such a way as to leave as much as possible to each party, all those parts of the continental shelf that constitute a natural prolongation of its land territory into and under the sea, without encroachment on the natural prolongation of the land territory of the other.”

77. The Court followed the same approach in the *Continental Shelf (Tunisia v. Libya)*²⁸ (1982) and it concluded that that the two countries abutted on a common continental shelf and that physical criteria were therefore of no assistance for the purpose of delimitation. Hence it had to be guided by "equitable principles". The term “equitable principles” the Court emphasized cannot be interpreted in the abstract, but only as referring to the principles and rules which may be appropriate in order to achieve an equitable result and by certain factors such as the necessity of ensuring a reasonable degree of proportionality between the areas allotted and the lengths of the coastlines concerned. The Court also found that the application of the equidistance method could not, in the particular circumstances of the case, lead to an equitable result.

78. The next important case decided by the ICJ was the *Gulf of Maine* case²⁹, (1984) in the first case of its kind, a Chamber of the International Court of Justice was called upon to determine the “single maritime boundary” between the continental shelves and exclusive fishing zones between Canada and the United States in the Gulf of Maine. The Chamber stated that when drawing a single maritime boundary (i) the objective must be, as it is when delimiting boundaries between continental shelves alone, to achieve an equitable result and (ii) “it is necessary to ... rule out the application of any criterion found to be typically and exclusively bound up with the particular characteristics of the continental shelf or the water column above it, or which leads to preferential treatment for either of them”. With this in mind, the Chamber decided that it should emphasize the geography of the coastal situation, with a view to achieving “an equal distribution of the areas where the maritime projections of the coasts of the states between which delimitation is to be effected converge and overlap”. In order to achieve an equitable result, the Court relied upon considerations such as whether the principle of proportionality between length of coastline and size of zone is respected and whether the location of islands may have distorted the outcome. Another feature of the case was that both states were parties to the 1958 Continental Shelf Convention. The Chamber held that Article 6(2) of that Convention, which would have applied to the boundary of the continental shelf, but not of the exclusive fishing zone (there was no treaty provision applicable to the latter), does not apply when the issue is the determination of a single maritime boundary. To rule otherwise would “make the maritime water mass overlying the continental shelf a mere accessory of that shelf.”

²⁸ Case concerning Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Judgment of 24 February 1982, *ICJ Reports* 1982, p. 4.

²⁹ Case concerning the Delimitation of Maritime boundary in the Gulf of Maine Area (Canada/United States of America), Judgment of 12 October 1984, *ICJ Reports* 1984, p. 246.

79. In the *Continental Shelf (Libya v. Malta*³⁰) (1985) the Court had placed great reliance upon the equidistance rule in the case of opposite States. The Court first drew a line every point of which was equidistant from the coast of two opposite state concerned and then to make adjustments in the light of relevant circumstances and factors to achieve an equitable result.

To achieve an equitable solution the Court listed some principles like: the principle that there is to be no question of refashioning geography; the principle of non-encroachment by one Party on areas appertaining to the other; the principle of the respect due to all relevant circumstances; the principle that “equity does not necessarily imply equality” and that there can be no question of distributive justice.

As regards, the conflicting claims on the Continental Shelf, the Court stated:

“The Court however considers that since the development of the law enables a State to claim that the continental shelf appertaining to it extends up to as far as 200 miles from its coast, whatever the geological characteristics of the corresponding sea-bed and subsoil, there is no reason to ascribe any role to geological or geophysical factors within that distance in either verifying the legal title of the State concerned or in proceeding to a delimitation as between their claims. This is especially clear where verification of the validity of title is concerned, since, at least in so far as those areas are situated at a distance of under 200 miles from the coasts in question, title depends solely on distance from the coasts of claimant States of any areas of sea-bed claimed by way of continental shelf, and the geological or geomorphological characteristics of those areas are completely immaterial. It follows that, since the distance between the coasts of Parties is less than 400 miles, so that no geophysical feature can lie more than 200 miles from each coast, the feature referred to as the “rift zone” cannot constitute a fundamental discontinuity terminating the southward extension of the Maltese shelf and the northward extension of the Libyan as if it were some natural boundary.”³¹

80. In the *Jan Mayen case*,³² (1993) the delimitation of the continental shelf fell to be effected in accordance with the 1958 Geneva Convention (equidistance/special circumstances), whereas the fishing zones were to be effected in accordance with customary law (equitable solution, having regard to relevant factors). The Court stressed that, in both cases, an equitable result must be reached. It added that, as regards the fishing zones, delimitation had to proceed on the basis of equitable principles. In order to achieve this, it held that it was appropriate to start from the equidistance line, subsequently making all the necessary corrections to it, having regard to the relevant

³⁰ Case concerning the Continental Shelf (Libyan Arab Jamahiriya/Malta), Judgment of 2 June 1985, *ICJ Reports* 1985, p. 13.

³¹ *ICJ Reports* 1985, p. 13 at paragraph 39.

³² Case concerning Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway), Judgment of 14 June 1993, *ICJ Reports* 1993, p. 38.

factors. Finally, it stated that these factors were comparable to the special circumstances envisaged by the 1958 Convention. On that basis, the Court, with a view in particular to taking account of the length of the coasts of both parties and of the zone's fishery resources, arrived at a single delimitation line for the continental shelf and the fishing zone and drew this line to the east of the median line.

81. In *Qatar v. Bahrain*³³ (2001) the Court emphasized the close relationship between continental shelf and economic zone delimitations and held that the appropriate methodology was first to provisionally draw an equidistance line and then to consider whether circumstances existed which must lead to an adjustment of that line. Further, it was noted that 'the equidistance/special circumstances rule', applicable to territorial sea delimitation and the 'equidistance/relevant circumstances rule' as developed since 1958 in case law and practice regarding the delimitation of the continental shelf and the exclusive economic zone were closely inter-related. It was also considered that for reasons of equity in order to avoid disproportion, no effect could be given to Fasht al Jarim, a remote projection of Bahrain's coastline in the Gulf area, which constituted a maritime feature located well out to sea and most of which was below water at high tide.

