



The Law of the Sea

Current Developments in State Practice
No. IV



Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs
United Nations

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FOREWORD

The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs has prepared the fourth volume¹ of the series Current Developments in State Practice in order to continue to disseminate widely relevant information relating to the practice of States following the adoption of the United Nations Convention on the Law of the Sea.

The Convention, which entered into force on 16 November 1994, exerts an important influence on the development of national policy with respect to law of the sea matters. A growing number of States have adopted new legislation dealing with such matters as the determination of baselines, the breadth and status of the territorial sea, the establishment of exclusive economic zones, the definition of the continental shelf and the delimitation of maritime boundaries between States with opposite or adjacent coasts. As of February 1995, one hundred and eighteen States have claimed a 12-mile territorial sea limit. It is of importance to note that certain States that had earlier made territorial sea claims exceeding the 12-mile limit have modified their legislation to conform to the relevant provisions of the Convention. Ninety-four coastal States have proclaimed sovereign rights to explore, exploit, conserve and manage the natural resources, living or non-living, to be found in the exclusive economic zone. Fifteen States continue to exercise fishing rights in a zone of 200 miles.

It is hoped that the information provided in this publication will assist States in their efforts to implement the Convention and in so doing will promote a uniform and consistent application of the complex and comprehensive set of international norms embodied in the Convention. Included are legislations and communications from Governments as well as recently adopted treaties, multilateral as well as bilateral. The legislation reproduced deals mainly with the extent of maritime jurisdiction and the regime applicable to it, and is listed by State in alphabetical order.

The publication of information in this volume concerning developments in State practice does not imply that all those developments are necessarily consistent with the Convention, nor does it imply recognition by the United Nations of the validity or otherwise of the actions and decisions in question.

The contents of the present publication are partly drawn from previous issues of the series Law of the Sea Bulletin circulated in mimeographed form. This volume contains the material received by the Division mainly between 1992 and 1994.

¹ The first volume, Current Developments in State Practice (United Nations publication, Sales No. E.87.V.3), was published in March 1987; the second volume, Current Developments in State Practice II (United Nations publication, Sales No. E.89.V.7), was published in May 1989; the third volume, Current Developments in State Practice III (United Nations publication, Sales No. E.92.V.13), was published in May 1992.

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I. RECENT NATIONAL LEGISLATION RECEIVED FROM GOVERNMENTS

1. ALGERIA

Legislative Decree No. 94-13 of 17 Dhu'lhijjah 1414, corresponding to
28 May 1994, establishing the general rules relating to fisheries

The President of the State,

On the report of the Minister of Agriculture,

In view of the Constitution, particularly articles 12, 115 and 117 thereof,

In view of the platform establishing a national consensus regarding the transitional period, in particular articles 5 and 42 thereof,

In view of Order No. 66-155 of 8 June 1966, establishing the penal procedure code, as amended and supplemented,

In view of Order No. 73-12 of 3 April 1973 establishing the national coastguard service,

In view of Order No. 75-58 of 26 September 1975, as amended and supplemented, establishing the civil code,

In view of Order No. 75-59 of 26 September 1975, as amended and supplemented, establishing the commercial code,

In view of Order No. 76-80 of 23 October 1976 establishing the maritime code,

In view of Order No. 76-84 of 23 October 1976 establishing general fisheries regulations,

In view of Act No. 83-05 of 5 February 1983 concerning protection of the environment,

In view of Act No. 83-17 of 16 July 1983 establishing the water code,

Promulgates the following legislative decree:

TITLE I

GENERAL PROVISIONS

Article 1

The purpose of the present legislative decree is to implement a national fisheries policy designed to:

- Protect and preserve marine and freshwater fisheries resources through rational exploitation with the aid of appropriate means;
- Institute a system for monitoring the impact of fisheries;

- Extend national sovereignty to the resources located beyond the territorial waters by instituting a reserved fishing zone;
- Promote and develop inland fishing and specific fisheries.

CHAPTER I

General principles

Article 2

The assessment, protection and preservation of marine and freshwater fishery resources are in the general interest.

They therefore call for rational and balanced exploitation in a context of harmonious development of fishing activity.

Article 3

Within the meaning of the present legislative decree:

- "Sea fishing" means any action aimed at the breeding, catching or taking of animals or plants whose normal or most frequent habitat is sea water;
- "Inland fishing" means any action aimed at the breeding, catching or taking of animals or plants whose normal or most frequent habitat is fresh or brackish water;
- "Commercial fishing" means any fishing for profit;
- "Scientific fishing" means any fishing for purposes of study, research or experiment;
- "Exploratory fishing" means any fishing designed to yield knowledge of a resource, a zone, a technique or a type of fishing gear prior to commercial fishing and not exceeding six months in duration;
- "Recreational fishing" means any fishing for purposes of sport or leisure and not in pursuit of profit;
- "Authority responsible for fisheries" means the fisheries administration;
- "Waters under national jurisdiction" means internal waters, territorial waters and the reserved fishing zone.

CHAPTER II

Implementing organs

Article 4

For purposes of the application of the present legislative decree, the Minister responsible for fisheries shall establish implementing organs specially designed to this end.

He shall involve the other agencies concerned in order to ensure better coverage of fishing activities.

CHAPTER III

Sea fishing zones

Article 5

Sea fishing takes place in three zones:

- A zone for coastal fishing;
- A zone for offshore fishing;
- A zone for high-seas fishing.

Fishing vessels with a tonnage of 120 tons or more and using towed fishing gear may engage in commercial fishing only beyond the limits of the national territorial waters as defined by the legislation in force.

The modalities for the application of the present article shall be determined by decree.

Article 6

A reserved fishing zone located beyond and adjacent to the national territorial waters is hereby established.

The breadth of the zone measured from the baseline shall be 32 nautical miles between the western maritime border and Ras Ténès and 52 nautical miles between Ras Ténès and the eastern maritime border.

TITLE II

CONDUCT OF FISHING

CHAPTER I

Conditions for the conduct of fishing

Article 7

Any purchase, sale, import or transfer of ownership of fishing vessels by individuals or bodies corporate shall be subject to approval by the Fisheries Administration.

Article 8

Any construction, conversion or modification, in whole or in part, of the structure of a fishing vessel shall be subject to approval by the competent authorities in conformity with the legislation in force.

Article 9

The conduct of fishing in waters under national jurisdiction shall be subject to authorization by the Minister in charge of fisheries.

Article 10

The provisions of the present Legislative Decree shall apply to all persons engaging in fishing in the waters under national jurisdiction.

These provisions shall also apply to any individual or body corporate engaging in fishing beyond the waters under national jurisdiction and using for the purpose vessels registered in Algeria.

Article 11

Foreign vessels may not fish in the waters under national jurisdiction.

Nevertheless, in derogation from the provisions of the preceding paragraph, the Minister responsible for fisheries may temporarily authorize foreign vessels to conduct scientific fishing operations in the waters under national jurisdiction.

He may also authorize foreign vessels, on payment of fishing fees, to engage in commercial fishing exclusively for highly migratory species in the waters under national jurisdiction.

The conditions for the issuance of permits to fish for highly migratory species in the waters under national jurisdiction, as well as the list of the species concerned and maximum catch quotas, shall be established by regulations.

Article 12

The provisions of article 11 above shall not affect the right to freedom of movement accorded to foreign fishing vessels navigating or anchoring for good reason in the waters under national jurisdiction, on condition that such vessels comply with the rules laid down by the legislation in force and by the provisions of the present legislative decree and the texts adopted for its application.

Such vessels shall, in particular, clear their decks of all fishing equipment or stow the equipment in such a way that it cannot be used.

Article 13

Fishing, by whatsoever procedure, may be limited or prohibited for a specified time or within a specified area whenever its limitation or prohibition is recognized as necessary in order to preserve the reproduction and development of species.

The modalities and conditions for the conduct of fishing shall be defined by regulations.

Article 14

The list of gear whose importation, manufacture, possession and sale is prohibited shall be defined by regulations.

However, the list of certain gear whose use is subject to special authorization shall be defined by regulations.

CHAPTER II

Fishing gear and fishery establishments

Article 15

Only gear the use of which and the rules for the use of which are provided for by the present legislative decree and the texts adopted for its application may be authorized for use in fishing.

Article 16

All fishing gear, whatever its name, form, purpose and dimensions, shall be classified in the following five categories:

1. Nets;
2. Lines and hooks;
3. Traps;
4. Wound-inflicting fishing gear;
5. Harvesting, collecting and gathering gear.

Article 17

All installations in the national domain fed by sea water, fresh water or brackish water with a view to the catching, raising and farming of marine or freshwater animals and plants shall be deemed to be fishery establishments.

Article 18

The use of the public freshwater or maritime domain for purposes of setting up establishments as defined in article 17 above shall give rise in all cases to concessions in accordance with the legislation in force.

Article 19

The various types of fishery establishments, the terms for their setting-up and the rules for the operation shall be defined by regulations.

CHAPTER III

Persons authorized to engage in fishing

Article 20

Only persons entered in the Seaman's Register may sail on board commercial fishing vessels in possession of a muster-roll specifying that they are equipped to engage in commercial fishing.

Article 21

The conduct of scientific fishing shall be reserved to institutions and agencies holding a special permit issued by the Minister responsible for fisheries after consulting the ministry responsible for scientific research.

Vessels participating in scientific fishing operations must in addition to the ship's papers be in possession of a muster-roll specifying that they are equipped for the purpose.

Conditions may be attached to the scientific fishing permit.

The terms and modalities for the issuance of scientific fishing permits shall be defined by regulations.

Article 22

Persons wishing to engage in recreational fishing shall obtain a fishing permit issued by the territorially competent wali.

A fee shall in all cases be charged for the issuance of this permit.

Article 23

Individuals or bodies corporate of Algerian nationality domiciled in Algeria may own fishing vessels without limitation as to tonnage.

Authorization to practise the profession of owner of a fishing vessel shall in all cases be subject to payment of a fee varying in amount as a function of the tonnage of the vessel or vessels operated and of the type of fishing engaged in.

Article 24

The exercise of all professional, industrial or commercial activities associated with fishing shall be defined by regulations.

Article 25

Health and hygiene measures relating to the conservation, storage, processing, handling, transport, transshipping, unloading, display and sale and purchase of the different products derived from fishing shall be defined by regulations.

TITLE III

POLICING OF FISHERIES

CHAPTER I

Inquiry into and establishment of violations

Article 26

Officers of the criminal investigation department, commanders of naval vessels and agents of the national coastguard service shall be empowered to inquire into and establish violations of the provisions of the present Legislative Decree.

Article 27

The administration responsible for fisheries may at any time call on the services of agents of the national coastguard service to inquire into and establish violations in respect of fishing.

Article 28

The agents mentioned in article 26 above shall be empowered to inspect, at any time, vessels, small craft, fishery establishments, warehouses and other premises, as well as the means of transport used for fishery products.

Article 29

The homes of retailers and manufacturers of fishing equipment may be searched for prohibited gear in the context of the legislation in force.

Article 30

Agents reporting an offence are authorized to call on the police force to trace and establish violations of the legislation regarding fisheries, as well as to seize prohibited nets, gear and equipment and products fished in violation of the present Legislative Decree.

Article 31

The establishment of a violation must be followed by the preparation of a report in which the reporting agent shall give a precise account of the facts he has identified and the statements he has received, as well as the seizures of prohibited fishery products and fishing gear which he has ordered.

Reports shall be signed by the reporting agent(s) and by the perpetrator(s) of the violation. They shall be deemed to be authentic unless proven otherwise. They shall not be subject to confirmation.

Reports shall be transmitted to the competent jurisdiction. A copy must be transmitted to the fisheries administration.

Article 32

Seizures of prohibited fishery products and fishing gear may be carried out:

- In the fishing areas, if the agent is able to board the vessel with which the violation was committed;
- Upon the arrival of the vessel in port, if the agent is able to determine without boarding the vessel that a violation has occurred;
- Wherever the products and gear are stored.

Article 33

Seized fishery products shall be handed over immediately to the fisheries administration, which must, in cooperation with the Department of State Property and in the presence of the reporting agent, sell them at local market prices.

The proceeds of such sales shall be deposited with the Department of State Property pending the outcome of judicial proceedings.

If the jurisdiction orders confiscation, the proceeds of the sale shall remain State property. Otherwise, they shall be handed over to the owner of the products seized, subject to the legislation in force.

Where sale is impossible for a reason identified by the fisheries administration, the fishery products shall be delivered by it free of charge to the nearest hospital, charity or school.

A report on the delivery of such products shall be drawn up by the fisheries administration and transmitted to the competent jurisdiction.

Article 34

Seized gear shall be transported and stored in a secure place by the reporting agent.

If he is unable to do so, he shall temporarily appoint the owner of the vessel with which the violation was committed as custodian of the seized gear and shall, as soon as possible, take the measures required to ensure its transport by the most appropriate means.

The competent jurisdiction shall be informed of the amount of any costs occasioned by such transport.

In ordering the confiscation of prohibited gear, this jurisdiction shall assign the costs of transport and destruction to the offender.

Article 35

If the competent jurisdiction orders the destruction of prohibited gear which has been seized, such destruction shall take place, at the expense of the offender, at the decision of the fisheries administration and under its surveillance.

Where the competent fisheries authority does not have at its disposal the means with which to carry out destruction immediately, it may call upon specialized bodies for this purpose.

Article 36

The public prosecutor's office may refrain from instituting judicial proceedings upon payment by the offender of an on-the-spot fine within thirty (30) days following the establishment of a violation.

Payment of the on-the-spot fine, the amount of which shall not be less than the minimum fine entailed by the violation committed, shall be made to the Department of the Treasury.

Payment implies acknowledgement of the violation and takes the place of an initial judgement in respect of a determination of recidivism.

Article 37

Recidivism shall be deemed to have occurred where, during the two years prior to the establishment of a violation, at least one judgement has been rendered against the offender for violation of the provisions of this legislative decree.

Recidivism shall be extended to the owner, the operator and the captain of the vessel.

Article 38

The procedure involving an on-the-spot fine shall not apply:

- If a judicial investigation has been opened;
- If the violation identified renders the perpetrator liable to a sentence of imprisonment;
- If the maximum amount of the fine is greater than 50,000 dinars.

Article 39

The amount of the on-the-spot fine shall be set at one half of the sum obtained by adding the maximum and minimum amounts of the fine provided for.

Article 40

Prosecution of the violation shall be instituted before the competent jurisdiction in which the violation was established or the jurisdiction of the port in which the vessel was commissioned.

Article 41

The competent fisheries administration may, if it deems necessary, bring criminal indemnification proceedings and request, on behalf of the State, compensation for the damage suffered by the authority as a result of the violation committed.

Article 42

The penalties provided for in this Legislative Decree shall be imposed on:

- The captain, where the violation is committed with a vessel. However, the operator shall be solely liable for civil damages;
- The person who manages the fishery establishment or operation, where the violations involve:
 - The marketing, processing or transport of fishery products;
 - The creation or operation of a fishery establishment;
 - The health measures stipulated in respect of the breeding, transport, processing and marketing of fishery products.

This same person shall also be solely liable for civil damages;

- In other cases, the perpetrators themselves, without prejudice to the imposition of civil damages.

Article 43

The public right of action shall be time-barred within the periods provided for by the legislation in force.

TITLE IV

REGULATORY MEASURES AND VIOLATIONS RELATING TO FISHING

CHAPTER I

Regulatory measures

Article 44

All vessels fishing in the waters under national jurisdiction must carry an inscription of their name, their home port and their registration number in accordance with the legislation in force.

Article 45

The letters and numbers assigned to each fishing vessel shall, whenever possible, be inscribed on the boats, the anchors, the main floats of each net and, in general, on all fishing tackle belonging to the said vessel.

Such inscriptions must be of sufficient size to be easily recognized.

The owners of nets and other fishing tackle may mark them with any signs which they may deem necessary.

Article 46

It shall be forbidden to obliterate, render unrecognizable, cover or conceal by any means whatsoever the names, letters and numbers inscribed on the vessels and their equipment.

Article 47

The crews of vessels arriving in a fishing area must not, under any circumstances, set up or cast their nets or other gear in such a way as to cause mutual harm or to disturb those who have already begun their fishing operations.

Article 48

All fishermen shall be prohibited from berthing, anchoring or mooring their vessels, for any reason whatsoever, at the nets, buoys or other fishing apparatus of another fisherman.

Article 49

It shall be forbidden to hook, raise or inspect nets and fishing gear belonging to others.

Article 50

It shall be forbidden to moor or anchor nets or any other fishing gear in an area where other fishermen are already established; order of arrival shall be the deciding factor.

Article 51

Fishermen using drag-nets must keep their vessels at a distance of five hundred (500) metres from all other fishing gear.

A distance of five hundred (500) metres must be maintained between nets of different types.

Article 52

Where nets belonging to different fishermen become entangled, it shall be forbidden to cut them without the mutual consent of the parties concerned.

CHAPTER II

Violations

Article 53

The use for fishing purposes of dynamite or any other explosive shall be prohibited.

Article 54

The possession, transport, transshipment, storage, processing, handling, display and sale of fishery products caught with the help either of dynamite or any other explosive or of substances or bait liable to weaken, intoxicate or destroy marine or freshwater animals shall be prohibited.

Article 55

The possession of gear intended for fishing with lights aboard any vessel lying in coastal waters, as well as fishing with lights, shall be prohibited.

Article 56

The use for fishing of prohibited substances or bait, even those not liable to weaken, stun, intoxicate or kill marine and freshwater animals and plants, shall be prohibited.

Article 57

The import, manufacture, possession and sale of prohibited nets, gear or tackle shall be prohibited.

Article 58

The use for fishing purposes of the gear referred to in article 57 above shall be prohibited.

Article 59

The catching, possession, transport, processing and sale of species or fishery products which have not attained the prescribed commercial weight, or which it is expressly forbidden to catch, shall be prohibited.

Species caught in violation of the first paragraph of this article must, under all circumstances, be immediately returned to their natural environment.

The fact that such fishery products are returned shall not clear the offender of the violation committed or shield him from the public right of action.

However, in the case of non-selective fishing gear, a proportion of immature fishery products or species which it is forbidden to catch can be tolerated. This proportion may not exceed 20 per cent of the total catch.

Article 60

The use for fishing of procedures or methods other than those provided for in this Legislative Decree shall be prohibited.

Article 61

All shipowners, ship operators, captains and other crew members shall be required to allow authorized agents empowered to carry out inspections and monitoring to operate on board their vessels.

TITLE V

PENALTIES AND SENTENCES

Article 62

Anyone who purchases, sells, imports or transfers ownership of fishing vessels without prior authorization from the fisheries administration shall be sentenced to a fine in the amount of 100,000 to 200,000 dinars, and the transaction shall be voided.

Article 63

Anyone who builds, converts or modifies a fishing vessel, in whole or in part, without prior authorization from the competent authorities shall be sentenced to a fine in the amount of 100,000 to 200,000 dinars.

Article 64

Anyone who engages in fishing for commercial or scientific purposes without the requisite authorizations or licences shall be sentenced to a term of imprisonment of one (1) to three (3) years, a fine in the amount of 20,000 to 40,000 dinars, or only one of these two penalties.

Article 65

Anyone who engages in recreational fishing without the requisite fishing licence shall be sentenced to a fine in the amount of 1,000 to 2,000 dinars.

Article 66

Anyone who engages in commercial fishing in waters under national jurisdiction with a vessel which does not carry an inscription of its name, its home port and its registration number, shall be sentenced to a fine in the amount of 20,000 to 50,000 dinars.

Article 67

Anyone who deliberately obliterates, renders unrecognizable, covers or conceals, by any means whatsoever, the names, letters and numbers inscribed on his vessel or its equipment shall be sentenced to a term of imprisonment of three (3) to six (6) months and a fine in the amount of 20,000 to 50,000 dinars, or only one of these two penalties.

Article 68

Anyone who arrives in a fishing area and sets up or casts his nets or other gear in such a manner as to harm or disturb those who have begun their fishing operations shall be sentenced to a fine in the amount of 20,000 to 80,000 dinars.

Article 69

Anyone who berths, anchors or moors his vessel, for any reason whatsoever, at nets, buoys or other fishing apparatus belonging to others shall be sentenced to a fine in the amount of 20,000 to 40,000 dinars.

Article 70

Anyone in the fishing areas who hooks, raises or inspects nets and fishing gear belonging to others shall be sentenced to a term of imprisonment of three (3) to six (6) months and a fine in the amount of 20,000 to 50,000 dinars, or to only one of these two penalties.

Article 71

Anyone in the fishing areas who uses drag-nets and does not keep his vessel at a distance of at least 500 metres from all other fishing gear shall be sentenced to a fine in the amount of 10,000 to 20,000 dinars.

Anyone in the fishing areas who does not maintain a distance of at least 300 metres between his nets and the fishing gear of others shall be sentenced to a fine in the amount of 2,000 to 5,000 dinars.

Article 72

Anyone who cuts nets which have become entangled without the mutual consent of the parties concerned shall be sentenced to a fine in the amount of 10,000 to 20,000 dinars.

However, all liability for the damage shall cease if the impossibility of separating the nets by other means can be demonstrated.

The attribution of blame shall be determined by the order of arrival in the fishing areas.

Article 73

Anyone who uses for fishing purposes dynamite or any other explosive shall be sentenced to a term of imprisonment of two (2) to five (5) years, a fine in the amount of 50,000 to 200,000 dinars, or only one of these two penalties.

Article 74

Anyone who possesses, transports, transships, stores, handles, unloads, displays or sells fishery products caught with the help either of dynamite or any other explosive or of substances or bait liable to weaken, intoxicate or destroy marine and freshwater animals and plants shall be sentenced to a term of imprisonment of two (2) to five (5) years and a fine in the amount of 50,000 to 200,000 dinars, or to only one of these penalties.

Article 75

Anyone who possesses gear intended for fishing with lights aboard any vessel lying in coastal waters, or who engages in fishing with lights, shall be sentenced to a fine in the amount of 50,000 to 100,000 dinars.

Article 76

Anyone who uses for fishing purposes prohibited substances or bait, even those not liable to weaken, stun, intoxicate or kill marine and freshwater animals and plants, shall be sentenced to a fine in the amount of 5,000 to 10,000 dinars.

Article 77

Anyone who imports, manufactures, possesses or sells prohibited nets, gear or tackle shall be sentenced to a term of imprisonment of three (3) to six (6) months and a fine in the amount of 200,000 to 500,000 dinars, or to only one of these two penalties.

Article 78

Anyone who uses for fishing purposes the gear referred to in article 57 above shall be sentenced to a fine in the amount of 20,000 to 50,000 dinars.

Prohibited gear shall, in all cases, be confiscated, without prejudice to the imposition of the penalties provided for.

Article 79

Anyone who fishes for species which have not attained the prescribed commercial weight or which it is expressly forbidden to catch shall be sentenced to a fine in the amount of 10,000 to 50,000 dinars.

The possession, transport, processing and sale of fishery products which have not attained the prescribed commercial weight or which it is expressly forbidden to catch shall be subject to the same penalty.

Species caught in violation of the first paragraph of this article must, in all cases, be immediately returned to their natural environment.

The fact that such fishery products are returned shall not clear the offender of the violation committed or shield him from the public right of action.

Products of prohibited fishing shall be confiscated without prejudice to the institution of judicial proceedings pursuant to the penal provisions of this Legislative Decree.

Article 80

Anyone who uses for fishing purposes procedures or methods other than those provided for in the legislation in force shall be sentenced to a fine in the amount of 20,000 to 50,000 dinars.

Article 81

Anyone who fishes in prohibited areas shall be sentenced to a term of imprisonment of six (6) months to one (1) year and a fine in the amount of 100,000 to 200,000 dinars, or to only one of these two penalties.

Article 82

Anyone who fishes using prohibited gear or procedures during the periods when the fishing areas are closed shall be sentenced to a term of imprisonment of three (3) to six (6) months and a fine in the amount of 50,000 to 100,000 dinars, or to only one of these two penalties.

The gear used shall, in all cases, be confiscated.

Article 83

Anyone setting up or operating a fishery establishment without the requisite prior authorization shall be sentenced to a fine in the amount of 50,000 to 100,000 dinars.

Article 84

Anyone who refuses to allow authorized agents to carry out inspections and monitoring of fishing vessels shall be sentenced to a fine in the amount of 20,000 to 40,000 dinars.

Article 85

In the event of recidivism, the penalties provided for in articles 64 to 84 above shall entail the temporary revocation of the offender's professional maritime certificate for a period not exceeding one (1) year.

TITLE VI

VIOLATIONS AND PENALTIES RELATING TO FOREIGN FISHING VESSELS

Article 86

All foreign-flagged fishing vessels operating without authorization in waters under national jurisdiction shall be boarded, taken to an Algerian port and detained by the reporting agent until such time as a final decision is rendered by the competent jurisdiction.

Article 87

Where pursuit is initiated within waters under national jurisdiction, boarding may take place beyond such waters.

The right of pursuit ends once the vessel being pursued enters waters under the jurisdiction of its country or of a third State.

Article 88

If the foreign vessel refuses to halt or attempts to flee, the Algerian fisheries surveillance vessel shall fire a blank warning shot.

If the foreign fishing vessel refuses to comply, and in case of absolute necessity, live ammunition shall be used, with every precaution being taken to avoid injuring the persons on board.

Article 89

At the time when the reporting agent identifies a violation, he must order the seizure of the fishery products and fishing gear found on board. The report must mention such seizures.

Article 90

The procedures provided for in articles 36, 38 and 39 of this Legislative Decree shall not apply to acts committed by foreign fishing vessels.

The report shall be transmitted to the public prosecutor's office, which shall refer it to the competent jurisdiction, in accordance with the in flagrante delicto procedure provided for in the code of penal procedure.

The competent jurisdiction may not pronounce judgement until it has heard the criminal indemnification proceedings.

Article 91

The captain of the foreign-flagged fishing vessel and the navigator, if any, shall, if found guilty of fishing in any manner whatsoever in waters under national jurisdiction without the requisite prior authorization of the Minister of Fisheries, be sentenced to a fine in the amount of 300,000 to 2,000,000 dinars.

The competent jurisdiction shall order the confiscation of gear found on board or prohibited, and of fishery products, as well as the destruction of prohibited tackle, as the case may be.

Article 92

In the event of recidivism, the person(s) found guilty of fishing in waters under national jurisdiction shall be sentenced to a fine in the amount of 600,000 to 4,000,000 dinars and the confiscation of the vessel with which the violation was committed.

Article 93

The foreign fishing vessel shall be detained pending payment of the court costs, fines and civil damages.

Upon receipt of the documents attesting to the payment of these sums, the competent jurisdiction shall issue an order lifting the seizure of the vessel.

The order lifting the seizure of the vessel may also be issued by the competent jurisdiction upon receipt of a written pledge by the consular authorities of the country concerned to pay the sums owed.

Article 94

In the event of non-payment within three (3) months following the date on which sentence becomes final, the vessel shall be sold by the Department of State Property, in accordance with the legislation in force.

Article 95

The provisions of Decree No. 76-84 of 23 October 1976, referred to above, shall be abrogated.

Article 96

This Legislative Decree shall be published in the Official Gazette of the People's Democratic Republic of Algeria.

DONE at Algiers on 17 Dhu'lhijjah 1414 (28 May 1994).

2. AUSTRALIA

Seas and Submerged Lands Act 1973, as amended by the Maritime
Legislation Amendment Act 1994

An Act relating to Sovereignty in respect of certain Waters of the Sea and in respect of the Airspace over, and the Seabed and Subsoil beneath, those Waters and to Sovereign Rights in respect of the Continental Shelf and the Exclusive Economic Zone and to certain rights of control in respect of the Contiguous Zone.

Preamble

WHEREAS a belt of sea adjacent to the coast of Australia, known as the territorial sea, and the airspace over the territorial sea and the bed and subsoil of the territorial sea, are within the sovereignty of Australia.

AND WHEREAS Australia as a coastal State has:

- (a) Sovereign rights in respect of the waters, the seabed and the subsoil that constitute the exclusive economic zone of Australia for the purposes of:
 - (i) Exploring the zone; and
 - (ii) Exploiting, conserving and managing the natural resources of the zone; and
- (b) Sovereign rights with regard to other activities for the economic exploitation and exploration of the exclusive economic zone of Australia, such as the production of energy from water, currents and winds; and
- (c) Jurisdiction in accordance with international law in relation to:
 - (i) The establishment and use of artificial islands, installations and structures in the exclusive economic zone; and
 - (ii) Marine scientific research in the exclusive economic zone; and
 - (iii) The protection and preservation of the marine environment in the exclusive economic zone; and
- (d) Other rights and duties in relation to the exclusive economic zone provided for in the United Nations Convention on the Law of the Sea:

AND WHEREAS Australia as a coastal State has sovereign rights in respect of the continental shelf (that is to say, the seabed and subsoil of certain submarine areas adjacent to its coast but outside the area of the territorial sea) for the purpose of exploring it and exploiting its natural resources:

AND WHEREAS Australia as a coastal State has the right under international law to exercise control within a contiguous zone to:

- (a) Prevent infringements of customs, fiscal, immigration or sanitary laws within Australia or the territorial sea of Australia;
- (b) To punish infringements of those laws:

BE IT THEREFORE ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:

Interpretation

3. (1) In this Act, unless the contrary intention appears:

"Australia" includes the Territories to which this Act extends;

"continental shelf" has the same meaning as paragraph 1 of article 76 of the Convention;

"contiguous zone" has the same meaning as in article 33 of the Convention;

"exclusive economic zone" has the same meaning as in articles 55 and 57 of the Convention;

"territorial sea" has the same meaning as in Articles 3 and 4 of the Convention;

"the Convention" means the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982 (Parts II, V and VI of which are set out in the Schedule).

(2) In this Act, including section 6, a reference to the territorial sea of Australia is a reference to that territorial sea so far as it extends from time to time.

(2A) In this Act, including section 10A, a reference to the exclusive economic zone of Australia is a reference to that zone so far as it extends from time to time.

(3) In this Act, including section 11, a reference to the continental shelf of Australia is a reference to that continental shelf so far as it extends from time to time.

(3A) In this Act, including section 13A, a reference to the contiguous zone of Australia is a reference to that zone so far as it extends from time to time.

(4) Where a Proclamation is in force under section 7, the territorial sea of Australia shall, for all purposes of this Act, be taken to extend to the limits declared by that Proclamation.

(4A) If a Proclamation is in force under section 10B, the exclusive economic zone of Australia is taken, for all purposes of this Act, to extend to the limits declared by that Proclamation.

(5) Where a Proclamation is in force under section 12, the continental shelf of Australia shall, for all purposes of this Act, be taken to extend to the limits declared by that proclamation.

(5A) If a Proclamation is in force under section 3B, the contiguous zone of Australia is taken, for all purposes of this Act, to extend to the limits declared by that Proclamation.

Extension to Territories

4. This Act extends to all the Territories.

PART II
SOVEREIGNTY, SOVEREIGN RIGHTS AND RIGHTS OF CONTROL

Division 1
The territorial sea

Interpretation

5. In this Division, "the territorial sea" means the territorial sea of Australia.

Sovereignty in respect of territorial sea

6. It is by this Act declared and enacted that the sovereignty in respect of the territorial sea, and in respect of the airspace over it and in respect of its bed and subsoil, is vested in and exercisable by the Crown in right of the Commonwealth.

Limits of territorial sea

7. (1) The Governor-General may, from time to time, by Proclamation, declare, not inconsistently with Section I of Part II of the Convention, the limits of the whole or of any part of the territorial sea.

(2) For the purposes of such a Proclamation, the Governor-General may, in particular, determine either or both of the following:

- (a) The breadth of the territorial sea;
- (b) The baseline from which the breadth of the territorial sea, or of any part of the territorial sea, is to be measured.

Declaration of historic bays and historic waters

8. Where the Governor-General is satisfied:

- (a) That a bay is an historic bay, he may, by Proclamation, declare that bay to be an historic bay and shall, by the same or another Proclamation, define the seaward limits of that bay; or
- (b) That waters are historic waters, he may, by Proclamation, declare those waters to be historic waters and shall, by the same or another Proclamation, define the limits of those waters.

Charts of limits of territorial sea

9. (1) The Minister may cause to be prepared and issued such charts as he thinks fit showing any matter relating to the limits of the territorial sea.

(2) In particular, the Minister may cause to be prepared and issued large-scale charts showing the low-water line along the coast and may cause to be shown on such a chart any other matter referred to in subsection (1).

(3) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of a chart prepared under this section is prima facie evidence of any matter shown on the chart relating to the limits of the territorial sea.

Sovereignty in respect of internal waters

10. It is by this Act declared and enacted that the sovereignty in respect of the internal waters of Australia (that is to say, any waters of the sea on the landward side of the baseline of the territorial sea) so far as they extend from time to time, and in respect of the airspace over those waters and in respect of the seabed and subsoil beneath those waters, is vested in and exercisable by the Crown in right of the Commonwealth.

Division 1A

The exclusive economic zone

Sovereign rights in respect of exclusive economic zone

(10A). It is declared and enacted that the rights and jurisdiction of Australia in its exclusive economic zone are vested in and exercisable by the Crown in right of the Commonwealth.

Limits of exclusive economic zone

10B. The Governor-General may, from time to time, by Proclamation declare, not inconsistently with:

- (a) Article 55 or 57 of the Convention; or
- (b) Any relevant international agreement to which Australia is a party;

the limits of the whole or of any part of the exclusive economic zone of Australia.

Charts of limits of exclusive economic zone

10C. (1) The Minister may cause to be prepared such charts as he or she thinks fit showing any matter relating to the limits of the exclusive economic zone of Australia.

(2) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of such a chart is prima facie evidence of any matter shown on the chart relating to the limits of the exclusive economic zone of Australia.

Division 2

The continental shelf

Sovereign rights in respect of continental shelf

11. It is by this Act declared and enacted that the sovereign rights of Australia as a coastal State in respect of the continental shelf of Australia, for the purpose of exploring it and exploiting its natural resources, are vested in and exercisable by the Crown in right of the Commonwealth.

Limits of continental shelf

12. The Governor-General may, from time to time by Proclamation, declare, not inconsistently with article 76 of the Convention or any relevant international agreement to which Australia is a party, the limits of the whole or any part of the continental shelf of Australia.

Charts of limits of continental shelf

13. (1) The Minister may cause to be prepared and issued such charts as he thinks fit showing any matter relating to the limits of the continental shelf of Australia.

(2) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of a chart prepared under this section is prima facie evidence of any matter shown on the chart relating to the limits of the continental shelf of Australia.

Division 2A
The contiguous zone

Rights of control in respect of contiguous zone

13A. It is declared and enacted that Australia has a contiguous zone.

Note: The rights of control that Australia, as a coastal State, has in respect of the contiguous zone of Australia are exercisable in accordance with applicable Commonwealth, State and Territory laws.

Limits of contiguous zone

13B. The Governor-General may, from time to time, by Proclamation declare, not inconsistently with:

- (a) Section 4 of Part II of the Convention; or
- (b) Any relevant international agreement to which Australia is a party;

the limits of the whole or of any part of the contiguous zone of Australia.

Charts of limits of contiguous zone

13C. (1) The Minister may cause to be prepared such charts as he or she thinks fit showing any matter relating to the limits of the contiguous zone of Australia.

(2) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of such a chart is prima facie evidence of any matter shown on the chart relating to the limits of the contiguous zone of Australia.

Division 3
Savings

Part II does not affect waters, etc., within State limits

14. Nothing in this Part affects sovereignty or sovereign rights in respect of any waters of the sea that are waters of or within any bay, gulf, estuary, river, creek, inlet, port or harbour and:

- (a) Were, on 1 January 1901, within the limits of a State; and
- (b) Remain within the limits of the State,

or in respect of the airspace over, or in respect of the seabed or subsoil beneath any such waters.

Certain property not vested in Commonwealth

15. Nothing in this Part shall be taken to vest in the Crown in right of the Commonwealth any wharf, jetty, pier, breakwater, building, platform, pipeline, lighthouse, beacon, navigational aid, buoy, cable or other structure or works.

Saving of other laws

16. (1) The preceding provisions of this Part:

- (a) Do not limit or exclude the operation of any law of the Commonwealth or of a Territory other than the Northern Territory, in force at the date of commencement of this Act or coming into force after that date; and
- (b) Do not limit or exclude the operation of any law of a State or of the Northern Territory in force at the date of commencement of this Act or coming into force after that date, except in so far as the law is expressed to vest or make exercisable any sovereignty or sovereign rights otherwise than as provided by the preceding provisions of this Part.

(2) A law of a State or of the Northern Territory shall not be taken to be within the words of exception in paragraph (b) of subsection (1):

- (a) By reason that the law makes provision with respect to, or touching or concerning, any seabed or subsoil that is declared by Division 1 to be within the sovereignty of the Crown in right of the Commonwealth, or the living or non-living resources of any such seabed or subsoil, if proprietary rights in respect of that seabed or subsoil have become vested in the Crown in right of the State or of the Northern Territory, as the case may be, by or under a law of the Commonwealth; or
- (b) By reason that the law makes provision with respect to, or touching or concerning, any seabed or subsoil referred to in Division 1 or Division 2 but in respect of which paragraph (a) does not apply, or the living or non-living resources of any such seabed or subsoil, if the law is otherwise within powers with respect to particular matters that are conferred on the legislature of the State or of the Northern Territory, as the case may be, by the *Coastal Waters (State Powers) Act 1980* or the *Coastal Waters (Northern Territory Powers) Act 1980*.

3. BAHRAIN¹

Law by Decree No. 8 of 1993 with respect to the territorial sea
and contiguous zone of the State of Bahrain

Whereas the State of Bahrain exercises sovereignty over the territorial sea, and sovereign rights, control and jurisdiction over the seas and the continental shelf adjacent to its shores in accordance with the rules of international law and within the limits prescribed by that law;

Recognizing that the United Nations Convention on the Law of the Sea of 1982 which was ratified on 30 May 1985 by the State of Bahrain pursuant to the Law by Decree No. 8 of 1985 represents a statement of the rules of contemporary international law which accords with the views of the States generally in relation to the matters dealt with in the provisions of this Law;

AND upon the recommendation of the Minister of Foreign Affairs;
AND after consulting the Shura Council;
AND after the approval of the Council of Ministers;

DO HEREBY DECREE THE FOLLOWING LAW

Article 1

The breadth of the territorial sea of the State of Bahrain shall be 12 nautical miles, measured from baselines drawn in accordance with the United Nations Convention on the Law of the Sea, 1982.

Article 2

The breadth of the contiguous zone shall be 24 nautical miles, measured from the baselines referred to in article 1 of this Law.

Article 3

All Ministers, each within his competence, shall implement the provisions of this Law, which shall have effect as from the date of its publication in the Official Gazette.

Issued at Riffa Palace on 29 Shawal 1413, corresponding to 20 April 1993.

¹ Text transmitted by the Permanent Mission of Bahrain to the United Nations in a note verbal dated 13 October 1993.

4. BRAZIL¹

Law No. 8617 of 4 January 1993, on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf²

The President of the Republic

I hereby make it known that the National Congress decrees and I sanction the following law:

CHAPTER I

Territorial sea

Article 1

The Brazilian territorial sea is a belt of sea twelve nautical miles in breadth, measured from the low-water line along the Brazilian coast, as marked on large-scale charts officially recognized by Brazil.

Sole paragraph

In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines, joining appropriate points, will be employed in drawing the baseline from which the breadth of the territorial sea is measured.

Article 2

The sovereignty of Brazil extends to the territorial sea, to the airspace over the territorial sea, as well as to its bed and subsoil.

Article 3

Ships of all States enjoy the right of innocent passage through the Brazilian territorial sea.

Paragraph 1. Passage is innocent as long as it is not prejudicial to peace, good order or the security of Brazil and shall be continuous and expeditious.

Paragraph 2. Innocent passage may include stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Paragraph 3. In the Brazilian territorial sea, foreign ships are subject to the regulations established by the Brazilian Government.

¹ Text accompanied by an unofficial translation transmitted by the Permanent Mission of Brazil to the United Nations in a note verbal dated 18 February 1993.

² Published in the Federative Republic of Brazil Diario Oficial (Official Gazette), No. 2, Tuesday, 5 January 1993.

CHAPTER II

The contiguous zone

Article 4

The Brazilian contiguous zone is a belt of sea which extends from twelve to twenty-four nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 5

In the contiguous zone, Brazil may exercise the control necessary to:

- I. Prevent infringement of the customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;
- II. Punish infringement of the laws and regulations committed within its territory or territorial sea.

CHAPTER III

Exclusive economic zone

Article 6

The Brazilian exclusive economic zone is a belt of sea which extends from twelve to two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 7

In the exclusive economic zone, Brazil has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed, of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone.

Article 8

In the exclusive economic zone, Brazil, in exercising its jurisdiction, has the exclusive right to regulate marine scientific research, the protection and preservation of the marine environment, as well as the establishment, operation and use of all types of artificial islands, installations and structures.

Article 9

In the exclusive economic zone, military exercises and manoeuvres, in particular those involving the use of weapons or explosives, may only be carried out by other States with the consent of the Brazilian Government.

Article 10

In the exclusive economic zone, all States enjoy the freedoms of navigation and overflight, as well as other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships and aircraft.

CHAPTER IV

Continental shelf

Article 11

The continental shelf of Brazil comprises the seabed 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 baselines 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.

Sole paragraph

The outer limits of the continental shelf will be established in accordance with article 76 of the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982.

Article 12

Brazil exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

Sole paragraph

The natural resources referred to in this article consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Article 13

In the continental shelf, Brazil, in exercising its jurisdiction, has the exclusive right to regulate marine scientific research, the protection and preservation of the marine environment, as well as the construction, operation and use of all types of artificial islands, installations and structures.

Paragraph 1. In the continental shelf, marine scientific research may only be carried out by other States with the consent of the Brazilian Government, in accordance with the current legislation which regulates the matter.

Paragraph 2. The Brazilian Government has the exclusive right to authorize and to regulate drilling on the continental shelf, for any purpose.

Article 14

All States are entitled to lay submarine cables and pipelines on the continental shelf.

Paragraph 1. The delineation of the course for the laying of such cables and pipelines on the continental shelf is subject to the consent of the Brazilian Government.

Paragraph 2. The Brazilian Government may establish conditions for the laying of cables or pipelines entering its territory or territorial sea.

Article 15

This law enters into force on the date of its publication.

Article 16

Decree Law No. 1,098, of 25 March 1970, and other provisions to the contrary are hereby revoked.

Brasilia, 4 January 1993, 172nd year of Independence and 105th year of the Republic.

