

# Moscow Symposium on the Law of the Sea

Proceedings of a workshop co-sponsored by  
The Law of the Sea Institute  
The Soviet Maritime Law Association  
The Soviet Peace Fund

November 28 - December 2, 1988  
Moscow, Union of Soviet Socialist Republics

**Co-Chairmen:**  
**Thomas A. Clingan, Jr.**  
**Anatoly L. Kolodkin**

Published by  
The Law of the Sea Institute  
William S. Richardson School of Law  
University of Hawaii, Honolulu

The Law of the Sea Institute is housed and sponsored by the William S. Richardson School of Law, University of Hawaii, and is a project (R/PP-2) sponsored by the University of Hawaii Sea Grant College Program under Institutional Grant No. NA85AA-D-SG082 from NOAA, Office of Sea Grant, Department of Commerce. The United States government is authorized to produce and distribute reprints for governmental purposes notwithstanding any copyright notations that may appear herein. This is Sea Grant publication UNIHI-SEA-GRANT-CR-92-02.

Copyright © 1991 by the Law of the Sea Institute, University of Hawaii. All rights reserved. Manufactured in the United States of America.

International Standard Book Number 0-911189-24-6

#### Library of Congress Cataloging-in-Publication Data

Moscow Symposium on the Law of the Sea (1988 : Moscow, R.S.F.S.R.)  
Moscow Symposium on the Law of the Sea : proceedings of a workshop co-sponsored by the Law of the Sea Institute, the Soviet Maritime Law Association, The Soviet Peace Fund, November 28-December 2, 1988, Moscow, Union of Soviet Socialist Republics / [edited by] Thomas A. Clingan, Jr., and Anatoly L. Kolodkin.  
p. cm.  
Includes index.  
ISBN 0-911189-24-6 : \$52.00 (est.)  
1. Maritime law--Congresses. 2. Economic zones (Maritime law)--Congresses. 3. Marine resources conservation--Law and legislation--Congresses. 4. Maritime law--Soviet Union--Congresses.  
I. Clingan, Thomas A. II. Kolodkin, Anatoly L., 1928-  
III. Title.  
JX4408.M67 1988  
342.4'5--dc20

91-38915  
CIP

This book may be ordered from:

The Law of the Sea Institute  
William S. Richardson School of Law  
University of Hawaii at Manoa  
2515 Dole Street, Room 208  
Honolulu, HI 96822  
Phone (808) 956-6750  
Telex 7431895 (ITT) SEALAW  
Fax (808) 956-6402

Cite as Thomas A. Clingan, Jr. and Anatoly L. Kolodkin (eds), *Moscow Symposium on the Law of the Sea* [page numbers] (1991).

THE LAW OF THE SEA INSTITUTE  
1988-89 Executive Board

Lewis Alexander  
Dept. Geography/Marine Affairs  
University of Rhode Island

Dale C. Krause  
Division of Marine Sciences  
UNESCO

R. P. Anand  
School of International Studies  
Jawaharlal Nehru University

Mochtar Kusuma-Atmadja  
Indonesian Center for the Law of the Sea,  
Bandung

Richard Bilder  
Law School  
University of Wisconsin

Philip A. Major  
Ministry of Agriculture and Fisheries, New  
Zealand

Alastair Couper  
Department of Maritime Studies  
University of Wales

Edward L. Miles  
Institute for Marine Studies  
University of Washington

Edgar Gold  
Oceans Institute of Canada  
Halifax

Satya Nandan  
Office of Ocean Affairs and  
Law of the Sea, United Nations

Jeremy Harrison  
Wm. S. Richardson School of Law  
University of Hawaii

Francisco Orrego Vicuna  
Inst. of International Studies  
University of Chile

Lee A. Kimball  
Council on Ocean Law  
Washington, DC

Louis Sohn  
University of Georgia  
Faculty of Law

Tommy T. B. Koh  
Embassy of the Republic of  
Singapore to the U.S.