82. In the *Cameroon v. Nigeria*³⁴ (2002) the Court noted that 'the applicable criteria, principles and rules of delimitation' concerning a line 'covering several zones of coincident jurisdiction' could be expressed in 'the so-called equitable principles/relevant circumstances method'. This method, 'which is very similar to the equidistance special circumstances method' concerning territorial sea delimitation, 'involves first drawing an equidistance line, then considering whether there are factors calling for adjustment or shifting of that line in order to achieve an "equitable result"'. Such a line had to be constructed on the basis of the relevant coastlines of the states in question and that excluded taking into account the coastline of third states and the coastline of the Parties not facing each other. Further, the Court emphasized that "equity is not a method of delimitation, but solely an aim that should be borne in mind in effecting the delimitation".

³³ Case concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain, Judgment of 16 March 2001, *ICJ Reports 2001*, p. 40.

³⁴ Case concerning Land and Maritime boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea Intervening, Judgment of 10 October 2002, *ICJ Reports 2002*, p.

XI. SECRETARIAT COMMENTS AND OBSERVATIONS

83. The decision of the fifteenth Meeting of Parties of UNCLOS for retaining the agenda item “Report of the Secretary-General under article 319 for the information of States Parties on issues of a general nature, relevant to States Parties, that have arisen with respect to the United Nations Convention on the Law of the Sea”, reflects the delicate compromise arrived at regarding the interpretation of Article 319 in the fifteenth Meeting of Parties of the UNCLOS and ensures that the decision-making at the MOP is not hampered.

84. The Indian Ocean Tsunami, has added a new challenge to the humanity. Human beings are helpless in the wake of a natural disaster of such magnitude. It is estimated, that the Tsunami took the lives of 273, 770 people, displaced over 1.6 million and rendered over half a million homeless. It eroded coastline and caused extensive flooding. The affected countries suffered several billion dollars worth of damage to property, infrastructure, coastal environments and essential ecosystems. Vital ocean-related economic sectors, such as the fisheries and tourism, were severely impacted.

85. Post-tsunami environmental assessments revealed that coastal ecosystems, including coral reefs, mangrove forests and seagrass beds acted as a natural buffer, at least partially protecting the coastline of some countries from destruction. This reaffirms that the protection of the environment is essential for the protection of human life.

86. The decision of the General Assembly to give an extension of further period of three years to the Informal Consultative Process is a welcome step. This would ensure that the General Assembly continues to remain the forum for the consideration of the oceans and the law of the sea issues. It may be also explored that whether in view of ensuring better coordination and management of ocean issues there is a need to provide permanency to the Consultative Process.

87. A review of the provisions of the Geneva Convention of 1958, the 1982 Convention and the State practice as evidenced through conclusions of agreements as well as the judicial decisions would tend to illustrate that the principles and norms that were followed or intended to be followed could be said to be “equitable principles”, “median line on the bases of equidistance principle” and “a line to be drawn on equidistance principles coupled with special circumstances.” These appeared to have been the three different modes, which have been applied in different cases either on the basis of agreement of States parties or pursuant to judicial decisions. In fact, it would be difficult to deduce any preference in favour of one or the other in so far as international law, as referred to in Article 38 of the Statute of the International Court of Justice is concerned.

88. As has already been stated, both Article 74 and Article 83 of the UNCLOS, which deal with the question of delimitation of the EEZ and the continental shelf respectively contemplating that states would act on the basis of agreement to be reached to find an

equitable solution through application of international law as referred to in Article 38 of the Statute of the International Court of Justice. Since international law, as mentioned in that Article, point to as many as three different modes for effectuating delimitation, the acute controversy that had prevailed during the negotiations in UNCLOS III on this hard-core issue between the states adhering to “equitable principles” and those relying upon the “equidistance” norm has not been resolved in the Convention. Problems are therefore bound to arise in those cases where one of the States opposite or adjacent may insist on application of “equitable principles” and the other on “equidistance” norm since both could legitimately assert that they were relying upon principles recognize in international law. The search for a solution that would be workable in practice is therefore a vital need. Moreover, from the judicial decisions, it may be clearly discerned that both the 1958 Convention on Continental Shelf rule and customary international law require-an equitable solution-which is also the objective stated in Article 83 (1), 1982 Convention. The difficulty with such an approach is, as Bowett points out, that, since different states will have different views of what equity requires, it reduces the chances of settling boundary disputes without litigation.³⁵

89. The development in the law relating to maritime delimitation has been summed up aptly by the then President of the ICJ Judge Gilbert Guillaume to the Sixth Committee of the General Assembly in his address on 31 October 2001:

“We are all aware that international law is constantly developing, and the law of the sea is not immune in this regard.

However, it is encouraging to note that the law of maritime delimitations, by means of these developments in the Court’s case law, has reached a new level of unity and certainty, whilst conserving the necessary flexibility.

Thus, the Court declared in its recent Judgment: “the equidistance/special circumstances rule” applicable to the delimitation of the territorial sea and “the equitable principles/relevant circumstances rule, as it has been developed since 1958 in case law and State practice with regard to the delimitation of the continental shelf and the exclusive economic zone, are closely interrelated”.

In all cases, the Court, as States also do, must first determine provisionally the equidistance line. It must then ask itself whether there are special or relevant circumstances requiring this line to be adjusted with a view to achieving equitable results.

The legal rule is now clear. However, each case nonetheless remains an individual one, in which the different circumstances invoked by the parties must be weighed with care”.

³⁵ Bowett, *British YearBook of International Law*, vol. 49 (1978), p. 1, cited in D. J. Harris, *Cases and Materials on International Law* (5th Edition, London, 1998), at p. 46, f. n. 57.

90. The role played by the AALCO in the development of the UNCLOS has been historical and well recognized. In view of the importance of the subject and the contribution made by AALCO in this regard it is essential that the Organization remains a lighthouse in this important area of international law. Subject to the approval of the Member States, to strengthen this role, as well as to reinvigorate the debate on the subject the Secretary-General proposes that the Member States may consider the feasibility of holding a meeting of AALCO Group of Experts on the Law of the Sea. This Group of Experts may be an open-ended and constitute experts nominated by Member Governments. This Meeting of Experts would provide a fresh impetus to the subject of the Law of the Sea in all its aspects. It may also inter alia deliberate upon what amendments can be suggested to UNCLOS 82 and the law on the delimitation of maritime areas. The Secretariat would render all the necessary assistance to this meeting of the Group of Experts in fulfilling its mandate.