5. CANADA

(a) Notification in relation to the compulsory jurisdiction of the International Court of Justice, 10 May 1994

On behalf of the Government of Canada,

- (1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 10 September 1985 in conformity with paragraph 2 of Article 36 of the Statute of the Court.
- (2) I declare that the Government of Canada accepts as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after the present declaration with regard to situations or facts subsequent to this declaration, other than:
 - (a) Disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;
 - (b) Disputes with the Government of another country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
 - (c) Disputes with regard to questions which by international law all exclusively within the jurisdiction of Canada; and
 - (d) Disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Cooperation in the North-west Atlantic Fisheries, 1978, and the enforcement of such measures.
- (3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification be communicated to the Governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

(b) An Act to amend the Coastal Fisheries Protection Act

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 2 of the Coastal Fisheries Protection Act is amended by adding the following in alphabetical order:

"NAFO Regulatory Area" means that part of the following area being the Convention Area of the Northwest Atlantic Fisheries Organization, that is on the high seas:

(a) The waters of the North-west Atlantic Ocean north of 35°00' north latitude and west of a line extending due north from 35°00' north latitude and 42°00' west longitude to 59°00' north latitude, thence due west to 44°00' west longitude and thence due north to the coast of Greenland, and

(b) The waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' north latitude;

"straddling stock" means a prescribed stock of fish.

2. The Act is amended by adding the following after section 5:

5.1 Parliament, recognizing:

(a) That straddling stocks on the Grand Banks of Newfoundland are a major renewable world food source having provided a livelihood for centuries to fishers;

(b) That those stocks are threatened with extinction;

(c) That there is an urgent need for all fishing vessels to comply in both Canadian fisheries waters and the NAFO Regulatory Area with sound conservation and management measures for those stocks, notably those measures that are taken under the Convention on Future Multilateral Cooperation in the North-west Atlantic Fisheries, done at Ottawa on 24 October 1978, Canada Treaty Series 1979, No. 11; and

(d) That some foreign fishing vessels continue to fish for those stocks in the NAFO Regulatory Area in a manner that undermines the effectiveness of sound conservation and management measures,

declares that the purpose of section 5.2 is to enable Canada to take urgent action necessary to prevent further destruction of those stocks and to permit their rebuilding, while continuing to seek effective international solutions to the situation referred to in paragraph (d).

5.2 No person, being aboard a foreign fishing vessel of a prescribed class, shall, in the NAFO Regulatory Area, fish or prepare to fish for a straddling stock in contravention of any of the prescribed conservation and management measures.

3. Section 6 of the Act is amended by adding the following after paragraph (b):

(b.1) Prescribing as a straddling stock, for the purposes of section 5.2, any stock of fish that occurs both within Canadian fisheries waters and in an area beyond and adjacent to Canadian fisheries waters;

(b.2) Prescribing any class of foreign fishing vessel for the purposes of section 5.2;

(b.3) Prescribing, for the purposes of section 5.2,

(i) Any measure for the conservation and management of any straddling stock to be complied with by persons aboard a foreign fishing vessel of a prescribed class in order to ensure that the foreign fishing vessel does not engage in any activity that undermines the effectiveness of conservation and management measures for any straddling stock that are taken under the Convention on Future Multilateral Cooperation in the North-west Atlantic Fisheries, done at Ottawa on 24 October 1978, Canada Treaty Series 1979, No. 11; or

(ii) Any other measure for the conservation and management of any straddling stock to be complied with by persons aboard a foreign fishing vessel of a prescribed class;

- (b.4) Prescribing the manner in which and the extent to which a protection officer is permitted to use the force referred to in section 8.1;
- (b.5) Prescribing forms that may be used instead of the forms set out in Part XXVIII of the Criminal Code in proceedings against fishing vessels under this Act or the fisheries Act;

4. Section 7 of the Act is replaced by the following:

7. A protection officer may:

- (a) For the purpose of ensuring compliance with this Act and the regulations, board and inspect any fishing vessel found within Canadian fisheries waters or the NAFO Regulatory Area; and
- (b) With a warrant issued under section 7.1, search any fishing vessel found within Canadian fisheries waters or the NAFO Regulatory Area and its cargo.

7.1 (1) A justice of the peace who on ex parte application is satisfied by information on oath that there are reasonable grounds to believe that there is in any place, including any premises, vessel or vehicle, any fish or other thing that was obtained by or used in, or that will afford evidence in respect of, a contravention of this Act or the regulations, may issue a warrant authorizing the protection officer named in the warrant to enter and search the place for the fish or other thing subject to any conditions that may be specified in the warrant.

(2) A protection officer may exercise the powers referred to in paragraph 7 (b) without a warrant if the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be practical to obtain a warrant.

5. The Act is amended by adding the following after section 8:

8.1 A protection officer may, in the manner and to the extent prescribed by the regulations, use force that is intended or is likely to disable a foreign fishing vessel, if the protection officer:

- (a) Is proceeding lawfully to arrest the master or other person in command of the vessel; and
- (b) Believes on reasonable grounds that the force is necessary for the purpose of arresting that master or other person.

6. (1) The portion of subsection 18 (1) of the Act before paragraph (a) is replaced by the following:

18. (1) Every person who contravenes paragraph 4(1) (a), subsection 4 (2) or section 5.2, is guilty of an offence and liable.

(2) The portion of subsection 18 (2) of the Act before paragraph (a) is replaced by the following:

(2) Every person who contravenes any of paragraphs 4(1) (b) to (e), section 5, or the regulations is guilty of an offence and liable.

7. The Act is amended by adding the following after section 18:

18.1 An act or omission that would be an offence under an Act of Parliament if it occurred in Canada is deemed to have been committed in Canada if it occurs, in the course of enforcing this Act,

- (a) In the NAFO Regulatory Area on board or by means of a foreign fishing vessel on board or by means of which a contravention of section 5.2 has been committed; or
- (b) In the course of continuing pursuit that commenced while a foreign fishing vessel was in Canadian fisheries waters or the NAFO Regulatory Area.

18.2 (1) Every power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of an act or omission referred to in section 18.1 in the circumstances referred to in that section may be exercised:

- (a) On board the foreign fishing vessel; or
- (b) Where pursuit has been commenced, at any place on the seas, other than a place that is in the territorial sea or internal waters of a State other than Canada.

(2) A justice of the peace or judge in any territorial division in Canada has jurisdiction to authorize an arrest, entry, search or seizure or an investigation or other ancillary matter related to an offence referred to in section 18.1 in the same manner as if the offence had been committed in that territorial division.

(3) Where an act or omission that is an offence by virtue only of section 18.1 is alleged to have been committed on board or by means of a vessel that is registered or licensed under the laws of a State other than Canada, the powers referred to in subsection (1) may not be exercised outside Canada with respect to that act or omission without the consent of the Attorney General of Canada.

18.3 A proceeding in respect of:

- (a) An offence under this Act consisting of a contravention of section 5.2, or
- (b) An offence referred to in section 18.1 that is committed outside Canada may, whether or not the accused is in Canada, be commenced in any territorial division in Canada and the accused may be tried and punished for that offence in the same manner as if the offence had been committed in that territorial division.

18.4 No proceeding respect of:

- (a) An offence under this Act consisting of a contravention of section 5.2,
- (b) An offence referred to in section 18.1, or
- (c) An offence under paragraph 17(d) consisting of resistance to or obstruction of a protection officer in the execution of the officer's duty in relation to section 5.2,

may be commenced without the personal consent in writing of the Attorney General, and such a proceeding may be conducted only by the Attorney General of Canada or counsel acting on his or her behalf.

18.5 All the provisions of this Act and the Criminal Code or the Fisheries Act and the Criminal Code relating to indictable offences that are applicable to or in respect of persons apply, in their application to indictable offences created by this Act or the Fisheries Act, to or in respect of fishing vessels, with such modifications as the circumstances require, and all the provisions of this Act and the Criminal Code or the Fisheries Act and the Criminal Code relating to summary conviction offences that are applicable to or in respect of persons apply, in their application to other offences created by this Act or the Fisheries Act, to or in respect of fishing vessels, with such modifications as the circumstances require.

8. If Bill C-8, introduced in the first session of the thirty-fifth Parliament and entitled An Act to amend the Criminal Code and the Coastal Fisheries Protection Act (force), is assented to, then:

- (a) If section 2 of that Act enacts section 8.1 of the Coastal Fisheries Protection Act but section 2 does not come into force before the day on which this Act is assented to, section 2 of that Act and the heading before it are repealed on the later of the day on which that Act is assented to and the day on which this Act is assented to; or
- (b) If section 2 of that Act enacts section 8.1 of the Coastal Fisheries Protection Act and section 2 comes into force before the day on which this Act is assented to, section 8.1 of the Coastal Fisheries Protection Act, as enacted by section 2 of that Act, is repealed on the day on which this Act, other than subsection 6 (2) and this section, comes into force.

9. This Act, other than subsection 6 (2) and section 8, comes into force on a day to be fixed by order of the Governor in Council.

6. CAPE VERDE

Law No. 60/IV/92 delimiting the maritime areas of the Republic of Cape Verde and revoking Decree-Law No. 126/77 and all legal provisions which contravene this law

Considering the need to safeguard the fundamental interests of the nation with regard to the living and non-living resources of the maritime areas of the Republic of Cape Verde,

Considering the importance of maritime activities for the national economy and development,

Considering the evolution of the law of the sea as reflected in the United Nations Convention on the Law of the Sea, 1982,

By mandate of the people, the National Assembly decrees, under article 186 (b) of the Constitution of the Republic, the following:

CHAPTER I

Maritime areas

Article 1

For the purposes of this law the maritime areas under the jurisdiction of the Republic of Cape Verde shall be:

- (a) The internal sea;
- (b) The archipelagic waters;
- (c) The contiguous zone;
- (d) The territorial sea;
- (e) The exclusive economic zone;
- (f) The continental shelf.

CHAPTER II

Archipelagic waters

Article 2

The archipelagic waters of the Republic of Cape Verde shall include all the maritime area within the baselines drawn in conformity with article 24.

Article 3

The Republic of Cape Verde shall exercise sovereignty over the archipelagic waters, namely, over:

- (a) The respective mass of water, whatever its depth or breadth;
- (b) The superjacent airspace and the bed and subsoil of the corresponding sea;
- (c) The living and non-living resources in these waters.

Article 4

The Republic of Cape Verde may, within its archipelagic waters, draw baselines for the delimitation of internal waters.

Article 5

Without prejudice to the provisions of article 3, the Republic of Cape Verde shall respect any existing agreements which are related to activities in its archipelagic waters.

Article 6

Without prejudice to the provisions of article 4, foreign ships shall enjoy the right of innocent passage in the archipelagic waters of the Republic of Cape Verde, under the terms of, and in compliance with, the pertinent regulations.

CHAPTER III

Territorial sea

Article 7

The territorial sea of Cape Verde shall have a breadth of 12 nautical miles, measured from the baselines defined in article 24.

Article 8

In the territorial sea, the Republic of Cape Verde shall exercise sovereignty over:

- (a) The mass of water;
- (b) The superjacent airspace;
- (c) The corresponding bed, soil and subsoil;
- (d) The living and non-living resources.

Article 9

Foreign ships shall enjoy the right of innocent passage through the territorial sea under the terms of, and in compliance with, the pertinent regulations.

CHAPTER IV

Contiguous zone

Article 10

The Republic of Cape Verde shall establish a zone contiguous to the territorial sea whose external limit shall be 24 nautical miles measured from the baselines referred to in article 24.

Article 11

In its contiguous zone the Republic of Cape Verde shall exercise the control necessary to prevent and punish infringements committed in its territory, internal waters, archipelagic waters and territorial sea, to its customs, fiscal, health and emigration laws and regulations.

CHAPTER V

Exclusive economic zone

Article 12

The exclusive economic zone of the Republic of Cape Verde shall include the maritime zone whose internal limit corresponds to the external limit of the territorial sea and whose external limit corresponds to a line in which each point is at a distance of 200 miles from the nearest point of the baseline from which the breadth of the territorial sea is measured.

Article 13

In the zone defined in the preceding article the Republic of Cape Verde shall possess:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and its subsoil and the sovereign rights with regard to other activities for the economic exploitation and exploration of energy from the water, currents and winds.

(b) Exclusive jurisdiction, with regard to:

- (i) The establishment and use of artificial islands, installations and structures;
- (ii) Marine scientific research;
- (iii) The protection and preservation of the marine environment;
- (iv) Any other rights not recognized to third States.

Article 14

Without prejudice to the provisions of article 26, in the exclusive economic zone all States shall enjoy:

- (a) Freedom of navigation;
- (b) Freedom of overflight.

Article 15

The exercise of the freedoms and related rights to which the preceding article refers shall respect the sovereign rights, as well as the laws and regulations of the Republic of Cape Verde.

Article 16

In the exercise of the freedoms referred to in article 14, any unauthorized fishing or exploration activity, as well as any activity which causes pollution or is prejudicial to the marine environment or to the natural resources of the exclusive economic zone, or to the economic interests of the Republic of Cape Verde, shall be prohibited.

CHAPTER VI

Continental shelf

Article 17

The continental shelf of the Republic of Cape Verde shall comprise the seabed and subsoil of the submarine areas that extend beyond the territorial sea up to a distance of 200 nautical miles from the baselines referred to in article 24.

Article 18

On its continental shelf, the Republic of Cape Verde shall possess sovereign rights for the purpose of exploring and exploiting its natural resources, both living and non-living.

Article 19

The rights referred to in the preceding article shall be exclusive in the sense that, if the Republic of Cape Verde does not explore the continental shelf or exploit its natural resources, no other State or entity may undertake these activities without the express consent of the competent Cape Verdian authorities.

Article 20

The Republic of Cape Verde shall have the exclusive right to authorize and regulate drillings in its continental shelf for whatever purpose.

CHAPTER VII

General provisions

Article 21

The laying, maintenance or repair of submarine pipelines or cables by third States in the maritime areas defined in article 1 may be carried out only with the prior authorization of the Republic of Cape Verde.

Article 22

In application of this Law, the Government shall prepare special regulations with regard to:

- (a) Protection of the marine environment;
- (b) Artificial installations;
- (c) Submarine pipelines and cables;
- (d) Archaeological and historical objects;
- (e) Scientific marine research;
- (f) Sea lanes in the archipelagic waters;
- (g) Drilling on the continental shelf;
- (h) Contiguous zones;
- (i) Exercise of the right of innocent passage by foreign ships in the archipelagic waters and in the territorial sea.

Article 23

The competent national authorities shall make provision for the conservation and sound management of the biological resources of the maritime areas under the jurisdiction of the Republic of Cape Verde.

Article 24

The baseline from which the breadth of the archipelagic waters, the territorial sea, the contiguous zone, the exclusive economic zone and the continental platform are measured shall be made up of straight lines which join the outermost points of the islands and islets, determined by the following coordinates:

Point	Latitude N	Longitude W	Observ.
A-	14° 48' 43.17"	24° 43' 48.85"	I. Brava
C-P1 a Rainha	14° 49' 59.10"	24° 45' 33.11"	I. Brava
C-P1 a Fajã	14° 51' 52.19"	24° 45' 09.19"	I. Brava
D-P1 Vermelharia	16° 29' 10.25"	24° 19' 55.87"	S. Nicolau
E-	16° 36' 37.32"	24° 36' 13.93"	Ilheu Raso
F-P1 a da Peça	16° 54' 25.10"	25° 18' 11.00"	Santo Antao
F-	16° 54' 40.00"	25° 18' 32.00"	Santo Antao
G-P1 a Camarim	16° 55' 32.98"	25° 19' 10.76"	Santo Antao
H-P1 a Preta	17° 02' 28.66"	25° 21' 51.67"	Santo Antao
I-P1 a Mangrade	17° 03' 21.06"	25° 21' 54.44"	Santo Antao
J-P1 a Portinha	17° 05' 33.10"	25° 20' 29.91"	Santo Antao
K-P1 a de Sol	17° 12' 25.21"	25° 05' 56.15"	Santo Antao
L-P1 a Sinagoga	17° 10' 41.58"	25° 01' 38.24"	Santo Antao
M-Pta Espechim	16° 40' 51.64"	24° 20' 38.79"	S. Nicolau
N-Pta Norte	16° 51' 21.13"	22° 55' 40.74"	Sal
O-Pta Casaca	16° 50' 01.69"	22° 53' 50.14"	Sal
P-Ilheu Cascalho	16° 11' 31.04"	22° 40' 52.44"	I. Boavista
P1-Ilheu Baluarte	16° 09' 05.00"	22° 39' 45.00"	I. Boavista
Q-Pta do Roque	16° 05' 09.83"	22° 40' 26.05"	I. Boavista
R-Pta Flamengas	15° 10' 03.89"	23° 05' 47.90"	I. Maio
S-	15° 09' 02.21"	23° 06' 24.98"	I. Maio
T-	14° 54' 10.78"	23° 29' 36.09"	Santiago
U-D. Maria Pia	14° 53' 50.00"	23° 30' 54.50"	Santiago
V-Pta Pesqueiro	14° 48' 52.32"	24° 22' 43.30"	I. do Fogo
X-Pta Nho Martinho	14° 48' 25.59"	24° 42' 34.92"	I. Brava
Y=A	14° 48' 43.17"	24° 43' 48.85"	I. Brava

Article 25

Marine scientific research by foreign entities in the maritime areas of the Republic of Cape Verde shall be permitted under the terms and conditions defined in the laws and regulations on the subject.

Article 26

Without prejudice to the provisions of this Law, all the activities by foreign entities or ships in the maritime areas subject to the sovereignty or jurisdiction of the Republic of Cape Verde shall respect the principle of the peaceful uses of the oceans.

Article 27

Any activities which cause pollution or harm the marine environment, or are prejudicial to the resources in the national maritime areas or to the economic interests of the Republic of Cape Verde, shall be prohibited.

Article 28

Without prejudice to the rights of identifiable owners and the norms of salvage or other norms of maritime law, and to practices in the field of inter-cultural exchanges, the location, exploration and recovery of any object of an archaeological and historical character, as well as treasures existing in the maritime areas of the Republic of Cape Verde as defined in article 1, by any entity, whether national or foreign, shall require the express authorization of the competent national authorities.

CHAPTER VIII

Final and transitional provisions

Article 29

In the cases in which the external limit of the exclusive economic zone and of the continental shelf of the Republic of Cape Verde, defined in conformity with this Law, coincides with part of an exclusive economic zone or the continental shelf of a neighbouring State, the maritime frontier shall be fixed by an agreement to be negotiated with the State in question, in accordance with the applicable international law.

Article 30

Violations of this Law shall be punishable in conformity with the pertinent laws and regulations.

Article 31

Decree-Law 126/77 and all legal provisions which contravene this Law shall be revoked.

Article 32

This Law shall enter into force immediately.

Approved on 10 December 1992.

7. CYPRUS¹

Geographical coordinates showing baselines for measuring the breadth of the territorial sea, 1993

The Permanent Mission of the Republic of Cyprus to the United Nations would like to deposit the attached copy of geographical coordinates showing baselines for measuring the breadth of the territorial sea of Cyprus where the above coordinates are drawn.

Sequence	Latitude	Longitude
1.	35° 06' 49"	32° 16' 52"
2.	35° 05' 40"	32° 16' 31"
3.	35° 04' 15"	32° 16' 12"
4.	35° 02' 21"	32° 16' 15"
5.	35° 01' 30"	32° 16' 29"
6.	34° 57' 05"	32° 18' 15"
7.	34° 53' 59"	32° 18' 32"
8.	34° 51' 30"	32° 21' 03"
9.	34° 45' 19"	32° 24' 15"
10.	34° 42' 13"	32° 29' 42"
11.	34° 39' 17"	32° 39' 29"
12.	34° 38' 30"	32° 42' 19"
13.	34° 38' 42"	32° 54' 07"
14.	34° 34' 01"	32° 56' 06"
15.	34° 33' 47"	33° 01' 45"
16.	34° 34' 06"	33° 02' 12"
17.	34° 40' 14"	33° 02' 30"
18.	34° 42' 19"	33° 15' 42"
19.	34° 43' 12"	33° 19' 37"
20.	34° 43' 52"	33° 22' 06"
21.	34° 46' 45"	33° 29' 47"
22.	34° 49' 08"	33° 36' 18"

¹ Text transmitted by the Permanent Mission of Cyprus to the United Nations in a note verbal dated 3 May 1993.

Sequence	Latitude	Longitude
23.	34° 51' 48"	33° 38' 18"
24.	34° 55' 41"	33° 38' 57"
25.	34° 58' 44"	33° 43' 52"
26.	34° 56' 32"	33° 51' 46"
27.	34° 58' 52"	34° 57' 23"
28.	34° 57' 20"	34° 05' 05"
29.	34° 57' 38"	34° 05' 13"
30.	34° 59' 21"	34° 04' 38"
31.	35° 00' 40"	34° 03' 55"
32.	35° 13' 10"	33° 54' 15"
33.	35° 16' 50"	33° 55' 36"
34.	35° 19' 45"	34° 04' 00"
35.	35° 22' 25"	34° 05' 22"
36.	35° 29' 40"	34° 18' 40"
37.	35° 33' 21"	34° 24' 30"
38.	35° 38' 31"	34° 33' 40"
39.	35° 39' 04"	34° 34' 15"
40.	35° 42' 36"	34° 36' 22"
41.	35° 39' 10"	34° 25' 52"
42.	35° 33' 41"	34° 10' 38"
43.	35° 28' 57"	34° 03' 11"
44.	35° 24' 33"	33° 45' 11"
45.	35° 21' 37"	33° 36' 25"
46.	35° 21' 00"	33° 17' 27"
47.	35° 22' 08"	33° 06' 52"
48.	35° 24' 08"	32° 55' 10"
49.	35° 13' 42"	32° 55' 15"
50.	35° 08' 38"	32° 50' 15"
51.	35° 10' 58"	32° 44' 25"

Sequence	Latitude	Longitude
52.	35° 11' 45"	32° 40' 11"
53.	35° 11' 45"	32° 38' 37"
54.	35° 10' 35"	32° 33' 15"
55.	35° 08' 37"	32° 31' 27"
56.	35° 3' 20"	32° 27' 05"
57.	35° 02' 30"	32° 23' 52"

8. ESTONIA

Law on the boundaries of the maritime tract, 10 March 1993

Article 1

In the present law, the maritime tract shall be determined to be the part of the sea which is bordered by the mainland and falls under the jurisdiction of the Republic of Estonia.

Article 2

The basis of the determination of the maritime tract shall be the provisions of the Convention on the Territorial Sea and the Contiguous Zone, 1958, concluded in Geneva, and the United Nations Convention on the Law of the Sea, 1982.

Article 3

The normal baseline of the territorial sea is an imaginary line which at low tide joins the points farthest from the shoreline of the mainland, islands, islets, rocks and single boulders. The coordinates of the normal baseline of the territorial sea are established in appendix 1.

Article 4

The internal sea is a maritime tract which lies between the normal baseline of the territorial sea and the shoreline.

Article 5

The territorial sea is a maritime tract adjacent to the internal sea whose external boundary shall be determined by the present law. The coordinates of the boundary of the territorial sea are established in appendix 2.

Article 6

The breadth of the territorial sea shall be twelve nautical miles. Exceptions shall be made in the breadth of the territorial sea due to international conventions and agreements made with neighbouring States.

Article 7

The exclusive economic zone is a maritime tract beyond and adjacent to the territorial sea whose outer limit is determined in coordination with neighbouring States. The coordinates of the boundary of the exclusive economic zone are established in appendix 3.

APPENDIX 1

The baseline of the territorial sea of the Republic of Estonia

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° '	Longitude (E) ° '		
1.	59 34,17	28 05,87	25013 23002 22000	Border between the Republic of Estonia and the Russian Federation at the shore of the Bay of Narva in accordance with the Estonian-Russian Peace Treaty
2.	59 25,70	27 32,20	23002 22000	The western jetty of Pühajõgi
Continuing along the shore at the point of low tide until point 3				
3.	59 25,70 59 26,60	27 13,50	23002 22000 22001	The shoreline near Saka
4.	59 31,26	26 45,27	25014 23002 22000 22001	Rock east of Mahu beacon
5.	59 49,35	26 21,85	23002 22001	Boulder north of Vaindlo Island
6.	59 49,30	26 21,60	23002 22001	Boulder north of Vaindlo Island
7.	59 40,56	25 41,98	28015 23005 22001	Boulder north of Purikarineen
8.	59 42,09	25 01,10	25016 23005 23006 22001	Rock north-west of Keri Island
9.	59 36,40	24 30,55	25016 23006 22001	Boulder west of Pikasääre (Nais-saar Island)
10.	59 23,40	24 02,43	28018 23006 23008 23010 22001 22002	Boulder north of Pakri lighthouse

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° ' ,	Longitude (E) ° ' ,		
11.	59 18,28	23 21,69	25020 23008 23010 22002	Rock north-west of Osmussaar Island
12.	59 05,28	22 51,82	28025 23009 23010 22002	Rock at Selgrahu
13.	59 05,70	22 35,10	23009 23014 22002 22003	Point of Tahkunanina
14.	58 56,80	22 03,40	25026 23009 23014 22002 22003	Rock 358° 3,5 cables from Ristna lighthouse
15.	58 56,50	22 02,70	25026 23014	Rock 288,8° 3,8 cables from Ristna lighthouse
16.	58 56,40	22 02,60	25026 23014 22003	Rock 278,0° 4,3 cables from Ristna lighthouse
17.	58 55,60	22 02,30	25026 23014 22003	Boulder 215,2° 10,4 cables from Ristna lighthouse
18.	58 55,30	22 03,00	25026 23014	Point 192,3° 11,4 cables from Ristna lighthouse
19.	58 53,60	22 08,20	25026 23014 22003	Rock 236,0° 24,4 cables from Kopu lighthouse
20.	58 31,36	21 54,46	25028 23014 22003	Boulder north-west of the point of Undva
21.	58 30,91	21 48,04	25028 23014 22003	Boulder north-west of the tip of Kipsaarenukk
22.	58 19,29	21 45,67	28028 25028	Boulder west of Nootamaa Island

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° ' "	Longitude (E) ° ' "		
23.	58 19,26	21 45,67	28028 25028 23014 22003	Boulder west of Nootamaa Island
24.	57 57,45	21 58,40	25029 23015 22003	Rock south of the point of Loodeneeme
25.	57 53,28	22 02,45	25030 23015 22003	Southern point of the Vesitükimaa Islet
26.	57 58,08	22 11,38	25031 23015 22003 22004	Rock south-west of the point of Kaavinina
27.	58 09,07	22 49,01	25024 23015 22003 22004	Boulder south-east of Allirahu beacon
28.	57 48,82	23 12,50	28040 23015 22004	Rock north-west of the Pär sineeme (western shore of Ruhnu Island)
29.	57 48,19	23 12,27	28040	Rock
30.	57 47,81	23 12,41	28040	Rock
31.	57 47,26	23 13,03	28040	Rock west of the point of Holmineem
32.	57 47,13	23 13,62	28040	Boulder
33.	57 46,72	23 15,73	28040 23012 22004	Rock
34.	57 46,80	23 16,43	28040 23012 22004	Western jetty of the Port of Rinksi
35.	58 05,69	23 58,42	25037 23012 22004	Rock south of Kihnu lighthouse
36.	57 52,48	24 21,47	23012 22004	Border between the Republic of Estonia and the Republic of Latvia at the shore of the Bay of Riga

APPENDIX 2

The boundary of the territorial sea of the Republic of Estonia

(The sea border of Estonia)

Point No.	<u>Geographical coordinates</u>		Chart No.	Remarks
	Latitude (N) ° ' ' "	Longitude (E) ° ' ' "		
1.	59 34,17	28 05,87	25013 23002 22000	
37.	59 37,9	26 54,9	23002 22000 22001	
38.	59 56,3	26 26,4	23002 23004 22001	
39.	59 54,0	26 09,2	23004 23005 22001	
40.	59 48,9	26 01,3	23005 22001	
41.	59 49,6	25 34,7	23005 22001	
42.	59 42,2	24 28,9	23006 22001	
43.	59 34,6	23 57,2	23006 23008 22001 22002	
44.	59 28,9	23 31,3	23008 23010 22002	
45.	59 29,0	23 11,5	23008 23010 22002	
46.	59 28,2	23 08,6	23010 22002	
Point 46 to be connected to point 47 by an arc with a radius of 12 nautical miles from point 11, coordinates of which are 50°18,28' N 23°21,69' E.				

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° '	Longitude (E) ° '		
47.	59 27,4	23 06,5	23008 23010 22002	
48.	59 17,5	22 44,0	23009 23010 22002	
49.	59 17,7	22 36,2	23009 23010 22002	
Point 49 to be connected to point 50 by an arc with a radius of 12 nautical miles from point 13, coordinates of which are 59°05,70' N 22°35,10' E.				
50.	59 16,2	22 23,9	23009 22002	
51.	59 14,7	22 18,5	23009 22002 22003	
52.	59 03,4	21 51,0	23009 22002 22003	
53.	58 55,1	21 39,1	23014 22003	
Point 53 to be connected to point 54 by an arc with a radius of 12 nautical miles from point 17, coordinates of which are 58°55,60' N 22°02,30' E.				
54.	58 49,9	21 41,8	23014 22003	
55.	58 41,3	21 36,4	23014 22003	
Point 55 to be connected to point 56 by an arc with a radius of 12 nautical miles from point 21, coordinates of which are 58°55,60' N 22°02,30' E.				
56.	58 32,2	21 25,3	23014 22003	
57.	58 21,1	21 23,2	23014 22003	
Point 57 to be connected to point 58 by an arc with a radius of 12 nautical miles from point 23, coordinates of which are 58°19,26' N 21°45,67' E.				

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° '	Longitude (E) ° '		
58.	58 15,4	21 24,2	23015 23014 22003	
59.	57 53,7	21 36,8	23015 22003	
Point 59 to be connected to point 58 by an arc with a radius of 12 nautical miles from point 24, coordinates of which are 57°57,45' N 21°58,40' E.				
60.	57 51,4	21 38,8	23015 22003	
61.	57 47,2	21 43,0	23015 22003	
62.	57 45,3	21 53,6	23015 22003	
63.	57 54,9	22 43,3	23015 22003 22004	
64.	57 35,0	23 11,0	23012 23015 22004	
Point 64 to be connected to point 65 by an arc with a radius of 12 nautical miles from point 33, coordinates of which are 57°46,72' N 23°15,73' E.				
65.	57 35,2	23 22,1	23012 22004	
Point 65 to be connected to point 66 by an arc with a radius of 12 nautical miles from point 34, coordinates of which are 57°46,80' N 23°16,43' E.				
66.	57 37,5	23 30,6	23012 22004	
67.	57 49,2	23 56,6	23012 22004	
68.	57 48,7	23 57,3	23012 22004	
69.	57 54,0	24 18,2	23012 22004	

Point 69 to be connected by a straight line to point 36, coordinates of which are 57°52,48' N 24°21,47' E.

Remarks:

1. Since the boundary of the territorial sea within the Bay of Narva has not been determined at the negotiations between the Republic of Estonia and the Russian Federation, the boundary of the territorial sea extending from point 1 to point 39 through points 37 and 38 may change as a result of these negotiations.
2. Since the boundary of the territorial sea in the Strait of Irben and the Bay of Riga has not been determined at the negotiations between the Republic of Estonia and the Republic of Latvia, the boundary of the territorial sea extending from point 60 to point 69 through points 61, 62, 63, 64, 65, 66, 67 and 68 may change as a result of these negotiations.

APPENDIX 3

The boundary of the exclusive economic zone and continental shelf of the Republic of Estonia

Point No.	<u>Geographical coordinates</u>		Chart No.	Remarks
	Latitude (N) ° ' ,	Longitude (E) ° ' ,		
38.	59 56,3	26 26,4	23004 22001	
70.	60 00,0	26 20,8	23004 22001	
71.	59 59,4	26 13,1	23004 22001	
72.	59 58,4	26 09,2	23004 23005 22001	
73.	59 52,0	25 58,5	23005 22001	
74.	59 52,9	25 28,0	23005 22001	
75.	59 53,6	25 10,6	23005 22001	
76.	59 52,4	24 57,6	23006 22001	
77.	59 50,8	24 49,7	23006 22001	
78.	59 44,5	24 24,8	23006 22001	
79.	59 37,4	23 54,8	23008 22001 22002	
80.	59 31,9	23 30,1	23010 22002	
81.	59 32,0	23 10,0	23010 22002	
82.	59 25,2	22 45,5	23010 22002	

Point No.	Geographical coordinates		Chart No.	Remarks
	Latitude (N) ° ' ,	Longitude (E) ° ' ,		
83.	59 23,1	22 10,3	23009 22002 22003	
84.	59 18,7	21 46,7	23009 22003	
85.	59 11,5	21 11,3	22003	
Point 85 is not connected to point 86.				
86.	58 46,8	20 28,6	22003	
87.	58 29,0	20 26,5	22003	
88.	58 12,0	20 22,4	22003	
89.	58 00,9	20 24,0	22003	
61.	57 47,2	21 43,0	23015 22003	
Point 61 is not connected to point 64.				
90.	57 34,4	23 11,8	23012 23015 22004	
91.	57 31,4	23 42,7	23012 22004	
68.	57 48,7	23 57,3	23012 22004	
<p>Remarks:</p> <p>1. Since the boundary of the exclusive economic zone and continental shelf near Vaindlo Island in the Gulf of Finland has not been determined at the negotiations between the Republic of Estonia and the Russian Federation, the boundary of the exclusive economic zone and continental shelf extending from point 38 to point 70 may change as a result of the negotiations.</p> <p>2. Since the boundary of the exclusive economic zone and continental shelf between the Republic of Estonia and the Republic of Latvia has not been determined at the negotiations between the Republic of Estonia and the Republic of Latvia, the boundary of the exclusive economic zone and continental shelf extending from point 88 to point 61 through point 89, as well as from point 64 to point 68 through to points 90 and 91, may change as a result of these negotiations.</p>				

9. FRANCE

Prefectural Order No. 1/93

Prohibiting the movement in the Bouches de Bonifacio
of tankers carrying oil and ships carrying dangerous
or toxic substances, 15 February 1993

Squadron Vice-Admiral Tripier, Maritime Prefect of the Mediterranean,

In view of the ordinance of 14 June 1844 concerning the administrative service in the Navy,

In view of article 63 of the Act of 17 December 1926 containing the disciplinary and penal code of the Merchant Marine,

In view of Decree No. 78.272 of 9 March 1978, as amended, on the organization of State actions at sea,

In view of Decree No. 78.421 of 24 March 1978 relating to the campaign against accidental marine pollution,

In view of Decree No. 79.703 of 7 August 1979 defining the dangerous substances referred to in articles 2 and 3 of Act No. 79.1 of 2 January 1979,

In view of Decree No. 86.38 of 7 January 1986 relating to maritime police measures with regard to ships, aircraft, apparatuses or platforms which may cause accidental marine pollution,

In view of Decree No. 89.490 of 12 July 1989 publishing the Convention between the Government of the French Republic and the Government of the Italian Republic relating to the delimitation of maritime frontiers in the region of the Bouches de Bonifacio, done at Paris on 28 November 1986,

In view of the Decree of 1 February 1930 stating the competence of Maritime Prefects with regard to police power and the regulation of coastal fishing,

In view of article R.26 of the Penal Code,

In view of Act No. 76.599 of 7 July 1976 relating to the prevention and elimination of marine pollution resulting from immersion operations carried out by ships and aircraft and to the campaign against accidental marine pollution,

In view of Act No. 86.2 of 3 January 1986 relating to the management, protection and exploitation of the coast,

In view of Decree No. 75.553 of 26 June 1975 publishing the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, opened for signature at Brussels on 29 November 1969, and Decree No. 86.1076 of 24 September 1986, as amended, publishing the 1973 Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances Other than Oil, done at London at 2 November 1973,

In view of Decree No. 83.874 of 27 September 1983 publishing the 1973 International Convention for the Prevention of Pollution from Ships, done at London on 2 November 1973, as amended by the 1978 Protocol relating to the said Convention, done at London on 17 February 1978 (MARPOL 73/78), and Decree No. 87.788 of 24 September 1987 publishing annex II to the said Convention,

ORDERS:

Article 1

Ships flying the French flag and carrying oil or dangerous substances such as those which appear in the annexed lists ¹ shall not be authorized to navigate in the Bouches de Bonifacio except by virtue of a dispensation granted for one ship and one specified itinerary in case of force majeure.

Article 2

The provisions of the preceding article shall also apply to all ships carrying the same substances and engaged in cabotage navigation between two French ports.

Article 3

This order shall not apply to French warships or to any other ship of the French State used for non-commercial purposes.

Article 4

This order shall take effect as from the date of the publication by the Italian authorities of a text establishing measures of the same nature. The said date shall be specified by an order.

Article 5

The officers and agents authorized to act in matters of navigation police shall be responsible, each within his sphere of competence, for the execution of this order, which shall be posted at the Maritime Affairs Offices and Port Commanders' Offices concerned and shall be published in the appropriate volumes of nautical instructions. (Mediterranean Sea - Southern coasts of France - Texts and plates).

¹ Annexed list not attached to the present Order.

10. GERMANY

(a) Announcement of 11 November 1994 of the Proclamation adopted on 19 October 1994 by the Government of the Federal Republic of Germany concerning the extension of the breadth of the German territorial sea

The Proclamation concerning the extension of the breadth of the German territorial sea, adopted by the Government of the Federal Republic of Germany on 19 October 1994, is hereby announced:

I. The outer limit of the territorial sea of the Federal Republic of Germany shall be determined in accordance with the specifications given hereunder. All earlier announcements concerning the delimitation of the German territorial sea shall thereby cease to apply.

(1) North Sea

The outer limit of the territorial sea of the Federal Republic of Germany in the North Sea shall be a line running at a distance of 12 nautical miles, measured from the low-water line and the straight baselines, as appropriate.

The existing deep-water anchorage shall remain part of the territorial sea, its limits being a line connecting the following points:

- | | | |
|-----|------------|------------|
| (1) | 54°08'11"N | 7°24'36"E; |
| (2) | 54°08'19"N | 7°26'59"E; |
| (3) | 54°01'39"N | 7°33'04"E; |
| (4) | 54°00'27"N | 7°24'36"E. |

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German territorial sea in the North Sea is indicated in the Maritime Boundaries Chart 2920.¹

At an appropriate later time, the Government of the Federal Republic of Germany will decide on the lateral delimitation of the territorial sea of the Federal Republic of Germany towards, respectively, the Kingdom of the Netherlands and the Kingdom of Denmark. The regulation in Section 1 of Annex B of the Treaty of 8 April 1960 between the Federal Republic of Germany and the Kingdom of the Netherlands governing cooperation in the area of the Ems Estuary ("the Ems-Dollart Treaty") (Federal Law Gazette 1963 II, p. 602) shall remain unaffected.

(2) Baltic Sea

The outer limit of the territorial sea of the Federal of Germany in the Baltic Sea shall be a line connecting the following points:

- | | | |
|-----|------------|-------------|
| (1) | 54°44'17"N | 10°10'14"E; |
| (2) | 54°41'46"N | 10°13'13"E; |
| (3) | 54°39'27"N | 10°15'34"E; |

¹ See chart 2920 in reduced form for illustrative purposes on p. 61.

(4)	54°36'45"N	10°18'36"E;
(5)	54°35'35"N	10°20'24"E;
(6)	54°34'08"N	10°25'47"E;
(7)	54°32'51"N	10°30'24"E;
(8)	54°31'14"N	10°35'36"E;
(9)	54°30'39"N	10°39'12"E;
(10)	54°30'51"N	10°54'21"E;
(11)	54°32'50"N	10°49'16"E;
(12)	54°33'21"N	10°58'51"E;
(13)	54°34'10"N	11°00'07"E;
(14)	54°34'37"N	11°08'33"E;
(15)	54°33'31"N	11°12'23"E;
(16)	54°31'46"N	11°18'44"E;
(17)	54°30'46"N	11°19'23"E;
(18)	54°30'18"N	11°21'03"E;
(19)	54°28'26"N	11°24'13"E;
(20)	54°26'23"N	11°28'34"E;
(21)	54°24'27"N	11°32'22"E;
(22)	54°22'25"N	11°35'23"E;
(23)	54°19'53"N	11°38'44"E;
(24)	54°20'01"N	11°57'10"E;
(25)	54°23'07"N	12°09'13"E;
(26)	54°23'07"N	12°09'59"E;
(27)	54°27'04"N	12°15'35"E;
(28)	54°30'42"N	12°18'05"E;
(29)	54°31'05"N	12°17'36"E;
(30)	54°34'40"N	12°19'24"E;
(31)	54°44'38"N	12°45'00"E.

From point (31), the limit shall continue running at a distance of 12 nautical miles, measured from the low-water line and the straight baselines, as appropriate, until reaching point (32) as follows:

(32)	54°26'30,3"N	14°04'45,9"E.
------	--------------	---------------

From this Point, the outer limit shall be a line connecting the following points:

(33)	54°16'14,8"N	14°04'14,7"E;
(34)	54°14'22,0"N	14°10'08,9"E;
(35)	54°07'36,4"N	14°12'09,1"E;
(36)	53°59'18,1"N	14°14'35,9"E;
(37)	53°55'42,1"N	14°13'37,8"E.

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German territorial sea in the Baltic Sea is indicated in the Maritime Boundaries Chart 2921.²

² See chart 2921 in reduced form for illustrative purposes on p. 62.

At an appropriate later time, the Government of the Federal Republic of Germany will decide on the lateral delimitation of the territorial sea of the Federal Republic of Germany towards the Kingdom of Denmark.

The lateral delimitation of the territorial sea of the Federal Republic of Germany towards the Republic of Poland shall be as provided for in the Treaty of 14 November 1990 between the Federal Republic of Germany and the Republic of Poland concerning the confirmation of their mutual border (Federal Law Gazette 1991 II, p. 1328).

In some areas of the Baltic Sea, the breadth of the territorial sea as extended by virtue of the present Proclamation is less than the twelve nautical miles permitted under international law. This shall not be construed as meaning a renunciation of the Federal Republic of Germany's legal claim to the full breadth of the territorial sea.

The above coordinates are given on the proviso that they are subject to a more precise calculation by the Federal Ministry of Transport (if and where appropriate) using the latest methods. Any such calculation shall be announced through official channels, and shall be incorporated in the official Maritime Boundaries Charts.

The present Decision shall enter into force on 1 January 1995.

DONE at Bonn on this eleventh day of November 1994.

(b) Proclamation of 25 November 1994 by the Federal Republic of Germany concerning the establishment of an exclusive economic zone of the Federal Republic of Germany in the North Sea and in the Baltic Sea

I

The Federal Republic of Germany shall establish, as of 1 January 1995, an exclusive economic zone in the North Sea and in the Baltic Sea beyond the outer limit of its territorial sea.

