

Berlin, 24 February 1993.

Sir,

The Agents of Norway herewith present their replies to the questions from Judge Oda. These replies do not address the premisses which precede the questions. The submission of these replies should not be taken to express any position with regard to the scope of customary international law in relation to the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982.

I

In response to the first question, it should be recalled that Norway established an extended zone of coastal State resource jurisdiction, as was done by a number of States from the mid 1970's, in conformity with international law. In this respect, it was immaterial whether a zone was described as an "Exclusive Economic Zone" (the term employed in Part V of the 1982 United Nations Convention on the Law of the Sea), or by any other designation.

It is open to coastal States to determine

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the extent of its extended zone of maritime jurisdiction within the maximum of 200 nautical miles from the baselines used for measuring the territorial sea. It is likewise open to States to choose the terminology for designating its zone of jurisdiction. The use of different designations of zones may imply that the claims to jurisdiction, or the jurisdiction which is actually to be exercised in the zone, may differ.

The position of Norway may be illustrated by reference to the pertinent Norwegian legislation: The Norwegian Act No. 91 of 17 December 1976 is entitled "Act relating to the Economic Zone of Norway". The Act was presented to the Court as Annex 24 to the Norwegian Counter-Memorial (Vol. II, at p. 101). The term "economic zone" is used throughout the Act.

Section 2, second paragraph, of the Act specifies that the establishment of the economic zone shall not affect the contents of, or the field of application of Norwegian continental shelf legislation, or regulations issued pursuant thereto. At present, the Governing Acts in relation to the continental shelf are Act No. 12 of 21 June 1963 relating to exploration for and exploitation of submarine natural resources (Annex 22) and Act No. 11 of 22 March 1985 pertaining to petroleum activities (Annex 28).

Pursuant to the Act relating to the Economic Zone of Norway, an *economic zone* was established. That follows directly from the provisions of Section 1, first paragraph, first

sentence, of the Act: "An economic zone shall be established in the seas adjacent to the coast of the Kingdom of Norway". The use of the expression "Kingdom of Norway" means that all parts of the Kingdom, including the island of Jan Mayen, are comprised within the provision. The second sentence of that paragraph states that the King shall determine the date for the establishment of the economic zone, and the waters which it shall comprise.

For the waters off the Norwegian mainland, regulations for an economic zone were made by Royal Decree of 17 December 1976 (Annex 25, Vol. II, p. 105), regulations for a fisheries protection zone around Svalbard were promulgated by Royal Decree of 3 June 1977 (Annex 26, Vol. II, p. 106), and a fisheries zone in the sea areas round Jan Mayen was established by Royal Decree No. 4 of 23 May 1980 (Annex 27, Vol. II, p. 108). Each of these three instruments contains a statement to the effect that it is made "pursuant to" the Act relating to the Economic Zone.

The Act relating to the Economic Zone of Norway provides for the same competence with regard to the conservation and management of living resources, regardless of the designation of any particular zone, although the actual implementation of management measures and rules for the conduct of fishing operations may vary. Norway pursues the same policies of responsible management for all areas under its jurisdiction.

The King is at liberty at any time to alter or amend the designation of any zone of

jurisdiction, as well as the range of powers exercisable in a given area.

Any reference on Norway's part in these proceedings to an "economic zone" or to a "fishery zone" under Norwegian jurisdiction has the meaning ascribed to that term in the relevant Norwegian legislative instrument. References to zones under the jurisdiction of other States should be understood to relate to such zones as established and implemented by each State. The use of a term should not necessarily be taken as intended to contain a characterization of the powers or jurisdictions claimed by the State in question.

It may be noted that Denmark in the same manner as Norway maintains in its legislation a distinction between the continental shelf (see Annexes 29 and 30 to the Norwegian Counter-Memorial) and the "fishing territory" (Annex 31).

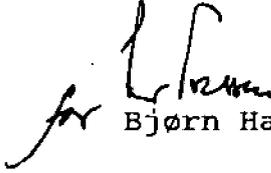
II

In reply to the second question, it should first be noted that it is manifest that Jan Mayen is not a "rock", and that, therefore, it does not fall under the exception in paragraph 3 of Article 121 of the 1982 Convention. Consequently, paragraphs 1 and 2 of Article 121 will apply.

The Government of Norway has not established any specific interpretation of paragraph 3 of Article 121, but will determine

the situation of any given territorial entity in relation to the provision as occasion arises.

Accept, Sir, the assurances of our highest consideration.


Bjørn Haug


Per Tresselt

Agents for the Government of Norway