



KINGDOM OF BELGIUM

Gouvernement Princier  
PRINCIPAUTÉ DE MONACOCOSTA RICA  
GOBIERNO DEL BICENTENARIO  
2018 - 2022

## **GUIDING QUESTIONS**

**28<sup>th</sup> & 29<sup>th</sup> April 2021**

Below are **Guiding Questions** which could be considered for dialogue on Implementation and Compliance, Non-Parties, and Settlement of Disputes; and Final Provisions, with a focus on Entry into Force, Provisional Application, and Amendment of the Agreement and the Annexes.

### **DAY 1: 28 April**

#### **Implementation and Compliance, Non-Parties, Settlement of Disputes**

##### ***Implementation and Compliance***

How would the future agreement promote compliance with its provisions? Should it include an implementation and compliance mechanism?

What would be the relationship between the provisions on implementation and compliance in part VIII and the provisions on implementation, reporting, monitoring, and review in the other parts of the future agreement?

##### ***Non-Parties***

How would the future agreement address non-parties? Would the future agreement encourage non-parties to adopt laws and regulations consistent with its provisions?

Would the future agreement include a specific provision that it would not affect the legal status of non-parties to the United Nations Convention on the Law of the Sea (UNCLOS) or any other related agreements? If yes, where would it be placed?

##### ***Settlement of Disputes***

Would the procedure set out in part XV of UNCLOS apply *mutatis mutandis* to any dispute between States parties to the future agreement concerning the interpretation or application of the agreement, irrespective of whether they are parties to the Convention?

Would the future agreement provide for the possibility of the Conference of the Parties to seek an advisory opinion?

What would be the relationship between the procedure for the settlement of disputes in the future agreement and the procedures under relevant legal instruments and frameworks and relevant global, regional, subregional, and sectoral bodies?



## **DAY 2: 29 April**

### **Continuation of Day 1 Discussions (if required) & Focus on Final Provisions**

#### **Final Provisions**

What would be the entry into force conditions of the future agreement? How many instruments of ratification, approval, acceptance, or accession would be required?

Should the future agreement provide for the possibility to provisionally apply its provisions pending its entry into force?

What procedure would apply to amend the future agreement?

What procedure would apply to amend an annex to the future agreement?

With respect to the other final clauses (depository, participation (article 1, paragraph 12 and article 67), signature, expressions of consent to be bound, reservations and exceptions, relation to other agreements, and denunciation) are there provisions in UNCLOS and the United Nations Fish Stocks Agreement that could be adapted to the future agreement?

How long would the future agreement be open for signature?

Apart from any declarations that may be required by the future agreement, would the agreement also give a State the possibility to make an optional declaration or statement when signing, ratifying, accepting, approving, or acceding to the future agreement as provided for in article 310 of UNCLOS?