Annexure

XII. A. Status of the Participation of AALCO Member States in the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the Implementation of the provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

S. No.	Member States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement Relating to implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (in force as from 11 December 2001)	
		Signature	Ratification, Formal Confirmation (c), Accession (a), Succession (d)	Signature	Ratification, formal confirmation (fc), Accession (a), definitive signature (ds), participation (p) Simplified procedure (sp)	Signature	Ratification, Accession (a)
1.	Arab Republic of Egypt	10 December 1982	26 August 1983	22 March 1995	—	5 December 1995	—
2.	Bahrain	10 December 1982	30 May 1985	—	—	—	—
3.	Bangladesh	10 December 1982	27 July 2001	—	27 July 2001 a	4 December 1995	—
4.	Botswana	5 December 1984	2 May 1990	—	31 Jan 2005 (a)	—	—
5.	Brunei Darussalam	5 December 1984	5 November 1996		5 November 1996	—	—
6.	China	10 December 1982	7 June 1996	29 July 1994	7 June 1996 (P)	6 November 1996	—
7.	Cyprus	10 December 1982	12 December 1988	1 November 1994	27 July 1995	—	25 September 2002 (a)
8.	DPR Korea	10 December 1982	—	—	—	—	—
9.	Gambia	10 December 1982	22 May 1984	—	—	—	—
10.	Ghana	10 December 1982	7 June 1983	—	—	—	—
11.	India	10 December 1982	29 June 1995	29 July 1994	29 June 1995	—	19 August 2003 (a)
12.	Indonesia	10 December 1982	3 February 1986	29 July 1994	2 June 2000	4 December 1995	—
13.	Islamic Republic of Iran	10 December 1982	—	—	—	—	17 April 1998 (a)
14.	Iraq	10 December 1982	30 July 1985	—	—	—	—

15.	Japan	7 February 1983	20 June 1996	29 July 1994	20 June 1996	19 November 1996	—
16.	Jordan	—	27 November 1995 a	—	27 November 1995 (p)	—	—
17.	Kenya	10 December 1982	2 March 1989	—	29 July 1994 (ds)	—	13 July 2004 (a)
18.	Kuwait	10 December 1982	2 May 1986	—	2 August 2002	—	—
19.	Lebanon	7 December 1984	5 January 1995	—	5 January 1995 (p)	—	—
20.	Libyan Arab Jamahiriya	3 December 1984	—	—	—	—	—
21.	Malaysia	10 December 1982	14 October 1996	2 August 1994	4 October 1996 (p)	—	—
22.	Mauritius	10 December 1982	4 November 1994	—	4 November 1994 (p)	—	25 March 1997 (a)
23.	Mongolia	10 December 1982	13 August 1996	17 August 1994	13 August 1996 (p)	—	—
24.	Myanmar	10 December 1982	21 May 1996	—	21 May 1996 (a)	—	—
25.	Nepal	10 December 1982	2 November 1998	—	2 November 1998 (p)	—	—
26.	Nigeria	10 December 1982	14 August 1986	25 October 1994	28 July 1995 (sp)	—	—
27.	Oman	1 July 1983	17 August 1989	—	26 February 1997 (a)	15 February 1996	—
28.	Pakistan	10 December 1982	26 February 1997	10 August 1994	26 February 1997 (p)	15 February 1996	—
29.	Palestine	—	—	—	—	—	—
30.	Philippines	10 December 1982	8 May 1984	15 November 1994	23 July 1997	30 August 1996	—
31.	Qatar	27 November 1984	9 December 2002	—	9 December 2002 (p)	—	—
32.	Republic of Korea	14 March 1983	29 January 1996	7 November 1994	29 January 1996	26 November 1994	—
33.	Saudi Arabia	7 December 1984	24 April 1996	—	24 April 1996 (p)	—	—
34.	Senegal	10 December 1982	25 October 1984	9 August 1994	25 July 1995	4 December 1995	30 January 1997
35.	Sierra Leone	10 December 1982	12 December 1994	—	12 December 1994 (p)	—	—
36.	Singapore	10 December 1982	17 November 1994	—	17 November 1994 (p)	—	—
37.	Somalia	10 December 1982	24 July 1989	—	—	—	—
38.	South Africa	5 December 1984	23 December 1997	3 October 1997	23 December 1997	—	14 August 2003 (a)
39.	Sri Lanka	10 December 1982	19 July 1994	29 July 1994	28 July 1995 (sp)	9 October 1996	24 October 1996
40.	Sudan	10 December 1982	23 January 1985	29 July 1994	—	—	—
41.	Syrian Arab Republic	—	—	—	—	—	—
42.	Thailand	10 December 1982	—	—	—	—	—
43.	Turkey	—	—	—	—	—	—
44.	Uganda	10 December 1982	9 November 1990	9 August 1994	28 July 1995 (sp)	10 October 1996	—
45.	United Arab Emirates	10 December 1982	—	—	16 November 1994	—	—

46.	United Republic of Tanzania	10 December 1982	30 September 1985	7 October 1994	25 June 1998	—	—
47.	Yemen	10 December 1982	21 July 1987	—	—	—	—

Note:

1. The information stated in the above table has been compiled from “Table recapitulating the status of the Convention and of the related Agreements, as at 16 September 2005, available on the website: <http://www.un.org/Depts/los/index.htm#oceans>.
2. The Arab Republic of Egypt, Bangladesh, China, India, Islamic Republic of Iran, Iraq, Kuwait, Malaysia, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sudan, United Republic of Tanzania and Yemen have made Declarations to the UNCLOS, 1982.
3. People’s Republic of China has made a declaration regarding the Straddling Fish Stocks Agreement.