II

The outer limit of the exclusive economic zone of the Federal Republic of Germany in the North Sea shall be a line connecting the following points:

E ₀	53°43'30,8" N	6°20'49,7" E
E ₁	53°45'03,0" N	6°19'58,3" E
E ₂	53°48'52,9" N	6°15'51,3" E
E ₃	53°59'56,8" N	6°06'28,2" E
E ₄	54°11'12,0" N	6°00'00,0" E
E ₅	54°37'12,0" N	5°00'00,0" E
E ₆	55°00'00,0" N	5°00'00,0" E
E ₇	55°20'00,0" N	4°20'00,0" E
E ₈	55°45'54,0" N	3°22'13,0" E
D	55°50'06,0" N	3°24'00,0" E
S ₇	55°55'09,4" N	3°21'00,0" E
S ₆	55°46'21,8" N	4°15'00,0" E
S ₅	55°24'15,0" N	4°45'00,0" E
S ₄	55°15'00,0" N	5°09'00,0" E
S ₃	55°15'00,0" N	5°24'12,0" E
S ₂	55°30'40,3" N	5°45'00,0" E
S ₁	55°10'03,4" N	7°33'09,6" E
S ₀	55°05'59,4" N	8°02'44,4" E

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German exclusive economic zone in the North Sea shall be published in the Maritime Boundaries Chart 2920. ¹

III

The outer limit of the exclusive economic zone of the Federal Republic of Germany in the Baltic Sea shall be a line connecting the following points:

1.	54°45'24,0" N	10°13'06,0" E
2.	54°42'49,7" N	10°16'07,9" E
3.	54°40'29,6" N	10°18'29,9" E
4.	54°37'59,9" N	10°21'18,4" E
5.	54°37'15,4" N	10°22'27,6" E
6.	54°35'50,8" N	10°37'15,9" E
7.	54°34'37,0" N	10°31'58,5" E
8.	54°33'06,0" N	10°36'50,0" E
9.	54°32'39,8" N	10°39'37,3" E
10.	54°32'49,2" N	10°43'59,0" E
11.	54°34'52,3" N	10°48'02,1" E
12.	54°37'10,2" N	10°52'25,1" E
13.	54°38'14,6" N	10°54'15,3" E
14.	54°38'28,3" N	11°00'20,7" E
15.	54°38'16,3" N	11°04'30,0" E
16.	54°37'19,7" N	11°09'28,2" E
17.	54°36'33,0" N	11°12'30,9" E
18.	54°35'11,2" N	11°15'36,4" E
19.	54°34'11,6" N	11°19'17,7" E
20.	54°31'57,0" N	11°23'04,8" E
21.	54°29'53,1" N	11°26'36,6" E
22.	54°27'53,4" N	11°30'49,9" E
23.	54°25'47,7" N	11°34'55,1" E
24.	54°23'36,0" N	11°38'12,2" E
25.	54°21'56,7" N	11°40'20,7" E
26.	54°21'53,4" N	11°40'14,7" E
27.	54°22'00,5" N	11°56'25,6" E
28.	54°24'39,9" N	12°06'43,5" E
29.	54°41'15,9" N	12°26'35,7" E
30.	54°45'49,7" N	12°44'59,9" E
31.	54°50'01,7" N	12°56'02,4" E
32.	55°00'30,2" N	13°08'53,1" E
33.	55°00'37,9" N	13°09'26,8" E
34.	55°01'16,9" N	13°47'08,4" E
35.	54°57'53,9" N	13°59'15,3" E
36.	54°57'44,8" N	13°59'34,2" E
37.	54°48'45,0" N	14°10'22,0" E
38.	54°48'45,0" N	14°24'51,0" E
39.	54°39'30,0" N	14°24'51,0" E
40.	54°32'10,4" N	14°38'12,2" E
41.	54°31'57,7" N	14°37'42,0" E

42.	54°29'56,4" N	14°44'56,7" E
43.	54°22'56,5" N	14°35'55,7" E
44.	54°10'04,6" N	14°21'05,0" E
45.	54°07'35,0" N	14°14'18,9" E
46.	54°07'36,4" N	14°12'09,1" E.

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German exclusive economic zone in the Baltic Sea shall be published in the Maritime Boundaries Chart 2921. ²

IV

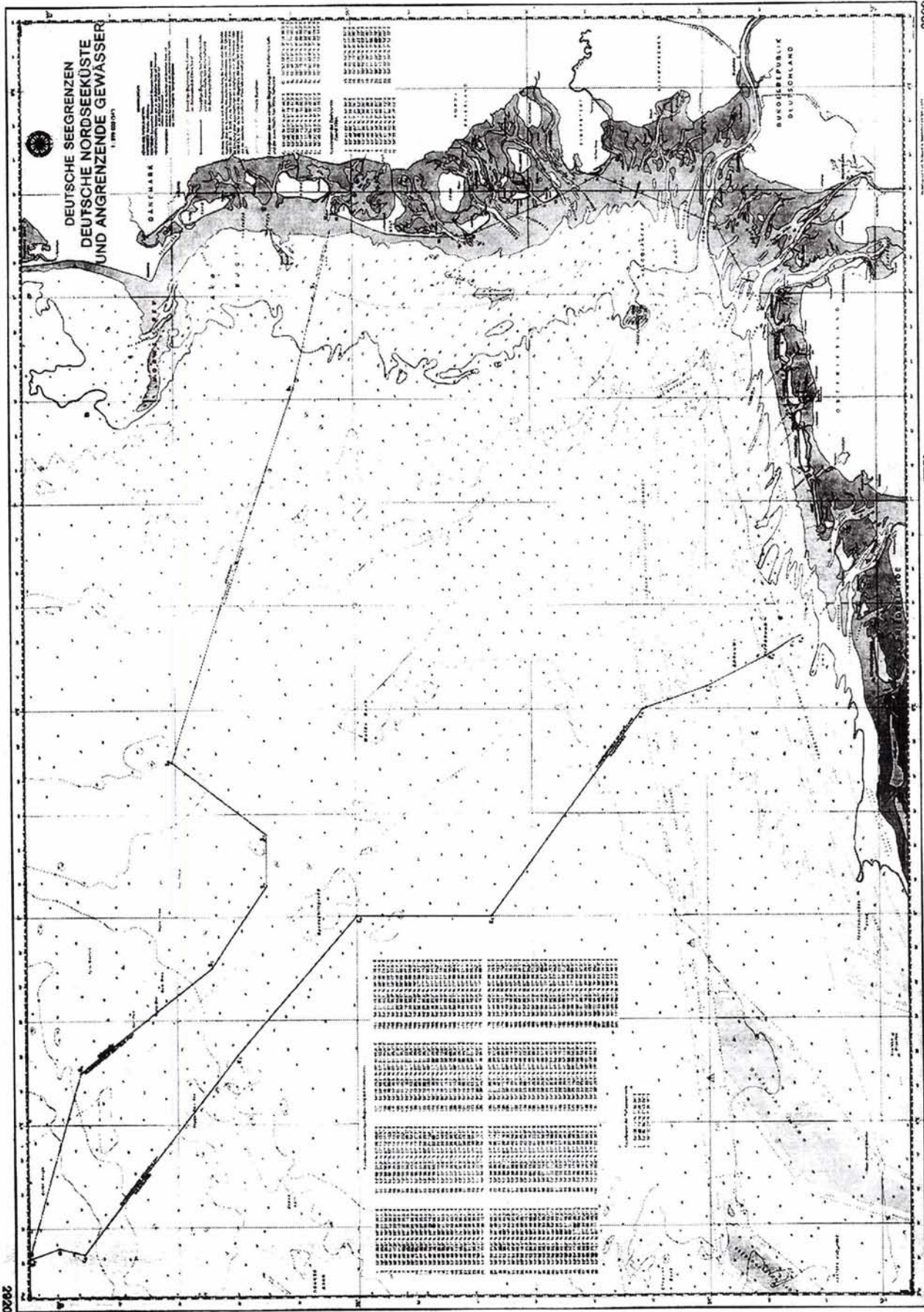
The lines connecting, respectively, points 25 and 26, 32 and 33, 35 and 36, as well as 40 and 41 have been drawn on the proviso that they are subject to pertinent agreements with the neighbouring States concerned in each case.

The Government of the Federal Republic of Germany will, at an appropriate later time and upon consultations, decide on the final positions of the points indicating the lateral delimitation of the exclusive economic zone of the Federal Republic of Germany towards the Kingdom of the Netherlands (point E₀ in the North Sea) and towards the Kingdom of Denmark (point S₀ in the North Sea and point 1 in the Baltic Sea), as well as on the delimitation of the exclusive economic zone landward of each of these three points.

The details of application of the provisions of article 5(2) of the Treaty concluded on 22 May 1989 between the German Democratic Republic and the Polish People's Republic on the delimitation of their respective maritime areas in the Bay of Pomerania shall be subject to settlement at an appropriate later time and upon consultations with the Republic of Poland.

The above coordinates are given on the proviso that they are subject to a more precise calculation by the Federal ministry of Transport (if and where appropriate) using the latest methods. Any such calculation shall be announced through official channels, and shall be incorporated in the official Maritime Boundaries Charts.

DONE at Berlin on this twenty-fifth day of November 1994.

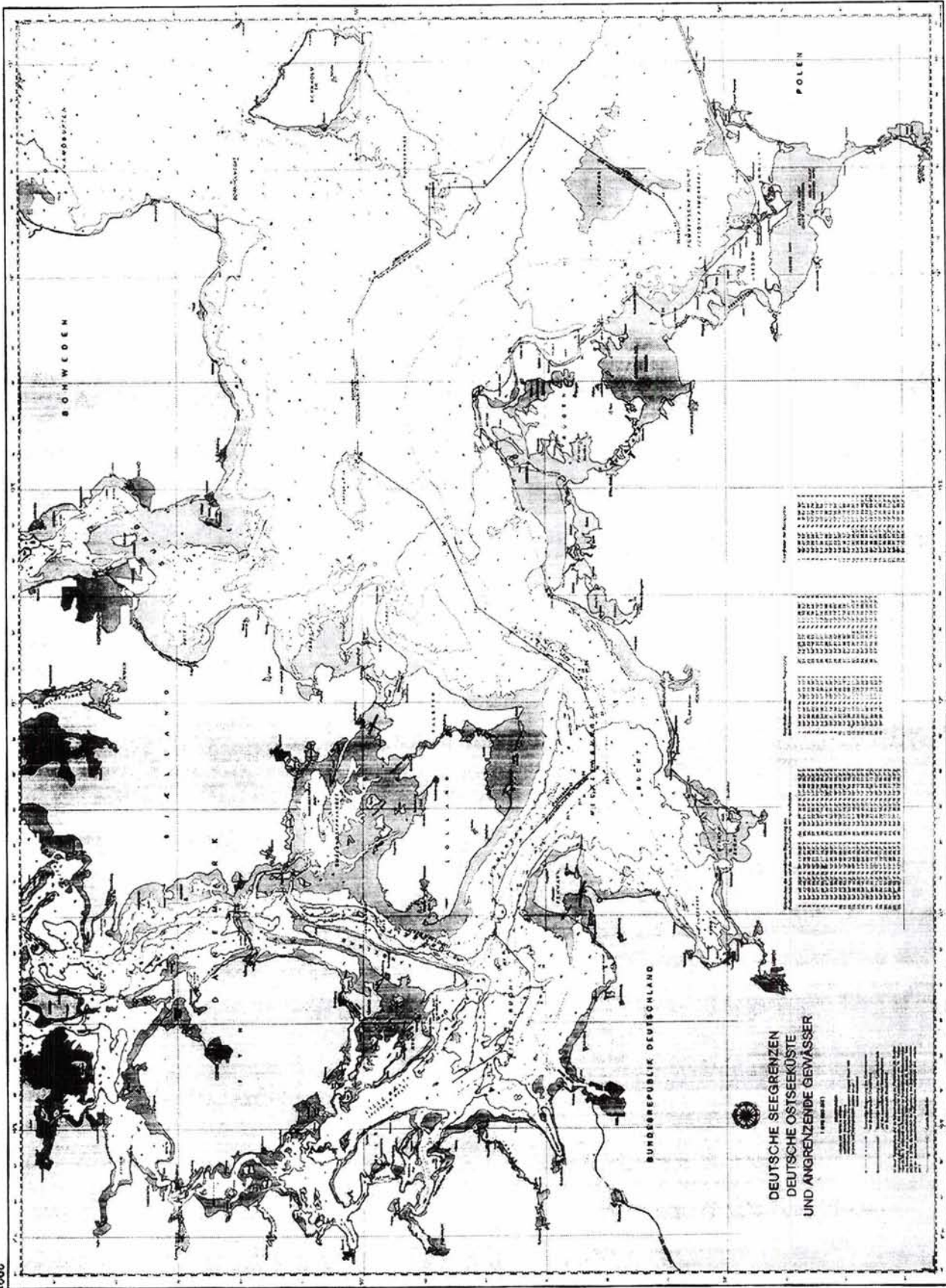


2920

1:100 000

DEUTSCHE SEEGRENZEN DEUTSCHE NORDSEEKÜSTE UND ANGRANZENDE GEWÄSSER 1:100 000

2920



2921

2921

**DEUTSCHE SEEGRENZEN
DEUTSCHE OSTSEEKÜSTE
UND ANGRÄNZENDE GEWÄSSER**

Chart Code No. 10, 1:50,000, 1958
Nautical Chart No. 10, 1:50,000, 1958

11. IRAN (ISLAMIC REPUBLIC OF) ¹

Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea, 1993

PART I

Territorial sea

Article 1

Sovereignty

The sovereignty of the Islamic Republic of Iran extends, beyond its land territory, internal waters and its islands in the Persian Gulf, the strait of Hormuz and the Oman Sea, to a belt of sea, adjacent to the baseline, described as the territorial sea.

This sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 2

Outer limit

The breadth of the territorial sea is 12 nautical miles, measured from the baseline. Each nautical mile is equal to 1,852 metres.

The islands belonging to the Islamic Republic of Iran, whether situated within or outside its territorial sea, have, in accordance with this Act, their own territorial sea.

Article 3

Baseline

In the Persian Gulf and the Oman Sea, the baseline from which the breadth of the territorial sea is measured is that one determined in Decree No. 2/250-67 dated 31 Tir 1352 (22 July 1973) of the Council of Ministers (annexed to this Act);² in other areas and islands, the low-water line along the coast constitutes the baseline.

Waters on the landward side of the baseline of the territorial sea, and waters between islands belonging to the Islamic Republic of Iran, where the distance of such islands does not exceed 24 nautical miles, form part of the internal waters and are under the sovereignty of the Islamic Republic of Iran.

¹ Text transmitted by the Permanent Mission of the Islamic Republic of Iran to the United Nations in a note verbale dated 6 July 1993.

² The text of Decree No. 2/250-67 dated 31 Tir 1352 (22 July 1973) is not annexed to this Act; it has already been reproduced in: United Nations Legislative Series, National Legislation and Treaties relating to the Law of the Sea (ST/LEG/SER.B/19), p. 55.

Article 4
Delimitation

Wherever the territorial sea of the Islamic Republic of Iran overlaps the territorial seas of the States with opposite or adjacent coasts, the dividing line between the territorial seas of the Islamic Republic of Iran and those States shall be, unless otherwise agreed between the two parties, the median line every point of which is equidistant from the nearest point on the baseline of both States.

Article 5
Innocent passage

The passage of foreign vessels, except as provided for in article 9, is subject to the principle of innocent passage so long as it is not prejudicial to the good order, peace and security of the Islamic Republic of Iran.

Passage, except as in cases of force majeure, shall be continuous and expeditious.

Article 6
Requirements of innocent passage

Passage of foreign vessels, in cases when they are engaged in any of the following activities, shall not be considered innocent and shall be subject to relevant civil and criminal laws and regulations:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of the Islamic Republic of Iran, or in any other manner in violation of the principles of international law;
- (b) Any exercise or practice with weapons of any kind;
- (c) Any act aimed at collecting information prejudicial to the national security, defence or economic interests of the Islamic Republic of Iran;
- (d) Any act of propaganda aimed at affecting the national security, defence or economic interests of the Islamic Republic of Iran;
- (e) The launching, landing or transferring on board of any aircraft or helicopter, or any military devices or personnel to another vessel or to the coast;
- (f) The loading or unloading of any commodity, currency or person contrary to the laws and regulations of the Islamic Republic of Iran;
- (g) Any act of pollution of the marine environment contrary to the rules and regulations of the Islamic Republic of Iran;
- (h) Any act of fishing or exploitation of the marine resources;
- (i) The carrying out of any scientific research and cartographic and seismic surveys or sampling activities;
- (j) Interfering with any systems of communication or any other facilities or installations of the Islamic Republic of Iran;
- (k) Any other activity not having a direct bearing on passage.

Article 7
Supplementary laws and regulations

The Government of the Islamic Republic of Iran shall adopt such other regulations as are necessary for the protection of its national interests and the proper conduct of innocent passage.

Article 8
Suspension of innocent passage

The Government of the Islamic Republic of Iran, inspired by its high national interests and to defend its security, may suspend the innocent passage in parts of its territorial sea.

Article 9
Exceptions to innocent passage

Passage of warships, submarines, nuclear-powered ships and vessels or any other floating objects or vessels carrying nuclear or other dangerous or noxious substances harmful to the environment, through the territorial sea is subject to the prior authorization of the relevant authorities of the Islamic Republic of Iran. Submarines are required to navigate on the surface and to show their flag.

Article 10
Criminal jurisdiction

In the following cases, the investigation, prosecution and punishment in connection with any crimes committed on board the ships passing through the territorial sea is within the jurisdiction of the judicial authorities of the Islamic Republic of Iran:

- (a) If the consequences of the crime extend to the Islamic Republic of Iran;
- (b) If the crime is of a kind to disturb the peace and order of the country or the public order of the territorial sea;
- (c) If the master of the ship or a diplomatic agent or consular officer of the flag State asks for the assistance and investigation;
- (d) If such investigation and prosecution is essential for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

Article 11
Civil jurisdiction

The competent authorities of the Islamic Republic of Iran may stop, divert or detain a ship and its crew for the enforcement of attachment orders or court judgements if:

- (a) The ship is passing through the territorial sea after leaving the internal waters of Iran;
- (b) The ship is lying in the territorial sea of the Islamic Republic of Iran;
- (c) The ship is passing through the territorial sea, provided that the origin of the attachment order or court judgement rests in the obligations or requirements arising from the civil liability of the ship itself.

PART II
Contiguous zone

Article 12
Definition

The contiguous zone is an area adjacent to the territorial sea the outer limit of which is 24 nautical miles from the baseline.

Article 13
Civil and criminal jurisdiction

The Government of the Islamic Republic of Iran may adopt measures necessary to prevent the infringement of laws and regulations in the contiguous zone, including security, customs, maritime, fiscal, immigration, sanitary and environmental laws and regulations and investigation and punishment of offenders.

PART III
Exclusive economic zone and continental shelf

Article 14
Sovereign rights and jurisdiction in the exclusive economic zone

Beyond its territorial sea, which is called the exclusive economic zone, the Islamic Republic of Iran exercises its sovereign rights and jurisdiction with regard to:

- (a) Exploration, exploitation, conservation and management of all natural resources, whether living or non-living, of the seabed and subsoil thereof and its superjacent waters, and with regard to other economic activities for the production of energy from water, currents and winds. These rights are exclusive;
- (b) Adoption and enforcement of appropriate laws and regulations, especially for the following activities:
 - (i) The establishment and use of artificial islands and other installations and structures, laying of submarine cables and pipelines and the establishment of relevant security and safety zones;
 - (ii) Any kind of research;
 - (iii) The protection and preservation of the marine environment;
- (c) Such sovereign rights as granted by regional or international treaties.

Article 15
Sovereign rights and jurisdiction in the continental shelf

The provisions of article 14 shall apply mutatis mutandis to the sovereign rights and jurisdiction of the Islamic Republic of Iran in its continental shelf, which comprises the seabed and subsoil of the marine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory.

Article 16
Prohibited activities

Foreign military activities and practices, collection of information and any other activity inconsistent with the rights and interests of the Islamic Republic of Iran in the exclusive economic zone and the continental shelf are prohibited.

Article 17
Scientific activities, exploration and research

Any activity to recover drowned objects and scientific research and exploration in the exclusive economic zone and the continental shelf is subject to the permission of the relevant authorities of the Islamic Republic of Iran.

Article 18
Preservation of the environment and natural resources

The Government of the Islamic Republic of Iran shall take appropriate measures for the protection and preservation of the marine environment and proper exploitation of living and other resources of the exclusive economic zone and the continental shelf.

Article 19
Delimitation

The limits of the exclusive economic zone and the continental shelf of the Islamic Republic of Iran, unless otherwise determined in accordance with bilateral agreements, shall be a line every point of which is equidistant from the nearest point on the baselines of two States.

Article 20
Civil and criminal jurisdiction

The Islamic Republic of Iran shall exercise its criminal and civil jurisdiction against offenders of the laws and regulations in the exclusive economic zone and continental shelf and shall, as appropriate, investigate or detain them.

Article 21
Right of hot pursuit

The Government of the Islamic Republic of Iran reserves its right of hot pursuit against offenders of laws and regulations relating to its internal waters, territorial sea, contiguous zone, exclusive economic zone and the continental shelf, in such areas and the high seas.

PART IV
Final provisions

Article 22
Executive regulations

The Council of Ministers shall specify the mandates and responsibilities [powers and duties] of different ministries and organizations charged with the enforcement of this Act.

The said ministries and organizations shall, within one year after the approval of this Act, prepare the necessary regulations and have them approved by the Council of Ministers.

Pending the adoption of new executive regulations, the existing rules and regulations shall remain in force.

Article 23

All laws and regulations contrary to the present Act, upon its ratification, are hereby abrogated.

The above Act, comprising 23 articles, was ratified at the plenary meeting of Tuesday, the thirty-first day of Farvardin, one thousand three hundred and seventy-two (20 April 1993), of the Islamic Consultative Assembly and was approved by the Council of Guardians on Ordibehesht 12, 1372 (2 May 1993).

12. ITALY

Decree of the Minister of the Merchant Marine, 26 February 1993

In view of article 2 of the Navigation Code,

In view of article 256 of the Regulation for the Safety of Navigation and Human Life at Sea, approved by DPR No. 438 of 8 November 1991,

In view of regulation V/8 of the International Convention for the Safety of Life at Sea, approved at London on 1 September 1974, made executory in Italy by Act No. 313 of 23 May 1980, as amended,

In view of the Protocol relating to the International Convention for the Prevention of Pollution from Ships and to intervention on the high seas in cases of pollution by substances other than oil, done at London on 17 February 1978 and ratified by Act No. 438 of 4 June 1982,

In view of resolution MEPC 49(31), adopted at London on 4 July 1991,

In view of resolution A 670(16), adopted at London on 19 October 1989,

Considering that the zone of the Bouches de Bonifacio has a high density of merchant, fishing and pleasure traffic, with consequent difficulties in manoeuvring in narrow waters,

Taking account of the need to adopt, as part of the cooperation between Italy and France, urgent measures capable of avoiding the risk of maritime accidents in the Bouches de Bonifacio which involve ships carrying oil, gas, chemical products or other substances capable of polluting the sea or the coast,

Considering the need to protect the archipelago of La Maddalena, set aside as a marine reserve by article 36 of Act No. 394 of 6 December 1991,

Considering that in order to regulate the movement of foreign ships in the Bouches de Bonifacio, it is necessary to make use of the procedures provided for by chapter V of the SOLAS Convention 74(83),

In view of the exchange of notes between the Italian and French Governments,

Considering the need to regulate, with immediate effect, the transit of ships flying the Italian flag in the Bouches de Bonifacio,

DECREES:

Article 1

Navigation in the Bouches de Bonifacio is prohibited to ships flying the Italian flag which are tankers, gas transporters or chemical transporters and which have on board a cargo of oil, chemical products or other polluting substances dangerous and harmful to the marine environment, as they are defined by the international conventions in force in Italy.

Article 2

Violators shall be subject to the sanctions provided for by article 124 of the Navigation Code.

Article 3

1. The execution of this decree shall be entrusted to the maritime authority competent for the territory.
2. This decree shall take effect on the thirtieth day following the date of its publication in the Official Gazette.

13. LATVIA

Decision of the Supreme Council of the Republic of Latvia on procedure for the law of the Republic of Latvia "On the Border of the Republic of Latvia" going into effect 10 December 1990

The Supreme Council of the Republic of Latvia has decided:

1. To determine, that the law of the Republic of Latvia "On the Border of the Republic of Latvia" will go into effect at the moment this decision is adopted.
2. To charge the Council of Ministers of the Republic of Latvia to form a delegation for the renewal of the inter-State boundary, and grant its head the powers to conclude international treaties on the renewal of the border between the Republic of Latvia, on one side, and the Republic of Lithuania, the Russian Federated Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic, on the other side.
3. To determine, that the Council of Ministers of the Republic of Latvia will appoint to the bilateral or multilateral border commissions experts for the delineation of the boundary in maps, and for its renewal in nature.
4. The international bilateral and multilateral border commissions are to fulfil their duties in accordance with the international treaties entered into on the renewal of boundaries.
5. The border of the Republic of Latvia is to be regarded as final from the moment when the international bilateral or multilateral border commissions will have signed the description of the boundary line, the legislation approving the description of the boundary line, and the boundary map.
6. To charge the Council of Ministers of the Republic of Latvia to submit - by 1 March 1991 - recommendations for changes in legislation having to do with the law "On the Border of the Republic of Latvia" going into effect.

A. Gorbunovs: Chairman of the Supreme Council of the Republic of Latvia
I. Daudiss: Secretary of the Supreme Council of the Republic of Latvia

Riga, 10 December 1990.

Law of the Republic of Latvia "On the Border of the Republic of Latvia"

PART 1

General conditions

Paragraph 1.

The boundary of the Republic of Latvia.

The boundary of the Republic of Latvia is the line and the vertical surface coincident with this line, which divides the territory of the Republic of Latvia on dry land and on the waters, the underground and airspace of this land from the neighbouring countries and from the neutral waters in the Baltic Sea.

Paragraph 2.

The determination of the boundary of the Republic of Latvia, and its guarding and security.

The State boundary of the Republic of Latvia is determined by the international treaties the Republic of Latvia entered into and ratified by 16 June 1940, and later by the bilateral treaties entered into with neighbouring countries on the renewal of the boundary.

The Government of the Republic of Latvia, within its legal powers, shall take steps to guard and secure the State borders and territories.

Paragraph 3.

The marking of the border of the Republic of Latvia.

The State border of the Republic of Latvia, if other provisions have not been made in the international treaties entered into by the Republic of Latvia, shall be marked:

- (1) On dry land - according to characteristic contours and clearly visible landmarks and reference points;
- (2) In the Baltic Sea - along the outer edge of the territorial waters of the Republic of Latvia;
- (3) In the Irbe Strait and in the Gulf of Riga - in accordance with bilateral agreements with the Republic of Estonia;
- (4) Along navigable rivers - along the middle of the main river shipping channel; along non-navigable rivers (streams) - along their middle or along the middle of the main side branch of the river; in lakes and other still bodies of water - along a straight line, which joins two points, where the border of the Republic of Latvia exits the banks of this lake or other body of water.

The state border of the Republic of Latvia which goes along a river, stream, lake or other body of water shall not be moved if there is a change in the configuration of the coastline, or in the river or stream bed;

- (5) On bridges and other structures, which span the boundary as it has been marked on water - along the middle of these bridges or other structures, or along their technological axes.

Paragraph 4.

The territorial waters of the Republic of Latvia.

Among the territorial waters of the Republic of Latvia shall be regarded the waters of the Baltic Sea to the width of 12 sea miles, counting from the maximum low-tide line from the Latvian coast.

Paragraph 5.

The inland waters of the Republic of Latvia.

The inland waters of the Republic of Latvia are the following:

- (1) Harbour waters, which are marked by a straight line, which join concrete hydrotechnical or other structural points on opposite sides of the harbour, which are located the furthest towards the sea;

- (2) In the Irbe Strait and in the Gulf of Riga - the waters from the middle of the base, which go between the southern part of the cliff of the Horn of Loade, the Horn of Ovisi and the end point of the border on dry land on the Republic of Latvia on the eastern coast of the Gulf of Riga. The configuration of the boundary line in the waters of the Gulf of Riga shall be determined by international treaty;
- (3) The waters of those gulfs and bays, the coasts of which fully belong to the Republic of Latvia;
- (4) The waters of those rivers, lakes and other bodies of water, the coasts and banks of which fully belong to the Republic of Latvia.

CHAPTER II

The Regime of the State border of the Republic of Latvia and its border areas

Paragraph 6.

The regime of the State border of the Republic of Latvia.

The regime of the State border of the Republic of Latvia determines how the border will be maintained, how its security will be maintained, and also the procedure for crossing the border, the procedure for entering, staying and working in the border area, in the Latvian part on the boundary rivers, boundary lakes and other bodies of water; it also provides for the necessary control, to ensure that this procedure will be observed. The regime of the State border of the Republic of Latvia is to be regulated by this law, by other legislation of the Republic of Latvia and by international treaties.

Paragraph 7.

The State border area of the Republic of Latvia.

In order to ensure the necessary order on the State border of the Republic of Latvia, along the border shall be fixed a border area. The border area is part of the State border, and the regime of the State border of the Republic of Latvia shall apply to it as well. The border area, in accordance with international treaties, shall be defined by the Government of the Republic of Latvia.

Paragraph 8.

The border zone.

In the interests of security of the Republic of Latvia and its State border, the Government of the Republic of Latvia will fix a border zone in the counties in the border area which is not to be narrower than 15 kilometres along the State border and the coastline of the Baltic Sea.

Paragraph 9.

The regime in the border zone.

The regime in the border zone determines the procedure for entering, staying and working in the border zone of the State border of the Republic of Latvia, and on its territorial and those inland waters, which are contiguous to the border.

The regime of the border zone is set by this law, by other legislation of the Republic of Latvia, as well as by international treaties.

Paragraph 10.

Crossing the State border of the Republic of Latvia.

Railroad, automobile, sea, river, air and other traffic across the border of the Republic of Latvia shall take place at the border-crossing points determined by the Government of the Republic of Latvia - in accordance with the laws of the Republic of Latvia and the international treaties entered into by the Republic of Latvia. At the border crossing points there shall be installed border-guard control points.

Sea and river ships, warships and other floating objects shall cross the State border of the Republic of Latvia in accordance with this law and other legislative acts and regulations of the Republic of Latvia, which are to be published according to specified procedure.

Aeroplanes and other aircraft engaged in air traffic shall cross the State border of the Republic of Latvia along air traffic corridors specified for border crossings in accordance with legislative acts and regulations of the Republic of Latvia, which are to be published according to specified procedure.

Paragraph 11.

The departure and arrival of aircraft engaged in air traffic in the Republic of Latvia.

The departure of aeroplanes and other aircraft engaged in air traffic from the Republic of Latvia and their arrival after entering the Republic of Latvia shall take place only at airfields which have been designated for international flights and at airfields where there are border-guard control points and customs offices.

The procedure of arrival and departure of aeroplanes and other aircraft engaged in air traffic shall be determined - or changed - by the Government of the Republic of Latvia and its subordinate agencies.

Paragraph 12.

Procedure according to which foreign ships and other floating objects shall arrive in the territorial waters and the inland waters and harbours of the Republic of Latvia.

Foreign ships and other floating objects shall arrive and remain in the territorial waters of the Republic of Latvia according to procedure specified in acts of legislation of the Republic of Latvia and international treaties recognized by the Republic of Latvia.

Foreign warships shall arrive in the territorial waters of the Republic of Latvia according to procedure specified by the Government of the Republic of Latvia.

Foreign submarines may remain in the territorial waters of the Republic of Latvia only above water, and with raised flag that shows the country to which it belongs.

The procedure for the arrival and stay of foreign ships and other floating objects in the inland waters, roadsteads and harbours of the Republic of Latvia shall be specified by laws and regulations of the Republic of Latvia, which are to be published according to specified procedure.

Foreign warships, if other procedures have not been foreseen, shall enter the inland waters, roadsteads and harbours of the Republic of Latvia with the permission of the Government of the Republic of Latvia, which must be obtained beforehand.

Foreign ships and other floating objects, if they are compelled to enter the territorial and inland waters of the Republic of Latvia without having observed procedures specified by the Republic of Latvia, must notify of the situation the nearest harbour administration of the Republic of Latvia.

Paragraph 13.

Controls for crossing the State border of the Republic of Latvia.

Persons, as well as traffic vehicles, cargoes and other goods which cross the State border of the Republic of Latvia are to be subject to border and customs controls in accordance with this law as well as other relevant legislation.

If it should prove to be necessary, they shall be subject to quarantine, veterinary and phytosanitary control, as well as control of export of objects of cultural value, and also other controls.

The border is to be crossed, and the border-crossing control shall be organized and applied according to procedure, which has been specified in legislative acts of the Republic of Latvia.

Paragraph 14.

Procedure for economic activity on the State border of the Republic of Latvia.

Shipping, the floating of timber and other forms of utilization of the waterways, the erection of hydro-structures and other works in the Latvian part of boundary rivers, lakes and other bodies of water; the exploitation of land, its underground resources, forests and fauna; geological surveys and other economic activity in the border zone of the State border of the Republic of Latvia may take place in accordance with the laws of the Republic of Latvia, and international treaties.

Paragraph 15.

The temporary closing of the State border of the Republic of Latvia to traffic, if there is danger of the spread of infectious disease. Quarantine.

If in the territory of Latvia or a neighbouring State there exists a threat of a spread of particularly infectious diseases, in the affected areas by a decision of the Government of the Republic of Latvia the traffic across the border may be a state of quarantine for humans, animals, cargoes, seed materials, planting materials or materials for other animal or plant production.

Paragraph 16.

Violators of the State border of the Republic of Latvia.

The violators of the State border of the Republic of Latvia are the following:

(1) Persons who have crossed or tried to cross the State border of the Republic of Latvia in any way outside of the places designated for this purpose, or ignoring the required procedure;

(2) Foreign ships and other floating objects, which have entered the territorial waters of the Republic of Latvia or the inland waters along border zones, or the Latvian side of border rivers, lakes or other bodies of water, or which remain therein, in violation of existing regulations;

(3) Aeroplanes and other aircraft engaged in air traffic, which have crossed the State border of the Republic of Latvia without the proper permits, or which have otherwise violated regulations concerning flying across the State border of the Republic of Latvia.

Paragraph 17.

Accredited representatives of the State border of the Republic of Latvia.

In order to solve problems which are tied to the maintaining of the regime of the State border of the Republic of Latvia, as well as to deal with border incidents, the Government of the Republic of Latvia shall

select accredited State border representatives. The questions which have not been dealt with by the accredited State border representatives shall be solved through diplomatic negotiations.

Paragraph 18.

Responsibility for violations of border legislation of the Republic of Latvia.

Persons who have violated, or have tried to violate the regime of the State border or its border areas, are to be called to account in accordance with legislation then in force.

CHAPTER III

The guarding and securing of the State border of the Republic of Latvia

Paragraph 19.

The duties and functions of guarding and securing the border.

For the purpose of guarding and securing the territory of the Republic of Latvia, and to strengthen the regime of the State border and its customs control, there shall be organized a system for guarding the State border of the Republic of Latvia on land, water and in the air.

Paragraph 20.

The border guard.

The guarding of the State border of the Republic of Latvia is the province of the Department of the Border Guard created for this purpose, and its subordinate units, thus making up the system of the Border Guard Service.

Paragraph 21.

The regulation of the duties of the border guard.

The duties of the Border Guard Service are regulated by this law, other legislative acts of the Republic of Latvia and international treaties, as well as normative acts issued by the competent institutions of the Republic of Latvia.

Paragraph 22.

The main duties of the border guard.

The main duties of the border guard of the Republic of Latvia are:

- (1) To guard the border, the boundary markers which have been placed there and other border structures, to foil any and all illegal attempts to change the placement of the State border of the Republic of Latvia;
- (2) To prevent persons or vehicles, cargoes and other goods from crossing the State border of the Republic of Latvia outside of the (designated) border-crossing points or in any other illegal manner, (and) to discover and to detain those violating the State border of the Republic of Latvia;
- (3) To maintain specified order at the border crossing points, to organize the work at the border crossing points and allow to cross the State border of the Republic of Latvia persons, as well as vehicles, cargoes and other goods, if the documents necessary for crossing the border have been obtained and are in order;

- (4) In accordance with proper procedure, independently or together with the customs services and consulting specialists, to prevent the illegal transfer of explosives, radioactive and narcotic materials, weapons, ammunition and other prohibited objects and contraband across the State border of the Republic of Latvia;
- (5) Together with the police (militia), to ensure that the (prescribed) regime of the border areas will be observed;
- (6) To ensure that the international treaties which the Republic of Latvia has entered into as having to do with the State border will be fulfilled;
- (7) To control that ships and other floating objects will observe the specified procedure as to movement and staying within the territorial waters and the inland waters of the Republic of Latvia in border areas, as well as in the Latvian part of border rivers, lakes and other bodies of water;
- (8) To provide to specially accredited institutions of the Republic of Latvia all necessary help to ensure that regulations for the preservation of natural resources, and for the regulation of economic activity, for the protection of the environment against pollution, for the fighting of fires, and for the liquidation of the consequences of natural disasters in the border areas are being observed.

Paragraph 23.

The basic rights of the border guard.

Fulfilling the functions of the State border guard of the Republic of Latvia, the employees of the border guard along the State border, in the territory of the border zone, in the territorial and inland waters of the Republic of Latvia which are contiguous to the border and in the Latvian part of border rivers, lakes and other bodies of water have the following rights:

- (1) To place border-guard posts; fulfilling official duties, to move along all areas of the border zone; to check documents; to examine vehicles and their cargoes, and in case of necessity to escort vehicles;
- (2) To make inquiries in matters of violations of the State border of the Republic of Latvia; to make the necessary relevant investigations, examinations, searches and interrogations in accordance with the legislation on criminal procedures of the Republic of Latvia then in effect, and to detain the violators until such time when the inquiry materials shall have been taken over by investigatory agencies, but no longer than 24 hours, notifying of it the (nearest) city (or regional) prosecutor. These guidelines apply also to citizens of other countries and to stateless persons;
- (3) To make use of State communications equipment and vehicles, as well as those belonging to social organizations, corporations, enterprises and physical persons, in order to be able to follow and detain border violators;
- (4) In fulfilling official duties, to carry a service weapon, and to use it in accordance with procedures prescribed by law.
- (5) The rights of the employees of the border guard in relation to floating objects - foreign, and those of the Republic of Latvia - is regulated by separate law.

Paragraph 24.

The participation of the State agencies, social organizations and the citizens of the Republic of Latvia in the guarding of the State border of the Republic of Latvia.

The duty of State agencies, social organizations and their functionaries is to provide maximum assistance to the border guard for the guarding of the State border of the Republic of Latvia.

The inhabitants of the border zone are to provide assistance to the employees of the border guard in guarding the State border of the Republic of Latvia on a voluntary basis.

14. LITHUANIA

Legislation on the territorial sea, 25 June 1992

One of the issues facing a State upon (re)gaining independence is the definition of its boundaries and the regime applicable to its boundaries. Lithuania is one of the former Soviet Republics that has adopted legislation on its boundaries. The Lithuanian Law on the State Boundary contains a number of provisions concerning Lithuania's territorial sea.

At sea the Lithuanian State boundary is defined as passing along the line which limits its territorial sea, giving expression to the general rule that the sovereignty of the coastal State extends to the territorial sea. The breadth of the territorial sea of Lithuania is set at 12 n.m. The limits of the territorial area are measured from a straight baseline "connecting the two outermost points of the coast". At first sight the Lithuanian coast does not seem to be such that it would warrant the drawing of straight baselines. It is smooth and only very slightly concave, and there are no islands fringing the mainland coast. The waters on the landward side of the territorial sea form part of the internal waters of Lithuania. A different limit of the territorial sea can be established by an international agreement of Lithuania.

The Law on the State Boundary provides the general rules on the regime of navigation applicable to the Lithuanian territorial sea. To designate passage through the territorial sea the law uses the term "peaceful navigation" instead of the generally used "innocent passage". This diverging terminology does not seem to result in a regime of passage that differs considerably from that of innocent passage. Peaceful navigation applies both to ships passing the territorial sea without entering internal waters and to ships entering the internal waters of Lithuania. The law does not define the meaning of peaceful navigation, except that it includes stopping or anchoring if necessary for ordinary navigation or for rendering assistance to persons, ships or aircraft in distress.

Ships that enter the territorial sea are to comply with the procedure established by the Law on the State Boundary and other laws and international agreements of Lithuania and rules established by its competent State institutions. As regards the passage of warships, the law establishes a right based on reciprocity. Peaceful navigation exists for warships of States that have granted this same right to the warships of foreign States. This right does not seem to be accorded to ships carrying nuclear or other weapons of mass destruction, as the law provides that it is prohibited to carry such weapons "across the State boundary of the Republic of Lithuania by any means".

For ships carrying dangerous cargoes, tankers and ships with nuclear engines, sea lanes may be designated. Authorized State institutions are to provide sea charts with clearly marked sea lanes. Special rules of navigation for such ships will be established. Foreign submarines and other submarine vessels are required to navigate on the surface and must show their flag. Article 11 of the Law on the State Boundary establishes the procedures for entry of foreign ships into the internal waters and the ports of Lithuania.

Foreign ships which violate the established rules of entry upon entering the territorial sea or internal waters of Lithuania shall be pursued and arrested. Proceedings shall be instituted against the persons having violated the Law on the State Boundary.

The Law on the State Boundary provides that international agreements of Lithuania establishing other norms and rules than those provided for in that law shall be applied, and not the norms of the law.

Appendix 1

Law of the Republic of Lithuania on the State Boundary of
the Republic of Lithuania

I. GENERAL PROVISIONS

Article 1

The State boundary of the Republic of Lithuania

The State boundary of the Republic of Lithuania is the line and the vertical surface lying along this line, defining the limits of the territory of the Republic of Lithuania - land, waters, subsoil, and airspace.

The State boundary of the Republic of Lithuania is inviolable.

The State boundary of the Republic of Lithuania may be realigned only by an international agreement of the Republic of Lithuania.

Article 2

Protection of the State boundary of the Republic of Lithuania

The protection of the State boundary of the Republic of Lithuania shall be the aggregate of measures guaranteeing the inviolability of the State boundary.

The protection of the State boundary of the Republic of Lithuania shall be ensured by the Government of the Republic of Lithuania on the basis of this Law and other laws of the Republic of Lithuania.