Tullio Treves  
Permanent Mission of Italy  
to the United Nations

Anatoly Kolodkin  
Soviet Maritime Law Association  
Moscow

Kunio Yonezawa  
Nippon Suisan Kaisha, Ltd.  
Tokyo

LSI Staff

John P. Craven, Director  
Scott Allen, Associate Director  
Maivân Clech Lâm, Assistant Director  
Carol Stimson, Administrator/Editor  
Elizabeth Glover, Publications  
Philomène Verlaan, LOS Lieder and Membership

## TABLE OF CONTENTS

OPENING CEREMONIES .....	1
LEGAL ISSUES OF NAVIGATION .....	17
Legal Issues of Navigation .....	19
Thomas A. Clingan, Jr.	
Bernard H. Oxman	
Significance of the UN Convention on the Law of the Sea for International Navigation: General Assessment and Prospects .....	31
A.L. Kolodkin	
L.B. Imnadze	
R.F. Sorokin	
On the Prospects of the Entry into Force of the UN Convention on the Law of the Sea .....	45
V.S. Kotlyar	
Commentary .....	50
Hasjim Djalal	
Innocent Passage or Innocent Navigation? .....	54
A.A. Saguiryan	
Contemporary Problems of the Suppression of Piracy at Sea .....	59
P.D. Barabolya	
Commentary .....	67
A.P. Movchan	
Commentary .....	72
V. Guralchic	
Military Exclusion and Warning Zones on the High Seas .....	75
Jon M. Van Dyke	

Commentary .....	127
William E. Butler	
Some Considerations in Favor of the UN Convention on the Law of the Sea .....	129
S.V. Molodtsov	
Commentary .....	132
Renate Platzöder	
International Legal Guarantees of Security on the Seas and Oceans .....	134
I. Ye. Tarkhanov	
Commentary .....	139
Stoyan Stalev	
Commentary .....	141
Nikolai V. Amelko	
International Navigation and the Changing Law of the Sea .....	144
O.V. Bozrikov	
V.A. Kisselyov	
Commentary .....	151
Edgar Gold	
Some International Legal Aspects of Establishing Historical Rights with Regard to Sea Areas .....	154
Yu.G. Barssegov	
M.V. Veksler	
International Legal Liability for Oil Pollution Damage .....	157
A.G. Kalpin	
The Role of Legal Rules, Operating During Armed Conflicts, in the Regulation of Relations at Sea and Main Directions of Their Modification .....	169
V. Yu. Markov	

Some Legal Aspects of States' Military Activities in the World Ocean .....	171
G.M. Melkov	
International Legal Issues of Cooperation Between States in Suppressing Piracy and Terrorism: Some Aspects .....	174
N.D. Korolyova	
Commentary .....	181
V.A. Romanov	
Some Legal Aspects of Suppressing Terrorism at Sea .....	184
and Piracy	
Captain V.S. Knyazev	
Discussion .....	188
STRADDLING STOCKS .....	215
Pressures on the United Nations Convention on the Law of the Sea of 1982 Arising from New Fisheries Conflicts: The Problem of Straddling Stocks .....	217
Edward L. Miles	
William T. Burke	
Foreign Overfishing: A Dilemma for Canada .....	239
Edgar Gold	
Discussion .....	244
Management of Marine Living Resources: Some International Legal Questions .....	251
A.N. Vylegzhanin	
V.K. Zilanov	
Highly Migratory Species: Problems of Regulation .....	266
N. Mirovitskaya	

Discussion .....	270
The Problems of Marine Fisheries Management and the Third Countries K.A. Bekyashev	282
MARINE SCIENTIFIC RESEARCH .....	291
Questions Concerning the Regime of Marine Scientific Research .....	293
John A. Knauss	
Legal Regime of Marine Scientific Research According to the UN Convention of the Law of the Sea: Prospects .....	303
V.I. Andrianov G.M. Danilenko	
Discussion .....	316
In Search of Possible Mechanisms of Strengthening Soviet-American Cooperation in Marine Research .....	327
Elena N. Nikitina	
Marine Science Cooperation in the Northern North Pacific: The PICES Proposal and Institutional Interactions .....	331
Warren Wooster	
International Legal Questions Concerning the Access of State-Owned Non-Commercial Vessels to Foreign Ports .....	339
Y.I. Karassyov	
Discussion .....	346
Regulation of International Marine Research in the Light of the UN Law of the Sea Convention and Some Problems in Soviet-U.S. Cooperation in the Study of the World Ocean .....	352
R.V. Vartanov	

Control over Compliance with International Legal Ecological Rules . . . . .	356
V.P. Kirilenko	
CLOSING CEREMONIES . . . . .	363
LIST OF PARTICIPANTS . . . . .	379
INDEX . . . . .	383