Inferences:

Following inferences as to the participation of AALCO Member States to the UNCLOS and its implementing Agreements may be made from the information mentioned in the Table:

(i) UNCLOS

UNCLOS 1982 has near universal adherence from the AALCO member states. Out of forty-seven Member States only seven states, namely, Democratic Peoples’ Republic of Korea, Islamic Republic of Iran, Libyan Arab Jamahiriya, Syrian Arab Republic, Thailand, Turkey and United Arab Emirates are not Parties to the UNCLOS.

(ii) Agreement relating to the implementation of Part XI of the Convention

Thirty-one AALCO Member States are Parties to this Agreement. Region-wise break-up of the AALCO Member States Parties to this Agreement is as under:

Asia: Bangladesh, Brunei Darussalam China, Cyprus, India, Indonesia, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mongolia, Myanmar, Nepal, Oman, Pakistan, Philippines, Qatar, Republic of Korea, Saudi Arabia, Singapore, and Sri Lanka.

Africa: Botswana, Kenya, Mauritius, Nigeria, Senegal, Sierra Leone, South Africa, Uganda, and United Republic of Tanzania.

(iii) Agreement for the implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Only ten AALCO Member States are Parties to this Agreement. Region-wise break-up of the Parties to this Agreement is as under:

Asia: Cyprus, India, Sri Lanka, and Islamic Republic of Iran.

Africa: Kenya, Mauritius, Senegal and South Africa.

XII. B. MARITIME DELIMITATION TREATIES OF AALCO MEMBER STATES

Table I: Maritime delimitation treaties Amongst African Member States of AALCO

S. No	Member State	State which entered with	Agreement
1.	Arab Republic of Egypt	Cyprus	Agreement between the Republic of Cyprus and the Arab Republic of Egypt on the Delimitation of the Exclusive Economic Zone, 17 February 2003
2.	Gambia	Senegal	Treaty fixing the maritime boundaries between the Republic of the Gambia and the Republic of Senegal, 4 June 1975
3.	Kenya	United Republic of Tanzania	Exchange of Notes constituting an agreement on the territorial sea boundary, 17 December 1975 - 9 July 1976 (entry into force: 9 July 1976; registration #: 15603; registration date: 18 April 1977)
4.	Senegal	Guinea Bissau	Treaty fixing the maritime boundaries between the Republic of the Gambia and the Republic of Senegal, 4 June 1975
5.	Tanzania	Kenya	Exchange of Notes constituting an agreement on the territorial sea boundary, 17 December 1975 - 9 July 1976 (entry into force: 9 July 1976; registration #: 15603; registration date: 18 April 1977)

Table II: Maritime Delimitation Agreements of an African AALCO Member State with a non-Member State

S. No	State	State which entered with	<u>Agreement</u>
1.	Libya	Malta	Agreement between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Malta implementing Article III of the Special Agreement and the Judgment of the International Court of Justice, 10 November 1986
		Tunisia	<p>Special agreement between the Republic of Tunisia and the Socialist People's Libyan Arab Jamahiriya for the submission to the International Court of Justice of the question of the continental shelf between the two countries, 10 June 1977 (entry into force: 27 February 1978; registration #: 17408; registration date: 15 December 1978)</p> <p>Agreement between the Libyan Arab Socialist People's Jamahariya and the Republic of Tunisia to Implement the Judgment of the International Court of Justice in the Tunisia/Libya Continental Shelf</p>

			Case, 8 August 1988
2.	Mauritius	France	Convention between the Government of the French Republic and the Government of Mauritius on the delimitation of the French and Mauritian economic zones between the islands of Reunion and Mauritius (with annexes), 2 April 1980 (entry into force: 2 April 1980; registration #: 20620; registration date: 1 December 1981)
3.	Nigeria	Cameroon	The Maroua Declaration, 1 June 1975 (entry into force: 1 June 1975; registration #: 19976; registration date: 29 June 1981)
		Equatorial Guinea	Treaty between the Federal Republic of Nigeria and the Republic of Equatorial Guinea concerning their maritime boundary, 23 September 2000 (entry into force: 3 April 2002; registration #: 39154; registration date: 14 February 2003) Treaty between Equatorial Guinea and Nigeria on joint exploration of crude oil, especially at the Zafiro-Ekanga Oil Field located at the maritime boundary of both countries, 3 April 2002
		Sao Tome and Principe	Treaty between the Federal Republic of Nigeria and the Democratic Republic of Sao Tome and Principe on the Joint Development of Petroleum and other Resources, in respect of Areas of the Exclusive Economic Zone of the two States, 21 February 2001
4.	Senegal	Cape Verde	Treaty on the delimitation of the maritime frontier between the Republic of Cape Verde and the Republic of Senegal (with annex and map), 17 February 1993 (entry into force: 25 March.1994; registration #: 30956; registration date: 20 May 1994)
		Guinea -Bissau	Territorial sea and continental shelf boundary between Senegal and Guinea-Bissau (exchange of letters between Portugal and France), 26 April 1960 Management and Cooperation Agreement between the Government of the Republic of Senegal and the Government of the Republic of Guinea-Bissau, 14 October 1993 (entry into force: 21 December 1995; registration #: 32434; registration date: 10 January 1996) Protocol to the Agreement of 14 October 1993, concerning the organization and operation of the Management and Cooperation Agency, 12 June 1995 (entry into force: 21 December 1995; registration #: 32434; registration date: 10 January 1996)
5.	South Africa	Namibia	Treaty between the Government of the Republic of South Africa and the Government of the Republic of Namibia with respect to Walvis Bay and the off-shore Islands, 28 February 1994
6.	Tanzania	Mozambique	Agreement between the Government of the United Republic of Tanzania and the Government of the People's Republic of Mozambique regarding the Tanzania/Mozambique Boundary, 28 December 1988

		Seychelles	Agreement between the Government of the United Republic of Tanzania and the Government of the Republic of Seychelles on the Delimitation of the Maritime Boundary of the Exclusive Economic Zone and Continental Shelf, 23 January 2002
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Table III: Maritime delimitation treaties Amongst Asian Member States of AALCO