Article 3

The line of the State boundary of the Republic of Lithuania

The State boundary of the Republic of Lithuania shall pass:

1. On land - along a line passing the points established by international agreement;
2. At sea - along a line limiting the territorial sea;
3. On navigable rivers until the delta - in the centre on the channel; in non-navigable rivers (rivulets) on the centre of the river or the riverbed; on lakes or other bodies of water - along the line which connects the intersections of the State boundary with the shoreline of a lake or other body of water. The line of the State boundary of the Republic of Lithuania passing on rivers (rivulets), lakes or any other bodies of water shall not change in case the course of the river (rivulet) passes in a new riverbed or in case the water level in the lake or other water body changes;
4. On bridges or other structures passing over frontier water bodies - along their centre or technological axis;

The State boundary of the Republic of Lithuania shall be marked on the ground by frontier marks. The form and size of boundary marks and the procedure for their installation shall be established by the Government of the Republic of Lithuania, on the basis of the laws and international agreements of the Republic of Lithuania.

Article 4

The territorial sea of the Republic of Lithuania

The territorial sea of the Republic of Lithuania comprises the coastal waters of Lithuania 12 miles in breadth. The limits of the territorial sea shall be established by measuring from the straight line connecting the two outermost points of the coast. The geographical coordinates of these points shall be confirmed by the Government of the Republic of Lithuania.

An international agreement of the Republic of Lithuania may establish different limits of the territorial sea of the Republic of Lithuania.

Article 5

The internal waters of the Republic of Lithuania

The internal waters of the Republic of Lithuania shall be:

1. Sea waters of the landward side of the territorial sea;
2. Port waters limited by the line connecting the points furthest in the sea of hydrotechnical and other port structures; and
3. Rivers, lakes, bays and other bodies of water, the shores of which belong to the Republic of Lithuania.

II. THE STATE BOUNDARY REGIME OF THE REPUBLIC OF LITHUANIA

Article 6

The State boundary regime of the Republic of Lithuania

The State boundary regime of the Republic of Lithuania consists of:

1. The procedure for crossing the State boundary;
2. The procedure for carrying freight and other goods across the State boundary;
3. The procedure for navigation and sojourn of Lithuanian and foreign ships in the territorial sea and in the Lithuanian part of waters of frontier rivers, lakes, bays or other bodies of water and for the entry and sojourn of foreign ships in the internal waters and ports of Lithuania;
4. The procedure for the flights of aircraft;
5. The procedure for the maintenance of the State boundary, and for carrying out various work, commercial and other activities at the State boundary of Lithuania.

The State boundary regime of the Republic of Lithuania specified in this Law shall be established by this Law and other laws and regulatory acts of the Republic of Lithuania and international agreements of Lithuania.

Article 7

Crossing points of the State boundary
of the Republic of Lithuania

The crossing points of the State boundary of the Republic of Lithuania shall be established by an international agreement of the Republic of Lithuania, or by the Government of the Republic of Lithuania.

Boundary check posts and customs posts shall be established at the crossing points of the State boundary of the Republic of Lithuania, and at international sea or river ports and airports.

Article 8
Procedure for crossing the State boundary of the Republic
of Lithuania for persons and for carrying freight
and other goods across it

The State boundary of the Republic of Lithuania may be crossed only at the established points.

Persons crossing the State boundary of the Republic of Lithuania must present a passport or other documents conforming to international requirements for passport control.

Foreign citizens crossing the State boundary of the Republic of Lithuania must have a visa of the Republic of Lithuania. The Government of the Republic of Lithuania, provided that the Supreme Council has no objections, may establish a simplified procedure for foreign citizens for crossing the State boundary of the Republic of Lithuania.

The admission of persons, means of transport and freight shall be effected after customs inspection.

Article 9
Procedure for crossing the boundary by aircraft

Aircraft shall cross the State boundary of the Republic of Lithuania on special air corridors in accordance with the rules established by this Law and other laws of the Republic of Lithuania, international agreements of the Republic of Lithuania and competent State institutions. An aircraft may cross the State boundary of the Republic of Lithuania outside the air corridors only upon obtaining prior permission from an institution authorized by the Government of the Republic of Lithuania.

Upon entering the airspace of the Republic of Lithuania, aircraft may land or take off for departure only at international airports (from airfields).

Article 10
Peaceful navigation in the territorial sea
of the Republic of Lithuania

Navigation in the territorial sea of the Republic of Lithuania shall be considered peaceful when it is not foreseen to enter the internal waters of the Republic of Lithuania or when it is foreseen to enter or leave the internal waters or ports of the Republic of Lithuania.

During peaceful navigation, a ship may stop or anchor if it is necessary for ordinary navigation or for rendering assistance to persons, ships or aircraft in distress.

Ships or river boats shall cross the State boundary of the Republic of Lithuania in accordance with the procedure established by this and other laws of the Republic of Lithuania, international agreements of the Republic of Lithuania and rules established by the competent State institutions.

In relation to States which have established a right of permission of peaceful navigation of foreign warships, the right of permission of peaceful navigation for warships of those States in the territorial sea of the Republic of Lithuania shall be established in accordance with a regulatory act of the Republic of Lithuania.

The Government of the Republic of Lithuania may designate sea lanes for ships carrying dangerous cargo, tankers and ships with nuclear engines.

Authorized State institutions shall establish special rules for the navigation of such ships, and provide sea charts with clearly marked sea lanes.

While crossing the State boundary of the Republic of Lithuania and during navigation in the territorial sea of the Republic of Lithuania, foreign submarines and other submarine transport must navigate on the surface and must show the national flag of their State.

Article 11

Procedure for entry of foreign ships into the internal waters and ports of the Republic of Lithuania

Foreign ships shall have the right to enter the roadsteads and ports of the Republic of Lithuania, the list of which shall be established by the Government of the Republic of Lithuania.

State institutions authorized by the Government of the Republic of Lithuania shall establish:

1. The rules for entry and sojourn of foreign ships in the internal waters, roadsteads and ports of the Republic of Lithuania;
2. The rules for servicing passengers and cargo;
3. The rules for the communication between ships and shore, and disembarkation of the crew members of a ship;
4. The procedure for visiting a ship by persons who are not free members of a crew;
5. The rules for entry and sojourn of foreign ships in the internal waters and ports of the Republic of Lithuania in the Lithuanian part of waters of frontier rivers, lakes and other bodies of water.

Article 12

Prohibition of carrying nuclear or other weapons of mass destruction across the State boundary of the Republic of Lithuania

It shall be prohibited to carry nuclear or other weapons of mass destruction across the State boundary of the Republic of Lithuania by any means.

Article 13

Military transit across the State boundary of the Republic of Lithuania

Army contingents of a foreign State and military freight may be carried in transit across the State boundary of Lithuania only in accordance with the procedure established by an international agreement of the Republic of Lithuania.

Article 14

Temporary restrictions or closure of communications across the
State Boundary of the Republic of Lithuania in connection
with the spreading of infectious diseases

In the event of a threat of the spreading of particularly dangerous infectious diseases on the territory of the Republic of Lithuania or a foreign State, the Government of the Republic of Lithuania may:

1. Temporarily restrict or close communication across the boundary of the Republic of Lithuania;
2. Enforce quarantine on persons, cattle, birds, animals and all plant or animal products and other freight crossing the State boundary of the Republic of Lithuania.

Article 15

Violators of the State boundary of the Republic of Lithuania

Violators of the State boundary of the Republic of Lithuania shall be:

1. Persons who, while crossing or attempting to cross the State boundary of the Republic of Lithuania, violated the established procedure for crossing the boundary;
2. Foreign ships which, upon entering into the territorial sea or the internal waters of the State boundary of the Republic of Lithuania, as well as the Lithuanian part of waters of frontier rivers, lakes or other water bodies, violated the established rules of entry;
3. Aircraft, having crossed the State boundary of the Republic of Lithuania without permission or otherwise having committed another violation of the rules for crossing the State boundary of the Republic of Lithuania;
4. Means of land transport, having crossed the State boundary of the Republic of Lithuania without permission or otherwise having committed a violation of the rules for crossing the State boundary of the Republic of Lithuania.

Article 16

Institution of proceedings against violators
of the State boundary

Violators of the State boundary of the Republic of Lithuania shall be pursued and arrested in accordance with the laws of the Republic of Lithuania. Against persons having violated the Law on the State Boundary of the Republic of Lithuania proceedings shall be instituted in accordance with legislation of the Republic of Lithuania. Foreign citizens having violated the Law on the State boundary may be extradited from the territory of the Republic of Lithuania.

III. FINAL PROVISIONS

Article 17
Procedure for the publication of documents
regulating the regime of the State boundary
of the Republic of Lithuania

Documents regulating the crossing of the State boundary of the Republic of Lithuania shall be published in accordance with the general procedure for the publication of regulatory acts and also in special information bulletins.

Article 18
Effect of international agreements establishing other norms

In case an international agreement of the Republic of Lithuania establishes other norms or rules than provided for in this Law, the norms and rules of the international agreement of the Republic of Lithuania shall be applied.

President of the Supreme Council of the
Republic of Lithuania
Vytautas Landsbergis

Vilnius, 25 June 1992, No. I-2671

Appendix 2

Resolution of the Supreme Council of the Republic of Lithuania

Concerning the bringing into force of the Law on the State Boundary of the Republic of Lithuania.

The Supreme Council of the Republic of Lithuania resolves:

1. The Law on the State Boundary of the Republic of Lithuania shall be brought into force on 1 July 1992.
2. The procedure for the compliance and implementation of the requirements of paragraph 2 of article 8 of this Law shall be established by the Government prior to 1 August 1992.
3. To propose to the Government that citizens of the Republic of Iceland, the Republic of Latvia, the Republic of Estonia, and the United Kingdom of Great Britain and Northern Ireland shall be entitled to the right to cross the State boundary of the Republic of Lithuania without a visa of the Republic of Lithuania.

President of the Supreme Council of the
Republic of Lithuania
Vytautas Landsbergis

Vilnius, 25 June 1992, No. I-2671

15. NETHERLANDS ¹

Decree of 6 July 1993 establishing a fishing zone for the Netherlands Antilles and Aruba (Fishing Zone (Netherlands Antilles and Aruba) Decree)

Article 1

1. There shall be a fishing zone off the coast of the Netherlands Antilles and Aruba, from the outer limit of the territorial sea.
2. The outer limit of the fishing zone shall be the boundary line agreed with other States.
3. Where no boundary line has been agreed with other States, the outer limit of the fishing zone shall be the line of which every point is equidistant from the nearest points of the baseline from which the width of the territorial sea of each of the two States is measured.
4. The boundary line between the fishing zones of the Netherlands Antilles and Aruba shall be the maritime boundary established by the Act of Parliament of the Kingdom of 12 December 1985 establishing a maritime boundary between the Netherlands Antilles and Aruba (Bulletin of Acts and Decrees 1985, 664).

Article 2

The Kingdom shall exercise exclusive rights with respect to fisheries in the zone referred to in article 1, having regard to the limits set by international law.

Article 3

This Decree shall enter into force on the first day of the second month after the date of publication of the Bulletin of Acts and Decrees in which it appears.

Article 4

This Decree may be cited as the Fishing Zone (Netherlands Antilles and Aruba) Decree.

¹ Text transmitted by the Permanent Mission of the Netherlands to the United Nations in a note verbale dated 22 September 1993.

16. PERU

Political Constitution of Peru, promulgated on 29 December 1993

...

Article 54

The territory of the Republic is inviolable. It includes the soil, the subsoil, the maritime dominion and the superjacent airspace.

The maritime dominion of the State includes the sea adjacent to its coasts, as well as the bed and subsoil thereof, up to the distance of two hundred nautical miles measured from the baselines determined by the law. In its maritime dominion, Peru exercises sovereignty and jurisdiction, without prejudice to the freedoms of international communication, in accordance with the law and the treaties ratified by the State.

The State exercises sovereignty and jurisdiction on the airspace over its territory and its adjacent sea up to the limit of two hundred miles, without prejudice to the freedoms of international communication, in conformity with the law and the treaties ratified by the State.

...

17. QATAR ¹

Decree No. 40 of 1992 defining the Breadth of the Territorial Sea and
Contiguous Zone of the State of Qatar, 16 April 1992

We, Khalifa Bin Hamad Al-Thani, Amir of the State of Qatar,

After seeing the amended Provisional Constitution, especially articles 2, 23 and 34;

Customs Law No. 5 of 1988;

Law No. 3 of 1963 regulating the entrance and residence of foreigners in Qatar and its amendments;

The Geneva Convention on the Territorial Sea and Contiguous Zone which was adopted by the First United Nations Conference on the Law of the Sea on 29 April 1958;

Kuwait's Regional Agreement on Cooperation for the Protection of the Marine Environment from Pollution, and the Protocol on Regional Cooperation for Fighting against Pollution of Oil and Other Harmful Materials in Emergency Cases, ratified by Decree No. 55 of 1978;

The Agreement Providing for the Setting up and Maintenance of the Submarine Cable between the State of Qatar, the State of Bahrain and the United Arab Emirates, ratified by Decree No. 27 of 1980;

The International Agreement of 1974 on the Safety of Life at Sea to which the State of Qatar has acceded by Decree No. 84 of 1980;

The United Nations Convention on the Law of the Sea of 1982, which was signed by the State of Qatar on 27 November 1984 pursuant to the Cabinet decision issued on 31 October 1984, at the Cabinet's ordinary meeting No. 32 of 1984;

The Declaration of the Ministry of Foreign Affairs of 12 Jamad Awal 1394 H. corresponding to 2 June 1974;

The proposals of the Ministers of Defence and of the Interior; and

The draft decree submitted by the Cabinet;

Have decided the following:

Article 1

The breadth of the territorial sea of the State of Qatar is twelve nautical miles measured from the baselines determined in accordance with the rules of international law.

¹ Text transmitted by the Permanent Mission of Qatar to the United Nations in a note verbale dated 26 February 1993.

Article 2

The State of Qatar exercises sovereignty over its territorial sea, the airspace, seabed and subsoil thereof in accordance with international law and the laws and regulations of the State of Qatar in conformity with the right of innocent passage by ships and aircraft of other countries.

Article 3

The State of Qatar has a contiguous zone with a breadth of twelve nautical miles measured from the outer limit of the territorial sea, over which the State exercises all rights and powers provided for in international law.

Article 4

The Cabinet shall issue the decisions necessary for the implementation of this Decree.

Article 5

All concerned authorities shall carry out this Decree in their respective fields. It shall come into force on the date of issue and shall be published in the Official Gazette.

18. SPAIN ¹

Act No. 27/1992 of 24 November 1992 concerning national ports and
merchant shipping (excerpts)

[Original: Spanish]

...

Chapter III
Merchant shipping

Article 6
Merchant shipping

1. For the purposes of this Act, merchant shipping shall comprise:

(a) The activity of shipping, except such shipping as is carried out solely between ports or points within a single Autonomous Community having competence in this area, which does not involve ports or points in other territorial areas;

(b) The management and inspection of the Spanish civilian fleet;

(c) The safety of navigation and life at sea;

(d) Maritime safety, including the training of pilots for in-port pilotage and the determination of in-port towage requirements as well as the availability of both services in cases of emergency;

(e) Maritime rescue operations, as provided for in article 87;

(f) The prevention of pollution from ships, fixed platforms and other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, and the protection of the marine environment;

(g) Technical and operational inspections of ships, crews and cargoes;

(h) The management of maritime traffic and communications;

(i) Verification of the position, flag and registry of civilian ships and the issuing of clearance therefor, without prejudice to any prior authorizations required by other competent authorities;

(j) Ensuring compliance with national defence obligations and obligations to protect civilians at sea;

(k) Any other maritime service which the Administration provided for in Title III, Chapter III, of this Act is required to provide by law.

2. Merchant shipping shall not include the management of the fishing fleet, with specific reference to fishing and management of the fisheries sector, or inspection activities in these areas.

¹ Communicated by the Permanent Mission of Spain to the United Nations. Translation provided by the United Nations Secretariat.

Article 7
Areas and types of navigation

1. Areas of navigation are those areas, in addition to internal waters, the territorial sea, the contiguous zone and the exclusive economic zone, over which Spain exercises sovereignty, sovereign rights or jurisdiction.

- For the purposes of this Act, "Spanish internal waters" means those waters situated within the baselines of the territorial sea, including rivers, lakes and continental waters.

- "Territorial sea" means the sea extending to a distance of 12 nautical miles from the baselines from which its breadth is measured.

- "Contiguous zone" means the zone extending from the outer limit of the territorial sea up to a distance of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

- "Exclusive economic zone" means the zone extending from the outer limit of the territorial sea to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

2. Depending on the area in which it takes place, navigation shall be internal, coastal, external or extra-national.

- "Internal navigation" means navigation which takes place wholly within the area of a given port or other Spanish internal waters.

- "Coastal navigation" means navigation other than internal navigation which is carried out between ports or points in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

- "External navigation" means navigation between ports or points in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction and ports or points outside those areas.

"Extra-national navigation" means navigation between ports or points outside areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

3. Depending on the conditions under which it takes place, navigation may be classified as regular or irregular.

- "Regular navigation" means navigation that is subject to predetermined itineraries, schedules, tariffs and conditions of transport.

- "Irregular navigation" means navigation not listed in the preceding paragraph.

4. Navigation that serves the public interest means any navigation deemed necessary to ensure essential maritime communications on the Peninsula between the Peninsula and the non-peninsular Spanish territories, and between non-peninsular Spanish territories.

The Government shall classify navigation in accordance with the aforementioned categories.

Article 8
Civilian fleet and fixed platforms

1. For the purposes of this Act, "Spanish civilian fleet" means:
 - (a) The national merchant fleet;
 - (b) The national fishing fleet;
 - (c) National pleasure boats and sports craft;
 - (d) Other Spanish civilian vessels not included under (a), (b) and (c) above.
2. "Civilian ship" means any craft, platform or floating device with or without displacement, which is suitable for navigation and not intended for national defence.
3. "Merchant ship" means any civilian ship used for commercial navigation, excluding fishing vessels.
4. "Fixed platform" means any device or installation that may be used for the exploration or exploitation of marine natural resources, or for any other activities, which is located on the seabed or anchored or supported thereon.
5. This Act shall apply to the Spanish civilian fleet, as well as to fixed platforms in waters over which Spain exercises sovereignty, sovereign rights or jurisdiction.

The provisions of this Act shall apply also to foreign civilian ships in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, within the limitations established by international law, particularly with regard to cases of immunity.

6. Regulations shall be established to govern the application of this Act in respect of ships used by the police or to combat smuggling.

TITLE III
Merchant navy

Chapter I
Objectives

Article 74
Objectives

Within the framework of the jurisdiction conferred upon the State Administration by article 149.1 of the Spanish Constitution, the policy of the Merchant Navy shall aim to achieve the following objectives:

1. Ensuring the safety of life at sea;
2. Ensuring the safety of maritime navigation;
3. Ensuring maritime safety;
4. Protecting the marine environment;

5. Ensuring the availability of any maritime transport services required to meet the needs of the country;
6. Ensuring navigation that serves the public interest.

Chapter II

Shipping operations and the regime of navigation

Section 1.a

Ships and shipping companies

Article 75

Register of Ships and Shipping Companies

1. The Register of Ships and Shipping Companies is a public administrative register in which are recorded:
 - Ships flying the Spanish flag;
 - Spanish shipping companies.
2. For purposes of identification, entries in the Register shall indicate all relevant information about the ship and the modifications effected thereto, as well as the instruments and contracts by virtue of which it is owned or transferred, mortgages are constituted or rights in rem are enforced, and any other particulars required by statute or regulation.
3. Entries pertaining to shipping companies shall indicate their instrument of incorporation and amendments thereto, the appointment and dismissal of administrators, ships owned or operated, and any other particulars required by statute or regulation.
4. Inclusion in the Register of Ships and Shipping Companies shall not exempt a ship or shipping company listed therein from fulfilling the duties of inscription in other public registers that may exist.
5. The provisions of this article shall be without prejudice to the provisions of the fifteenth supplementary provision, governing the Special Register of Ships and Shipping Companies.

Article 76

Flagging of ships

1. Ships which are duly registered in Spain and fly the Spanish flag shall for all purposes have Spanish nationality.
2. Natural persons resident in Spain and corporations domiciled in Spain or in countries of the European Economic Community shall have the right to register and flag civilian ships, provided that corporations domiciled in countries of the European Economic Community designate a representative in Spain.
3. Spanish civilian ships may provisionally fly the flag of a foreign country and foreign civilian ships may fly the Spanish flag where the relevant regulations so provide.
4. All conditions to be met before a ship is granted the right to fly the Spanish flag shall be determined in the relevant regulations.

Article 77
Crews of ships

1. The number of a ship's crew members and the conditions under which they are trained must be adequate to ensure the safety of navigation and of the ship at all times, having regard to its technical and operational characteristics, in accordance with the relevant regulations.
2. The nationality requirements for States' crew members shall likewise be determined in the relevant regulations; however, citizens of the European Economic Community may, from the date of entry into force of this Act, be employed on ships as crew members provided that they do not exercise, even occasionally, public functions, which right shall be reserved for Spanish citizens.

Article 78
Civil liability

Spanish shipping companies shall be required to maintain insurance coverage against any civil liability they may incur while operating their ships, under terms to be specified in regulations by the Government that are consistent with standard liability policies on the international market.

Such regulations shall also establish the mandatory nature and the extent of civil liability insurance in respect of navigation by any other Spanish civilian ships not covered by the provisions of the preceding paragraph.

The Government shall likewise specify those cases in which foreign ships navigating in the exclusive economic zone, contiguous zone, territorial sea or internal waters of Spain shall be required to maintain insurance coverage against any civil liability that may arise from their navigation, as well as the extent of such coverage.

Section 2.a
Foreign trade in ships

Article 79
Import and export of ships

1. Spanish shipping companies may import any merchant ships they require for their activities, subject to proof of their removal from the register of origin and satisfactory results of technical safety inspection or other relevant inspections, as required by the legislation in force.
2. Spanish shipping companies may freely export Spanish merchant ships which they own.

Nevertheless, where such ships are subject to preferred charges, liens or shipping credits recognized by the legislation in force and listed in the commercial Register or in such other registers as may replace it, in accordance with the second final provision of Act No. 19/1989 of 25 July 1989, the creditor may demand, prior to export, that the shipping company provide sufficient guarantees executable on property or rights in Spanish territory, or that the shipping interest deposit the amount of the debt in the manner provided in articles 1.176 to 1.181 of the Civil Code. To this end, the Department of the Merchant Navy shall notify creditors holding registered liens of the existence of the dossier pertaining to the removal of the ship from the Registry of Ships so that they may exercise their right conferred on them by this article.

3. Requests for removal from the Register of Ships and Shipping Companies shall be submitted by the registered owner of the ship to the Department of the Merchant Navy and shall be considered granted if no other action is taken within a period of forty-five days.

4. Exceptionally, when essential maritime communications within the national territory or the provision of supplies and goods cannot be ensured, the Government may establish regulations prescribing the conditions or restrictions that shall apply to the export of merchant ships.

Such measures shall remain in force for as long as the above-mentioned circumstances continue to exist.

5. The provisions of this article shall be without prejudice to the laws and regulations governing foreign trade.

Section 3.a
Internal navigation

Article 80
Regime of internal navigation

1. Internal navigation for commercial purposes may be carried out only by Spanish merchant ships, except as otherwise provided in Community regulations.

Exceptionally, if no suitable Spanish merchant ship is available for a specific activity, and for as long as such a situation exists, Spanish shipping companies may be authorized by the Ministry of Public Works and Transport to hire and utilize foreign merchant ships to engage in internal navigation.

2. The ships referred to in the preceding paragraph may freely engage in internal navigation, subject to the relevant maritime safety, navigation and clearance regulations.

3. Regular internal navigation for commercial purposes may be subject to administrative authorization by the competent authorities.

Section 4.a
Coastal shipping

Article 81
Coastal shipping

1. Coastal shipping for commercial purposes may be carried out only by Spanish merchant ships, except as otherwise provided under Community regulations.

Exceptionally, if no suitable Spanish merchant ship is available, and for as long as such a situation exists, Spanish shipping companies may be authorized by the Ministry of Public Works and Transport to hire and utilize foreign merchant ships to engage in coastal shipping.

2. Regular coastal shipping for commercial purposes shall be subject to administrative authorization. The Ministry of Public Works and Transport shall determine the requirements to be met by shipping companies in certifying their economic capacity and that of the vessels in order to engage in such shipping.

3. For the purposes of this Act, regular shipping lines shall be considered to include any coastal shipping services which, although not designated as such, make themselves generally available to prospective users and offer services that, by virtue of their regularity, advertising and contracting practices are similar to regular coastal shipping services.

4. The provisions of this article shall not apply to those Autonomous Communities having jurisdiction in the area of maritime transport when such transport takes place between ports or points of the same Community without involving ports or points of other territories.

Section 5.a

External and extra-national navigation

Article 82

External and extra-national navigation

1. When there exists a serious threat to the principles of open competition or free trade or to the principles on which international shipping is based and which affects Spanish ships, the Government may adopt any measures and provisions necessary to protect Spanish interests in the dispute.
2. Where the provisions of Community laws and regulations or international agreements signed by Spain are concerned, the Government may restrict all or part of certain traffic to Spanish or Community merchant ships if the national economy or defence so require.

Section 6.a

Public service obligations

Article 83

Public service obligations

1. The competent authorities may establish public service obligations for regular domestic or coastal shipping services as they deem appropriate, taking into consideration the special characteristics of such services, in order to ensure that they are provided on a continuous and regular basis. Such obligations may, where appropriate, result in entitlement to economic compensation from the authorities under conditions to be determined generally or in the relevant authorizations.
2. The competent authorities may also establish specific obligations for shipping companies providing regular or irregular internal, coastal, external or extra-national shipping services for purposes of rescue maritime safety, pollution control and other major undertakings that are in the public or social interest. This requirement shall, where appropriate, entitle the companies concerned to receive economic compensation for any additional costs incurred.

Section 7.a

Liner conferences and shippers' councils

Article 84

Liner conferences and shippers' councils

1. A liner conference means a group of two or more shipping companies that engage in regular coastal, external or international shipping on one or several specific routes within set geographical limits and have concluded an agreement of any type under which they operate on the basis of uniform or common rates or other agreed terms regarding navigation.
2. Liner conferences shall ensure adequate and efficient services, bearing in mind the interests of users.

Such conferences shall be subject to competition from regular non-member services and, in certain cases, from irregular services operating on the same routes. In no case, however, may conference activities imply the elimination of competition from a substantial share of the market in which they provide services, thereby leading to the domination of the companies comprising the conference.

3. Users of services provided by shipping lines which have formed conferences in accordance with the provisions of the preceding paragraph may form organizations known as shippers' councils for the purpose of protecting their interests, particularly with regard to the pricing, quality and regularity of the services provided, and may offer their members advisory and consultancy services in respect of shipping rates and services.

Article 85

Reporting and consultative obligations

1. Liner conferences whose ships stop in Spanish ports to take on or discharge goods shall, at the request of the Department of the Merchant Navy, transmit to the Department any agreements pertaining to the distribution of cargoes, stops or departures made, documents directly related to such agreements, tariffs and other conditions of transport.

2. When liner conferences and shippers' councils are established, both organizations shall consult with each other whenever either of the parties so requests with a view to resolving problems relating to shipping operations.

Chapter III

Maritime administration

Section I.a

Central administration

Article 86

Jurisdiction of the Ministry of Public Works and Transport

In keeping with provisions of article 74, the Ministry of Public Works and Transport shall have jurisdiction over the general management of maritime navigation and the civilian fleet, except for the activities of the fishing fleet and management of the fishing sector, over which the Ministry of Agriculture, Fisheries and Food shall have jurisdiction. In particular, the Ministry of Public Works shall be responsible for:

1. The safety of life at sea and the safety of navigation as it relates to all fixed platforms or Spanish civilian ships and to foreign ships in waters located in areas over which Spain exercises sovereignty, sovereign rights and jurisdiction, and in accordance with international law;

2. The rescue of life at sea, the cleanliness of maritime waters and control of marine pollution from ships or fixed platforms in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, taking any measures necessary to this end, particularly those indicated in article 118.2 (d) of this Act and in accordance with the plans and programmes provided for in article 87;

3. Verification of the position, registry and flag of all Spanish civilian ships and the regulation of clearance, without prejudice to any authorizations issued previously by other authorities;

4. The granting of shipping concessions or permits, except when an Autonomous Community has jurisdiction over maritime transport and if such transport takes place between ports or points of the Community without involving ports or points belonging to other territories;

5. Organizing and conducting technical, radio, safety and pollution-control inspections and monitoring in respect of all Spanish civilian ships, ships under construction in Spain and foreign ships, where authorized by international agreements. This shall include approvals and confirmations of equipment and parts of ships or of materials or appliances belonging thereto which are issued to ensure maritime safety, safety of life at sea and safety of navigation.

The aforesaid inspections and monitoring may be carried out either directly by the Ministry of Public Works and Transport or by collaborating bodies, in accordance with the relevant regulation. Such bodies shall in all cases follow the criteria and guidelines issued by the supervisory authority and shall be entitled to receive economic compensation to cover the cost of their services.

Assistance, rescue and towing, maritime findings and removals, except in the case of military equipment or materials that may affect defence, responsibility for which shall remain with the Ministry of Defence, without prejudice to any powers of the competent authorities in respect of findings or removals of historical, artistic or archaeological or value.

When direct action by the State Administration results in the awarding of prizes or compensation, such prizes or compensation shall be deposited directly in the Treasury, where they may generate credit to be used in developing the activities which resulted in such income.

When the Administration carries out the aforesaid activities through private or public entities, arrangements may be made for the distribution of such prizes or compensation under the terms of the service contracts concluded;

7. The management and supervision of shipping in waters located in zones over which Spain exercises sovereignty, sovereign rights or jurisdiction, without prejudice to the jurisdiction attributed to other authorities, and particularly the responsibility of the Ministry of Defence for the safeguarding of national sovereignty;

8. The pricing regime and the regime for the provision of all types of maritime services, including the establishment of public-service obligations when such responsibilities are not vested in other authorities;

9. Registration and supervision of civilian maritime personnel, establishment of minimum crew requirements for civilian ships in order to ensure safety, determination of the general suitability, professional and certification requirements for membership in the crew of all Spanish civilian ships, without prejudice to the responsibilities of the Ministry of Agriculture, Fishes and Food for training and vocational education in the areas of maritime and submarine fishery for crews of fishing vessels;

10. Participation in the Lighthouse Commission and other institutional arrangements for collaboration in the field of maritime signalling in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, with a view to:

- (a) Helping to determine the technical characteristics and operational functioning of signals and their correct placement with a view to ensuring the safety of vessels and navigation;
- (b) Coordinating maritime signalling systems with each other and with other active navigational aid systems;

11. Acting as a sanctioning authority, in accordance with the legislation in force;

12. Any other responsibilities attributed to it by this Act or by any other legislation.

Article 87

Public service: rescues

1. Public service in the form of life-saving and pollution control at sea shall be provided by the State Administration and by the other competent public authorities, in accordance with the principle of coordination as articulated in the relevant plans and programmes. Such plans and programmes shall set out all the actions to be taken by each authority and measures for implementing them independently of its authority, functional role or location.
2. On the proposal of the Ministry of Public Works and Transport, the Government shall adopt the National Plan of Special Services for life-saving and pollution control at sea. The plans of this type adopted by the competent Autonomous Communities shall follow the guidelines for the mobilization and coordination of resources set out in the National Plan.

The National Plan shall have as its basic objectives:

- Coordinating the efforts of those units of the various authorities as well as public and private agencies that are capable of carrying out search-and-rescue and marine pollution control operations;
- Establishing a maritime traffic-control system covering the entire Spanish coast through the establishment of regional and local coordination centres;
- Strengthening existing life-saving and marine pollution control units and training specialized personnel to manage and coordinate search-and-rescue and marine pollution control operations.

3. The National Plan shall be implemented by means of sectoral and local programmes to be approved by the Ministry of Public Works and Transport.

In formulating programmes, the State Administration may rely on the collaboration of the competent Autonomous Communities or those Communities which possess the human and material resources needed to carry out programme activities with a view to ensuring appropriate coordination.

The State Administration may implement programmes with its own staff and resources or those assigned to it, or by means of contracts with public or public enterprises or agreements with non-profit bodies.

4. The National Maritime Rescue Commission shall be established as a coordinating body to facilitate the participation of the competent public authorities in the planning and pursuit of Commission objectives. Regulations shall be established to determine composition and functions.

Section 2.a

Auxiliary Administration

Article 88

Harbour-master's office

Functions

1. Every port registering a significant level of navigation or in which traffic or safety conditions so warrant shall have a harbour-master's office. Regulations shall be established to determine the necessary minimum requirements and the procedure for establishing such auxiliary bodies.

In ports under the jurisdiction of the Autonomous Communities, the harbour administration and the harbour-master's office shall coordinate their activities in order to achieve their respective objectives.

2. In ports which have no navigation and ports councils, navigation councils may be established under the chairmanship of the harbour-master. These bodies shall offer assistance, information and collaboration in maritime affairs and regulations shall be established to determine their composition and functions.

3. The harbour-master's functions shall include the following:

- (a) Authorizing or denying entry and exit to ships in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, and the dispatching of ships, without prejudice to such prior authorizations as may be required by other authorities;
- (b) Identifying, for reasons of maritime safety, anchorage and manoeuvring areas in waters located in zones over which Spain exercises sovereignty, sovereign rights or jurisdiction; authorizations for anchorage and the assigning of berths in port service areas shall be the responsibility of the competent harbour administration;
- (c) Helping to determine the condition of port entry and exit channels on the basis of maritime safety reports;
- (d) Establishing, for reasons of maritime safety, criteria for the manoeuvres, including berthing, engaged in by ships carrying dangerous cargoes or in exceptional situations;
- (e) Providing, for reasons of maritime safety, pilotage and towage services in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction;
- (f) Supervision of technical inspections of Spanish civilian ships, ships under construction in Spain and foreign ships, where authorized by international agreements, and of the cargoes on board, particularly those internationally classified as hazardous, as well as of the means of stowing and breaking bulk from the standpoint of maritime safety;
- (g) In general, all functions relating to navigation, maritime safety, rescue at sea and marine pollution control in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

...

TITLE IV

Regime of police

Chapter I

State port and police regulations

Article 106

Service and police regulations

1. The port authorities, with a report from the harbour-master's office, shall formulate port service and police regulations to govern the functioning of the various services and operations. The regulations shall be sent to State ports for forwarding, along with the appropriate report, to the Ministry of Public Works and Transportation for approval.

2. Once regulations referred to in the preceding paragraph have been approved, they shall be published in the Official State Gazette.

Chapter II

Measures to safeguard port activities and navigation

Article 107

Sinking of ships

1. If a ship is in danger of sinking in a port and the shipping interest or consignee fails to leave the port or repair the vessel after being requested to do so, the port authority may, on the basis of a report from the harbour-master's office, move the vessel or scuttle it, at the expense of the shipping interest or consignee, so that it does not obstruct port activities, navigation or fishing. In the case of fishing activities, a report shall be requested from the fisheries administration, which shall be assumed to be favourable if it is not issued within a period of 15 days or within a period fixed by the port authorities if there is an imminent risk of the ship's sinking.

2. In the event that a ship sinks in the waters of a port, the port authority shall indicate to the owners, the shipping interest, representatives thereof or to the insurance companies where the wreckage or the ship, once it has been refloated, should be placed within the prescribed period, and shall also indicate the safeguards or safety measures to be taken to prevent it from sinking again.

If the orders or agreements of the port authority are disregarded, the port authority may use the means of forcible execution provided for by law in order to salvage the sunken ship; the shipowner or shipping interest shall in all cases be obliged to defray the costs incurred.

If the shipowner or shipping interest does not reimburse the amounts expended on salvage within the prescribed period, the port authority may alienate the wreckage and deduct from the proceeds the costs incurred. If that sum is not sufficient, the remainder shall be secured by court order.

3. If a ship is at risk of sinking or sinks outside the port in an area over which Spain exercises sovereignty, sovereign rights or jurisdiction, the harbour-master shall be competent to take the action referred to in this article.

Article 108

Break-up operations

When the breaking up of ships, maritime installations and non-functioning equipment is carried out in port waters, a report from the harbour-master shall first be required to ensure compliance with maritime safety standards.

Article 109

Protection of freedom of navigation

In the event that one or more ships impede or obstruct free access to a port, canal or navigable waterway, or free transit through them, or a vessel sets out to sea after grossly disregarding the clearance regulations or disobeys the orders of the competent harbour-masters' offices, the latter may immediately take all necessary measures for as long as they deem necessary, in accordance with the law, to redress the violation or restore freedom of navigation.

To this end, the harbour-master shall give appropriate orders to the captain of the vessel or to his deputy. These orders must be complied with by the person concerned and by all persons on board the ship, without prejudice to any action that may be taken under the law by those who consider themselves to have been injured.

If necessary, the harbour-master may order that the ship be detained, anchored and restrained in a specified location for as long as necessary until normal conditions have been restored.

Article 110
Danger on board

Ships' captains or their deputies may, on an emergency basis, take whatever police measures they deem necessary to ensure good order on board in the event of danger.

Article 111
Prevention of illicit activities and trafficking

In order to prevent the conduct of illicit activities or trafficking of any kind, the Government may stop, restrict or place conditions on the navigation of certain categories of civilian ships in internal waters, the territorial sea or the contiguous zone.

Article 112
Measures to protect maritime navigation and the marine environment

In order to protect the safety of navigation and prevent pollution of the marine environment in waters over which Spain exercises sovereignty, sovereign rights or jurisdiction, the Ministry of Public Works and Transport, through the port authorities and the harbour-masters' offices, may visit, inspect, search, seize, initiate legal proceedings and, in general, take any steps deemed necessary in respect of ships which infringe or may infringe those legal rights.

Such measures may be adopted without prejudice to any measures adopted for this purpose, by other bodies or public authorities having jurisdiction over conservation of the marine environment.

Chapter III
Offences

Article 113
Definition and classification

1. The actions and omissions described in and punishable under this Act shall constitute administrative infractions in the sphere of merchant shipping and matters relating to State ports.
2. Offences shall be classified as minor, serious and major, in accordance with the criteria set out in the following articles.

Article 114
Minor offences

Minor offences are actions and omissions which are not considered serious or major by virtue of their scope or the magnitude of the damage caused and fall into one of the following categories:

1. Offences relating to the use of ports and port facilities.
 - (a) Failure to comply with the provisions of the port service and police regulations;
 - (b) Failure to comply with ordinances or instructions issued by the port authority with regard to maritime operations in the port area;
 - (c) Conducting maritime operations in the port area in a manner that endangers structures, installations, port facilities and other vessels, or without taking the necessary precautions;
 - (d) Failure to comply with ordinances or instructions issued by the port authority in respect of stevedoring operations, loading and unloading, storage, delivery and receipt and any other operations related to cargo;
 - (e) Unauthorized or inappropriate utilization, or utilization without adequate safety precautions, of port facilities belonging either to the port authority or to individuals;
 - (f) Failure to comply with ordinances or instructions issued by the port authority in the exercise of its competence for the regulation of traffic and land or maritime vehicles;
 - (g) The provision of incorrect information to the port authority on the movement of vessels, cargoes, passengers and land vehicles, especially those data on the basis of which port charges are calculated.
 - (h) Negligent or wilful damage to structures, installations, equipment, cargoes, containers and maritime or land vehicles situated in the port area;
 - (i) Failure to comply with regulations or instructions issued by the competent bodies with regard to maritime safety or pollution;
 - (j) Any other act or omission which causes damage or injury to public property in the port, or to its use or operation.
2. Offences relating to activities that are subject to prior authorization or licensing or carried out under contract.
 - (a) Failure to comply with the conditions of the relevant administrative sections of the terms of contracts for the indirect provision of port services or of the lists of general conditions governing them, without prejudice to their expiry or revocation;
 - (b) Unauthorized advertising on external surfaces in the port area;
 - (c) The provision of incorrect or inadequate information to the port authority, voluntarily or upon request;
 - (d) Partial or total failure to comply with other obligations set out in this Act and in the provisions that amplify and implement it, and failure to perform any acts that may be required under them;

- (e) Failure to comply with port service and police regulations, the General Pilotage Regulations and other regulations governing port activities.
3. Offences affecting maritime safety.
- (a) The actions of persons on board who, while inebriated or under the influence of psychotropic substances or toxic or narcotic drugs, endanger the safety of the vessel;
 - (b) Acts which are contrary to the regulatory provisions or orders issued by the captain or ship's officers and may adversely affect the safety of navigation.
4. Offences affecting the control of maritime traffic.
- (a) Failure by the captain or designated person to present the necessary documentation;
 - (b) Failure to comply with the merchant shipping regulations pertaining to the loading or unloading of cargo or the taking on or discharging of passengers;
 - (c) The use, within the port, of sound signals which are not permitted under the relevant regulations;
 - (d) Navigation by any type of ship, craft or device designed for transportation, fishing or pleasure in the belt of sea contiguous with the coast having a width of 200 metres along beaches and 50 metres along the rest of the coast, undertaken in excess of the speed limit set in the relevant regulations;
 - (e) Navigation, except in cases of force majeure, by any type of ship, craft or device used for sports, undertaken outside the buoyed coastal access channels or in the buoyed zones duly marked as reserved for bathing;
 - (f) Failure to provide, voluntarily or upon request, information required by the maritime authority, or the improper or inadequate provision of such information.
5. Offences relating to pollution of the marine environment.
- (a) Failure to comply with the provisions of the police regulations for ports or other waters on the maintenance of water purity or common use of the maritime environment, or disregard of the prohibitions contained therein;
 - (b) Carrying out any repairs, graving or dredging that may cause pollution in violation of the applicable rules.

Article 115
Serious offences

The actions or omissions set out in the preceding article shall be considered to be serious offences when they cause injury to a person resulting in absence from work, on grounds of disability, for up to seven days, or damage or losses of more than 200,000 pesetas and less than 1 million pesetas, when they endanger the safety of the vessel or of navigation, when any of the offences classified as minor are repeated before they are time-barred, and in all cases the following:

1. Offences relating to the use of ports and port facilities.
 - (a) Offences which involve or entail, directly or indirectly, serious risk to individuals;
 - (b) The unauthorized dumping from vessels or floating devices of solid, liquid or gaseous substances in zone II, outside the port waters;
 - (c) Failure to comply with the rules established for stevedoring operations in the pertinent legislation;
 - (d) Failure to comply with the rules, ordinances or instructions relating to the handling and storage on land of dangerous goods or the concealment of such goods or of their condition;
 - (e) The offer or delivery of money or other types of gifts or presents to personnel of the port or maritime authority or to personnel of State stevedoring companies in order to secure favourable consideration for the person giving the bribe, and also the solicitation, requirement or acceptance by personnel of such bodies or companies of presents, tokens, gifts or money;
 - (f) Obstruction of the exercise by the port or maritime authority of their police functions;
 - (g) Falsification of information provided, voluntarily or upon request, to the port authority;
 - (h) Failure by the captain to request the pilotage or towage services required under the provisions in force.

