

### DECLARATION OF JUDGE KOLODKIN

1. Every year, the United Nations General Assembly in its annual resolutions on the oceans and the law of the sea appeals to all States to harmonize their legislation to bring it into compliance with the United Nations Convention on the Law of the Sea.

2. Unfortunately, not all Member States of the United Nations that are parties to the United Nations Convention on the Law of the Sea have heeded those appeals. In the “*Juno Trader*” Case it has been found that a coastal State, the Respondent, has used the expression “the maritime waters of Guinea-Bissau” to mean not only the territorial sea of Guinea-Bissau, but also its exclusive economic zone.

3. On 19 October 2004, the Interministerial Maritime Inspection Commission adopted the Minute in which was stated that the *Juno Trader* “. . . was seized . . . within the maritime waters of Guinea-Bissau . . .”. However, it is known that the *Juno Trader* was arrested in the exclusive economic zone of Guinea-Bissau and, under the United Nations Convention on the Law of the Sea, exclusive economic zones do not form part of the territorial sea or “maritime waters” of any State.

4. There is another trend in the application of the United Nations Convention on the Law of the Sea: some coastal States are demanding, in their domestic legislation, prior notification by vessels intending to enter their exclusive economic zones even if only for the purpose of transiting them in application of the freedom of navigation which is guaranteed by article 58, paragraph 1, of the United Nations Convention on the Law of the Sea.

(Signed) Anatoly Kolodkin