S. No	State	State which entered with	Agreement
1.		Islamic Republic of Iran	Agreement concerning delimitation of the continental shelf between Iran and Bahrain (with map), 17 June 1971 (entry into force: 14 May 1972; registration #: 11838; registration date: 9 June 1972)
		Saudi Arabia	Frontier agreement (with map), 22 February 1958 (entry into force: 22 February 1958; registration #: 30248; registration date: 9 September 1993)
2.		Arab Republic of Egypt	Agreement between the Republic of Cyprus and the Arab Republic of Egypt on the Delimitation of the Exclusive Economic Zone, 17 February 2003
		United Kingdom of Great Britain and Northern Ireland, Greece and Turkey	<p>Treaty between the United Kingdom of Great Britain and Northern Ireland, the Hellenic Republic, the Republic of Turkey and the Republic of Cyprus concerning the Establishment of the Republic of Cyprus (Annex A of Original Agreement), 16 August 1960 (entry into force: 16 August 1960; registration #: 5476; registration date: 12 December 1960)</p> <p>Treaty between the United Kingdom of Great Britain and Northern Ireland, the Hellenic Republic, the Republic of Turkey and the Republic of Cyprus concerning the Establishment of the Republic of Cyprus, 16 August 1960. Exchange of notes (with Declaration) between the United Kingdom of Great</p>

			Britain and Northern Ireland and Cyprus concerning the administration of the Sovereign Base Areas referred to in Article 1 of the above-mentioned Treaty, 16 August 1960 (entry into force: 16 August 1960; registration #: 5476; registration date: 12 December 1960)
3.		Indonesia	<p>Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia relating to the delimitation of the continental shelf boundary between the two countries (with annexed chart), 8 August 1974 (entry into force: 17 December 1974; registration #: 19474; registration date: 22 December 1980)</p> <p>Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia on the extension of the two countries in the Andaman Sea and the Indian Ocean, 14 January 1977 (entry into force: 22 December 1980; registration #: 19475; registration date: 22 December 1980)</p>
		Myanmar	Agreement between the Socialist Republic of the Union of Burma and the Republic of India on the Delimitation of the Maritime Boundary in the Andaman Sea, in the Coco Channel and in the Bay of Bengal (with maps), 23 December 1986 (entry into force: 14 September 1987; registration #: 25390; registration date: 21 October 1987)
		Sri Lanka	<p>Agreement between Sri Lanka and India on the boundary in historic waters between the two countries and related matters (with map), 26 and 28 June 1974 (entry into force: 10 July 1974; registration #: 15802; registration date: 19 July 1977)</p> <p>Agreement between Sri Lanka and India on the maritime boundary between the two countries in the Gulf of Mannar and the Bay of Bengal and related matters (with map), 23 March 1976 (entry into force: 10 May 1976; registration #: 15804; registration date: 19 July 1977)</p> <p>Supplementary Agreement between Sri Lanka and India on the extension of the maritime boundary between the two countries in the Gulf of Mannar from position 13 m to the trijunction point between Sri Lanka, India and Maldives (point T), 22 November 1976 (entry into force: 5 February 1977; registration #: 15804; registration date: 19 July 1977;)</p>
		Thailand	Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of India on the delimitation of sea-bed boundary between the two countries in the Andaman Sea (with chart and exchange of notes), 22 June 1978 (entry into force: 15 December 1978; registration #: 17433; registration date: 8 January 1979)
		Indonesia and Thailand	Agreement between the Government of the Kingdom of Thailand, the Government of the Republic of India and the Government of the Republic of Indonesia concerning the determination of the trijunction

			point and the delimitation of the related boundaries of the three countries in the Andaman Sea, 22 June 1978 (entry into force: 2 March 1979; registration #: 19476; registration date: 22 December 1980)
		Maldives and Sri Lanka	Agreement between Sri Lanka, India and Maldives concerning the determination of the trijunction point between the three countries in the Gulf of Mannar, 23, 24 and 31 July 1976 (entry into force: 31 July 1976; registration #: 15805; registration date: 19 July 1977)
		Myanmar and Thailand	Agreement between the Government of the Union of Myanmar, the Government of the Republic of India and the Government of the Kingdom of Thailand on the determination of the trijunction point between the three countries in the Andaman Sea, 27 October 1993 (entry into force: 24 May 1995; registration #: 32099; registration date: 18 August 1995)
4.		India	<p>Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia relating to the delimitation of the continental shelf boundary between the two countries (with annexed chart), 8 August 1974 (entry into force: 17 December 1974; registration #: 19474; registration date: 22 December 1980)</p> <p>Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia on the extension of the 1974 continental shelf boundary between the two countries in the Andaman Sea and the Indian Ocean, 14 January 1977 (entry into force: 22 December 1980; registration #: 19475; registration date: 22 December 1980)</p>
		Malaysia	<p>Agreement between the Government of Malaysia and the Government of Indonesia on the delimitation of the continental shelves between the two countries, 27 October 1969</p> <p>Treaty between the Republic of Indonesia and Malaysia Relating to the delimitation of the Territorial Seas of the Two Countries in the Strait of Malacca, 17 March 1970</p>
		Singapore	Agreement Stipulating the Territorial Sea Boundary Lines between Indonesia and the Republic of Singapore in the Strait of Singapore, 25 May 1973
		Thailand	<p>Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of a continental shelf boundary between the two countries in the northern part of the Straits of Malacca and in the Andaman Sea (with charts), 17 December 1971 (entry into force: 7 April 1973; registration #: 16929; registration date: 8 September 1978)</p> <p>Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of the sea-bed boundary between the two countries in the Andaman Sea (with charts), 11 December 1975 (entry into force: 18 February 1978; registration #:</p>