2. Offences affecting maritime safety.
 - (a) Disputes and conflicts between persons on board when they affect the safety of the vessel or of navigation;
 - (b) Acts contrary to the regulations or orders issued by the captain or officers which may seriously affect the safety of the vessel or of navigation;
 - (c) The carrying of weapons or dangerous devices or substances without the prior authorization of the ship's captain;
 - (d) Actions or omissions by any member of the ship's crew while inebriated or under the influence of psychotropic substances or of toxic or narcotic drugs which may interfere with his ability to perform his duties;
 - (e) Refusal by the captain to keep a stowaway on board pending delivery to the competent authorities or those designated by them;
 - (f) Unjustified refusal by the captain, or by the person replacing him, in the event of a collision, to provide information about the name and port of registration of the ship under his command, the port of origin and the destination;
 - (g) The clandestine boarding of a Spanish ship;
 - (h) Cases in which captains exceed the limits of the powers vested in them by their professional or recreational certification masters or other seagoing personnel;

- (i) Except where justified, failure by the parties concerned to inform the nearest harbour-master's office that the state of distress of a ship or fixed platform which gave rise to their request for help has ceased to exist;
- (j) Ignorance on the part of the crew members of a Spanish civilian ship of their official duties and functions in emergencies, as approved by the Administration in accordance with the applicable regulations, or failure to fulfil those duties and functions;
- (k) Failure on the part of shipping interests, captains and masters to comply with the rules governing inspections and certificates of the ship and its components;
- (l) Navigation, except in cases of force majeure, by any type of ship, craft or device designed for transportation, fishing or pleasure outside the buoyed coastal access channels or in bathing areas, when such navigation causes injury to the users of those areas;
- (m) Actions or omissions not included in the preceding paragraphs which threaten the safety of the ship or of navigation.

3. Offences affecting the control of maritime traffic.

- (a) Failure to comply with the rules in force on governing the use of the national flag or passwords on ships;
- (b) Navigation of a ship without displaying its name or carrying the required register;
- (c) Deficiencies, deterioration or serious inaccuracies in the required documentation of the ship;
- (d) Carrying out port trade, foreign trade or trade between Autonomous Communities without the requisite authorization in ports, coastal locations or anchorage points in the internal waters or the territorial sea;
- (e) Failure to carry out the instructions issued by harbour-masters' offices within their spheres of competence with regard to the manoeuvring and navigation of ships in ports, roadsteads and other maritime waters outside ports;
- (f) Failure to comply with the regulations or instructions issued by harbour-masters' offices with regard to the regime and traffic of ships, including pleasure boats and craft used for any purpose, and the use of any device which may pose a risk to navigation or persons;
- (g) Failure to comply with the rules governing the clearance of ships and other craft or the enlistment of crews and the roster system for harbour-masters' and consular offices;
- (h) Engaging in work at sea in violation of the rules governing maritime employment, and failure to possess a certificate or any other document or item required by regulation in order to engage in such work;
- (i) Violation of the rules governing the registration of ships, boats or fixed platforms in the corresponding lists of the Register of Ships and Shipping Companies and the use of ships or shipping companies in traffic or activities prohibited under the terms of such registration;
- (j) Violation of the rules governing the use of radio stations and services by ships;

- (k) Failure to comply with the obligation to register companies in the Registry of Ships and Shipping Companies or to report therein any documents, contracts or agreements requiring registration or notation;
 - (l) Building a ship, making alterations to it or changing its motor without the requisite State administrative authorization or in violation of the rules regulating such activities, and launching a ship without the appropriate permit;
 - (m) Violation of the regulations governing the break-up of ships and the destruction or abandonment of fixed platforms in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction;
 - (n) Failure to comply with the terms of concessions or authorizations for the provision of maritime services;
 - (o) Failure to comply with the duty to provide the information which must be supplied to the maritime authorities in accordance with the relevant regulations, or doing so in an improper manner.
4. Offences relating to pollution of the marine environment from ships or fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.
- (a) Negligent discharge into waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction of waste or other substances from ships, fixed platforms or other structures in the sea when such discharge violates the relevant legislation in force;
 - (b) Failure to comply with the special rules governing navigation, cargo handling and compulsory insurance in respect of ships that transport oil and other pollutants;
 - (c) Failure to comply with the provisions in force with regard to facilities, installations and documents on board for the prevention and control of operations for the disposal of waste and other substances;
 - (d) Failure to inform the nearest harbour-master's office or the Department of the Merchant Navy immediately, in the cases and in the manner provided for in the relevant legislation, of the discharge or disposal of pollutants from vessels or from fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction;
 - (e) Negligent introduction into the marine environment, directly or indirectly, of substances, materials or energy sources that may be harmful to human health, adversely affect tourist, scenic or biological resources and marine life, limit recreational opportunities or obstruct other legal uses of the seas, when such disposal contravenes the legislation in force or is not duly authorized.

Article 116
Major offences

The actions or omissions set out in articles 114 and 115 above shall be considered to be major offences when they cause injury to a person that results in absence from work, on grounds of disability, for more than seven days, or damages or losses of more than 1 million pesetas, when they severely threaten the safety of the ship or of navigation, when any of the offences classified as serious are repeated before they are time-barred, and in all cases the following:

1. Offences relating to the use of ports and to the exercise of port activities.
 - (a) Offences which may pose a major risk to human health and safety;
 - (b) Unauthorized dumping from vessels or floating devices of solid, liquid or gaseous substances in zone I, within port waters;
 - (c) The construction, without the proper administrative document required under this Act, of any works or facilities within the port area, or increasing occupied surface area or structural volume or height beyond authorized limits, in disregard of the port authority's express order that the offending conduct be halted, or the persistence of such conduct after notice of the institution of penal proceedings has been served.

2. Offences affecting maritime safety.
 - (a) Ordering or engaging in navigation when the ship fails to meet the necessary standards of seaworthiness, thereby jeopardizing its safety;
 - (b) Making substantial alterations in the design of life-saving equipment which renders it inconsistent with official authorized models;
 - (c) Failure to comply with the rules or instructions issued by the maritime authorities with regard to the storage, handling, loading, stowage and breaking bulk, transport or maintenance on board of explosive or dangerous materials;
 - (d) The unwarranted use of distress signals and the unauthorized display of distinguishing marks that would identify the vessel as a hospital ship or invest it with any other characteristic that contravenes the provisions of international law;
 - (e) Hiring as captain, master or watch officer any person not in possession of the proper certification legally qualifying him for such positions or allowing any such person to perform those functions, or the performance of such functions without the aforementioned certification, except in the case of pleasure boats;
 - (f) Ignorance on the part of the crew members of Spanish passenger ships of their official duties and functions in emergencies, as approved by the Administration in accordance with the applicable rules, or failure to fulfil those duties and functions;
 - (g) Failure to comply with Administration rules or resolutions concerning the minimum safe crew size referred to in article 77 of this Act;
 - (h) Failure to comply with the provisions of maritime safety regulations which result in accidents involving injury to persons;
 - (i) Failure to comply with rules or resolutions of the maritime authorities concerning the construction of, or the exercise of activities on, fixed platforms in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, where maritime safety is threatened;
 - (j) Acts or omissions by the captain, master or pilot on duty while inebriated or under the influence of psychotropic substances or toxic or narcotic drugs which results in the impairment of his capacity to discharge his duties;

- (k) Acts or omissions by the captain or members of the crew involving failure or refusal to provide assistance to persons or ships where such assistance is sought or presumed necessary;
- (l) Acts or omissions not included in the preceding subparagraphs which gravely imperil the safety of the ship or navigation thereof.

3. Offences affecting the control of maritime traffic.

- (a) Navigating without regulation signalling systems that allow for continuous indication of position and viewing of a ship;
- (b) Navigating without having obtained a certificate of registry, sea letter or document certifying the nationality of the ship or craft, or after the certificate required by regulation has expired;
- (c) Navigating when the ship is not duly registered;
- (d) Failure to comply with the rules that reserve specific traffic or activities for ships flying the Spanish flag, in accordance with the provisions of this Act;
- (e) Failure to comply with rules governing the Register of Ships and Shipping Companies and the export, import or provisional flagging of Spanish ships by foreigners or of foreign ships in Spain;
- (f) Failure to comply with the orders, prohibitions and conditions referred to in articles 109, 110, 111 and 112 of this Act;
- (g) The provision of marine navigation services without the corresponding administrative concession or authorization where such is required under the provisions of this Act;
- (h) Falsification of information that should be furnished to the maritime authorities in accordance with the regulations in force;
- (i) Failure to perform public-service obligations required of shipping companies operating regular or non-regular services in internal, coastal, external or extra-national waters;
- (j) Failure to fulfil obligations set out in regulations designed to implement the provisions of this Act and relating to the coordination of State ports and the merchant navy with the needs of national defence and public security.

4. Offences relating to pollution of the marine environment from ships or fixed platforms or other installations located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction.

- (a) Deliberate discharge from vessels, fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, of debris, waste or other materials carried on board or stored there for the purpose of dumping, except when dumping has been duly authorized or when such authorization is not required under the provisions of the relevant legislation in force;
- (b) Deliberate pollution of the marine environment by the sinking of vessels or the destruction of fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, subject to the exceptions set out in the preceding paragraph;

- (c) Deliberate discharge of waste or other materials produced directly or indirectly by the normal operations of ships, fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, when such discharges contravene the relevant legislation in force;
- (d) Deliberate introduction into the marine environment, directly or indirectly, of substances, materials or energy sources that may be harmful to human health, adversely affect tourist, scenic or biological resources and marine life, limit recreational opportunities or obstruct other legal uses of the seas, when such disposal contravenes the legislation in force or is not duly authorized.

Article 117
Limitation of actions

1. Major offences shall be time-barred after five years, serious offences after three years and minor offences after one year.

The limitation period shall be measured from the time the offence is committed.

2. In the case of recurrent offences, the limitation period shall be measured from the time the activity is concluded or the time of the last act by virtue of which the offence becomes complete.

If the events or activities that constitute the offence are not detected because they produce no external signs, the limitation period shall be measured from the time such signs are observed.

3. However, irrespective of the time elapsed since the commission of the offence, all objects shall be returned and restored to their former condition.
4. Construction work or installations shall be considered to have been completed when they can be used for their intended purpose without any further action. To this end, the date of completion shall be confirmed by the port authority or, alternatively, shall be considered to be the date of licence, permit or operating clearances or a certificate of completion of work signed by a qualified expert.

Article 118
Liability

The following individuals and legal entities shall be held liable for:

1. Offences relating to the improper use of ports.
 - (a) In the event of a breach of the terms of a contract or administrative post, the holder of the contract or post;
 - (b) In the case of other offences relating to a ship, the shipping interest and, jointly and severally, the shipping agent or, in the absence of the agent, the ship's captain, without prejudice to any liability that may be incurred by the holder of a pilotage contract holder and by the pilot in the performance of his duties under the applicable regulations;
 - (c) In the case of offences relating to the handling of goods, the personnel handling such goods and the stevedoring company responsible for such operations shall be liable, jointly and severally, alternatively, with secondary liability borne by the freight agent;

- (d) In the case provided for in article 114.1 (g), the entities required to provide such information;
- (e) In the case of the actions or omissions referred to in article 114.1 (h) and (j), the perpetrator or the person responsible for the action or omission and, if applicable, the firm providing the service and which employed the perpetrator at the time such losses occurred shall be jointly and severally liable;
- (f) In the case provided for under article 115.1 (d), the entities responsible for the transport of dangerous goods and, alternatively, those required to provide information in accordance with applicable regulations;
- (g) In the case provided for in article 115.1 (e), the persons offering or delivering money or gifts and the workers soliciting or receiving such money or gifts;
- (h) In the case of the construction of works without due administrative authorization, the promoter of the activity, the contractor carrying out the construction and the chief engineer.

2. Offences relating to civilian ships.

- (a) In case of offences committed in the navigation of non-merchant civilian ships, or as a result of the installation of fixed platforms or other construction works situated outside the port service area, the individual or legal entity that owns the business involving the ship, platform or construction work or, in the case of ships used exclusively as pleasure craft, the individual or legal entity that owns the vessel or is directly liable for the offence. In such cases, secondary liability shall be borne by the ship's captain or master;
- (b) In the case of offences committed in the navigation of merchant ships, the shipping company engaging in the activity or, failing that, the ship's captain;
- (c) In the case of offences committed by users and, in general, by third parties who, while not covered by the preceding subparagraphs, nevertheless engage in activities that are governed by the legislation regulating the merchant navy, the individual or legal entity to whom the rule violated applies or who is specifically held liable under the applicable rules;
- (d) In the case of pollution of the marine environment from ships, the shipping interest, shipowner, civil liability underwriter and the ship's captain shall be jointly and severally liable. Should the offence be committed from fixed platforms or other facilities in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, the owner of the fixed platforms or facilities, the party engaging in the activity, where appropriate, and the underwriter of the activity shall be jointly and severally liable. Similarly, the aforementioned individuals shall be held jointly and severally liable for reparation of the damage caused and the competent administration may perform or cause to be performed, at their expense, any urgent operations required to protect the environment.

3. The provisions concerning offences and sanctions in the area of civilian ships shall not apply to non-nationals on board foreign ships, even when such ships are in areas under Spanish jurisdiction, provided that the act affects only the order on board ship and involves only foreign nationals.

In such cases, the Spanish authorities shall extend to the captains and consuls of the flag State only such assistance as they request, in accordance with international law.

4. The sanctions imposed on several individuals as a result of a single offence shall bear no relation to each other unless otherwise provided in this Act.

Chapter IV
Penalties and other measures

Section 1
General provisions

Article 119
General principles

1. Acts or omissions constituting offences shall be subject to penalties in accordance with the provisions of this Act.
2. If a single act or omission gives rise to two or more offences, only the offence which entails the greater penalty shall be considered. Nevertheless, holders of concessions granted in accordance with this Act may in all cases be penalized for offences established thereunder, independently of any other liability they may incur.
3. When an offence may constitute either a crime or a misdemeanour, it shall be referred to the public prosecutor, and penalty proceedings shall be suspended until the judicial authorities render a final judgement or a decision which brings the proceedings to an end.

Criminal penalties shall preclude the imposition of administrative penalties. If no crime or misdemeanour is found to exist, the Administration shall continue the penal proceedings, taking into account, as appropriate, the facts established in the decision of the competent judicial body.

In all cases, administrative measures taken in order to safeguard port activities, maritime safety and maritime traffic control and to protect the marine environment from pollution shall be carried out immediately. The suspension of penal proceedings shall not extend to the execution of measures to restore the legal order.

4. Likewise, procedures shall be initiated for the suspension of the effects and cancellation or nullification of administrative acts or contracts under which the unlawful act could presumably be shielded from punishment.
5. [In cases in which this Act provides for liability, imposition of administrative penalties on an employee when he had already been punished by the employer as a consequence of the same acts.]²

Section 2
Applicable penalties

Article 120
Fines and additional penalties

1. Minor offences shall be punishable by a fine of up to 10 million pesetas.
2. The penalties for serious offences shall be as follows:
 - (a) For offences involving the use of ports and the exercise of port activities: in the cases provided for in article 115.1 (b), (c), (e), (f), (g), and (h), a fine of up to 20 million pesetas; in the cases provided for in article 115.1 (a) and (d), a fine of up to 50 million pesetas;

² The original Spanish text of article 119, paragraph 5, is defective. The paragraph has been translated literally and placed within square brackets.

- (b) For offences affecting maritime safety: a fine of up to 30 million pesetas;
 - (c) For offences affecting the control of maritime traffic: a fine of up to 20 million pesetas.
 - (d) For offences involving pollution of the marine environment: a fine of up to 100 million pesetas.
3. The penalties for major offences shall be as follows:
- (a) For offences involving the use of ports and the exercise of port activities: in the cases provided for in article 116.1 (c), a fine of 50 per cent of the value of the works or facilities. In all other cases, a fine of up to 100 million pesetas;
 - (b) For offences affecting the control of maritime traffic: a fine of up to 150 million pesetas;
 - (c) For offences affecting maritime traffic: a fine of up to 50 million pesetas;
 - (d) For offences involving pollution of the marine environment: a fine of up to 500 million pesetas.
4. In the event that a serious or major offence is committed by the repetition of a minor or serious offence, respectively, prior to the expiry of the statute of limitations, the fine shall be reckoned to be the sum of the fines set for each offence.
5. A portion of the fine set in accordance with the provisions of the preceding paragraphs may be forgiven by means of an agreement with the competent body imposing the fine, provided that the offender has taken action to correct the situation created through the commission of the offence in the manner and within the time limit prescribed by the relevant regulations.
6. In the case of major offences, a ship may be impounded or its entry, loading and unloading prohibited as a penalty supplementary to those imposed in each case.
7. In the cases provided for in article 116.2 (b), the fine shall entail the revocation of official approval of the model.
8. In the case of major offences involving the use of ports and port facilities which are committed while engaging in the activities referred to in article 54 of this Act, the Ministry of Public Works and Transport may, at the request of the State port authority, temporarily bar offenders for a period not exceeding three to five years from holding authorizations and concessions, respectively, in the relevant port area or from engaging in port activities.
9. In the case of authorizations for activities covered under article 59.1 of this Act which are carried out in the port service area, offences relating to the use of this area or activities conducted therein may also entail the temporary suspension of the activity, in accordance with the following criteria:
- Minor offences: suspension not exceeding one month;
 - Serious offences: suspension not exceeding six months;
 - Major offences: suspension and temporary disqualification from engaging in any activity whatsoever in the area in question for a period not exceeding five years.

10. In the case of serious or major offences affecting maritime safety which are committed by the ship's captain or master, the pilot on duty or other crew members, the Director-General of the Merchant Navy, in the case of serious offences, or the Ministry of Public Works and Transport on the recommendation of the Department of the Merchant Navy, in the case of major offences, may suspend their professional licences as follows:

- (a) Serious offences: suspension not exceeding one year;
- (b) Major offences: suspension from one to five years.

11. Once they have been set, the penalties imposed for serious or major offences shall be made public in the manner established in the relevant regulations.

12. The statute of limitations applicable to penalties shall be five years for penalties corresponding to major offences, three years for serious offences and one year for minor offences.

Article 121
Non-penalty measures

In addition to the imposition of the preceding penalties, acts or omissions constituting offences shall give rise to the following measures:

- (a) Restitution of items or restoration thereof to their former condition;
- (b) Compensation for irreparable damage in an amount equal to the value of the items destroyed or of the damage or loss caused, within the prescribed time period.

When the profit derived by the offender from the acts or omissions constituting the offence exceeds the amount of compensation, the amount of the profit shall be taken as the minimum in fixing compensation;

- (c) Invalidation of administrative certification when the offence is the result of a failure to comply with the conditions of such certification;
- (d) The denial of a ship's stopover, exit, loading or unloading rights where the relevant laws and regulations so provide.

Article 122
Criteria for ranking of penalties

1. The amounts of fines and the application of additional penalties shall be determined having regard to the profit obtained through the commission of the offence, the importance of the unlawful conduct, the negligence or intent of the offender, the damage caused, the number of offences committed and any other aggravating or extenuating circumstances which might have a bearing on the degree of fault.

2. In so far as possible, and making allowances and adaptations as required by the specific nature of the administrative sector concerned, the criminal rules governing preclusion of wrongfulness and guilt shall be applied in an analogous manner, without prejudice to the consideration, for the same purpose, of other relevant circumstances in the aforementioned sector.

Article 123
Competence

1. Competence to impose the penalties contained in this Act shall be accorded to:
 - (a) The board of directors of the port authority, in cases of minor offences involving the use of ports and the exercise of port activities;
 - (b) Harbour-masters, in cases of minor offences affecting maritime safety and the control of marine traffic or offences involving pollution of the marine environment from ships, fixed platforms or other installations in waters located in zones over which Spain exercises sovereignty, sovereign rights or jurisdiction;
 - (c) The board of directors of the port authority and the Director-General of the Merchant Navy, within their areas of competence, in cases of serious offences as described in this Act;
 - (d) The Minister of Public Works and Transport, on the recommendation of State ports or of the Director-General of the Merchant Navy in their area of competence, in cases of major offences involving amounts under 200 million pesetas;
 - (e) The Council of Ministers, on the recommendation of the Minister of Public Works and Transport, in cases of major offences involving amounts greater than those mentioned in the preceding subparagraph.
2. These limits, as well as the amount of fines, may be updated or amended by the Government in accordance with movements in the consumer price index.
3. The amount of fines and compensation for offences involving the use of ports and the exercise of port activities shall be considered to be revenue belonging to the port authority in whose area the offence was committed.

Section 3
Compensation for damage and loss

Article 124
Compensation for damage and loss

1. When restitution and restoration to prior condition is impossible, and in all cases where damage and loss have occurred, the perpetrators of the offence shall pay any compensation deriving therefrom.
2. When the amount of profit exceeds the amount of compensation, the former shall be taken as the minimum in fixing the latter.
3. When damages are difficult to evaluate, the port or maritime authority shall, in fixing the amount of compensation, take into account the following criteria, applying whichever shall result in the highest amount:
 - (a) The national cost of restitution and restoration;
 - (b) The value of the damaged goods;
 - (c) The profit obtained by the offender through his wrongful act.

Chapter V

Procedures, methods of execution and precautionary measures

Article 125

Procedures

1. The staff and officials of the maritime or port authority shall be required to bring charges against offenders, institute proceedings when charges are brought and resolve matters within their area of competence through the imposition of the relevant penalties.
2. Where so indicated, staff with inspection and monitoring duties shall be granted access to areas and installations under concession or authorization located in the service area of the port or to ships and platforms flying the Spanish flag, or, within the limits established by the international conventions to which Spain is signatory, those flying foreign flags in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction, for the purpose of carrying out tests and related activities, unless they are legally considered to constitute a domicile in which case the inspection shall comply with the rules guaranteeing inviolability.
3. Notwithstanding the foregoing, in the case of offences involving the use of ports and the exercise of port activities, the initiation of penalty procedures and measures to restore the legal order shall conform to the provisions of the Law on Costs, except that the competent body shall be the port authority. In all cases, the port authority shall undertake restoration measures.

Offences covered under this Act shall be subject to penalties after the appropriate administrative proceedings have been conducted in the form established by the Administrative Procedures Act.

Article 126

Methods for ensuring collection

1. The amounts of fines and compensation for damage or loss caused may be exacted by means of a court order.
2. Likewise, in order to guarantee the collection of fines and compensation and the restoration of the legal order, the maritime and port authorities may use the means of forcible execution provided for in the Administrative Procedures Act and in the Law on Costs.

Article 127

Obligation to document incidents

Ships' captains shall be obligated to note in the navigational log or in the list of clearances any incidents involving persons on board during a voyage which, in their judgement, might constitute an offence as provided for in this Act. The entry shall be signed by the captain and by the individual concerned or, if he refuses, by two witnesses.

Article 128

Impounding of vessels

The harbour-master may order the impounding of a vessel as a precautionary measure, in order to ensure compliance with the requirements of article 118.2 (d) of this Act.

A promissory note or a guarantee which the Department of the Merchant Navy deems adequate may be substituted.

First supplementary provision

Service area

If the delimitation provided for in article 15.1 has not yet been carried out, the service area of ports under State jurisdiction shall be considered to be the entire land area included in the existing service area upon the entry into force of this Act and the water surfaces included in zones I and II delimited by each port for tariff purposes, in accordance with the rules in force.

Second supplementary provision

Contiguous zone

In the contiguous zone defined in article 7.1 of this Act, the Government may take the necessary control measures to:

- (a) Prevent violations of customs, smuggling, taxation, immigration and health laws and regulations in national territory and territorial waters;
- (b) Punish such violations.

...

19. SWEDEN

(a) Act on Sweden's economic zone, promulgated on 3 December 1992¹

By a decision taken by Parliament, the following has been enacted:

General provisions

Article 1

Sweden's economic zone includes the marine area outside the territorial boundary prescribed by the Government. The zone may not, however, extend beyond a demarcation line which has been agreed upon with another State, or, in the absence of such an agreement, beyond the midline in relation to the other State.

The word "midline" shall be understood to mean a line each point of which is situated at an equal distance from the nearest points on the baselines from which the breadth of Sweden's and the other State's territorial sea is reckoned.

Protection of the marine environment

Article 2

Persons navigating in the economic zone or carrying out research or other activities in the zone shall take such measures as are necessary for the avoidance of damage to the marine environment.

The Government or such authority as the Government determines may publish regulations for the protection and preservation of the marine environment.

Article 3

Further provisions for protection against certain pollutants of the marine environment may be found in Act 1980:424, concerning measures against water pollution from vessels, and in Act 1974:1154, concerning the dumping of wastes into the water.

Utilization of natural resources, etc.

Article 4

With regard to fishing in the economic zone, Act 1950:596, concerning the right to fish, shall apply. With regard to the right to explore the floor of the continental shelf in the zone and to exploit the natural resources of the continental shelf, Act 1966:314, concerning the continental shelf, shall apply.

Article 5

With reference to natural resources in the economic zone other than those referred to in article 4, a licence from the Government or from such authority as the Government determines shall be required for:

¹ Text transmitted by the Permanent Mission of Sweden to the United Nations; translation by the United Nations Secretariat.

1. The investigation, extraction and other utilization of such natural resources;
2. The establishment and utilization of artificial islands;
3. The establishment and utilization of installations and other equipment for commercial purposes.

A decision to grant a licence shall specify the activity to which the licence relates and the conditions that shall apply to the activity. A licence may be restricted to a specific time.

Article 6

In the examination of licences referred to in article 5, Act 1987:12, concerning the economy of natural resources and the like, shall apply.

Article 7

The Government, or such authority as the Government determines, may, in order to protect an artificial island, installation or other equipment which has come into being on the basis of this Act, publish regulations concerning a security zone extending not more than 500 metres from the outer edge of the island or equipment.

Article 8

A licence may be revoked if the licensee disregards his obligations under this Act or under the regulations or conditions which have been published on the basis of the Act or if any other reasonable cause exists.

If a licence is revoked even though the licensee has not disregarded his obligations, he shall have the right to compensation from the State for the loss resulting from the measures he has taken in connection with the licence.

Marine scientific research

Article 9

Marine scientific research may not be carried out in the economic zone by foreign nationals without permission from the Government or such authority as the Government determines. The Government or such authority as the Government determines may prescribe that an application for a licence shall be replaced by a notification or that neither the licence nor the notification shall be necessary.

The licence may be restricted to a specific time and may be associated with conditions. With regard to the revocation of licences and the right to compensation in such a case, the provisions of article 8 shall apply.

Principles relating to international law

Article 10

This Act, as well as the regulations and conditions that are published on the basis of the Act, shall not include any restrictions of the rights, existing under international law, to free navigation in the economic zone, to overflight of the zone and to the placement of cables and pipelines in the zone, nor of any other rights that follow from the generally recognized principles of international law.

Supervision, etc.

Article 11

Supervision of compliance with this Act, as well as with the regulations and conditions which have been published on the basis of the Act, shall be exercised by such authority or authorities as the Government determines.

Article 12

Any person who carries out an activity in accordance with this Act shall be required to supply to a supervisory authority, upon request, such information and documents as are necessary for the supervision.

Article 13

A supervisory authority may publish such orders as are necessary to ensure that this Act and the regulations and conditions published on the basis of this Act are complied with.

An order may be associated with a fine.

Article 14

If an activity is carried out in such a way that it obviously constitutes a danger to the environment or to some other public or individual interest, a supervisory authority may prohibit the activity. A decision to impose such a prohibition shall be applicable immediately and may be put into effect notwithstanding the fact that it has not acquired the force of law.

Applicable law, penalties, etc.

Article 15

On an artificial island, installation or other equipment which has been established on the basis of this Act, Swedish law shall apply in the same manner as if the equipment were situated within the country. The equipment shall then be regarded as being situated within the nearest part of Sweden's territorial sea.

Article 16

A fine shall be imposed on any person who intentionally or through negligence:

1. Fails to comply with a regulation that has been published on the basis of article 2 or article 7;
2. Carries out an activity in violation of article 5 or article 9 or disregards a condition that has been published on the basis of article 5 or article 9;
3. Continues to carry out an activity after the supervisory authority has prohibited the activity on the basis of Article 14.

Article 17

Any person who has committed an offence referred to in article 16 shall be judged by a Swedish court even if chapter 2, article 2, or article 3, of the Criminal Code is not applicable.

If an offence against this Act or against a regulation which has been published on the basis of the Act has been committed in the economic zone, prosecution for that offence shall be instituted by the district court [tingsrät] whose area of competence is nearest to the place where the offence was committed.

Article 18

Other decisions in special cases than those which the Government or an ordinary court [allmän domstol] has published in accordance with this Act or in accordance with the regulations published on the basis of this Act may be appealed to the administrative court of appeal [kammarrätten].

This Act shall enter into force on 1 January 1993.

(b) Ordinance on Sweden's exclusive economic zone, issued 3 December 1992

The following is hereby prescribed by the Government:

I. Sweden's exclusive economic zone comprises certain sea areas beyond the limit of Sweden's territorial waters and extends as follows:

1. In the Skagerrak in the area closest to the Norwegian border up to great circle arcs between the point 58° 45' 41.3"N, 10° 35' 40.0"E, the point 58° 30' 41.2"N, 10° 08' 46.9"E and the point 58° 15' 41.2"N, 10° 01' 48.1"E;

2. In the Skagerrak area closest to the Danish border and in the Kattegat up to straight (geodetic) lines between the point 58° 15' 41.2"N, 10° 01' 48.1"E, the point 58° 08' 00.1"N, 10° 32' 32.8"E, the point 57° 49' 00.6"N, 11° 02' 55.6"E, the point 57° 27' 00.0"N, 11° 23' 57.4"E, the point 56° 30' 32.3"N, 12° 08' 52.1"E, the point 56° 18' 14.1"N, 12° 05' 15.9"E, and the point 56° 12' 58.9"N, 12° 21' 48.0"E;

3. In the Oresund (the Sound) between the point 56° 12' 58.9"N, 12° 21' 48.0"E and the point 55° 20' 14.2"N, 12° 38' 31.0"E up to the demarcation line set in the declaration of 30 January 1932 between Sweden and Denmark in respect of certain border matters in the Oresund or later changes therein;

4. In the southern and central Baltic Sea up to straight (geodetic) lines:

(a) Between the point 55° 20' 14.2"N, 12° 38' 31.0"E and the point 55° 18' 30.0"N, 12° 38' 20.0"E, the point 55° 15' 00.0"N, 12° 40' 38.0"E, the point 55° 10' 00.0"N, 12° 47' 41.6"E, 5° 03' 54.0"N, 13° 03' 20.0"E, the point 55° 00' 35.2"N, 13° 08' 45.0"E;

(b) Between the point 55° 00' 36"N, 13° 09' 26"E, the point 55° 01' 15"N, 13° 47' 08"E, the point 54° 57' 52"N, 13° 59' 15"E;

(c) Between the point 54° 57' 49.1"N, 13° 59' 40.0"E, the point 55° 18' 44.0"N, 14° 27' 36.0"E, the point 55° 41' 29.4"N, 15° 02' 34.4"E, the point 55° 21' 18.6"N, 16° 30' 29.7"E; and

(d) Between the point 55° 21'.640'N, 16° 32.000'E, the point 55° 30.000'N, 17° 00.000'E, the point 55° 35.235'N, 17° 22.680'E, the point 55° 46.985'N, 18° 00.000'E, the point 55° 55.293'N, 18° 21.800'E, the point 55° 52.876'N, 18° 54.000'E, and the point 55° 52.788'N, 18° 55.545'E;

5. In the central Baltic Sea up to a straight (geodetic) line between the point 55° 52.793'N, 18° 55.760'E, and the point 55° 53.482'N, 18° 56.777'E;

6. In the central and northern Baltic sea up to straight lines (loxodromes) between the point 55°53.482'N, 18°56.777'E, the point 55° 57.300'N, 19°04.049'E, the point 55°58.863'N, 19°04.876'E, the point 56°02.433'N, 19°05.669'E, the point 56° 15.000'N, 19° 13.565'E, the point 56°27.000'N, 19°21.070'E, the point 56°35.000'N, 19°25.070'E, the point 56°45.000'N, 19°31.720'E, the point 56° 58.000'N, 19°40.270'E, the point 57°14.192'N, 19°53.565'E, the point 57°26.717'N, 20°02.160'E, the point 57° 33.800'N, 20°03.965'E, the point 57°44.000'N, 20°14.139'E, the point 57°54.691'N, 20°24.920'E, the point 58°12.000'N, 20°22.502'E, the point 58°29.000'N, 20°26.590'E, and the point 58°46.836'N, 20°28.672'E;

7. In the Bothnia Sea and the Gulf of Bothnia up to straight lines between the point 60°36.6'N, 19°13.0'E, the point 60°40.7'N, 19°14.1'E, the point 62°42.0'N, 19°31.5'E, the point 63°20.0'N, 20°24.0'E, the point 63°29.1'N, 20°41.8'E, the point 63°31.3'N, 20°56.4'E, and the point 63°36.6'N, 21°16.8'E, between the point 63°38.1'N, 21°22.7'E, the point 63°40.0'N, 21°30.0'E and the point 65°21.8'N, 23°55.0'E, and between the point 65°27.5'N, 24°03.2'E, the point 65°30.9'N, 24°08.2'E and the point 65°31.8'N, 24°08.4'E.

Coordinates

Coordinate system or geodetic system

The coordinates in I, 1, 2, 4a and C
The coordinates in I, 4b
The coordinates in I, 4d
The coordinates in I, 5 and 6

European Datum 1950 (ED 50)
Coordinates in Swedish Sea Chart No. 83
World Geodetic System 1972 (WGS 72)
Swedish Coordinate System (RT 38)

II. For the period until such time as agreement on the outer limit of the exclusive economic zone has been reached with another State, the exclusive economic zone extends beyond Sweden's territorial waters in areas other than those specified in section 1, as follows:

1. In the southern Baltic Sea up to straight lines:

- (a) From the point 55°00'35.2"N, 13°08'45.0"E, to the point 55°00'36"N, 13°09'26"E;
- (b) From the point 54°57'52.2"N, 13°59'15.0"E, to the point 54°57'49"N, 13°59'40.0"E;
- (c) From the point 55°21'18.6"N, 16°30'29.7"E, to the point 55°21'640"N, 13°59'40.0"E;

2. In the northern Baltic Sea as a straight line (loxodrome) between the point 58°47.680'N, 20°25.264'E, the point 58°47.6'N, 20°24.6'E, the point 58°51.5'N, 20°10.0'E, the point 59°22.1'N, 19°57.8'E, and the point 59°28.6'N, 19°57.5'E;

3. For the period until such time as agreement on the outer limit of the exclusive economic zone has been reached with another State, as regards fishery rights the zone extends beyond Sweden's territorial waters in areas other than those specified in sections 1 and 2, as follows:

In the northern Baltic Sea and Aland Sea to the median line between the point 59°33.55'N, 19°59.62'E, and the point 59°42.07'N, 19°47.48'E and between the point 59°51.22'N, 19°34.42'E and the point 59°59.54'N, 19°22.46'E and up to a line twelve nautical miles from Finland's baselines between the point 60°34.3'N, 19°06.5'E and the point 60°36.6'N, 19°13.0'E;

4. For the period until such time as agreement on the outer limit of the exclusive economic zone has been reached with another State, as regards the extent of the Swedish continental shelf the zone extends beyond Sweden's territorial waters in areas other than those specified in sections 1 and 2, as follows:

(1) In the northern Baltic Sea as straight lines between the point 59°28.6'N, 19°57.5'E, the point 59°26.7'N, 20°09.4'E, and the point 59°33.55'N, 19°59.62'E;

(2) And in the Aland Sea as a straight line between the point 59°42.07'N, 19°47.48'E, and the point 59°45.2'N, 19°43.0'E, and further along Finland's territorial border to the point 59°47.5'N, 19°39.7'E, and the point 59°47.7'N, 19°39.4'E, and further as a straight line to the point 59°51.22'N, 19°34.42'E;

(3) And in the Aland Sea as straight lines between the point 59°59.54'N, 19°22.46'E, and the point 60°11.5'N, 19°05.2'E and the point 60°13.0'N, 19°06.0'E, and further along Finland's territorial border to the point 60°14.2'N, 19°06.5'E;

(4) And in the Aland Sea as a straight line between the point 60°22.5'N, 19°09.5'E and the point 60°36.6'N, 19°13.0'E;

5. The sections where the border for Sweden's exclusive economic zone coincides with the Swedish territorial border are governed separately in statutes regarding Sweden's territorial waters and Sweden's national borders;

6. The National Maritime Administration shall ensure that the outer limit of Sweden's exclusive economic zone is marked on sea charts available to the public.

This Ordinance enters into force on 1 January 1993, when the Ordinance (1977:642) on the Extent of the Swedish Fishery Zone shall be repealed.

20. THAILAND ¹

(a) Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand, No. 2, 2 February 1993 ²

Whereas the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand dated 11 June 1970 ³ was made to confirm the status of the straight baselines and internal waters of Thailand;

Whereas there are certain errors in the aforesaid Announcement;

Whereas the name of an island referred to in the aforesaid announcement has now been changed;

The Cabinet, by its decision of 11 August 1992, has amended the aforesaid Announcement as follows:

1. The geographical names and geographical coordinates of Reference Number 5, reference No. 12 and reference No. 22 of Area No. III of the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand dated 11 June 1970 are hereby repealed and substituted by the following:

<u>Reference No.</u>	<u>Geographical name</u>	<u>Geographical coordinates</u>	
		<u>Latitude north</u>	<u>Longitude east</u>
5	Ko Kai	07° - 44' .6	98° - 37' .1
12	Ko Bulaobot	07° - 04' .3	99° - 23' .7
22	Ko Khuning	06° - 26' .7	100° - 03' .7

2. The map annexed to the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand dated 11 June 1970 is hereby repealed and substituted by the map annexed to the present Announcement.

¹ Text transmitted by the Permanent Mission of Thailand to the United Nations in a note verbal dated 8 March 1993.

² Published in the Official Gazette, vol. 110, chap. 18, 18 February 1993.

³ The Law of the Sea - Baselines: National Legislation with Illustrative Maps (United Nations publication, Sales No. E.89.V.10), p. 306.

(b) Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand Area 4, 17 August 1992

Whereas the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand dated 11 June 1970 was published in Official Gazette, Special vol. 87, chapter 52, dated 12 June 1970,¹ to proclaim the straight baselines and internal waters of Thailand in 3 areas;

Whereas the Cabinet has deemed it appropriate to proclaim the straight baselines and internal waters of Thailand in another area, that is, Area 4, pursuant to the generally accepted principles of international law, as follows:

Area 4

<u>Reference No.</u>	<u>Geographical name</u>	<u>Geographical coordinates</u>	
		<u>Latitude north</u>	<u>Longitude east</u>
1.	Ko Kong Ok	9° - 36' - 06"	100° - 05' - 48"
2.	Ko Kra	8° - 23' - 49"	100° - 44' - 13"
3.	Ko Losin	7° - 19' - 54"	101° - 59' - 54"
4.	Thai-Malaysian boundary	06° - 14' - 30"	102° - 05' - 36"

Whereupon the waters within the aforementioned straight baselines are the internal waters of Thailand.

Details of straight baselines and internal waters of Thailand Area 4 appear in the map annexed to the present Announcement.

Announced on 17 August 1992.²

¹ As amended by the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand, No. 2 (1993), Official Gazette, vol. 110, chap. 18, 18 February 1993. See Law of the Sea Bulletin No. 23 (1993), p. 29.

² Published in Official Gazette, vol. 109, chap. 89, 19 August 1992.

21. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(a) Pitcairn, Henderson, Ducie and Oeno Islands

Proclamation No. 1 of 1992

In the Name of Her Majesty Elizabeth II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith,

By His Excellency David Joseph Moss Esquire, Companion of the Order of Saint Michael and Saint George, Governor of Pitcairn, Henderson, Ducie and Oeno Islands,

Whereas there is a need to establish and to regulate activity in an exclusive economic zone around Pitcairn, Henderson, Ducie and Oeno Islands, in accordance with the rules of international law,

Now Therefore I, David Joseph Moss, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do **Hereby Proclaim** as follows:

1. (1) There is established for Pitcairn, Henderson, Ducie and Oeno Islands an exclusive economic zone (hereinafter referred to as "the zone") beyond and adjacent to the territorial seas around those Islands;

(2) The zone has as its outer limits the lines defined in the schedule to this Proclamation.
2. Any rights exercisable over the waters of the zone, its seabed and subsoil and their natural resources are hereby vested in Her Majesty.
3. In regard to the zone, Her Majesty will exercise the same jurisdiction over the exploration and exploitation of the natural resources, the protection and preservation of the marine environment, marine scientific research and other economic exploitation as She has in respect of those matters in the territorial seas of Pitcairn, Henderson, Ducie and Oeno Islands, subject to such provision as is in force or may hereafter be made by law for such matters within the territorial sea and the zone.
4. This Proclamation becomes effective forthwith.

Given under my hand and the Public Seal of Pitcairn, Henderson, Ducie and Oeno Islands at the British High Commission, Wellington, New Zealand, this ninth day of November in the year of Our Lord One Thousand Nine Hundred and Ninety-two.

SCHEDULE

The zone is bounded by lines of the type described in column 2 joining the points defined to the nearest second of arc by coordinates of latitude and longitude on WGS 72 Datum specified in column 1.

<u>Column 1</u>	<u>Column 2</u>	
<u>Coordinates of latitude and longitude</u>		<u>Line type</u>
1. 26° 34' 05"	133° 25' 29"	1-2 Loxodrome
2. 25° 40' 40"	132° 59' 32"	2-3 Loxodrome
3. 24° 04' 08"	132° 41' 11"	3-4 Loxodrome
4. 22° 22' 55"	132° 23' 23"	4-5 Loxodrome
5. 21° 03' 05"	132° 08' 37"	5-6 Loxodrome
6. 20° 45' 54"	131° 58' 43"	6-7 a line drawn
7. 26° 34' 05"	133° 25' 29"	clockwise 200 nautical miles from the nearest points on the baseline of the territorial sea of Oeno, Henderson, Ducie and Pitcairn islands

(b) South Georgia and the South Sandwich Islands

Proclamation (Maritime Zone) No. 1 of 1993¹

In the Name of Her Majesty Elizabeth II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith,

By David Everard Tatham Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Commissioner for South Georgia and the South Sandwich Islands,

Whereas there is a need to establish and to regulate activity in a maritime zone around South Georgia and the South Sandwich Islands in accordance with the rules of international law,

Now Therefore I, David Everard Tatham, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do **Hereby Proclaim** as follows:

1. There is established for South Georgia and the South Sandwich Islands a maritime zone having as its inner boundaries the outer limits of the territorial sea of South Georgia and the South Sandwich Islands and its seaward boundary a line drawn so that each point on the line is 200 nautical miles from the nearest point on the baselines defined, in the case of South Georgia, in article 3 (3) and (4) of and the Schedule to the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989 and, in the case of the South Sandwich Islands, in article 3 (1) and (2) of that Order.