			16930; registration date: 8 September 1978)
		India and Thailand	Agreement between the Government of the Kingdom of Thailand, the Government of the Republic of India and the Government of the Republic of Indonesia concerning the determination of the trijunction point and the delimitation of the related boundaries of the three countries in the Andaman Sea, 22 June 1978 (entry into force: 2 March 1979; registration #: 19476; registration date: 22 December 1980)
		Malaysia and Thailand	Agreement between the Government of the Republic of Indonesia, The Government of Malaysia and the Government of the Kingdom of Thailand Relating to the Delimitation of the Continental Shelf Boundaries in the Northern Part of the Strait of Malacca, 21 December 1971
5.	Islamic Republic of Iran	Bahrain	Agreement concerning Delimitation of the Continental Shelf between Iran and Bahrain, 17 June 1971 (entry into force: 14 May 1972; registration #: 11838; registration date: 9 June 1972)
		Oman	Agreement concerning Delimitation of the Continental Shelf between Iran and Oman, 25 July 1974 (entry into force: 28 May 1975; registration #: 14085; registration date: 24 June 1975)
		Qatar	Agreement concerning the boundary line dividing the continental shelf between Iran and Qatar, 20 September 1969 (entry into force: 10 May 1970; registration #: 11197; registration date: 8 July 1971)
		Saudi Arabia	Agreement concerning the sovereignty over the islands of Al-'Arabiyah and Farsi and the delimitation of the boundary line separating submarine areas between the Kingdom of Saudi Arabia and Iran (with exchanges of letters, map and English translation), 24 October 1968 (entry into force: 29 January 1969; registration #: 9976; registration date: 27 October 1969)
		United Arab Emirates	Offshore Boundary Agreement between Iran and Dubai, 31 August 1974
6.		Iraq - Kuwait	Demarcation of the International Boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission, 20 May 1993 (document S/25811 and S/25811/Add.1)
11.		Republic of Korea	<p>Agreement between Japan and the Republic of Korea concerning the establishment of boundary in the northern part of the continental shelf adjacent to the two countries (with map and agreed minutes), 30 January 1974 (entry into force: 22 June 1978; registration #: 19777; registration date: 20 May 1981)</p> <p>Agreement concerning joint development of the southern part of the continental shelf adjacent to the two countries (with map, appendix, agreed minutes and exchanges of notes), 30 January 1974 (entry into force: 22 June 1978; registration #: 19778; registration date: 20 May 1981)</p>
7.		Kuwait - Iraq	Demarcation of the International Boundary between the Republic of Iraq and the State of Kuwait by the

			United Nations Iraq-Kuwait Boundary Demarcation Commission, 20 May 1993 (document S/25811 and S/25811/Add.1)
		Saudi Arabia	Agreement between the Kingdom of Saudi Arabia and the State of Kuwait concerning the submerged area adjacent to the divided zone, 2 July 2000 (entry into force: 31 January 2001; registration #: 37359; registration date: 29 March 2001)
8.		Indonesia	<p>Agreement between the Government of Malaysia and the Government of Indonesia on the delimitation of the continental shelves between the two countries, 27 October 1969</p> <p>Treaty between the Republic of Indonesia and Malaysia Relating to the delimitation of the Territorial Seas of the Two Countries in the Strait of Malacca, 17 March 1970</p>
		Indonesia and Thailand	Agreement between the Government of the Republic of Indonesia, The Government of Malaysia and the Government of the Kingdom of Thailand Relating to the Delimitation of the Continental Shelf Boundaries in the Northern Part of the Strait of Malacca, 21 December 1971
		Thailand	<p>Treaty between the Kingdom of Thailand and Malaysia relating to the delimitation of the territorial seas of the two countries, 24 October 1979 (entry into force: 15 July 1982; registration #: 21270 ; registration date: 7 October 1982)</p> <p>Memorandum of Understanding between the Kingdom of Thailand and Malaysia on the delimitation of the continental shelf boundary between the two countries in the Gulf of Thailand (with map), 24 October 1979 (entry into force: 15 July 1982; registration #: 21271; registration date: 7 October 1982)</p>
9.		India	Agreement between the Socialist Republic of the Union of Burma* and the Republic of India on the Delimitation of the Maritime Boundary in the Andaman Sea, in the Coco Channel and in the Bay of Bengal, 23 December 1986 (entry into force: 14 September 1987; registration #: 25390; registration date: 21 October 1987;

		India and Thailand	Agreement between the Government of the Union of Myanmar, the Government of the Republic of India and the Government of the Kingdom of Thailand on the determination of the trijunction point between the three countries in the Andaman Sea, 27 October 1993 (entry into force: 24 May 1995; registration #: 32099; registration date: 18 August 1995)
		Thailand	Agreement between the Government of the Kingdom of Thailand and and the Government of the Socialist Republic of the Union of Burma on the delimitation of the maritime boundary between the two countries in the Andaman Sea, 25 July 1980 (entry into force: 12 April 1982; registration #: 21069; registration date: 25 May 1982)
10.		Islamic Republic of Iran	Agreement concerning delimitation of the continental shelf between Iran and Oman (with map), 25 July 1974 (entry into force: 28 May 1975; registration #: 14085; registration date: 24 June 1975)
		Yemen	International boundary agreement between the Sultanate of Oman and the Republic of Yemen, 1 October 1992 (entry into force: 27 December 1992; registration #: 29574; registration date: 4 February 1993) Agreement on the delimitation of the maritime boundary between the Sultanate of Oman and the Republic of Yemen (with map), Muscat, 14 December 2003 (entry into force: 3 July 2004; registration #: 41170; registration date: 14 April 2005;
		Pakistan	Muscat Agreement on the Delimitation of the Maritime Boundary between the Sultanate of Oman and the Islamic Republic of Pakistan, 12 June 2000 (entry into force: 21 November 2000; registration #: 38455; registration date: 6 June 2002)
11.		Oman	Muscat Agreement on the Delimitation of the Maritime Boundary between the Sultanate of Oman and the Islamic Republic of Pakistan, 12 June 2000 (entry into force: 21 November 2000; registration #: 38455; registration date: 6 June 2002;
12.		United Arab	Agreement on settlement of maritime boundary lines and sovereign rights over islands between Qatar