2. Any rights exercisable over the waters of the maritime zone and its seabed and subsoil, as well as the natural resources thereof (whether living or non-living), are hereby vested in Her Majesty.

¹ The South Georgia and the South Sandwich Islands Gazette, No. 1, of May 1993.

3. In regard to the maritime zone, Her Majesty will exercise jurisdiction in accordance with the rules of international law over the exploration and exploitation and the conservation and management of the natural resources (whether living or non-living) and over the protection and preservation of the marine environment, subject to such provision as may hereafter be made by law for such matters.

4. This proclamation becomes effective forthwith.

Given under my hand and the Public Seal of South Georgia and the South Sandwich Islands, this seventh day of May in the year of Our Lord One Thousand Nine Hundred and Ninety-three.

22. UKRAINE

Statute of Ukraine concerning the State frontier, 4 November 1991

PART ONE

I. General provisions

Article 1

The State frontier of Ukraine

The State frontier of Ukraine is a line and the vertical surface passing through that line which determines the limits of the territory of Ukraine - land, water, mineral resources and airspace.

Article 2

Determination of the State frontier of Ukraine and arrangements for its protection

The State frontier of Ukraine is determined by the decisions of the Verkhovna Rada of Ukraine and also by the international treaties entered into by Ukraine. The Cabinet of Ministers of Ukraine shall, within the limits of its powers, take steps to ensure the protection and defence of the State frontier and the territory of Ukraine.

Article 3

Establishment of the State frontier of Ukraine

Except as otherwise provided by the international treaties concluded by Ukraine, the State frontier of Ukraine shall be established:

- (1) On land: on the basis of the characteristic points and lines of the terrain or clearly visible landmarks;
- (2) At sea: along the outer limit of the territorial sea of Ukraine;
- (3) On navigable rivers: along the midline of the main channel or thalweg of the river; on non-navigable rivers (streams): along their midline or along the midline of the main branch of the river; on lakes and other bodies of water: along a straight line joining the points at which the State frontier of Ukraine intersects the shores of the lake or other body of water. The State frontier of Ukraine passing through a river (stream), lake or other body of water shall not be shifted when there is a change in the contour of its shores or its water level or when there is a deviation of the bed of the river (stream) in either direction;
- (4) On the reservoirs of hydroelectric power plants and other artificial bodies of water: in accordance with the line of the State frontier of Ukraine which passed through the area before it was flooded;
- (5) On the railway and highway bridges, dams and other structures passing through the frontier sectors of navigable and non-navigable rivers (streams): along the midline or the technological axis of the said structures, irrespective of the course of the State frontier of Ukraine on the water.

Article 4

Marking of the State frontier of Ukraine

The State frontier of Ukraine shall be marked in situ by clearly visible frontier markers, whose shape, dimensions and method of erection shall be determined by the legislation of Ukraine and by the international treaties concluded by Ukraine.

Article 5

The territorial sea of Ukraine

The territorial sea of Ukraine includes the coastal marine waters having a width of 12 nautical miles measured from the line of minimum low tide both on the mainland and on islands belonging to Ukraine, or from the straight baselines joining the corresponding points. The geographical coordinates of the said points shall be confirmed by a procedure established by the Cabinet of Ministers of Ukraine. In individual cases, a different width of the territorial sea of Ukraine may be established by the international treaties concluded by Ukraine, and if there are no such treaties, then in accordance with the generally recognized principles and norms of international law.

Article 6

The internal waters of Ukraine

The internal waters of Ukraine include:

(1) Marine waters situated on the landward side of the straight baselines adopted for the measurement of the width of the territorial sea of Ukraine;

(2) Such waters of the ports of Ukraine as are bounded by a line passing through the permanent port structures which extend farthest seaward;

(3) The waters of bays, bights, inlets and estuaries, harbours and roadsteads whose shores belong in their entirety to Ukraine, out to a straight line drawn from one shore to the other at the point where one or several passages are first formed from the seaward side, provided that the width of each of them is not more than 24 nautical miles;

(4) The waters of bays, bights, inlets and estuaries, seas and straits historically belonging to Ukraine;

(5) The waters of those rivers, lakes and other bodies of water out to the line of the State frontier whose shores belong to Ukraine.

...

II. Regime of the State frontier of Ukraine

Article 8

Determination of the regime of the State frontier of Ukraine

The regime of the State frontier of Ukraine - the procedure for crossing the State frontier of Ukraine, navigation by Ukrainian and foreign non-military vessels and warships in the territorial sea and the internal waters of Ukraine and their stay therein, visits by foreign non-military vessels and warships to the internal waters and the ports of Ukraine and their stay therein, the maintenance of the State frontier of Ukraine, the performance of work of various kinds, the carrying on of industrial and other activity on the State frontier of Ukraine - shall be determined by this Statute, by other acts forming part of the legislation of Ukraine and by the international treaties concluded by Ukraine.

Article 9
Crossing of the State frontier of Ukraine

Railway, motor-vehicle, marine, river, air and other transport across the State frontier of Ukraine shall be carried on at points of admission established by the Cabinet of Ministers of Ukraine, in accordance with the legislation of Ukraine and the international treaties concluded by Ukraine. Admission checkpoints of the Frontier Forces, customs offices and other offices engaged in monitoring the State frontier shall be established at the points of admission across the State frontier of Ukraine.

Marine and river non-military vessels and warships shall cross the State frontier of Ukraine in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the rules issued by the competent authorities of Ukraine and published in the established manner. Aircraft shall cross the State frontier of Ukraine within specially designated air flight corridors in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the rules issued by the competent authorities of Ukraine and published in the established manner.

Flight across the State frontier of Ukraine outside the air flight corridors shall be permitted only with the consent of the competent authorities of Ukraine.

Article 10
Take-off and landing of aircraft

The take-off of Ukrainian and foreign aircraft from the territory of Ukraine and the landing of such aircraft after flying into the territory of Ukraine shall be carried out at airfields (aerodromes) which are open to international flights and at which there are admission checkpoints of the Frontier Forces for Ukraine and customs offices. Any other procedure for the take-off and landing of aircraft shall be permitted only with the consent of the competent authorities of Ukraine.

Article 11
Inspection at the time of crossing the State frontier of Ukraine

Persons, means of transport, freight and other property crossing the State frontier of Ukraine shall be subject to frontier and customs inspection. In appropriate cases health and quarantine inspections, veterinary and plant-health inspections, inspections to monitor the export of objects of cultural value from the territory of Ukraine and other inspections shall be carried out. The inspections shall be organized and carried out in a manner established by acts forming part of the legislation of Ukraine.

Article 12
Permission of the passage of persons, means of transport, freight and other property across the State frontier of Ukraine

The passage of persons crossing the State frontier of Ukraine shall be permitted by the Frontier Forces of Ukraine on the basis of valid documents conferring the right to enter the territory of Ukraine or to leave Ukraine. The passage of means of transport, freight and other property across the State frontier of Ukraine shall be permitted in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine. In accordance with the international treaties concluded by Ukraine, simplified procedures may be established by the Cabinet of Ministers of Ukraine for the passage of persons, means of transport, freight and other property across the State frontier of Ukraine.

Article 13

Innocent passage through the territorial sea of Ukraine

Innocent passage through the territorial sea of Ukraine shall be engaged in for the purpose of crossing it without entering the internal waters of Ukraine or for the purpose of passing through it into the internal waters and the ports of Ukraine, or else for the purpose of leaving them and entering the open sea. Passage shall be deemed to be innocent if the peace of Ukraine and the law and order or security of Ukraine are not violated thereby.

Foreign non-military vessels and warships may exercise the right of innocent passage through the territorial sea of Ukraine in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine.

Foreign non-military vessels engaged in innocent passage must follow the usual navigation route or a route recommended by the competent authorities of Ukraine and must also follow marine corridors or traffic-separation schemes. Marine corridors and traffic-separation schemes shall be indicated on marine charts published in the established manner. The master of a foreign non-military vessel which has violated the rules of innocent passage shall bear responsibility in accordance with the legislation of Ukraine.

Foreign warships and underwater means of transport shall engage in innocent passage through the territorial sea of Ukraine in the manner established by the Cabinet of Ministers of Ukraine. Submarines and other underwater means of transport must navigate on the surface and fly their flag. In the event of failure to comply with the legislation of Ukraine relating to the passage of a foreign non-military vessel or warship (submarine, other underwater means of transport) through the territorial sea of Ukraine and of disregard of a notification that it must comply with the said demands, the competent authorities of Ukraine shall have the right to demand that the vessel (warship) should immediately quit the territorial sea of Ukraine.

Article 14

Procedure for the entry of foreign non-military vessels and warships into the internal waters and the ports of Ukraine

Foreign non-military vessels may enter those roadsteads and ports of Ukraine which are open for the entry of such vessels. A list of the roadsteads and ports open for the entry of foreign non-military vessels and the procedure for entry into them and stay in them, for the carrying on of cargo and passenger operations, for communication between ships and shore, for the disembarkation of the members of a vessel's crew and for visits to vessels by persons who are not members of the vessels' crews and other rules relating to the entry of foreign non-military vessels into the internal waters and the ports of Ukraine or into any part of the waters of frontier rivers, lakes and other bodies of water belonging to Ukraine and relating to stay in such waters shall be established by the legislation of Ukraine and by the rules published in the established manner.

Except as otherwise provided, foreign warships shall enter the internal waters and the ports of Ukraine in accordance with the rules governing their visits, published in the established manner.

Article 15

Obligation of foreign non-military vessels and warships to comply with the rules of navigation and other rules while in the waters of Ukraine

Foreign non-military vessels and warships shall, while navigating and staying in the territorial sea and the internal waters of Ukraine, be required to comply with the rules governing radio communication and with navigational, port, customs, health and other rules. Foreign non-military vessels and warships shall, in the event of a forced entry into the territorial sea or the internal waters of Ukraine or in the event of a forced

failure to comply with the rules governing navigation and stay in such waters, be required to communicate the fact without delay to the administration of the nearest port of Ukraine.

Article 16
Prohibition of industrial, research and prospecting
by foreign non-military vessels and warships
in the waters of Ukraine

Industrial, research and prospecting activity of any kind by foreign non-military vessels and warships in the territorial sea and the internal waters of Ukraine is prohibited, with the exception of cases in which such activity is carried on with the permission of the competent authorities of Ukraine or on the basis of international treaties concluded by Ukraine.

Article 17
Prohibition of navigation by non-military vessels and warships
in individual areas of the waters of Ukraine and
of their stay therein

In the territorial sea of Ukraine and the internal waters of Ukraine, areas in which navigation by Ukrainian and foreign non-military vessels and warships or the stay of such non-military vessels and warships is temporarily prohibited may be established by a decision of the competent authorities of Ukraine.

Notice of the establishment of such areas shall be given in the established manner.

Article 18
Procedure for the conduct of economic activities on the
State frontier of Ukraine

Navigation, utilization of water installations for the needs of timber-rafting and other forms of water utilization, the construction of various hydraulic structures, the performance of other work in the internal waters of Ukraine, the utilization of fields, forests and fauna, the pursuit of mining, geological prospecting and other economic activities on the State frontier of Ukraine shall be carried on in accordance with the legislation of Ukraine and the international treaties concluded by Ukraine and in such a way as to ensure that proper order is maintained on the State frontier of Ukraine. The competent authorities of Ukraine may, by agreement with the Frontier Forces of Ukraine, due regard being given to local conditions, establish a procedure for the carrying on of all forms of economic activity on the State frontier of Ukraine.

Article 19
Temporary halting of travel across the State frontier of
Ukraine in the event of the threat of the spread of infectious
diseases. Quarantine

In the event of the threat of the spread of particularly dangerous infectious diseases in the territory of Ukraine or of a foreign State, travel across the State frontier of Ukraine on the threatened sectors may, by a decision of the Cabinet of Ministers of Ukraine, be temporarily restricted or halted, or a quarantine may be established for persons, animals, loads or cargoes, seeds or planting material and other products of animal or plant origin crossing the State frontier of Ukraine.

Article 20
Violators of the State frontier of Ukraine

The following shall be deemed to be violators of the State frontier of Ukraine:

(1) Persons who have crossed or who attempt to cross the State frontier of Ukraine in any manner at a place other than the points of admission across the State frontier of Ukraine, or at points of admission across the State frontier of Ukraine but in violation of the regulations governing its crossing;

(2) Persons who have come on board or who attempt to come on board Ukrainian or foreign means of transport engaged in foreign traffic for the purpose of unlawfully leaving the territory of Ukraine;

(3) Foreign non-military vessels and warships which have entered the territorial sea or the internal waters of Ukraine in violation of the established rules governing entry into those waters. Foreign submarines and other underwater means of transport shall also be deemed to be violators of the State frontier of Ukraine in those cases in which they cross the international frontier of Ukraine in the underwater position or are in that position during their navigation and stay in the waters of Ukraine;

(4) Aircraft and other flying vehicles which have crossed the State frontier of Ukraine without appropriate permission from the competent authorities of Ukraine or which have committed other violations of the rules governing flight across the State frontier of Ukraine. Crossing of the State frontier of Ukraine by any other technical or non-technical means without permission appropriate thereto or in violation of the established procedure shall also be deemed to be a violation of the State frontier of Ukraine.

Article 21
Frontier representatives of Ukraine

Frontier representatives of Ukraine shall, in a manner prescribed by the Cabinet of Ministers of Ukraine, be appointed from among the officers of the Frontier Forces of Ukraine for the purpose of resolving problems connected with the maintenance of the regime of the State frontier of Ukraine and also for the settlement of frontier incidents on a specific sector of the State frontier of Ukraine. The frontier representatives of Ukraine shall act in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine. When crossing the State frontier (on foot or by any means of transport), the frontier representatives shall do so on the basis of special powers granted by the State Committee for Matters relating to the Protection of the State Frontier of Ukraine.

Matters not settled by the frontier representatives shall be resolved through the diplomatic channel.

...

IV. Protection of the State frontier of Ukraine

Article 27
Protection of the State frontier of Ukraine by the Frontier
Forces and the Air Defence Forces of Ukraine

The protection of the State frontier of Ukraine on land, sea, rivers, lakes and other bodies of water shall be the responsibility of the Frontier Forces of Ukraine, and in airspace the responsibility of the Air Defence Forces of Ukraine. The Frontier Forces and the Air Defence Forces of Ukraine shall, in the performance of their tasks for the defence of the State frontier of Ukraine, act in accordance with this Statute, with the Statute of Ukraine "On the Frontier Forces of Ukraine", with other acts forming part of the legislation of Ukraine, with the international treaties concluded by Ukraine and also with acts issued by the competent authorities of Ukraine.

The obligations and rights of the Frontier Forces and the Air Defence Forces of Ukraine with regard to the protection of the State frontier of Ukraine shall be determined by this Statute, by the Statute of Ukraine "Concerning the Frontier Forces of Ukraine" and by other acts forming part of the legislation of Ukraine and also by acts issued by the competent authorities of Ukraine.

Article 28

The rights of the Frontier Forces of Ukraine with regard to
foreign and Ukrainian non-military vessels

In the territorial sea and the internal waters of Ukraine the Frontier Forces of Ukraine shall, in the performance of their tasks with regard to foreign and Ukrainian non-military vessels, have the right:

- (1) To call upon the vessel to show its national flag if the flag is not being flown and to conduct an interrogation concerning the purposes of the vessel's entry into the waters of Ukraine;
- (2) To call upon the vessel to change its course if that course leads to an area closed to navigation;
- (3) To halt the vessel and carry out an inspection thereof if it does not respond to an interrogation signal, if it is in an area closed to navigation, if it is violating other rules governing entry into the waters of Ukraine or navigation and stay in them, and also if it engages in industrial and other activity in violation of the legislation of Ukraine or of the international treaties concluded by Ukraine. The inspection of the vessel shall include an examination of the ship's documents and the navigational documents, of the documents of members of the crew and passengers, of the documents relating to the cargo and, where necessary, of the compartments of the vessel. After the vessel has been inspected, it may be given permission to continue its navigation in the waters of Ukraine, subject to compliance with the established rules, may be called upon to leave the waters of Ukraine or may be detained in accordance with the legislation in force;
- (4) To place a frontier detachment on board the vessel, where necessary, in order to accompany the vessel into a port or from a port to the State frontier of Ukraine;
- (5) To remove from the vessel and detain persons who have committed offences and who are subject to prosecution under the criminal law of Ukraine and to deliver such persons to the investigative and prosecutorial authorities, save as otherwise provided by the international treaties concluded by Ukraine;
- (6) To pursue and detain on the high seas a vessel which is a violator of the State frontier of Ukraine or a vessel which has violated the statutes or the rules governing navigation and stay in the waters of Ukraine, until it enters the territorial sea of its own country or of a third State if the pursuit was begun in the territorial sea or the internal waters of Ukraine and has been carried on without interruption.

Article 29

Grounds for the detention of foreign and Ukrainian
non-military vessels by the Frontier Forces of Ukraine

A foreign non-military vessel staying in the territorial sea and the internal waters of Ukraine shall be detained by the Frontier Forces of Ukraine and convoyed to the nearest port or other appropriate point in the following cases:

- (1) If the vessel, to the detriment of the security of Ukraine, is engaged in the collection of information or is carrying on any other action harmful to Ukraine;
- (2) If the vessel is in an area which has been declared by the competent authorities of Ukraine in the established manner to be temporarily closed to navigation;

(3) If the vessel is unlawfully engaging in any industrial, research or prospecting activity or in the dumping and burial of substances harmful to the health of persons or of the living resources of the waters, or other wastes and materials;

(4) If the vessel is engaged in disembarking or embarking persons or unloading or loading freight at places not established therefor, or at established places but without permission from the competent authorities of Ukraine;

(5) If the vessel is, without permission from the competent authorities of Ukraine, engaged in launching or taking on board any flying vehicles;

(6) If the members of the crew or other persons on board the vessel are damaging frontier markers, navigational barriers, communications cables or other underwater or above-water installations belonging to Ukraine;

(7) If the master of the vessel has failed to exhibit the necessary ship's documents and cargo documents;

(8) If the vessel does not obey the instructions of the representatives of the Frontier Forces of Ukraine or other competent authorities of Ukraine;

(9) If the vessel is in the territorial sea of Ukraine or the internal waters of Ukraine in violation of the rules established by this Statute, by the international treaties concluded by Ukraine or by the generally recognized principles and norms of international law.

A decision to detain a foreign non-military vessel shall be taken by the Frontier Forces of Ukraine after inspection of the vessel. A vessel which has committed the violations referred to in paragraphs (2) to (9) of this article shall be detained by the Frontier Forces of Ukraine while they determine whether the violation committed was premeditated, or if the vessel is causing harm to the security or other interests of Ukraine. The Frontier Forces of Ukraine shall also have the right to detain a Ukrainian non-military vessel which has committed the violations referred to in paragraphs (2) to (9) of this article and to convoy it to the nearest port or other appropriate point.

Article 30

Record of inspection or detention of a non-military vessel

The inspection or detention of a non-military vessel shall be noted in a record which shall be signed by the representative of the Frontier Forces of Ukraine and by the master of the inspected or detained vessel. The record shall be drawn up in the Ukrainian and English languages. In the event of the detention of a vessel, the ship's documents and cargo documents shall be taken from the master of the vessel and attached to the record. If the master of the inspected or detained vessel considers the actions of the Frontier Forces of Ukraine to be unjustified or inconsistent with the content of the record, he may express a reservation in any language in the record itself or in a separate document attached to the record. If the master refuses to sign the record, an appropriate notation to that effect shall be made.

Article 31

Consequences of the detention of foreign non-military vessels

Foreign non-military vessels which have been detained shall be delivered in the established manner to the authorized representatives of the appropriate foreign States or shall be expelled beyond the limits of the territorial sea and the internal waters of Ukraine or, in the cases provided for by the legislation of Ukraine, shall be confiscated in accordance with the decision of a court.

Article 32

Rules applicable to foreign warships violating the provisions governing navigation and stay in the waters of Ukraine

Special rules shall apply to foreign warships violating the statutes of Ukraine or the rules relating to navigation and stay in the territorial sea and the internal waters of Ukraine.

RESOLUTION OF THE VERKHOVNA RADA OF UKRAINE

Concerning the procedure for the entry into force of the Statute of Ukraine
"Concerning the State frontier of Ukraine"

The Verkhovna Rada of Ukraine resolves:

1. To cause the Statute of Ukraine "Concerning the State frontier of Ukraine" to enter into force as from the date of its publication.
2. To instruct the Cabinet of Ministers of Ukraine:

To consider before 1 February 1992 the question of the legal delineation of the frontiers of Ukraine with contiguous States, including the republics of the former Union of Soviet Socialist Republics, and to ensure the necessary conditions for the protection of the State frontier of Ukraine;

To bring the decisions of the Government of Ukraine which relate to the protection of the State frontier of Ukraine into harmony before 1 January 1992 with the Statute that has been adopted.

Kiev, 4 November 1991

23. UNITED ARAB EMIRATES

Federal Law No. 19 of 1993 in respect of the delimitation of the maritime zones of the United Arab Emirates, 17 October 1993

[Original: Arabic]

We, Zayed bin Sultan Al Nahayyan, the President of the United Arab Emirates,
Having perused:

The Interim Constitution.

Federal Law No. 1 of 1972 in respect of the Terms of Reference of the
Ministries and Ministers and its Amendments.

Federal Law No. 45 of 1992 in respect of the Organization of the Ministry of Foreign Affairs.

And acting upon the submission presented by the Ministers of Defence and Foreign Affairs and
approved by the Council of Ministers and sanctioned by the Federal Supreme Council,

Hereby promulgate the following Law:

DEFINITIONS

Article 1

In the implementation of this Law, unless the context otherwise requires, the following words and terms shall have the meanings hereunder assigned to them:

"**the State**" - the United Arab Emirates;

"**baseline**" - the line from which the territorial sea shall be measured;

"**island**" - a natural formation of land surrounded by water and emerging above water at high tide;

"**group of islands**" - a formation of two or more islands constituting with their interconnecting waters an interrelated geographical and economic entity;

"**low-tide elevation**" - a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide;

"**bay**" - a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast;

"**coast**" - the coast of the Arabian Gulf and that of the Gulf of Oman;

"**nautical mile**" - one thousand eight hundred and fifty-two metres.

CHAPTER ONE

INTERNAL WATERS

Article 2

The internal waters are the waters on the landward side of the baseline from which the breadth of the territorial sea of the State is measured. The internal waters of the State specifically include:

1. The waters of bays located along the entire length of the coast;
2. The waters of any low-tide elevation lying at a distance not exceeding 12 nautical miles from the mainland or from any island belonging to the State;
3. The waters between the mainland of the State and any island belonging thereto whose distance from the mainland does not exceed 12 nautical miles;
4. The waters between the islands belonging to the State, the distance between each of which does not exceed 12 nautical miles.

Article 3

The State shall determine the conditions for entry into its internal waters and shall enforce these conditions against any ship wishing to enter.

CHAPTER TWO

TERRITORIAL SEA

Article 4

The sovereignty of the State extends beyond its land territory and internal waters, to its territorial sea, the airspace over the territorial sea as well as its bed and subsoil. The State shall exercise its sovereignty over the territorial sea in accordance with the provisions of this Law and the rules of international law.

The territorial sea of the State means the belt of sea waters beyond its land territory and internal waters and adjacent to its coast. It extends towards the sea with a breadth of 12 ...

Article 5

1. Foreign commercial ships shall enjoy the right of innocent passage through the territorial sea of the State in accordance with the rules of this right recognized by international law.
2. Entry and passage of foreign warships, including submarines and other underwater vehicles, through the territorial sea shall be subject to prior permission from the competent authorities in the State.
3. Submarines and other underwater vehicles shall navigate on the surface and show their flag during their passage through the territorial sea of the State.
4. Foreign nuclear-powered ships and ships carrying nuclear substances or radioactive products or other inherently dangerous or noxious substances shall notify in advance the competent authorities in the State of their entry and passage through the territorial sea.

Article 6

The territorial sea of the State shall be measured in accordance with the following provisions:

1. The low-water mark where the coast of the mainland or a shore is exposed to the open sea. In localities where the coastline is deeply indented or cut into, there shall be applied the method of straight baselines joining appropriate points to be determined by the competent authorities in the State;
2. Straight lines not exceeding 24 nautical miles in length joining the low-water marks of the entrance of bays. If the width of the entrance of the bay exceeds this distance, the straight line shall be drawn within the bay between any two low-water marks being the closest to its entrance provided that the distance between them does not exceed 24 nautical miles;
3. In the case of a group of islands it shall be measured from straight lines joining the outer points of the outermost islands forming the group;
4. In the case of a port or harbour it shall be measured from lines drawn adjacent to the seaward side of the outermost port or harbour installations and lines drawn between the outer points of such installations provided that such works are an integral part of the port or harbour system;
5. Where the low-tide elevation is wholly or partly situated at a distance from the mainland or from any island not exceeding the width of the territorial sea, such low-tide elevation may be used as a baseline for measuring the breadth of the territorial sea.

Article 7

If the measurement of the territorial sea in accordance with the provisions of this Law leaves an area of the exclusive economic zone wholly surrounded by the territorial sea and extending not more than 12 nautical miles in any direction, such area shall form part of the territorial sea of the State. The same rule shall apply to any area of the exclusive economic zone which may be enclosed by drawing a single straight line not more than 12 nautical miles long.

Article 8

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 9

The right of fishing in the territorial sea of the State shall be confined to its nationals.

Article 10

The State shall, in the zone contiguous to its territorial sea, exercise supervision and control for the following purposes:

1. To prevent infringement of its security, customs, fiscal, sanitary or immigration laws within its land territory, internal waters or territorial sea;
2. To punish infringement of the laws referred to in paragraph 1 of this article if committed within the land territory of the State, its internal waters or territorial sea.

Article 11

The breadth of the contiguous zone referred to in article 10 above shall be 12 nautical miles measured from the outer limits of the territorial sea of the State.

CHAPTER THREE

EXCLUSIVE ECONOMIC ZONE

Article 12

Subject to the provisions of articles 23/2 and 24 of this Law, the State shall have an exclusive economic zone beyond and adjacent to its territorial sea and extending seaward to a distance not exceeding 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Article 13

The State shall have in the exclusive economic zone sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

Article 14

The State shall have in the exclusive economic zone jurisdiction with regard to the following:

1. The establishment and use of artificial islands, installations and structures;
2. Marine scientific research;
3. The protection and preservation of the marine environment.

Article 15

Fishing rights in the exclusive economic zone shall be confined to the nationals of the State. The competent authorities in the State may, nevertheless, in accordance with the conditions and restrictions laid down, permit non-nationals to fish in this zone taking into account the measures regarding the conservation of living resources.

Article 16

The State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings against vessels, as may be necessary to ensure compliance with its laws and regulations. Arrested vessels and their crews shall not be released until after the posting of bond or security. In cases of arrest of foreign vessels, the flag State shall be notified of the action taken.

CHAPTER FOUR
CONTINENTAL SHELF

Article 17

Subject to articles 23/2 and 24 of this Law, the continental shelf of the State comprises the seabed and subsoil of the submarine areas extending beyond its territorial sea and considered a natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines 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.

Article 18

The State shall exercise over its continental shelf sovereign rights for the purposes of exploring and exploiting its natural resources. These rights shall be exclusive to the State in the sense that no one shall exercise them without its express consent. These rights do not depend on occupation, effective or notional, or on any express proclamation.

The natural resources referred to in the preceding paragraph consist of the mineral and other non-living resources of the seabed and subsoil together with the living organisms belonging to sedentary species, meaning the organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

GENERAL PROVISIONS

Article 19

The provisions of this Law pertaining to the delimitation of the maritime zones of the mainland shall be applicable to the delimitation of the maritime zones of islands belonging to the State.

Article 20

1. In the exclusive economic zone and the continental shelf, the State shall have the exclusive right to construct, operate and use:

- (a) Artificial islands;
- (b) Installations and structures for the purposes of scientific research, preservation of the environment or other economic purposes;
- (c) Installations and structures which enable the State to exercise its rights.

2. The State shall have exclusive jurisdiction over such artificial islands, installations and structures including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

Article 21

The State may, where necessary, establish safety zones around the artificial islands, installations and structures in which it may take appropriate measures to ensure the safety of the artificial islands, installation and structures. The State shall determine the breadth of the safety zones taking into account applicable international standards. The safety zones shall be designed to ensure that they are reasonably related to the nature and

function of the artificial islands, installations and structures and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except where excess is authorized by generally accepted international standards.

Article 22

The competent authorities in the State shall issue rules in respect of the following matters:

1. The construction, erection or operation of installations or equipment or artificial islands in or on the continental shelf or exclusive economic zone with the aim of exploring or exploiting their natural resources provided that these installations or equipment should not be erected in locations which would hamper access to the mainland or interfere with international navigation;
2. The establishment of the safety zones referred to in article 21 of this Law;
3. The instructions to be observed for the protection of the installations and equipment;
4. The regulation or prevention of entry of vessels into the safety zones;
5. The instructions to be followed for the purpose of protecting the living and non-living resources of the economic zone and the continental shelf;
6. The environment, scientific research and transfer of technology;
7. Any other similar matters.

Article 23

1. Where the territorial sea of the State is opposite or adjacent to the territorial sea of another State, the outer limit of the territorial sea of the State shall be the median line.
2. In the absence of an agreement between the State and another opposite or adjacent State, the outer limit of the contiguous zone and the continental shelf and the exclusive economic zone shall be the median line every point of which is equidistant from the nearest points on the baselines.

Article 24

The State shall publish official charts to show accurately the outer limits of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf.

Article 25

(a) The implementation of this Law shall not affect the validity of contracts and concessions concluded prior to its promulgation for the exploration and exploitation of the living and non-living resources in the maritime zones. It shall also not affect the constitutional rights and other rights acquired by the Emirates as a result of the exploitation of the living and non-living resources in their maritime zones or the rights which may be acquired by virtue of any agreements or contracts to be concluded between them regarding these zones.

(b) The implementation of this Law shall not affect the validity of agreements concluded between the Emirates prior to its promulgation. The Emirates shall also have the right to enter into agreements regulating maritime boundaries between them.

Article 26

Subject to the principles and rules of international law and without prejudice to the imposition of severer penalties provided for by any other law or to a claim for damages:

1. Any violation of the provisions of article 5 of this Law shall be punishable with imprisonment for a term of not less than three years and not exceeding seven years and a fine of not less than 100,000.00 dirhams (one hundred thousand dirhams) and not exceeding 2,000,000.00 dirhams (two million dirhams) or either of these penalties;

2. Any violation of the provisions of articles 13, 14, 18 and 20 of this Law shall be punishable with imprisonment for a term of not less than three years and not exceeding five years and a fine of not less than 50,000.00 dirhams (fifty thousand dirhams) and not exceeding 1,000,000.00 dirhams (one million dirhams) or either of these penalties;

3. Any violation of the provisions of articles 9 and 15 of this Law shall be punishable with imprisonment for a term of not less than one year and not exceeding three years and a fine of not less than 25,000.00 dirhams (twenty-five thousand dirhams) and not exceeding 1,000,000.00 dirhams (one million dirhams) or either of these penalties.

Article 27

This Law shall be published in the official Gazette and shall enter into force from the date of publication.

II. PROTESTS FROM STATES AND COMMUNICATION

1. Protest from the United States of America, 11 January 1994

The Permanent Mission of the United States of America to the United Nations presents its compliments to the United Nations and has the honour to advise that the Government of the United States of America has studied carefully the legislative acts of the Islamic Republic of Iran setting forth the Islamic Republic of Iran's maritime claims, including the Act on the Marine Areas of the Islamic Republic of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea of 2 May 1993, and Decree-Law No. 2/250-67, 31 Tir 1352 [22 July 1973] of the Council of Ministers, taking into account the relevant provisions of international law as reflected in the 1982 United Nations Convention on the Law of the Sea, which will enter into force on 16 November 1994.

The United States is of the view that certain provisions of these acts are inconsistent with international law, and the United States reserves its rights and the rights of its nationals in that regard.

The United States wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, except where otherwise provided in the Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State. Only in localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, may the coastal State elect to use the method of straight baselines joining appropriate points in drawing the baseline from which the breadth of the territorial sea is measured.

The United States notes that, notwithstanding the fact that the Iranian coastline is rarely deeply indented or fringed by islands, the Islamic Republic of Iran has employed straight baselines along most of its coastline and that, in the vicinity of most segments, the Iranian coastline is quite smooth. Consequently, the appropriate baseline for virtually all of the Iranian coast in the Persian Gulf and the Gulf of Oman is the normal baseline, the low-water line.

While the Convention does not set a maximum length for baseline segments, many of the segments set out in Iranian law are excessively long. In fact, 11 of the 21 segments are between 30 and 120 miles long. The United States believes that the maximum length of an appropriately drawn straight baseline segment normally should not exceed 24 nautical miles.

The United States also wishes to recall that islands may not be used to define internal waters, except for situations where the islands are part of a valid straight baseline system, or of a closing line for a juridical bay. Article 3 of the 1993 Marine Areas Act of the Islamic Republic of Iran asserts that waters between islands belonging to the Islamic Republic of Iran where the distance of such islands does not exceed 24 nautical miles form part of the internal waters of the Islamic Republic of Iran. This claim has no basis in international law. The United States notes that article 19 (2) (h) of the 1982 Law of the Sea Convention provides that "any act of wilful and serious pollution contrary to this Convention" may be considered prejudicial to the peace, good order or security of the coastal State. In specifying activities in its territorial sea that the Islamic Republic of Iran does not consider to be innocent, article 6 (g) of the 1993 Marine Areas Act includes "any act of pollution of the marine environment contrary to the rules and regulations of the Islamic Republic of the Islamic Republic of Iran." The United States assumes that the relevant Iranian rules and regulations will conform to the accepted rule of international law set out in article 19 (2) (h) of the 1982 Law of the Sea Convention.

The United States recalls that, under articles 21 and 24 of the 1982 Law of the Sea Convention, a coastal State may adopt laws and regulations relating to innocent passage relating to the design, construction, manning or equipment of foreign ships only if they are giving effect to generally accepted international rules or standards, and may not adopt requirements that have the practical effect of denying or impairing the right of

innocent passage or of discriminating in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.

The United States notes that the Islamic Republic of Iran's claim in article 7 of the right to adopt "such other regulations as are necessary for the protection of its national interests and the proper conduct of innocent passage" cannot confer upon it any greater rights than those authorized under international law.

The United States also notes that international law permits a coastal State to suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security, and that such suspension may take effect only after having been duly published.

Article 8 of the Islamic Republic of Iran's 1993 Marine Areas Act cannot be accepted as removing the requirements that any suspension of innocent passage through parts of its territorial sea be temporary and that it take effect only after being duly published.

Article 9 of the 1993 Marine Areas Act impermissibly seeks to require foreign warships, and vessels carrying dangerous or noxious substances harmful to the environment, to obtain prior authorization from the Islamic Republic of Iran to pass through the Islamic Republic of Iran's territorial sea.

Such a requirement has no foundation in the provisions of the 1982 Law of the Sea Convention, and the United States will continue to reject, as contrary to international law, any attempt to impose such a requirement on the exercise of the right of innocent passage of all ships.

The United States assumes that the Islamic Republic of Iran will not seek to exercise criminal jurisdiction, pursuant to article 10 of the 1993 Marine Areas Act, on board ships other than merchant ships and government ships operated for commercial purposes, or to exercise civil jurisdiction, pursuant to article 11 of this Act, in situations not contemplated by article 28 of the 1982 Law of the Sea Convention.

The United States further recalls that the scope of a coastal State's authority in its contiguous zone, a maritime zone contiguous to and seaward of the territorial sea in which freedoms of navigation and overflight may be exercised, is limited to the exercise of the control necessary to prevent and punish infringement of its customs, fiscal, immigration and sanitary laws and regulations committed within its territory or territorial sea, and that the authority of the coastal State to enforce its environmental laws seaward of its territorial sea is as prescribed in article 220 of the Convention.

The claim in article 13 of the 1993 Act to adopt measures in the Islamic Republic of Iran's contiguous zone necessary to prevent infringement of its security, maritime and environmental laws exceeds that permitted by international law.

Although a coastal State may establish, in accordance with article 60, paragraphs 4 and 5, of the 1982 Law of the Sea Convention, safety zones of a radius not exceeding 500 metres around artificial islands and other installations and structures located within its exclusive economic zone, international law does not authorize a coastal State to establish so-called security zones in such areas. Article 14 (b) (1) of the 1993 Marine Areas Act impermissibly asserts the right to do so. That provision also appears to claim more authority to control the laying of submarine cables and pipelines on the Islamic Republic of Iran's continental shelf than is permitted by international law as reflected in article 79 of the 1982 Law of the Sea Convention.

Further, international law permits a coastal State to regulate only marine scientific research in its exclusive economic zone, not "any kind of research" as claimed in article 14 (b) (2) of the 1993 Marine Areas Act. In particular, hydrographic surveys conducted seaward of the territorial sea are not marine scientific research and are not subject to coastal State jurisdiction.

The United States notes that, to the extent article 16 of the 1993 Marine Areas Act seeks to prohibit in the Iranian exclusive economic zone the exercise by foreign warships and military aircraft of their freedoms of navigation and overflight, it contravenes international law. The United States has previously protested the Islamic Republic of Iran's claim in this regard, and will continue to operate its ships and aircraft consistent with its rights under international law.

The Government of the United States wishes to assure the Government of the Islamic Republic of Iran that its objections to these claims should not be viewed as singling out the Islamic Republic of Iran for criticism, but is part of its worldwide effort to preserve the internationally recognized rights and freedoms of the international community in navigation and overflight and other related high seas uses, and thereby maintain the balance of interests reflected in the Convention.

This is only one of a number of United States protests of those claims by coastal States which are not consistent with international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

The Government of the United States requests that this Note be circulated by the United Nations as part of the next Law of the Sea Bulletin.

2. Comments from the Islamic Republic of Iran concerning the viewpoints of the Government of the United States of America regarding the Act on Marine Areas in the Persian Gulf and the Oman Sea

The Government of the Islamic Republic of Iran took careful note of the viewpoints of the Government of the United States of America regarding the Act on the Marine of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea as expressed in the latter's note of 11 January 1994, and would like to make, in this respect, the following comments:

In the note of the United States, reference was repeatedly made to customary rules and regulations of international law as embodied in the United Nations Convention on the Law of the Sea of 10 December 1982; and it appears that the United States believes that the provisions of the Convention are of a customary nature, the observance of which being obligatory to all States whether or not they are parties to the Convention; and on this basis some provisions of the Marine Areas Act have been considered as inconsistent with the rules of international law.

In this regard, it is necessary to explain that the Islamic Republic of Iran, unlike the United States, does not consider all provisions of the Convention as customary law and believes that many of them which are the result of years of negotiations in the framework of the Third United Nations Conference on the Law of the Sea and preparation of regulations in the form of a package deal, are of contractual nature the binding force of which depends on the entry into force of the Convention on the Law of the Sea for the States Parties. The Islamic Republic of Iran had already declared, at the time of signing the Convention on 10 December 1982, that:

"Notwithstanding the intended character of the Convention being one of general application and of law-making nature, certain provisions are merely [the] product of quid pro quo which do not necessarily purport to codify the existing customs or established usage (practice) regarded as having an obligatory character. Therefore, it seems natural and in harmony with article 34 of the 1969 Vienna Convention on the Law of Treaties, that only States parties to the Law of the Sea Convention shall be entitled to benefit from the contractual rights created therein."

It is also to be noted that the United States, in its note, referred to 16 November 1994 as the date of the entry into force of the Convention, a reference which will be unnecessary if the provisions of the Convention were of a customary nature.

It is quite clear that making a distinction between customary and conventional rules of international law is a complicated task and as long as a general belief on the binding force of a particular conduct is not definitely realized, one may not speak of it as a custom. From the viewpoint of the Islamic Republic of Iran, the adoption of different laws by States on their rights and jurisdiction in seas, which are in many cases inconsistent with the 1982 Convention, is an indication of the fact that as yet no definite custom has been formed.

The method of decision-making on some of the provisions of the Convention in the proceedings of the Third United Nations Conference on the Law of the Sea also demonstrates the uncertainty of their customary nature. For instance, reference can be made to the issue of the right of coastal States to enforce regulations for their security in the territorial sea which was emphasized in the course of the Conference by the Group of 27 (including the Islamic Republic of Iran) and a proposal was submitted for amendment of article 21 of the preliminary draft Convention. Although, on the request of the Chairman of the Conference, the Group agreed not to insist on voting for the proposal, in his statement of 26 April 1982, the Chairman stated that:

"the sponsors of the amendment have persisted that this decision would not in any way damage the right of littoral States in taking necessary measures for the safeguard of their security interests according to articles 19 and 25 of the suggested text of the Convention".

Until the enactment of the recent Act in the Islamic Republic of Iran, there existed several laws and regulations, each one of them covering a part of issues relating to the law of the sea matters, while in some cases developments in such rules concerning the expansion of States' jurisdiction were not provided for. The Marine Areas Act was therefore prepared and approved with the aim of compiling all relevant regulations in a single comprehensive text so as to replace previous laws and at the same time to include the most recent developments of the law of the sea. A list of the relevant laws and regulations is attached to the present note.

Decree No. 2/250-67, dated 31 Tir, 1352 (22 July 1973) is amongst such regulations approved and put into force nearly 20 years ago. Usage of the straight baselines is in one way considered as an unusual measure, as other States, too, use the same method under similar circumstances. The reason for further emphasis on the Decree of 1973 was that since its enforcement and in spite of its international circulation in the collections circulated by the United Nations Secretariat, so far no objections have been received thereto. The Islamic Republic of Iran, therefore, considers this as a recognition of its content by the international community.

As mentioned in the United States' note, there is no criterion in international law to determine the maximum length of parts of the straight baselines; thus the reference made by the United States to 24 nautical miles lacks legal foundation. Instead, in drawing the line, effort has been made to employ those criteria which have been internationally important and were later mentioned in the Convention. Among them is the drawing of straight baselines in a way that they do not depart in any appreciable extent from the general direction of the coast (article 7, para. 3), and it has also been taken into account that in determining the straight baselines, the coastal States may consider the economic interests peculiar to the region concerned, the reality and importance of which are clearly evidenced by long usage.