		Emirates	and Abu Dhabi, 30 March 1969
		Islamic Republic of Iran	Agreement concerning the boundary line dividing the continental shelf between Iran and Qatar (with map), 20 September 1969 (entry into force: 10 May 1970; registration #: 11197; registration date: 8 July 1971
		with Saudi Arabia	Agreement on the delimitation of the offshore and land boundaries between the Kingdom of Saudi Arabia and Qatar, 4 December 1965 (entry into force: 31 May 1971; registration #: 30249; registration date: 9 September 1993)
13.	Republic of Korea	Japan	Agreement between Japan and the Republic of Korea concerning the establishment of boundary in the northern part of the continental shelf adjacent to the two countries (with map and agreed minutes), 30 January 1974 (entry into force: 22 June 1978; registration #: 19777; registration date: 20 May 1981; Agreement concerning joint development of the southern part of the continental shelf adjacent to the two countries (with map, appendix, agreed minutes and exchanges of notes) 30 January 1974 (entry into force: 22 June 1978; registration #: 19778; registration date: 20 May 1981;
14.	Saudi Arabia	Bahrain	Frontier agreement (with map), 22 February 1958 (entry into force: 22 February 1958; registration #: 30248; registration date: 9 September 1993)
		Islamic Republic of Iran	Agreement concerning the sovereignty over the islands of Al-'Arabiyah and Farsi and the delimitation of the boundary line separating submarine areas between the Kingdom of Saudi Arabia and Iran (with exchanges of letters, map and English translation), 24 October 1968 (entry into force: 29 January 1969; registration #: 9976; registration date: 27 October 1969;
		Kuwait	Agreement between the Kingdom of Saudi Arabia and the State of Kuwait concerning the submerged area adjacent to the divided zone, 2 July 2000 (entry into force: 31 January 2001; registration #: 37359; registration date: 29 March 2001;
		Qatar	Agreement on the delimitation of the offshore and land boundaries between the Kingdom of Saudi Arabia and Qatar, 4 December 1965 (entry into force: 31 May 1971; registration #: 30249; registration date: 9 September 1993)
		Yemen	International Border Treaty between the Republic of Yemen and the Kingdom of Saudi Arabia, 12 June 2000 (entry into force: 4 July 2000)
15.		Indonesia	Agreement Stipulating the Territorial Sea Boundary Lines between Indonesia and the Republic of Singapore in the Strait of Singapore (25 May 1973)

16.		India	<p>Agreement between Sri Lanka and India on the boundary in historic waters between the two countries and related matters (with map), 26 and 28 June 1974 (entry into force: 10 July 1974; registration #: 15802; registration date: 19 July 1977)</p> <p>Agreement between Sri Lanka and India on the maritime boundary between the two countries in the Gulf of Mannar and the Bay of Bengal and related matters (with map), 23 March 1976 (entry into force: 10 May 1976; registration #: 15804; registration date: 19 July 1977)</p> <p>Supplementary Agreement between Sri Lanka and India on the extension of the maritime boundary between the two countries in the Gulf of Mannar from position 13 m to the trijunction point between Sri Lanka, India and Maldives (point T), 22 November 1976 (entry into force: 5 February 1977; registration #: 15804; registration date: 19 July 1977)</p>
		India and Maldives	<p>Agreement between Sri Lanka, India and Maldives concerning the determination of the trijunction point between the three countries in the Gulf of Mannar, 23, 24 and 31 July 1976 (entry into force: 31 July 1976; registration #: 15805; registration date: 19 July 1977)</p>
17.		India	<p>Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of India on the delimitation of sea-bed boundary between the two countries in the Andaman Sea (with chart and exchange of notes), 22 June 1978 (entry into force: 15 December 1978; registration #: 17433; registration date: 8 January 1979)</p>
		India and Indonesia	<p>Agreement between the Government of the Kingdom of Thailand, the Government of the Republic of India and the Government of the Republic of Indonesia concerning the determination of the trijunction</p>

			point and the delimitation of the related boundaries of the three countries in the Andaman Sea, 22 June 1978 (entry into force: 2 March 1979; registration #: 19476; registration date: 22 December 1980)
		India and Myanmar	Agreement between the Government of the Union of Myanmar, the Government of the Republic of India and the Government of the Kingdom of Thailand on the determination of the trijunction point between the three countries in the Andaman Sea, 27 October 1993 (entry into force: 24 May 1995; registration #: 32099; registration date: 18 August 1995)
		Indonesia	<p>Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of a continental shelf boundary between the two countries in the northern part of the Straits of Malacca and in the Andaman Sea (with charts), 17 December 1971 (entry into force: 7 April 1973; registration #: 16929; registration date: 8 September 1978)</p> <p>Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the Delimitation of the Seabed Boundary between the two Countries in the Andaman Sea, 11 December 1975 (entry into force: 18 February 1978; registration #: 16930; registration date: 8 September 1978)</p>
		Indonesia and Malaysia	Agreement between the Government of the Republic of Indonesia, The Government of Malaysia and the Government of the Kingdom of Thailand Relating to the Delimitation of the Continental Shelf Boundaries in the Northern Part of the Strait of Malacca, 21 December 1971
		Malaysia	<p>Treaty between the Kingdom of Thailand and Malaysia relating to the delimitation of the territorial seas of the two countries, 24 October 1979 (entry into force: 15 July 1982; registration #: 21270; registration date: 7 October 1982)</p> <p>Memorandum of Understanding between the Kingdom of Thailand and Malaysia on the delimitation of the continental shelf boundary between the two countries in the Gulf of Thailand (with map), 24 October 1979 (entry into force: 15 July 1982; registration #: 21271; registration date: 15 July 1982;</p>
		Myanmar	Agreement between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of the Union of Burma on the delimitation of the maritime boundary between the two countries in the Andaman Sea, 25 July 1980 (entry into force: 12 April 1982; registration #: 21069; registration date: 25 May 1982)