As for the declaration of waters between islands whose distance is less than 24 nautical miles as internal waters, it is noteworthy to recall the Act on Territorial Waters and the Contiguous Zone of Iran dated Tir 24, 1313 (July 1934), and its amendment of 22 Farvardin 1338 (11 April 1959), according to which similar rules have been provided in connection with islands belonging to the Islamic Republic of Iran, and in the recent Act the criterion for the distance between islands has been changed in conformity with the extension of the breadth of territorial sea. Moreover, in recent years, the context of some of its provisions, such as the authority of the Government of the Islamic Republic of Iran in the field of marine scientific research in areas beyond the territorial sea, while being consistent with the recognized rules of international law, has been observed by other States, and for example marine scientific research in the areas under the jurisdiction of the Islamic Republic of Iran has been carried out after a prior consent has been granted. In this connection, the Islamic Republic of Iran assumes that any kind of scientific research in the exclusive economic zone, because of its effects on the

exploration and exploitation of living and mineral resources and economic interests, is directly linked to the rights of the coastal State (in this case Islamic Republic of Iran) and should be conducted with prior authorization. In accordance with the Law of the Sea Convention, even in cases where the scientific research is conducted exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind, the matter has not been excluded from the jurisdiction of the coastal state and under normal circumstances such a State is merely requested to grant its consent without reasonable delay (article 246 (3) of the Convention). Therefore, hydrographic research, even though it falls under this category, would require the authorization of the coastal State.

In drafting the Act, the ecological and environmental conditions of the Persian Gulf are another main issue which was taken into consideration, to which fundamental importance should be attached. From an environmental point of view, the Persian Gulf as a semi-enclosed sea, is very vulnerable and that is why it has been recognized as a special area in some international treaties relating to the marine environment. The limited width of the Persian Gulf (as the share of each opposite State in the widest parts is less than 100 miles), its shallowness, the volume of economic activities, particularly in the field of fishing and the oil industry, and the scope of navigation traffic have created a situation where the smallest incident inflicts severe enduring pollution of the marine environment. The sinking of a Russian cargo ship, "Kapitan Sakharov", a few months ago, which brought about hazards and damage, particularly in fishing and navigation, could be set as a good example for the importance of the issue. With regard to this matter, the littoral States of the Persian Gulf have taken coordinated measures, in the framework of the Kuwait Convention (1978) and its protocols, to protect the marine environment which, in comparison, have been more comprehensive than the measures taken in other regions.

Some of the objections raised by the United States to the Marine Areas Act of the Islamic Republic of Iran are also in connection with the regulations drawn up with due consideration to this very particularity of the Persian Gulf region, such as not regarding as innocent the passage of ships which, against the laws and regulations of the Islamic Republic of Iran, cause any sort of marine pollution in the territorial sea.

The requirement of obtaining a prior authorization for the passage of some categories of foreign vessels, especially for ships carrying hazardous substances, was also put in to have more supervision of the traffic of such vessels and with the aim of protecting the marine environment of the region. The same argument applies to the environmental regulations to be enforced in the contiguous zone.

As for the question of a 500-metre zone around oil platforms and installations, it is necessary to emphasize that, due to the high number of exploitation platforms and the volume of shipping traffic, the establishing of such a zone is completely necessary for the security of installations as well as international navigation. As for the competence of the coastal State in laying submarine cables and pipelines, it is also to be noted that the Government of the Islamic Republic of Iran, having due regard to the same considerations, deems a prior permission a necessary requirement; to give an example, it clearly emphasized this point in its reservations, at the time of signing the 1958 Geneva Conventions on High Seas and on the Continental Shelf.

As for article 16 of the Act, attention is to be given to the fact that, due to the multiplicity of economic activities in the region, it is possible that such activities, for which the coastal State enjoys sovereign rights, could be harmed by military practices and manoeuvres; accordingly, those practices which affect the economic activities in the exclusive economic zone and the continental shelf are thus prohibited.

Annex

- Act of 15 July 1934 (24 Tir 1313) on the Territorial Waters and the Contiguous Zone of Iran;
- Act of 18 June 1955 (28 Khordad 1334) on the Exploration and Exploitation of the Natural Resources of the Continental Shelf of Iran;
- Act of 12 April 1959 (22 Farvardin 1338) amending the Act of 15 July 1934 (24 Tir 1313) on the Territorial Waters and the Contiguous Zone of Iran;
- Decree No. 2/250-67 of 22 July 1973 (31 Tir 1352) on the amendment of the Act on the Territorial Waters and the Contiguous Zone of Iran;
- Proclamation of 30 October 1973 (8 Aban 1353) on the Exclusive Fishing Zone of Iran in the Persian Gulf and the Oman Sea;
- Proclamation of 22 May 1977 (1 Khordad 1356) on the Outer Limit of the Exclusive Fishing Zone of Iran in the Oman Sea.

III. STATEMENTS RECEIVED FROM GOVERNMENTS

1. Belize

Letter dated 23 March 1994 from the Hon. Dean Oliver Barrow, concerning Belize's regional and general relations and policy, particularly with reference to its territorial (including maritime) limits¹

I have the honour to refer to a letter, dated 4 March 1994, addressed to you by the Minister for Foreign Affairs of Guatemala. That letter belatedly refers to a letter and annex, dated 22 April 1992, from the Chargé d'affaires ad interim of the Permanent Mission of Belize to the United Nations (United Nations document A/47/173 - 5/23837). The annex is in fact a document containing extracts of a statement delivered by Belize's then Minister for Foreign Affairs on 3 April 1992.

I

In that statement of 3 April 1992, my predecessor notes the passage, on 17 January 1992, of the Maritime Areas Act whereby Belize, *inter alia*, exercises its right to claim a territorial sea of 12 miles. I should now like to point out that prior to the Act, Belize had unequivocally reserved such international law right; and had by notes of July 1940 and July 1961, of the Government of the United Kingdom of Great Britain and Northern Ireland, vigorously protested Guatemala's claims to territorial waters in excess of 3 miles, particularly in so far as these encroached on Belizean rights. While so reserving its rights, as a good neighbour and pending an agreement with Guatemala on the delimitation of their adjacent waters, Belize facilitated Guatemala's unimpeded access to the high seas in the area where Belize's southern waters and adjacent Guatemalan waters intersect.

In the Maritime Areas Act, Belize forbore from extending its territorial sea out from 3 miles to 12 miles in the specific area of intersection. This was done, as a temporary measure, and as an act of good faith, following Guatemala's juridical recognition of Belize's independent statehood on 5 September 1991. Section 3 of the Act makes it clear that this forbearance was "to provide a framework for negotiation of a definite agreement" on delimitation; and that, failing such agreement or its approval in a referendum in Belize, delimitation would be effected on the basis of international law. Equally, if negotiations do not occur or are not concluded, Belize will continue to enjoy its rights under international law.

II

The letter of 4 March 1994, reflects Guatemala's position on several matters which are herein addressed under the same numerals as in that letter:

1. Belize appreciates Guatemala's reaffirmation of its recognition of Belize's independent statehood, and reciprocates the sentiments regarding the ordering of relations between States on the basis of international norms. Like Guatemala, Belize stresses the maintenance of solidarity, cooperation and friendship with neighbouring countries.
2. Belize concurs in Guatemala's statement of adherence to the salient principles of the Charter of the United Nations, especially those that mandate peaceful settlement of disputes in accordance with justice and customary and conventional international law.

¹ See United Nations document A/49/112.

3. The Government of Belize expresses its earnest desire to continue direct discussions concerning whatever territorial dispute or difference Guatemala deems to linger.
4. Belize's full maritime entitlements are clearly stated in international law. They are reiterated in the laws of Belize and have been fully acknowledged in a note, dated 13 February 1992, by the Guatemalan Minister for Foreign Affairs. In that note he stated that a January 1992 advertisement by the Guatemalan Ministry of Energy and Mines, for the exploration of oil, which contained an erroneous map, was inadvertent ("involuntario"); had not been cleared by the Minister of Foreign Affairs; and was not intended to create friction with Belize. In an advertisement of July 1992 in the same magazine, and in accordance with the note of 13 February 1992, the error was not repeated. Then in a document dated 31 July 1992, both States amicably and legally affirmed that, pending a final treaty, their land boundaries would be "based on the existing reference monuments" viz., as set forth in Belize's Constitution.
5. The Government of Belize does not acknowledge the validity of any territorial claim but will discuss any dispute or difference as stated in paragraphs 3 and 7 hereof.
6. The Belize Maritime Areas Act asserts no jurisdiction which is inconsistent with customary and conventional international law. Furthermore:
 - (a) The breadth of Belize's territorial sea is as provided by international law, or otherwise by the said Act, according to its specific terms, as stated in part I above;
 - (b) Belize stands by its entitlement to a 12-mile territorial sea subject to the rule of equidistant lines as provided in international law, and subject to the Maritime Areas Act to the extent specified in part I above. As noted, protests have been and hereby are lodged against any and all Guatemalan claims and/or acts past, present and future in violation of international law;
 - (c) The Government of Belize asserts no claim to Guatemalan internal waters as defined by international law;
 - (d) In their respective territorial seas as provided by international law or by agreement between Belize and Guatemala, both States can exercise such jurisdiction as provided by international law;
 - (e) The Government of Belize welcomes Guatemala's acknowledgement, as a non-party to the 1982 United Nations Convention on the Law of the Sea, of the evolution into customary international law of the Convention's definition and regulation of maritime areas, including the exclusive economic zone. In this connection, Belize notes Guatemala's incorporation of the language of article 59 of the Convention. Any joint exploration would have to be a matter for negotiation and agreement;
 - (f) The Government of Belize welcomes Guatemala's acknowledgement, as a non-party to the 1982 United Nations Convention on the Law of the Sea, of the evolution into customary international law of the Convention's definition and regulation of the continental shelf. Belize notes Guatemala's incorporation of the language of articles 76 and 77 of the Convention, and stands by its categorization of the events of February 1992 in part II, 4 above. Again, Belize stands ready to negotiate all legitimate and pertinent issues.
7. The Government of Belize notes that any dispute or difference with Guatemala is not of Belize's making. It reiterates its willingness to continue negotiations with the Government of Guatemala to find a peaceful and just solution and to enter into improved relations and cooperation. To that end, Belize requests you to use your good offices to encourage an early meeting of the parties.

2. Guatemala

Letter dated 4 March 1994 from the Minister for Foreign Affairs of Guatemala
addressed to the Secretary-General concerning the situation of the
territorial and maritime limits between
Guatemala and Belize¹

I have the honour to refer to the letter dated 22 April 1992 addressed to you by the Chargé d'affaires a.i. of the Permanent Mission of Belize to the United Nations (A/47/173-S/23837), to which was attached a copy of relevant extracts of a statement delivered by the Minister for Foreign Affairs of Belize on 3 April 1992 on the occasion of the establishment of the National Advisory Commission on the negotiations between Belize and Guatemala. In that letter, it was requested that the letter and its annex should be circulated as an official document of the General Assembly under agenda item 36. The Government of Guatemala saw no need to make reservations to that statement, since the Belize-Guatemala Joint Declaration, dated 31 July 1992, in which both States recognize that their territorial and maritime boundaries are not defined, made it clear that the Declaration could not be interpreted as detrimental to its sovereign rights.

However, in view of recent events which have given rise to a series of speculations about Guatemala's policy towards the neighbouring country, I have deemed it appropriate to transmit to you this note containing the following declaration regarding Guatemala's official position on the matter, with the request that it should be circulated to the delegations of the Member States of the Organization:

1. As called for in article 149 of the Constitution, Guatemala's relations with other States are governed by international principles, rules and practices; Guatemala maintains relations of friendship, solidarity and cooperation with the countries of the world, particularly with neighbouring States.
2. In its international relations, the Government of Guatemala, in accordance with the principles of the Charter of the United Nations, refrains from the threat or use of force, respects the principles of sovereign equality of States and self-determination of peoples and firmly believes that the settlement of disputes between States should be achieved by peaceful means, in conformity with the principles of justice and international law.
3. The Government of Guatemala has always expressed its willingness to continue direct discussions with the Government of Belize in order to reach a definitive solution to the territorial dispute between those two States, which remains unresolved.
4. In the Joint Declaration, dated 31 July 1992, the Governments of Guatemala and Belize expressed their willingness to continue the negotiations to seek a solution to the ongoing dispute, and mentioned in particular that Guatemala and Belize have not concluded a treaty definitively establishing their territorial and maritime limits, and that such a treaty would be among the desired results of the negotiations.
5. The territorial claim which Guatemala maintains includes a land area currently occupied by Belize and maritime spaces in the Caribbean Sea.
6. Concerning the maritime spaces covered by the Act of 24 January 1992 on the territorial sea, the internal waters and exclusive economic zone of Belize published in Law of the Sea Bulletin No. 21 of August 1992 by the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat's Office of Legal Affairs,² Guatemala expresses a formal reservation to any provision that adversely affects its sovereignty and

¹ See United Nations document A/49/94.

² Law of the Sea Bulletin, No. 21 (August 1992), p. 3.

jurisdiction over its territorial sea, continental shelf and exclusive economic zone, not only as defined by the State of Guatemala well before the adoption by Belize of the above-mentioned Act but also as may be defined once the ongoing territorial dispute is settled. It also formulates the following reservations and declarations:

(a) The breadth of Guatemala's territorial sea extends 12 nautical miles measured from the baselines determined by the low-water line along the coast under the terms of the settlement of the territorial dispute;

(b) As a coastal State, Guatemala has not surrendered its sovereign rights over its maritime space even though it exercises authority only over the part that is not affected by the dispute and has done so without incident. Until such time as the territorial dispute is resolved, Guatemala cannot and does not accept the principle of equidistant lines with States with opposite or adjacent coasts that might affect its sovereign right to 12 nautical miles;

(c) The waters on the landward side of the baseline of Guatemala's territorial sea form part of its internal waters;

(d) Guatemala reserves the right to take, in the territorial sea as determined when the dispute is resolved and in that over which it has traditionally exercised authority, appropriate control measures to prevent and punish any infringement of its customs, fiscal, immigration or sanitation laws and regulations;

(e) Guatemala confirms that its exclusive economic zone consists of an area beyond and adjacent to the territorial sea, which extends up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. However, once the territorial dispute with Belize is settled, in the event of conflict of interests with another State or other States, Guatemala could agree to have the dispute resolved in accordance with international law on the basis of equity in the light of the relevant circumstances, taking into account how vital its interests in the zone are. It might also be possible to consider areas of joint exploitation or participation within the zone;

(f) Guatemala's continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, or to the outer edge of the continental margin when it extends beyond that distance, with exclusive rights of sovereignty for purposes of exploiting its natural resources, that do not depend on occupation effective or notional, or on any express proclamation. In that regard, the Government of Guatemala wishes to point out that the letter dated 13 February 1992 sent by the then Minister for Foreign Affairs of Guatemala to the Ministry of Foreign Affairs of Belize (to which reference is made in the note dated 22 April 1992 from the Government of Belize (A/47/173-S/23837)) concerning the exclusion of an area from international tendering for oil exploration and exploitation, should in no way be construed as surrendering Guatemala's sovereign rights over its continental shelf in the Caribbean Sea or as recognizing any right of Belize or accepting delimitation of the continental shelf, particularly since the territorial dispute has yet to be resolved;

(g) Until such time as a definitive settlement is reached that is satisfactory to both parties, Guatemala does not recognize the charts and/or lists of geographical coordinates prepared by Belize to show all or part of the maritime areas, the base of the territorial sea, the outer limits of the exclusive economic zone and the sea lanes.

7. The Government of Guatemala reiterates its willingness to continue negotiations with the State of Belize in order to arrive at a peaceful and equitable settlement to the ongoing dispute.

3. Thailand

Statement of the Ministry of Foreign Affairs of Thailand regarding the forfeiture of foreign fishing vessels and the imprisonment of foreign fishermen on the offence of violating fisheries laws and regulations in the exclusive economic zone, transmitted to the Secretary-General of the United Nations on 3 May 1993¹

It has come to the attention of the Ministry of Foreign Affairs that a number of States have enacted laws and regulations, the de jure and/or de facto effect of which is to forfeit fishing vessels and/or to imprison foreign fishermen arrested on the offence of violating fisheries laws and regulations in their respective exclusive economic zones. The Ministry of Foreign Affairs wishes to make known the position of the Royal Thai Government on this matter as follows:

1. Such forfeiture and imprisonment are clearly in breach, both in letter and spirit, of article 73, paragraphs 2 and 3, of the United Nations Convention on the Law of the Sea of 1982, which all the States concerned do have the obligation to observe in good faith, either as signatories to or ratifiers of the Convention, especially in view of the Convention's impending entry into force as from 16 November 1994;
2. The Royal Thai Government thus feels duty-bound to register through the Secretary-General, in the latter's capacity as the depositary of the United Nations Convention on the Law of the Sea of 1982, a strong protest against such forfeiture and imprisonment. It is fervently hoped that these States will soon rectify their laws and regulations so as to be compatible with the obligations assumed by them under the Convention.

¹ A/48/936, annex.

IV. TREATIES AND OTHER LEGAL INSTRUMENTS

1. Bilateral treaties

(a) Treaty on the Delimitation of the Maritime Frontier between Cape Verde and Senegal, 17 February 1993

The Government of the Republic of Cape Verde, on the one hand, and the Government of the Republic of Senegal, on the other hand,

Guided by the spirit of friendship and cooperation existing between their two peoples;

Desiring to develop and strengthen their neighbourly relations;

Desiring to establish, through negotiations, their common maritime frontier which separates the exclusive economic zone and the continental shelf of the two countries;

Taking into account the United Nations Convention on the Law of the Sea of 1982.

HAVE AGREED AS FOLLOWS:

Article 1

The two Parties shall establish, as their maritime frontier which separates the exclusive economic zone and the continental shelf of the two countries, a median line all of whose points are equidistant from the nearest points on the baselines of the two countries.

The median line mentioned above, for practical reasons of simplification, has been corrected following the course and coordinates included in annex I.

Article 2

The baselines referred to in the preceding article are the archipelagic baselines of the Republic of Cape Verde and the baselines of the Republic of Senegal from which the breadth of the territorial sea of each Party is measured.

These baselines are drawn in conformity with the Convention on the Law of the Sea of 1982.

Article 3

The line defining the common maritime frontier between the two countries and its geographical coordinates defined in conformity with article 1 is reproduced in annex I of this Treaty.

The two Parties have agreed to use, in their work, the American map entitled "Operational Navigation Chart", scale 1/1,000,000, series ONC, K-O, prepared and published by the Defense Mapping Agency Aerospace Center, St. Louis, Missouri, Edition Revenue of September 1986. They have used this map for drawing the line delimiting their common maritime frontier.

The map mentioned in the preceding paragraph has been anticipated by the signatories to this Treaty and is contained in annex I.

Article 4

The archipelagic lines of the Republic of Cape Verde and their geographical coordinates defined in conformity with article 2 are reproduced in annex II of this Treaty.

Article 5

The baselines of the Republic of Senegal and their geographical coordinates, defined in conformity with article 2, are reproduced in annex III of this Treaty.

Article 6

Any dispute regarding the interpretation or application of this Treaty shall be settled by negotiations.

If, within a reasonable time, these negotiations are not successful, the two Parties may have recourse to any other means of peaceful settlement mutually agreed upon, without prejudice to article 287 of the United Nations Convention on the Law of the Sea.

Article 7

The annexes to this Treaty form an integral part of it.

Article 8

This Treaty shall enter into force on the date of the reception, by the other Party, of the last instrument of ratification.

Article 9

This Treaty is drawn up in two originals, in Portuguese and French, the two texts being equally authentic.

DONE at Dakar on 17 February 1993.

Annex I

Line establishing the common maritime frontier between the
Republic of Cape Verde and the Republic of Senegal

Article 1

The line establishing the common maritime frontier which separates the exclusive economic zone and the continental shelf of the two countries is defined by the following coordinates:

Points	Longitude north	Longitude west
A	13° 39' 00"	20° 04' 25"
B	14° 51' 00"	20° 04' 25"
C	14° 55' 00"	20° 00' 00"
D	15° 10' 00"	19° 51' 30"
E	15° 25' 00"	19° 44' 50"
F	15° 40' 00"	19° 38' 30"
G	15° 55' 00"	19° 35' 40"
H	16° 04' 05"	19° 33' 30"

Article 2

The geometric configuration of the maritime zone between the two countries and the projection of the baseline of the maritime frontier mentioned above appear on the map included herewith.¹

Annex II

Baselines of the Republic of Cape Verde

Article 1

The archipelagic baselines of the Republic of Cape Verde having served as reference points for the delimitation of the maritime frontier between the two countries have been defined in conformity with the following coordinates, which have been published in Law No. 60/IV/92 of 21 December 1992 of the Republic of Cape Verde.

¹ The map has not been included in the present volume.

Points	Longitude north	Longitude west	Observ.
O-Pta Casaca	16° 50' 01.69"	22° 53' 50.14"	Sal
P-ILHEU Cascalho	16° 11' 31.04"	22° 40' 52.44"	Boa Vista
P1-ILHEU Baluarte	16° 09' 05.00"	22° 39' 45.00"	Boa Vista
Q-Pta Roque	16° 05' 09.83"	22° 40' 26.06"	Boa Vista
R-Pta Flamengas	15° 10' 03.89"	23° 05' 47.90"	Maio
S-	15° 09' 02.21"	23° 06' 24.98"	Maio

Article 2

The baselines mentioned above appear on the annexed map. ¹

Annex III

Baselines of the Republic of Senegal

Article 1

The baselines of the Republic of Senegal having served as reference points for the delimitation of the common maritime frontier between the two countries have been defined in conformity with the following coordinates, which have been published in Decree No. 90-670 of 18 June 1990 of the Republic of Senegal:

Straight baselines

1. From the end of the Langue de Barbarie (15° 52' 42" N - 16° 31' 36" W) to point P1 (15° 48' 05" N - 16° 31' 32" W);
2. From point P2 (14° 45' 49" N - 17° 27' 42" W) to the northern end of Ile de Yoff (14° 46' 18" N - 17° 28' 42" W);
3. From the northern end of Ile de Yoff (14° 46' 18" N - 17° 28' 42" W) to the northern end of the Ile de Ngor (14° 45' 30" N - 17° 30' 56" W);
4. From the northern end of Ile de Ngor (14° 45' 30" N - 17° 30' 56" W) to Feu des Almadies (14° 44' 36" N - 17° 32' 36" W);
5. From Feu des Almadies (14° 44' 36" N - 17° 32' 36" W) to the south-western end of Ile des Madeleines (14° 39' 10" N - 17° 28' 25" W);
6. From the south-western end of Ile des Madeleines (14° 39' 10" N - 17° 28' 25" W) to Cap-Manuel (14° 39' 00" N - 17° 26' 00" W);
7. From Cap-Manuel (14° 39' 00" N - 17° 26' 00" W) to Point Sud Gorée (14° 39' 48" N - 17° 23' 54" W);
8. From Point Sud Gorée (14° 39' 48" N - 17° 23' 54" W) to Rufisque lighthouse (14° 42' 36" N - 17° 17' 00" W);

9. From the western end of Sangomer (13° 50' 00" N - 16° 45' 40" W) to the northern end of Ile des oiseaux (13° 39' 42" N - 16° 40' 20" W);

10. From the southern end of Ile des oiseaux (13° 38' 15" N - 16° 38' 45" W) to Point Djinnak (13° 35' 36" N - 16° 32' 54" W).

Normal baselines

Everywhere else the breadth of the maritime areas under Senegalese jurisdiction shall be measured from the line of low tide.

Article 2

The baselines mentioned above are drawn on the map appearing in annex I. ¹

(b) Maritime Delimitation Treaty between Jamaica and Colombia,
12 November 1993

The Government of Jamaica and the Government of the Republic of Colombia;

Considering the bonds of friendship existing between both countries;

Recognizing the common interests of both countries in considering issues related to the rational exploitation, management and conservation of the maritime areas between them, including questions relating to the exploitation of living resources;

Acknowledging the interests which both countries have in concluding a maritime delimitation treaty;

Taking into account recent developments in the law of the sea;

Desirous of delimiting the maritime areas between both countries on the basis of mutual respect, sovereign equality and the relevant principles of international law;

Agree as follows:

Article 1

The maritime boundary between Jamaica and the Republic of Colombia is constituted by geodesic lines drawn between the following points:

<u>Point</u>	<u>Latitude (north)</u>	<u>Longitude (west)</u>
1.	14° 29' 37"	78° 38' 00"
2.	14° 15' 00"	78° 19' 30"
3.	14° 05' 00"	77° 40' 00"
4.	14° 44' 10"	74° 30' 50"

5. From point 4, the delimitation line proceeds by a geodesic line in the direction of another point with coordinates 15° 02' 00"N, 73° 27' 30"W, as far as the delimitation line between Colombia and Haiti is intercepted by the delimitation line to be decided between Jamaica and Haiti.

Article 2

Where hydrocarbon or natural gas deposits or fields are found on both sides of the delimitation line established in article 1, they shall be exploited in a manner such that the distribution of the volumes of the resource extracted from said deposits or fields is proportional to the volume of the same which is correspondingly found on each side of the line.

Article 3

1 Pending the determination of the jurisdictional limits of each Party in the area designated below, the Parties agree to establish therein a zone of joint management, control, exploration and exploitation of the living and non-living resources, hereafter called "the Joint Regime Area".

(a) The Joint Regime Area is established by the closed figure described by the lines joining the following points in the order in which they occur. The lines so joining the listed points are geodesic lines unless specifically stated otherwise.

<u>Point</u>	<u>Latitude (north)</u>	<u>Longitude (west)</u>
1.	16° 04' 15"	79° 50' 32"
2.	16° 04' 15"	79° 29' 20"
3.	16° 10' 10"	79° 29' 20"
4.	16° 10' 10"	79° 16' 40"
5.	16° 04' 15"	79° 16' 40"
6.	16° 04' 15"	78° 25' 50"
7.	15° 36' 00"	78° 25' 50"
8.	15° 36' 00"	78° 38' 00"
9.	14° 29' 37"	78° 38' 00"
10.	15° 30' 10"	79° 56' 00"
11.	15° 46' 00"	80° 03' 55"

The limit of the Joint Regime Area then continues along the arc of 12 nautical miles' radius centred on a point at 15° 47' 50"N, 79° 51' 20"W, such that it passes to the west of Serranilla Cays to a point at 15° 58' 40"N, 79° 56' 40"W. The figure is then closed by the geodesic line to point 1.

(b) The Joint Regime Area excludes the maritime area around the cays of Serranilla Bank comprised within the outermost arc of the circle of 12 nautical miles radius centred at a point 15° 47' 50"N, 79° 51' 20"W, such that it passes to through points 15° 46' 00"N, 80° 03' 55"W and 15° 58' 40"N, 79° 56' 40"W.

(c) The Joint Regime Area will also exclude the maritime area around the cays of Bajo Nuevo comprised within the outermost arc of the circle of 12 nautical miles radius centred at the point 15° 51' 00"N, 78° 38' 00"W.

2. In the Joint Regime Area, the Parties may carry out the following activities:

(a) Exploration and exploitation of the natural resources, whether living or non-living, of the waters superjacent to the seabed and the seabed and its subsoil, and other activities for the economic exploitation and exploration of the Joint Regime Area;

(b) The establishment and use of artificial islands, installations and structures;

(c) Marine scientific research;

(d) The protection and preservation of the marine environment;

(e) The conservation of living resources;

(f) Such measures as are authorized by this Treaty, or as the Parties may otherwise agree for ensuring compliance with and enforcement of the regime established by this Treaty.

3. Activities relating to exploration and exploitation of non-living resources, as well as those referred to in paragraph 2 (c) and (d), will be carried out on a joint basis agreed by both Parties.

4. The Parties shall not authorize third States and international organizations or vessels of such States and organizations to carry out any of the activities referred to in paragraph 2. This does not preclude a Party from entering into, or authorizing arrangements for, leases, licences, joint ventures and technical assistance programmes in order to facilitate the exercise of the rights pursuant to paragraph 2, in accordance with the procedures established in article 4.

5. The Parties agree that in the Joint Regime Area, each Party has jurisdiction over its nationals and vessels flying its flag or over which it exercises management and control in accordance with international law. Provided that in any case where it is alleged by one Party that nationals or vessels of the other Party have breached, or are breaching, the provisions of this Treaty and any measures adopted by the Parties for their implementation, the Party alleging the breach shall bring it to the attention of the other Party, following which both Parties shall forthwith commence consultations with a view to arriving at an amicable settlement within 14 days. On receipt of the allegation, the Party to whose attention the allegation has been brought shall, without prejudice to the consultations referred to in the above paragraph:

(a) In relation to an allegation that a breach has been committed, ensure that the activities, the subject-matter of the allegation, do not recur;

(b) In relation to an allegation that a breach is being committed, ensure that the activities are discontinued.

6. The Parties agree to adopt measures for ensuring that nationals and vessels of third States comply with any regulations and measures adopted by the Parties for implementing the activities set out in paragraph 2.

Article 4

1. The Parties agree to establish a joint commission, herein after called "the Joint Commission", which shall elaborate the modalities for the implementation and the carrying out of the activities set out in paragraph 2 of article 3, the measures adopted pursuant to paragraph 6 of article 3, the measures adopted pursuant to paragraph 6 of article 3, and carry out any other functions which may be assigned to it by the Parties for the purpose of implementing the provisions of this Treaty.

2. The Joint Commission shall consist of one representative of each Party, who may be assisted by such advisors as is considered necessary.

3. Conclusions of the Joint Commission shall be adopted by consensus and shall be only recommendations to the Parties. Conclusions of the Joint Commission when adopted by the Parties shall become binding on the Parties.

4. The Joint Commission shall begin its work immediately on the entry into force of this Treaty and shall, unless the Parties agree otherwise, conclude the tasks identified in paragraph 1 of this article within six months from the commencement of its work.

Article 5

Geodetic data are based on the World Geodetic System (1984).

Article 6

For illustrative purposes only, the delimitation line and the Joint Regime Area are shown on a United States Defense Mapping Agency Chart 402, which is attached. In the event of conflict between the coordinates and the chart, the coordinates will prevail.

Article 7

Any dispute between the Parties on the interpretation or application of this Treaty shall be settled by agreement between the two countries in accordance with the means for the peaceful settlement of disputes provided for by international law.

Article 8

This Treaty shall be subject to ratification.

Article 9

This Treaty shall enter into force on the date of exchange of instruments of ratification.

Article 10

Done in English and Spanish, each text being equally authentic.

IN WITNESS WHEREOF the Ministers for Foreign Affairs of both countries have signed the present Treaty.

DONE at Kingston this 12th day of November 1993.

(c) Agreement between Albania and Italy for the Determination of the Continental Shelf of Each of the two Countries,
18 December 1992

Starting from the desire to determine the division line of the border between the respective areas of the continental shelf in the Adriatic Sea and in the Otranto Channel, on which each of the two countries respectively exercises sovereign rights with the aim of exploring for and exploiting natural resources;

Deciding that the border division between the two zones of the continental shelf be determined on the basis of the principle of equidistance that is expressed by the median line;

Reconfirming the request that the exploitation of the respective continental shelf should not impair the ecological equilibrium of the sea that waters the shores of the two countries, and their determination to cooperate on this purpose as well as in harmony with what is decided in the Declaration on the Adriatic Sea, signed in Ancona on 13 July 1993;

Both Contracting Parties agreed to conclude the following Agreement:

Article I

1. Applying the principle of equidistance that is expressed in the median line, which is mentioned in the introduction to this Agreement, the division line between the two zones of the continental shelf of each of the two countries is determined from the lines that follow the geodesic curves that link the points, the geographic coordinates of which, referring to the geodesic system European Datum 1950, are as follows:

<u>Points</u>	<u>Latitude (north)</u>	<u>Longitude (east)</u>
1.	41° 16' 39"	18° 27' 43"
2.	41° 11' 37"	18° 32' 34"
3.	41° 08' 01"	18° 34' 37"
4.	41° 06' 29"	18° 35' 42"
5.	40° 55' 03"	18° 39' 31"
6.	40° 53' 06"	18° 39' 34"
7.	40° 50' 50"	18° 40' 16"
8.	40° 43' 59"	18° 42' 40"
9.	40° 40' 10"	18° 44' 23"
10.	40° 38' 46"	18° 44' 43"
11.	40° 35' 38"	18° 45' 35"
12.	40° 30' 44"	18° 47' 45"

<u>Points</u>	<u>Latitude (north)</u>	<u>Longitude (east)</u>
13.	40° 23' 17"	18° 51' 05"
14.	40° 21' 30"	18° 51' 35"
15.	40° 18' 50"	18° 52' 48"
16.	40° 12' 13"	18° 57' 05"
17.	40° 07' 55"	18° 58' 38"

This division line is marked by an indicating title in the map attached to this agreement.

The basic map used is the Albanian sea map "From Korfu to Dubrovnik - from Cape Santa Maria di Leuca up to the Troniti Islands" of the scale 1:500 000, of the mercator projection, edition of year 1984.

2. The Contracting Parties agreed that, for the present, the determination of the border should not extend beyond the first and the last point determined in the previous paragraph.

The completion of the determination in the north beyond point 1 and in the south beyond point 17 remains to be accomplished by later agreements respectively with the respective interested parties.

Article II

1. Where a deposit of mineral resources, including sand and gravel, is divided by the division line of the zones of the continental shelf, and the part of the deposit which is located on one of the sides of the division line is fully or partially exploitable by installations which are located on the other side of the line, the Contracting Parties will try, by preliminary consultations with the concessionaires, if there are any, that have the right of mineral exploitation, to agree on the conditions for and the method of processing the deposit, in order that this processing be as beneficial as possible, keeping in mind the protection of the deposit and in such a way that each of the parties maintains the integrity of its own rights on the mineral resources of the surface and subsurface of its continental shelf.

2. In particular, such an arrangement will be applied if the conditions and the processing method of the part of the deposit located on one side of the division line of the border have an influence on the conditions or processing method on the other part of the deposit.

Article III

None of the provisions of this Agreement affects the juridical regime of the waters and that of the airspace above the continental shelf.

Article IV

1. The Contracting Parties shall take all possible measures in order that exploration in the respective zones of the continental shelf, as well as the exploitation of the natural resources of the latter, does not impair the ecological equilibrium of the sea or does not hinder in an unjustified manner other legal uses of the sea.

2. In case that in its territory, or in its continental shelf, there occurs a disquieting situation that brings about negative consequences for the environment in the continental shelf of the other party, each of the Contracting

Parties commits itself to give immediately to the other Party the necessary notification, and the latter, on its part, has the right to receive this notification, which shall be considered secret if so requested by the Party which gives the data.

3. The Contracting Party whose continental shelf can be polluted by negative effects for the environment caused by verified operations or failure to act in the territory of the continental shelf of the other Party, after having received the notification mentioned in the previous paragraph or in the case when it has been given any notice, has the right to invest at any time in the setting up of an investigation commission, to clarify and define the basic elements of the situation, in order to prevent the emergence of any dispute between the two Contracting Parties.

Article V

1. The Contracting Parties shall try to resolve in diplomatic way, in the shortest possible time, any dispute which may arise concerning the interpretation and the application of this Agreement.
2. In case of disputes which are related to the location of installations or equipment in relation to the division line determined according to article 1 of this Agreement, the respective competent authorities of both Contracting Parties shall verify in good understanding in which zone of the continental shelf such installations or equipment are installed.
3. If a dispute is not resolved within a period of four months from the date on which one of the Contracting Parties has notified the other Party about its own suggestions on the start of operations foreseen by paragraph 1 of this article, each of the Contracting parties may take the dispute to the International Court of Justice, if at least within this period of time the Parties have not decided by agreement to take the dispute to any other international institution.

Article VI

1. This Agreement shall be ratified in accordance with the constitutional norms of the Contracting Parties. The ratification instruments will be exchanged in Rome as soon as possible.
2. This Agreement enters into effect on the day following the exchange of instruments of ratification.

DONE at Tirana on 18 December 1992 in two original copies in the Albanian and Italian languages, both texts being equally authentic.

(d) Treaty between the German Democratic Republic and Denmark on the
Delimitation of the Continental Shelf and the Fishery Zones,
14 September 1988

The German Democratic Republic and the Kingdom of Denmark, determined to fix the boundary line of the continental shelf between the two States,

Desirous of fixing simultaneously the boundary line between the fishing zones of the two States,

Intending to develop their bilateral relations and their cooperation in accordance with the principles of the Final Act of the Conference on Security and Cooperation in Europe,

Have agreed as follows:

Article 1

The boundary line between the continental shelf sections and the fishery zones where the German Democratic Republic and the Kingdom of Denmark exercise sovereign rights with regard to the exploration and exploitation of the natural resources follows straight lines (geodetic lines) connecting the following points in the order given below:

<u>Point</u>	<u>Latitude north</u>	<u>Latitude east</u>
1.	54°21'53"4	11°40'14"7
2.	54°22'00"5	11°56'25"6
3.	54°24'39"9	12°06'43"5
4.	54°41'15"9	12°26'35"7
5.	54°45'49"7	12°44'59"9
6.	54°50'01"7	12°56'02"4
7.	55°00'30"2	13°08'53"1
8.	54°57'44"8	13°59'34"2
9.	54°48'45"0	14°10'22"0
10.	54°48'45"0	14°24'51"0
11.	54°39'30"0	14°24'51"0
12.	54°32'10"4	14°38'12"2

The coordinates of the points of the boundary line are given in geographical altitudes and longitudes under the European Datum Coordinate System, first Revision 1950 (E.D. 50).

The boundary line is shown in the chart which is attached to the present Treaty and which forms an integral part thereof.

Article 2

The Contracting Parties intend to contract, with the States concerned, the definitive coordinates of those points of the boundary line between the continental shelf sections and the fishery zones of the German Democratic Republic and the Kingdom of Denmark described in article 1, which intersect the boundary lines between the continental shelf sections and the fishery zones of other States.

Article 3

If natural resources are found to be located on the ocean floor or the subsoil thereof on both sides of the boundary line between the continental shelf sections of the German Democratic Republic and the Kingdom of Denmark, or if such resources are located on the continental shelf section of one of the States and can be extracted entirely or in part from the continental shelf section of the other State, the two Contracting Parties shall, prior to the start of the exploitation and at the request of one of the Contracting Parties, enter into negotiations with a view to agreeing on the conditions to govern the exploitation of these natural resources.

Article 4

The provisions of the present Treaty shall not affect the legal status of the waters superjacent to the continental shelf or that of the airspace above these waters.

Article 5

In accordance with Article 102 of the Charter of the United Nations, the present Treaty shall be registered with the Secretariat of the United Nations.

Article 6

The present Treaty is subject to ratification. The exchange of the instruments of ratification shall take place at Copenhagen. The present Treaty shall enter into force on the date of the exchange of the instruments of ratification.

DONE at Berlin on 14 September 1988 in two originals in the German and Danish languages, both texts being equally authentic.

(e) Agreement between the Government of the Union of 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

The Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea, hereinafter referred to as "the Contracting Parties" or "the Parties",

Having regard to the relations of friendship and cooperation existing between the two countries,

On the basis of mutual respect for State sovereignty, independence and autonomy, equality of rights and territorial integrity,

With a view to determining the legal bases for the maintenance of the regime of the Soviet-Korean State frontier and the settlement of any frontier questions that may arise,

Have agreed as follows:

SECTION I

Line of the State frontier, frontier marks and reference marks

Article 1

1. The State frontier between the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea, in accordance with the Agreement between the USSR and the Democratic People's Republic of Korea concerning the Soviet-Korean State frontier line, signed on 17 April 1985, shall begin at the junction of the frontiers of the USSR, the Democratic People's Republic of Korea and the People's Republic of China (point "A"), situated in the middle of the River Tumannaya (Tumen), and runs along the middle of its main channel to a point in the mouth of that river whose geographical coordinates are:

B = 42° 17'34.34" north latitude, L = 130° 41' 49.16" east longitude

From that point the frontier between Soviet and Korean territorial waters in the Sea of Japan (East Korean Sea) shall run in a straight line to the point of its intersection with the line of the outer limit of Soviet and Korean territorial waters, whose geographical coordinates are:

B = 42° 09' north latitude, L = 130° 53' east longitude.

The State frontier between the USSR and the Democratic People's Republic of Korea on the railway bridge known as Friendship Bridge shall coincide vertically with the frontier established along the middle of the main channel of the River Tumannaya (Tumen), and shall run through a point at a distance of 89.1 metres from the beginning of the reinforced concrete span of the bridge on the Soviet side and at a distance of 491.5 metres from the beginning of the metal span of the bridge on the Korean side.

The line of the State frontier between the USSR and the Democratic People's Republic of Korea shall also divide vertically the airspace and the subsoil.

The line of the State frontier in this Agreement shall hereinafter be referred to as "the frontier" or the "the frontier line".

2. A detailed description of the course of the State frontier line is set forth in the documents demarcating the Soviet-Korean State frontier from 1986 to 1989.

The demarcation documents are:

The Protocol between the Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea concerning the demarcation of the Soviet-Korean State frontier, hereinafter referred to as "the Demarcation Protocol";

The 1:25,000 scale map of the State frontier between the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea along the frontier River Tumannaya (Tumen).

The 1:100,000 scale map of the boundary between the territorial waters of the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea;

The 1:10,000 scale plan of the mouth of the River Tumannaya (Tumen);

The protocols concerning frontier and reference marks with plans and sketches, and the other documents referred to in the annexes to the Demarcation Protocol.

Article 2

1. The State frontier between the USSR and the Democratic People's Republic of Korea shall be designated on the spot by 22 frontier marks and 2 reference marks, placed on both banks of the River Tumannaya (Tumen), and on the railway bridge known as Friendship Bridge by a solid red strip 15 centimetres wide. At the intersection of the longitudinal axis of the bridge with this strip, a red cross, 3 centimetres in diameter against the background of a white circle 10 centimetres in diameter, shall be placed.

2. Each frontier mark shall consist of two reinforced concrete posts belonging to the USSR and the Democratic People's Republic of Korea respectively, bearing a single serial number, and the State emblem shall be of the prescribed colour.

The frontier marks shall be numbered downstream from 1 to 22.

On the frontier posts placed in Soviet territory, the State emblem of the USSR shall be affixed on the side facing the Democratic People's Republic of Korea. On the border posts placed in Korean territory, the State emblem of the Democratic People's Republic of Korea shall be affixed on the side facing the USSR.

The posts of the frontier marks placed in the territory of the USSR shall be painted with alternate red and green horizontal stripes.

The posts of the frontier marks placed in the territory of the Democratic People's Republic of Korea shall be painted with blue, white, red, white and blue horizontal stripes.

Protocols and plans and sketches of the frontier marks shall be drawn up.

3. The reference marks shall be made of metal, and shall be equipped with shields for daytime visibility and with an optical lighting device for night-time visibility with fixed sectors of illumination. The shields shall be painted with orange fluorescent paint and shall have a white vertical stripe in the middle.