18.		Cyprus , Greece and the United Kingdom of Great Britain and Northern Ireland	<p>Treaty between the United Kingdom of Great Britain and Northern Ireland, the Hellenic Republic, the Republic of Turkey and the Republic of Cyprus concerning the Establishment of the Republic of Cyprus, 16 August 1960. Exchange of notes (with Declaration) between the United Kingdom of Great Britain and Northern Ireland and Cyprus concerning the administration of the Sovereign Base Areas referred to in Article 1 of the above-mentioned Treaty, 16 August 1960 (entry into force: 16 August 1960; registration #: 5476; registration date: 12 December 1960)</p> <p>Treaty between the United Kingdom of Great Britain and Northern Ireland, the Hellenic Republic, the Republic of Turkey and the Republic of Cyprus concerning the Establishment of the Republic of Cyprus, 16 August 1960. Exchange of notes between the United Kingdom of Great Britain and Northern Ireland and Cyprus concerning the future of the Sovereign Base Areas referred to in article 1 of the above-mentioned Treaty, 16 August 1960 (entry into force: 16 August 1960; registration #: 5476; registration date: 12 December 1960)</p>
18.	United Arab Emirates	Islamic Republic of Iran	Offshore Boundary Agreement between Iran and Dubai, 31 August 1974
		Qatar	Agreement on settlement of maritime boundary lines and sovereign rights over islands between Qatar and Abu Dhabi, 30 March 1969.
19.		Oman	<p>International boundary agreement between the Sultanate of Oman and the Republic of Yemen, 1 October 1992 (entry into force: 27 December 1992; registration #: 29574; registration date: 4 February 1993)</p> <p>Agreement on the delimitation of the maritime boundary between the Sultanate of Oman and the Republic of Yemen (with map), Muscat, 14 December 2003 (entry into force: 3 July 2004; registration #: 41170; registration date: 14 April 2005)</p>
		Saudi Arabia	International Border Treaty between the Republic of Yemen and the Kingdom of Saudi Arabia, 12 June 2000 (entry into force: 4 July 2000)

Table IV: Maritime Delimitation Agreements of an Asian AALCO Member State with a non-Member State

S. No	State	State which entered With	Agreement
1.	Democratic People's Republic of Korea	Russian Federation	<p>Agreement between the Union of the Soviet Socialist Republics and the Democratic People's Republic of Korea on the Delimitation of the Soviet-Korean National Border, 17 April 1985</p> <p>Agreement between the Union of the Soviet Socialist Republics and the Democratic People's Republic of Korea on the Delimitation of the Economic Zone and the Continental Shelf, 22 January 1986</p> <p>Agreement between the Government of the Union of the Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea concerning the Regime of the Soviet-Korean State Frontier , 3 September 1990</p>
	Jordan	Israel	<p>Maritime Boundary Agreement between the Government of the State of Israel and the Government of the Hashemite Kingdom of Jordan, 18 January 1996 (entry into force: 17 February 1996; registration no. #: 35333; registration date 11 November 1998)</p>
	Republic of Indonesia	Australia	<p>Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing certain seabed boundaries, 18 May 1971 (entry into force: 8 November 1973; registration #: 14122; registration date: 7 August 1975)</p> <p>Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing certain seabed boundaries in the area of the Timor and Arafura Seas, supplementary to the Agreement of 18 May 1971, 9 October 1972 (entry into force: 8 November 1973; registration #: 14123; registration date: 7 August 1975)</p> <p>Agreement between Australia and Indonesia concerning certain boundaries between Papua New Guinea and Indonesia (with chart) 12 February 1973 (entry into force: 26 November 1973; registration #: 14124; registration date: 7 August 1975)</p>

			<p>Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Australia concerning the implementation of a Provisional Fisheries Surveillance and Enforcement Agreement</p> <p>Treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an exclusive economic zone and certain sea bed boundaries, 14 March 1997</p>
		Papua New Guinea	Agreement between the Government of Indonesia and the Government of Papua New Guinea concerning the Maritime Boundary between the Republic of Indonesia and Papua New Guinea and Cooperation on Related Matters, 13 December 1980
2.	People's Republic of China	Viet Nam	Agreement between the People's Republic of China and the Socialist Republic of Viet Nam on the delimitation of the Territorial Sea, the Exclusive Economic Zone and the Continental Shelf in Beibu Bay/Gulf of Tonkin (list of Geographical Coordinates of Points), 25 December 2000.
3.	Thailand	Vietnam	Agreement between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Viet Nam on the delimitation of the maritime boundary between the two countries in the Gulf of Thailand, 9 August 1997 (entry into force: 27 February 1998)
4.	Turkey	Bulgaria	Agreement between the Republic of Turkey and the Republic of Bulgaria on determination of the boundary in the mouth area of the Mutludere/Rezovska river and delimitation of the maritime areas between the two states in the Black Sea, 4 December 1997 (entry into force: 4 November 1998; registration #: 36204; registration date: 1 November 1999)
		Georgia	<p>Protocol between the Government of the Republic of Turkey and the Government of Georgia on the Confirmation of the Maritime Boundaries between them in the Black Sea, 14 July 1997</p> <p>Agreement between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics concerning the Delimitation of the Continental Shelf Between the Republic of Turkey and the Union of Soviet Socialist Republics in the Black Sea, 23 June 1978 (entry into force: 15 May 1981; registration #: 20344; registration date: 11 August 1981)</p>

			<p>Exchange of Notes constituting an Agreement on the Delimitation of the USSR and Turkey Economic Zone in the Black Sea (23 December 1986 - 6 February 1987) (entry into force: 6 February 1987; registration #: 24690; registration date: 23 April 1987)</p> <p>Protocol between the Government of the Republic of Turkey and the Government of Georgia on the confirmation of the Maritime Boundaries between them in the Black Sea, 14 July 1997.</p>
		Russian Federation	<p>Agreement between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics concerning the delimitation of the continental shelf between the Republic of Turkey and the Union of Soviet Socialist Republics in the Black Sea, 23 June 1978 (entry into force: 15 May 1981; registration #: 20344; registration date: 11 August 1981)</p> <p>Exchange of notes constituting an agreement on the delimitation of the USSR and Turkey economic zone in the Black Sea, 23 December 1986 - 6 February 1987 (entry into force: 6 February 1987; registration #: 24690; registration date: 23 April 1987)</p>
		Ukraine	<p>Agreement between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics concerning the delimitation of the continental shelf between the Republic of Turkey and the Union of Soviet Socialist Republics in the Black Sea, 23 June 1978 (entry into force: 15 May 1981; registration #: 20344; registration date: 11 August 1981)</p> <p>Exchange of notes constituting an agreement on the delimitation of the USSR and Turkey economic zone in the Black Sea, 23 December 1986 - 6 February 1987 (entry into force: 6 February 1987; registration #: 24690; registration date: 23 April 1987)</p>
2.	Yemen	Eritrea	Treaty Establishing the Joint Yemeni-Eritrean Committee for Bilateral Cooperation Between the Government of the Republic of Yemen and the Government of the State of Eritrea, 16 October 1998