The front reference marks shall be placed in the territory of the USSR, and the rear reference marks in the territory of the Democratic People's Republic of Korea.

Bronze panels shall be affixed on the front side of the reference marks. The bronze panel of the front reference mark shall bear a representation of the State emblem of the USSR and an appropriate text in Russian, and the bronze panel on the rear reference mark shall bear a representation of the State emblem of the Democratic People's Republic of Korea and an appropriate text in Korean.

A red light on the front reference mark shall warn vessels coming from the Korean side, and a green light shall warn vessels coming from the Soviet side that they are approaching the frontier between the territorial waters of the USSR and those of the Democratic People's Republic of Korea.

A protocol and a plan and sketch of each reference mark shall be drawn up.

4. The location of each frontier post of the front and rear reference marks and of the red stripe on Friendship Bridge marking the frontier line shall be determined by the Demarcation Protocol.
5. On the river section of the State frontier along the River Tumannaya (Tumen), the number of islands and the State to which they belong have been determined by the Demarcation Protocol as follows: one island belongs to the USSR, and 16 islands belong to the Democratic People's Republic of Korea.

Article 3

1. In the event of any natural change which may occur in the main channel of the River Tumannaya (Tumen) in individual sections thereof, the frontier line shall remain unchanged until the Parties agree otherwise.
2. The Contracting Parties have agreed that joint checks of the State frontier line between the USSR and the Democratic People's Republic of Korea shall be carried out every 10 years, starting on the date of the entry into force of this Agreement. If the need arises, joint checks shall be carried out at shorter intervals along the entire length of the frontier or on individual sections thereof by agreement between the Parties.

For these purposes, the Contracting Parties shall establish a Joint Commission on a basis of equal footing.

3. In the event that changes are noted in the middle line of the main channel of the River Tumannaya (Tumen) or of individual sections thereof, the Joint Commission shall prepare proposals for adjustments to the frontier line.
4. For those sections of the River Tumannaya (Tumen) in respect of which the Contracting Parties deem it necessary to make changes in the frontier line, the Joint Commission shall draw up new demarcation documents.
5. The Joint Commission shall verify the course of the frontier line on the basis of the demarcation documents referred to in article 1, paragraph 2, of this Agreement. If necessary, the Joint Commission shall make proposals regarding changes in the course of the frontier line, resolve questions relating to the placement of additional frontier marks or changes in position of existing frontier marks and prepare the relevant documents.
6. The time and method of joint checks of the course of the frontier line shall be agreed in advance between the Parties.

SECTION II

Maintenance, care and restoration of frontier and reference marks

Article 4

1. The Contracting Parties undertake to maintain the frontier and reference marks placed to designate the frontier, the painted strip on Friendship Bridge and the frontier clearings that the situation, type, shape, dimensions and colour of the marks and the width and cleanness of the clearings meet all the requirements set forth in the frontier demarcation documents referred to in article 1, paragraph 2, of this Agreement.

2. The maintenance of the frontier and reference marks placed to designate the frontier line shall be shared by the Parties as follows:

The front reference mark and the frontier posts which are in the territory of the USSR shall be maintained by the Soviet side;

The rear reference mark and those frontier posts which are in the territory of the Democratic People's Republic of Korea shall be maintained by the Korean side.

3. The 15-centimetre-wide stripe marking the frontier line on the railway bridge known as Friendship Bridge shall be painted during the course of the year alternately by each Party as required.

4. In order to ensure the visibility of frontier and reference marks, the Contracting Parties have agreed that an area with a radius of 2.5 metres around the frontier posts and an area with a radius of 20 metres around the reference marks, as well as frontier clearings extending 5 metres from each frontier post and reference mark to the bank of the river in the direction of the post of that frontier mark or the reference mark of the other Party shall be cleared of trees, bushes and other tall vegetation. The frontier authorities of the Contracting Parties shall be responsible for cleaning the frontier clearings independently.

Article 5

1. The frontier authorities of the Contracting Parties shall be responsible for monitoring and maintaining frontier and reference marks, the painted stripe on Friendship Bridge and the frontier clearings independently in their own territory.

Once every two years the frontier authorities of the Parties shall carry out joint surveys of the frontier and reference marks, and the painted stripe on Friendship Bridge and the frontier clearings. The Frontier Commissioners of the Parties shall agree each time on when to begin the joint survey.

2. The Frontier Commissioners of the Parties shall draw up a report in two copies, each in the Russian and Korean languages, on the results of the joint survey.

3. If it becomes necessary to make an additional joint survey of the frontier and reference marks or of the frontier clearings, the Frontier Commissioner of one Party shall inform the Frontier Commissioner of the other Party in writing to that effect. The additional joint survey shall take place no later than 10 days following the date of receipt of such notification.

Article 6

1. If frontier posts and reference marks are lost, destroyed or damaged, they shall be restored as soon as possible by the frontier authorities of the Party to which they have been assigned in accordance with article 4 of this Agreement. The frontier authorities of one Contracting Party shall notify the frontier authorities of the other Contracting Party in writing when the work is to begin, such notification to be given not later than 10 days before the work is to begin.
2. The restoration of frontier posts, reference marks and the painted stripe on Friendship Bridge shall be carried out in accordance with the demarcation documents. The results of the restoration work shall be checked on the spot by competent specialists, using the control measurements with the participation of representatives of the frontier authorities of the Parties.
3. If frontier marks or individual frontier posts are lost, damaged or destroyed, they may, if necessary, be moved from their previous locations, provided that the course of the frontier line remains unchanged, and they may be re-erected in places where their safety is assured. Any such changes in the location of frontier marks shall be made by agreement between the Frontier Commissioners of the two Parties.
4. The frontier authorities of the Contracting Parties shall draw up reports in two copies, each in the Russian and Korean languages, on any restoration work on frontier and reference marks.

For each frontier mark or individual post of a frontier mark moved to a new location, a new protocol shall be drawn up for the mark, as well as a plan and sketch of its location; these shall be drawn up in two copies in accordance with the Demarcation Protocol and shall be annexed thereto.

5. Work to repair damaged frontier posts and reference marks shall be carried out independently by each Party without the participation of representatives of the frontier authorities of the other Party.
6. The Contracting Parties shall take steps to protect the railway bridge known as Friendship Bridge and the frontier and reference marks and shall prosecute persons found guilty of moving, damaging or destroying them.

SECTION III

Regulations governing the crossing of the State frontier

Article 7

1. Nationals of one Contracting Party may enter, depart from, pass through in transit and temporarily stay in the territory of the other Contracting Party by virtue of valid travel documents issued by the competent organs of the State of which they are nationals under the conditions laid down in the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea on the travel of their nationals between the two States of 22 January 1986 and the additional agreed documents annexed thereto.
2. Railway service personnel of the Parties shall be permitted to cross the State frontier and stay within the confines of the frontier railway station or the designated staging area between the frontier stations on the basis of the Frontier Railway Agreement between the Ministry of Communications of the USSR and the Ministry of Communications of the Democratic People's Republic of Korea, concluded on 18 December 1953, and the additional agreed documents annexed thereto.

Article 8

1. Nationals and means of transport of the Contracting Parties may cross the frontier only at crossing points opened by the Parties for international and bilateral traffic and when in possession of the requisite documents.
2. The Contracting Parties shall have the right, for health or other reasons, temporarily to impose a full or partial ban on the crossing of the State frontier by nationals and means of transport of both Parties. The Parties shall immediately inform each other when restrictions on frontier crossings are imposed.

Article 9

In the event of a fire or other natural disaster near the frontier, fire-fighting teams or other rescue groups may cross the frontier at any time of the day or night by virtue of lists certified by the Frontier Commissioners or deputy Frontier Commissioners of the Parties, or of identity documents. The place and specific time of crossings by such groups in both directions shall be agreed upon between the Frontier Commissioners of the Contracting Parties.

Article 10

The Parties have agreed that simplified regulations for State frontier crossings by nationals living in localities in the frontier zone will be determined in a separate agreement between the Contracting Parties.

Article 11

Regulations governing rail communications and the use of other means of communication crossing the frontier, shall be established in separate agreements between the Contracting Parties.

Article 12

Persons crossing the frontier from the territory of one Party at an established crossing point who are not in possession of the requisite documents affording them the right to enter the territory of the other Party shall be returned to the territory from which they have crossed.

SECTION IV

Prevention of the illegal crossing of the State frontier

Article 13

The following are guilty of violations of the State frontier between the USSR and the Democratic People's Republic of Korea:

Persons crossing or trying to cross the State frontier by any method other than at the frontier crossing points, or at frontier crossing points but in violation of the regulations for crossing, as well as persons boarding or trying to board vehicles used on routes crossing the frontier with a view to illegal departure across the frontier;

Civilian vessels and naval vessels entering the territorial or internal waters without the permission of the competent organs of the Parties or in violation of the established regulations for entry into those waters;

Aircraft and other air vehicles crossing the State frontier without the requisite authorization of the competent organs of the Parties or committing other violations of the regulations governing overflight of State frontiers;

Crossing the State frontier by any other technical or other means without the authorization of the competent organs of the Parties or in violation of the established regulations also constitutes a violation of the State frontier.

Article 14

1. With a view to protecting the common State interests of both countries, the frontier authorities of the Contracting Parties shall take the necessary steps to prevent the illegal crossing of the frontier and shall inform the Frontier Commissioner of the other Party accordingly. In the event that those guilty of violations cross from the territory of one Party to the territory of the other Party, the Frontier Commissioner of the first Party shall inform the Frontier Commissioner of the other Party accordingly. The latter shall take steps to ensure the timely handing over of the offenders to the territory of the Party from which they crossed.

2. If a Party detaining a person who has illegally crossed the frontier finds it necessary to carry out further investigations, it may detain that person for the time required to carry out such investigations, after informing the Frontier Commissioner of the other Party of the detention.

3. Such persons shall be handed over in daytime only by the Frontier Commissioners or their deputies. The Frontier Commissioners or their deputies shall agree in each case on the time for handing over such persons. By mutual agreement, they shall establish forms to be filled out when such persons are handed over.

4. Persons who have unintentionally made an illegal frontier crossing, on foot or in a vehicle, and the vehicles and property belonging to such persons held in the territory of one of the Contracting Parties shall be handed over as soon as possible to the frontier authorities of the other Party.

Neither of the Parties has the right to refuse to accept the return of such persons, vehicles and property.

5. Persons who have illegally crossed the border need not be handed over to the other Party if:

They are nationals of the Party which has detained them;

In addition to having crossed the State frontier illegally, they have another offence under the laws of the Party which has detained them.

6. If persons who have illegally crossed the frontier are not handed over for the reasons specified in paragraph 5, or cannot be handed over forthwith for any other reason, the Frontier Commissioner of the other Party shall be notified.

7. Persons who have illegally crossed the State frontier and committed other offences shall be handed over to the frontier authorities of the Party of which they are nationals after serving their sentence.

SECTION V

Regulations governing the use of frontier waters and economic activities on the State frontier

Article 15

For the purposes of this Agreement, the term "frontier waters" means the section of the River Tumannaya (Tumen) along which the line of the State frontier between the USSR and the Democratic People's Republic of Korea runs. On the frontier River Tumannaya (Tumen), the Contracting Parties shall have equal rights to the use of the waters for economic and household purposes. The Contracting Parties shall take appropriate measures to ensure that, in the use of the frontier waters, the rights to the use of those waters set out in this Agreement are observed and respected.

Article 16

The frontier authorities of the Contracting Parties shall, if necessary, on a reciprocal basis and in good time, exchange information on the water level and ice condition of the river, if such information can serve the purpose of averting the dangers posed by flooding or drifting ice.

Article 17

Vessels of both Contracting Parties may navigate in frontier waters only up to the State frontier line, and shall not be permitted to anchor on the State frontier line, or to tie up to the piers of the railway bridge known as Friendship Bridge, except when there are exceptional circumstances (accidents).

Article 18

Vessels of the Contracting Parties may tie up to the other Party's river bank in the event of exceptional circumstances (accidents, natural disasters, etc.). In such cases the Frontier Commissioner of the other Party shall be notified as soon as possible.

Article 19

The frontier authorities of the Contracting Parties shall provide all possible assistance and aid to nationals of both countries in the event of natural phenomena (flooding, drifting ice, etc.). Such measures shall be carried out by agreement between the frontier authorities of the Parties.

Article 20

If unidentified objects or animal carcasses are discovered in frontier waters or on the banks of the river, the frontier authorities of the Parties shall take measures to establish the ownership thereof. Property belonging to the other Party shall, as a rule, be handed over during daylight hours in accordance with the prescribed forms and with the prior agreement of the Frontier Commissioners.

Article 21

1. If human corpses are discovered in frontier waters or on the banks of the river, the identity thereof shall, if necessary, be established jointly by representatives of the frontier authorities of both Parties. The Frontier

Commissioners or their deputies may, after agreeing together in advance, carry out the necessary investigations in situ to resolve such cases. The Frontier Commissioner of the Party in whose territory the corpse was found shall direct such investigations.

2. Appropriate reports shall be drawn up concerning the results of such investigations.
3. Joint investigations in situ shall not be regarded as actions falling within the competence of the judicial or administrative authorities of either Party.

Article 22

1. Nationals of the Contracting Party may fish in its waters only up to the State frontier line and in accordance with regulations in force in their territory. The use of explosive, poisonous or narcotic substances, and of other methods involving the large-scale destruction of fish and damage to fish stocks is prohibited.
2. Questions relating to the preservation and breeding of fish in frontier waters and other measures concerning fishing shall be regulated by separate agreements between the Contracting Parties.

Article 23

The frontier authorities of the Contracting Parties shall ensure that the regulations relating to the hunting of wild animals and birds in their territory are strictly observed near the frontier line and that, while hunting is being carried on, shooting in the direction of the frontier or the pursuit of animals and birds across the frontier are prohibited.

Article 24

1. In areas adjacent to the frontier line, the Contracting Parties shall so conduct their industrial and agricultural operations, forestry and mining as not to harm the economic interests of the other Contracting Party.
2. The economic activities of one Contracting Party must not have a harmful effect on the other Party's environment.
3. If there is a danger of the spread of forest and agricultural pests, the frontier authorities of the Contracting Party in whose territory such pests have appeared shall immediately inform the frontier authorities of the other Contracting Party and shall take all measures within their power to prevent the spread of the pests across the frontier. The frontier authorities of the other Contracting Party shall offer all possible assistance in the implementation of such measures.

Article 25

Blasting or other operations near the frontier in connection with the shifting of rocks and soil may be carried out only after prior notification to the frontier authorities of the other Party, not less than two days in advance. During such operations, precautionary measures must be taken to prevent injury or damage to nationals and property of the other Party.

Article 26

1. The condition and direction of the main channel of the frontier River Tumannaya (Tumen) shall, as far as possible, be kept unchanged. In this connection, neither Contracting Party may change the natural flow of the water in the main channel and in places submerged at high water, to the detriment of the other Party, by building hydroelectric or other installations which may affect the hydraulics of the current.
2. Dykes and other installations in the frontier waters may be maintained and operated, with the exception of those which have the negative effect of changing the water regime and the removal of which is deemed necessary by the Contracting Parties.
3. The construction on the frontier River Tumannaya (Tumen) of new bridges, dams, dykes and other hydroelectric installations and their use in each individual case shall be permitted only by mutual agreement between the Contracting Parties.
4. The Parties shall agree on the regulations governing drainage into and out of the frontier river, and all other questions relating to the regime of the frontier waters. If it is necessary re-equip or remove installations and this involves changes in the water level by the river bank of the other Party, the work may be begun only after that Party has given its consent.
5. Individual sections of the channel of the river shall be cleared where the Parties jointly deem it necessary. When the channel of the river is being cleared, the soil dredged must be dumped at specifically designated spots, and care must be taken to ensure that there is no caving in of the banks of contamination of the channel of the river and no obstruction to the flow of the water at high water.
6. The Parties shall take the necessary measures to prevent wilful damage to the banks of the frontier river, pollution of its channel during the repair and technical servicing of the railway bridge, and the poisoning of the river water by chemical substances or pollution with untreated sewage, as well as contamination by any other means.
7. In the even that, through the fault of one of the Contracting Parties, material loss is caused to the other Contracting Party as a result of a failure to comply with the provisions of articles 23, 24, 25 and 26 of this Agreement, compensation for that loss shall be paid by the Party which caused it.

Article 27

The Contracting Parties shall, when necessary, conclude separate agreements on questions relating to the preservation of forests, waters and other natural resources in the frontier area and their economic exploration and to the control of forest and agricultural pests.

Article 28

Questions relating to the frontier regime between the territorial waters of the USSR and the Democratic People's Republic of Korea shall be regulated by the provisions of this Agreement, and by the relevant legislation of the Contracting Parties.

SECTION VI

Rights and obligations of Frontier Commissioners and regulations governing their work

Article 29

The frontier authorities referred to in this Agreement shall be the Frontier Commissioners of the Union of Soviet Socialist Republics and of the Democratic People's Republic of Korea and their deputies.

Article 30

1. The Government of the USSR and the Government of the Democratic People's Republic of Korea, for the purpose of resolving questions relating to the maintenance of the State frontier regime and any frontier questions which may arise, shall appoint one Frontier Commissioner and two deputy Frontier Commissioners. Each Contracting Party shall communicate the names of the Frontier Commissioners and their deputies to the other Party through the diplomatic channel. A deputy shall enjoy the same rights as a Frontier Commissioner when acting in the capacity of representative of his Party.
2. The Frontier Commissioners of the Parties shall have the right to appoint one assistant each, as well as the necessary number of secretaries and interpreters, and when necessary, to call in competent experts.
3. The assistants to the Frontier Commissioners shall carry out the specific instructions of the Frontier Commissioners relating to the maintenance of order on the frontier.

Article 31

1. The sectors in charge of the Frontier Commissioners of the Parties shall be the sector of the State frontier from the junction of the frontiers of the USSR, the Democratic People's Republic of Korea and the People's Republic of China (point A) on the River Tumannaya (Tumen) to a point in the Sea of Japan (East Korean Sea) whose geographical coordinates are 42°09' north latitude and 130°53' east longitude.
2. The permanent place of residence of the Frontier Commissioner of the USSR shall be in the village of Posyet, and that of the Frontier Commissioner of the Democratic People's Republic of Korea shall be in the town of Najin.

Article 32

1. Written credentials, in the Russian and Korean languages, shall be issued:

To the Frontier Commissioner of the USSR and his deputies, by the officer commanding the frontier forces of the USSR;

To the Frontier Commissioner of the Democratic People's Republic of Korea and his deputies, by the Head of the Central Command of the frontier forces of the Democratic People's Republic of Korea;

To assistants, by the Frontier Commissioners of the Parties.

2. The Frontier Commissioners of the Parties shall communicate to each other the permanent place of residence of their deputies and assistants.

Article 33

1. Within the limits of the rights and obligations established in this Agreement, the Frontier Commissioners of the Parties shall take measures to ensure the proper maintenance and upkeep of the State frontier and compliance with the regulations governing passage across it, to prevent the illegal crossings of the frontier, and to ensure compliance with regulations governing the use of frontier waters and economic activities on the State frontier.

2. With a view to the prompt and optimal settlement of frontier questions, Frontier Commissioners of the Parties shall be obliged to carry out investigations and take steps in the following cases:

Firing across the frontier;

The killing or wounding of nationals, and the infliction of bodily harm or other injury to their health as a result of actions across the frontier, and violent actions against persons in the territory of the other Party;

The illegal crossing of the frontier by individuals;

The violation of the frontier by river or maritime vessels, boats and rafts, and the crossing of the frontier by aircraft outside the air corridors for overflight established by special agreements;

The movement of cattle and other domestic animals across the frontier;

The moving, damaging, destruction and loss of frontier marks or of individual frontier posts marking the frontier line;

The spread of natural disasters across the frontier to the territory of the other Party;

Illegal forms of communication across the frontier;

The movement of contraband goods across the frontier;

The theft, destruction or damaging of State and other property in the frontier zone of the other Party;

The large-scale movement of agricultural pests across the frontier;

Other violations on the frontier.

3. The Frontier Commissioners of the Parties shall formulate measures to ensure compliance with the frontier regime by the inhabitants of localities in the frontier zone for the joint control of smuggling and the proper maintenance of frontier and reference marks and frontier clearings, and to provide warnings of the consequences of flooding or drifting ice on the frontier river.

4. The Frontier Commissioners of the Parties shall exchange information regarding violations of the State frontier and matters relating to the passage of people and vehicles across the frontier and timely warnings to avert the consequences of flooding and drifting ice.

5. The Frontier Commissioners of the Parties shall consider and take action on all questions referred to in the relevant articles of this Agreement which relate to claims for compensation in respect of damage caused to either of the Parties as a result of the violation of the frontier regime by nationals, organizations or authorities of the other Party.

Decisions relating to compensation for damages shall be subject to approval by the competent organs of the Parties.

Article 34

1. The Frontier Commissioners of the Parties may, on their own initiative, refer matters relating to serious incidents at the frontier (homicide or the infliction of serious bodily harm) and other particularly serious cases for settlement through the diplomatic channel, after notifying the Frontier Commissioners of the other Party.

In such cases the Frontier Commissioners of both Parties shall jointly make the necessary inquiries and record the results in a report.

2. Matters which have not been settled between the Frontier Commissioners of the Parties shall be referred for settlement through the diplomatic channel.

Nothing in this article shall preclude reference back to the Frontier Commissioners of matters discussed through the diplomatic channel.

Article 35

1. Formal meetings of the Frontier Commissioners shall be held alternately in the territory of the two Parties. For each meeting, minutes shall be drawn up briefly indicating the proceedings of the meeting, the decisions taken and the time-limits for their implementation.

The minutes of the meetings shall be drawn up in two copies, each in the Russian and Korean languages, and shall bear the signatures of the Frontier Commissioners and their official seals.

2. Individual matters may be settled by direct correspondence between the Frontier Commissioners or through other means of communication, unless either Frontier Commissioner insists that such matters be dealt with at a formal meeting.

3. The first formal meeting of the Frontier Commissioners shall take place not later than three months following the date of the entry into force of this Agreement.

Article 36

1. Formal or informal meetings of the Frontier Commissioners and their deputies shall take place at the request of one of them and if possible at the time mentioned in the request. The reply to the request shall be given not later than two days after its receipt. If the date proposed for the meeting is unacceptable, another date shall be proposed in the reply.

2. If the Frontier Commissioner of one Party requests a formal or informal meeting, the Frontier Commissioner of the other Party must attend in person, unless he is absent for a valid reason (illness, official travel or leave). In such a case the Frontier Commissioner shall be replaced by his deputy, and the Frontier Commissioner of the other Party shall be so notified in good time.

3. By agreement between the Frontier Commissioners, informal meetings may take place between their assistants.

Article 37

1. The formal and informal meetings referred to in article 36 of this Agreement shall be held in the territory of the Party on whose initiative the meeting has been convened.
2. Formal or informal meetings shall be presided over by the Frontier Commissioner of the Party in whose territory they are held, or by his deputy.
3. The agenda of a formal meeting may be agreed upon through negotiations, an exchange of letters or other means. In exceptional circumstances, items not on the agenda may be dealt with by mutual consent.

Article 38

The Frontier Commissioners of the Parties, their deputies and assistants shall inform each other as soon as possible of the measures taken with regard to matters on which decisions were previously adopted at formal or informal meetings.

Decisions taken by the Frontier Commissioners or their deputies on matters relating to the violation of the frontier regime shall enter into force at the time of the signing of the report on the matter concerned.

Decisions taken by assistants at informal meetings shall enter into force after they have been confirmed by the Frontier Commissioners.

Article 39

1. Frontier Commissioners and their deputies and assistants shall cross the frontier to perform their official functions, by virtue of the written credentials provided for in this Agreement (annexes 1 and 2¹).
2. Secretaries, interpreters and service personnel shall cross the frontier by virtue of passes issued by the Frontier Commissioner of their Party. The passes shall bear a photograph, the seal and the signature of the holder, as well as the seal and signature of the Frontier Commissioner of the other Party (annex 3).
3. Experts and other persons whose presence is required for the clarification of any matter may cross the frontier by virtue of a pass valid for a single frontier crossing in each direction. The pass shall be issued by the Frontier Commissioner of one Party, and shall be signed and sealed by the Frontier Commissioner of the other Party (annex 4).
4. The Frontier Commissioners of the Parties shall sign the documents indicated in paragraphs 2 and 3 of this article not later than three days after such documents have been submitted to them.
5. The persons referred to in this article shall cross the frontier only at the points established by the Frontier Commissioners. The frontier authorities of the other Party shall give notice in good time, at least 12 hours in advance, of the date and time of the crossing of the State frontier.

¹ Annexes not attached to this Agreement.

6. If a pass for crossing the frontier is lost, its holder must immediately inform the frontier authorities, who shall in turn inform the frontier authorities of the other Contracting Party.

The Frontier Commissioners of the two Parties shall keep each other informed of the cancellation of such pass for crossing the frontier.

From the time the Frontier Commissioner is notified, a lost pass shall be considered invalid. In the event that a lost pass is subsequently found, it shall be returned to the frontier authorities of the Party which issued it.

Article 40

The Contracting Parties shall defray all the costs incurred in the implementation of this Agreement in their territory. The costs related to the holding of formal and informal meetings shall be borne by the Party in whose territory they are convened.

Article 41

The following meeting-points shall be established for the exchange of correspondence and the reception and handing over of persons and property: in the territory of the USSR, the village of Khasan; and in the territory of the Democratic People's Republic of Korea, the workers' settlement of Tumangan.

The Frontier Commissioners or their deputies shall agree on the time and place for each such transfer.

Frontier Commissioners may, by mutual agreement, establish additional meeting-points on the frontier.

Correspondence shall be accepted at any time of the day or night, including holidays and other non-working days.

Article 42

1. The Frontier Commissioners and the other persons referred to in article 39 of this Agreement shall be guaranteed immunity for their persons and for official documents and property in their possession. They shall be entitled to wear a uniform when crossing the frontier.

2. Such persons may not take with them anything other than the means of transport and materials required for their work, which will be admitted on condition that they will subsequently be re-exported, as well as such food and tobacco as are needed for their personal consumption.

Such materials and food shall be taken across the frontier free of customs duties and other charges.

Article 43

Each Contracting Party shall grant to persons of the other Party who are in its territory in connection with the performance of obligations under this Agreement, any necessary assistance, in particular with regard to accommodation, transport and communications facilities.

SECTION VII

Final provisions

Article 44

Any questions which may arise regarding the interpretation or application of the provisions of this Agreement shall be settled through consultations in a spirit of friendship, mutual respect and understanding.

Article 45

This Agreement shall remain in force for a period of 10 years from the date of its entry into force. If neither of the Contracting Parties has announced its desire to terminate the Agreement six months before its expiry, it shall remain in force for successive periods of 10 years.

Article 46

With effect from the date of the entry into force of this Agreement, the Convention between the Government of the Union of Soviet Socialist Republics and the Government of the Democratic People's Republic of Korea on the regime for the settlement of frontier questions, of 14 October 1957, shall cease to have effect.

Article 47

This Agreement is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification.

The exchange of the instruments of ratification shall take place at Moscow as soon as possible.

DONE at Pyongyang on 3 September 1990 in duplicate in the Russian and Korean languages, both texts being equally authentic.

2. Regional treaties and other legal instruments

(a) Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, 11 February 1992

The Parties to this Convention:

Recognizing that anadromous stocks in the North Pacific Ocean originate primarily in the waters of Canada, Japan, the Russian Federation and the United States of America;

Recognizing that these stocks intermingle in certain areas of the North Pacific Ocean;

Recognizing that States in whose waters anadromous stocks originate have the primary interest in and responsibility for such stocks;

Recognizing that fisheries for anadromous stocks should be conducted only in waters within 200 nautical miles of the baselines from which the breadth of the territorial sea is measured;

Recognizing that States of origin of anadromous stocks make expenditures and forego economic development opportunities to establish favourable conditions to conserve and manage those stocks;

Emphasizing the importance of scientific research for the conservation of anadromous stocks in the North Pacific Ocean;

Desiring to promote the acquisition, analysis and dissemination of scientific information pertaining to anadromous stocks and ecologically related species in the North Pacific Ocean;

Desiring to coordinate efforts to conserve anadromous stocks in the North Pacific Ocean; and

Desiring to establish an effective mechanism of international cooperation to promote the conservation of anadromous stocks in the North Pacific Ocean;

Have agreed as follows:

ARTICLE I

The area to which this Convention applies, hereinafter referred to as the "Convention Area", shall be the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees north latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. It is understood that activities under this Convention, for scientific purposes, may extend farther southward in the North Pacific Ocean and its adjacent seas in areas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

ARTICLE II

For the purposes of this Convention:

1. "Anadromous fish" means the fish of anadromous species listed in part I of the annex which migrate into the Convention Area, and "anadromous stocks" means the stocks thereof;
2. "Fish" means fin fish, mollusks, crustaceans and all other forms of marine animal and plant life other than marine mammals and birds;

3. "Fishing" means:

(a) The catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(b) Any operation at sea in preparation for or in direct support of any activity described in subparagraph (a) above;

4. "Directed fishing" means fishing targeted at a particular species or stock of fish;

5. "Incidental taking" means catching, taking or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish;

6. "Ecologically related species" means living marine species which are associated with anadromous stocks found in the Convention Area, including but not restricted to both predators and prey of anadromous stocks;

7. "Original Parties" means those States listed in paragraph 1 of article XVII of this Convention, so long as such States are Parties to this Convention.

ARTICLE III

1. In the Convention Area:

(a) Directed fishing for anadromous fish shall be prohibited;

(b) Incidental taking of anadromous fish shall be minimized to the maximum extent practicable in accordance with part II of Annex;

(c) The retention on board a fishing vessel of anadromous fish taken as an incidental taking in a fishing activity directed at non-anadromous fish shall be prohibited and any such anadromous fish shall be returned immediately to the sea.

2. The provisions of paragraph 1 of this article shall not apply to fishing for scientific research purposes in accordance with article VII of this Convention.

3. The Parties shall take appropriate measures, individually and collectively, in accordance with international law and their respective domestic laws, to prevent trafficking in anadromous fish taken in violation of the prohibitions provided for in this Convention, and to penalize persons involved in such trafficking.

ARTICLE IV

1. The Parties agree to invite the attention of any State or entity not party to this Convention to any matter relating to the fishing activities of its nationals, residents or vessels which could affect adversely the conservation of anadromous stocks within the Convention Area.

2. The Parties agree to encourage any State or entity not party to this Convention to adopt laws and regulations consistent with the provisions of this Convention in regard to fishing operations conducted by its nationals, residents or vessels and to cooperate in the attainment of the objectives of this Convention.

3. Each Party shall take appropriate measures aimed at preventing vessels registered under its laws and regulations from transferring their registration for the purpose of avoiding compliance with the provisions of this Convention.

4. The Parties shall cooperate in taking action, consistent with international law and their respective domestic laws, for the prevention by any State or entity not party to this Convention of any directed fishing for, and the minimization by such State or entity of any incidental taking of, anadromous fish by nationals, residents or vessels of such State or entity in the Convention Area.

ARTICLE V

1. Each Party shall take all necessary measures to ensure that its nationals and fishing vessels flying its flag comply with the provisions of this Convention.

2. Any Party may enforce the provisions of this Convention within the Convention Area in accordance with the following:

- (a) The duly authorized officials of any Party may board vessels of the other Parties which can be reasonably believed to be engaged in directed fishing for or incidental taking of anadromous fish to inspect equipment, logs, documents, catch and other articles and question the persons on board for the purpose of carrying out the provisions of this Convention.

Such inspections and questioning shall be made so that the vessels suffer the minimum interference and inconvenience. Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

- (b) When any such person or vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel and further investigate the circumstances if necessary. The Party to which the official belongs shall notify promptly the Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such person or vessel as promptly as practicable to the authorized officials of the Party to which such person or vessel belongs at a place to be agreed upon by both Parties. Provided, however, that when the Party which receives such notification cannot immediately accept delivery, the notifying Party may maintain such arrest or seizure within the Convention Area, or within any convenient port which has been previously identified by the notifying Party in a communication to the other Parties to this Convention and to which there has been no objection within sixty (60) days of receipt of the communication, until the authorized officials of the Party to which such person or vessel belongs accept delivery.
- (c) When the Party which receives such notification accepts delivery, the authorized officials of that Party shall conduct the investigations necessary to obtain the evidence needed for appropriate actions, including but not limited to trial, with respect to the offence. They shall also take, for the remainder of the relevant fishing season, immediate action as necessary to ensure that the person or vessel concerned is prevented from conducting further operations in violation of the provisions of this Convention. The action taken may include the placement of an enforcement official on board the vessel, restriction of the area in which the vessel is permitted to operate, or exclusion of the vessel from the Convention Area.

(d) Only the authorities of the Party to which the above-mentioned person or vessel belongs may try the offence and impose penalties therefor. The witnesses and evidence necessary for establishing the offence, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Party having jurisdiction to try the offence and shall be taken into account, and utilized as appropriate by the executive authority of that Party having jurisdiction to try the offence. Penalties provided for in the relevant laws and regulations of the Parties to this Convention shall be commensurate with the serious nature of the infractions, taking into account the proposals made by the Commission pursuant to paragraph 3 of article IX.

3. The parties shall take appropriate measures to ensure that their fishing vessels allow and assist boarding and inspections of such vessels carried out in accordance with the provisions of paragraph 2 of this article by the duly authorized officials of any party, and cooperate in such enforcement action as may be undertaken.

ARTICLE VI

1. The Parties shall cooperate in the exchange of information on any activities contrary to the provisions of this Convention.

2. The Parties shall cooperate in the exchange of information on enforcement action regarding anadromous fish taken contrary to the provisions of this Convention, and on the disposition of cases.

3. The Parties shall cooperate to exchange information regarding any directed fishing for and any incidental taking of anadromous fish in the Convention Area by nationals, residents and vessels of any State or entity not party to this Convention.

ARTICLE VII

1. The Parties shall cooperate in the conduct of scientific research in the North Pacific Ocean and its adjacent seas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, for the purpose of the conservation of anadromous stocks including, as appropriate, scientific research on other ecologically related species.

2. With respect to fisheries and scientific research in the Convention Area, the Parties shall cooperate, as appropriate, in collecting, reporting and exchanging biostatistical information, fisheries data, including catch and fishing effort statistics, biological samples and other relevant data pertinent to the purposes of this Convention.

3. Notwithstanding the provisions of article I, the Parties shall provide the Commission, upon its request, catch information, enhancement information, materials such as biological samples and other technical data or information related to anadromous stocks and ecologically related species, pertaining to areas adjacent to the Convention Area from which anadromous stocks migrate into the Convention Area.

4. The Parties shall develop appropriate cooperation programmes, including scientific observer programmes, to collect fishing information in the Convention Area for the purpose of scientific research on anadromous stocks and, as appropriate, ecologically related species.

5. The Parties shall endeavour to cooperate in scientific exchanges such as seminars, workshops and, as appropriate, exchanges of scientific personnel necessary to achieve the objectives of this Convention.

6. The Parties shall submit to the Commission scientific research programmes to be conducted by their nationals or vessels involving directed fishing for, or incidental takes of significant levels of, anadromous fish in the Convention Area sufficiently in advance of the conduct of such research to allow appropriate scientific review by all Parties. If all Parties that are States of origin, except for the requesting Party, notify the

Commission within thirty (30) days of their receipt of the programme from the Commission that they regard the fishing involved in such programme to be a violation of paragraph 1 (a) or (b) of article III, the programme shall not be implemented pending a decision by the Commission.

7. The Parties agree that the taking of anadromous fish for scientific research purposes must be consistent with the needs of a scientific programme and with the provisions of this Convention. The catches of anadromous fish taken in conjunction with any scientific research in the Convention Area should be reported to the Commission within nine months.

ARTICLE VIII

1. There is hereby established an international organization that shall be known as the North Pacific Anadromous Fish Commission, hereinafter referred to as the "Commission."

2. The objective of the Commission is to promote the conservation of anadromous stocks in the Convention Area.

3. The Commission may consider matters related to the conservation of ecologically related species in the Convention Area.

4. The Commission shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

5. The headquarters of the Commission shall be located at Vancouver, Canada, or at such other location as may be decided by the Commission.

6. The official languages of the Commission shall be English, Japanese and Russian.

7. Each Party shall be a member of the Commission and may appoint to the Commission not more than three representatives who may be accompanied at the meetings of the Commission by experts and advisers.

8. The Commission shall establish such subordinate bodies as it deems necessary.

9. The Commission shall establish a Secretariat composed of an Executive Director and appropriate staff.

10. Each Party shall have one vote in the Commission.

(a) Decisions of the Commission on all important matters shall be taken by consensus among all Parties that are States of origin of anadromous stocks which migrate into the Convention Area.

(b) Decisions of the Commission on all other matters shall be taken by a simple majority of the votes of all Parties casting affirmative or negative votes.

(c) A matter shall be deemed to be important if any Party that is a State of origin of anadromous stocks which migrate into the Convention Area considers it to be important.

11. The Commission shall elect a President and a Vice-President, each of whom shall serve for a term of two years. They shall be eligible for re-election, provided that they shall not serve for more than four years in succession in each office. The President and the Vice-President shall not be representatives of the same Party.

12. The President of the Commission shall convene the regular annual meeting of the Commission at the headquarters of the Commission or at such other location as may be decided by the Commission.
13. The Commission shall meet at least once annually, the time and place to be determined by the Commission.
14. Any meeting of the Commission other than the regular annual meeting may be called by the President at such time and place as the President may determine, upon the request of a Party with the concurrence of another Party, provided that at least one of these two Parties is one of the Original Parties.
15. The Commission shall adopt its financial rules.

ARTICLE IX

The Commission shall have the authority to:

- (1) Recommend to the Parties measures for the conservation of anadromous stocks and ecologically related species in the Convention Area;
- (2) Promote the exchange of information on any activities contrary to the provisions of this Convention, especially with respect to fishing for and trafficking in anadromous fish contrary to the provisions of article III, as well as on responsive action taken by the Parties and, as appropriate, by any State or entity not party to this Convention;
- (3) Consider and make proposals to the Parties for the enactment of schedules of equivalent penalties for activities contrary to the provisions of this Convention;
- (4) Consider possible means to relieve the damage which may be suffered by a State of origin as a result of fishing in violation of this Convention and, for that purpose, develop methods to identify the origin of fish which may be taken in violation of this Convention;
- (5) Review and evaluate enforcement actions taken by the Parties in accordance with article V, and recommend additional action to be taken by the Parties to ensure effective and diligent enforcement of the provisions of this Convention;
- (6) Promote the exchange of catch and effort information in respect of activities of Parties and, as appropriate, any State or entity not party to this Convention for conducting scientific research and for coordinating the collection, exchange and analysis of scientific data regarding anadromous stocks and ecologically related species, including data to identify the location of origin of anadromous stocks, and provide a forum for cooperation among the Parties with respect to such anadromous stocks and ecologically related species;
- (7) Consider and make proposals to the Parties for the enactment of a programme or certificates of origin attesting that products of anadromous fish are from fish which were lawfully harvested;
- (8) Make recommendations to any Party with respect to scientific research activities within the Convention Area related to anadromous stocks and, as appropriate, ecologically related species;
- (9) Cooperate, as appropriate, with relevant international organizations, *inter alia*, to obtain the best available information, including scientific advice, to further the attainment of the objectives of this Convention;

(10) Where appropriate, invite any State or entity not party to this Convention to consult with the Commission with respect to matters relating to the conservation of anadromous stocks and ecologically related species in the Convention Area;

(11) Recommend amendments to this Convention and to the Annex to this Convention;

(12) Recommend to the Parties any measures needed to further the attainment of the objectives of this Convention.

ARTICLE X

1. The Executive Director shall be appointed by the Commission and shall oversee the work of the Secretariat.
2. The Secretariat shall:
 - (a) Provide administrative services to the Commission;
 - (c) Compile and disseminate statistics and reports concerning anadromous stocks relevant to this Convention and ecologically related species; and
 - (c) Perform such functions as follow from other provisions of this Convention or as the Commission may determine.
3. The conditions of employment of the Executive Director and staff shall be determined by the Commission.
4. The Executive Director shall appoint the Secretariat staff in accordance with staffing requirements approved by the Commission.

ARTICLE XI

1. Each Party shall pay the expenses incurred by its representatives, experts and advisers. Expenses incurred by the Commission shall be paid by the Commission through contributions made by the Parties.
2. The Commission shall adopt an annual budget. The Executive Director shall transmit a draft budget to the Parties together with a schedule of contributions not later than sixty (60) days before the meeting of the Commission at which the budget is to be considered.
3. The budget shall be divided equally among the Parties.
4. The Executive Director shall notify each Party of its contribution. Contributions shall be paid not later than four months after the date of such notification, in the currency of the State in which the Commission headquarters are located.
5. A Party which has not paid its contributions for two consecutive years shall not be entitled to participate in the taking of decisions referred to in paragraph 10 of article VIII until it has fulfilled its obligations.
6. The financial affairs of the Commission shall be audited annually by external auditors to be selected by the Commission.

ARTICLE XII

1. Any Party may at any time propose an amendment to this Convention other than the annex.
2. If one third of the Parties request a meeting to discuss the proposed amendment referred to in paragraph 1 of this article, the Depositary shall call such a meeting.
3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all Parties.

ARTICLE XIII

1. The annex to this Convention shall form an integral part of this Convention. All references to this Convention shall be understood as including the annex.
2. The annex to this Convention shall be considered amended upon the acceptance by the Governments of all Parties that are States of origin of anadromous stocks which migrate into the Convention Area of a proposed amendment to the annex recommended by the Commission in accordance with paragraph 11 of article IX.
 - (a) An amendment to the annex shall enter into force for Parties that are States of origin of anadromous stocks which migrate into the Convention Area on the date upon which the Commission receives notification from all such Parties of their acceptance of the amendment.
 - (b) In the event that a Party that is not a State of origin has accepted an amendment to the annex by the date referred to in subparagraph (a), it shall enter into force for that Party on that date. If a Party that is not a State of origin accepts an amendment to the annex after the date referred to in subparagraph (a), it shall enter into force for that Party on the date upon which the Commission receives notification of its acceptance of the amendment.
3. The Commission shall notify all the Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

ARTICLE XIV

Any Party may withdraw from this Convention twelve (12) months after the date on which it formally notifies the Depositary of its intention to withdraw.

ARTICLE XV

Nothing in this Convention shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party as well as its positions or views with respect to matters relating to the law of the sea.

ARTICLE XVI

The original of this Convention shall be deposited with the Government of the Russian Federation, which shall be the Depositary. The Depositary shall transmit certified copies thereof to all other signatories and acceding States.

ARTICLE XVII

1. This Convention shall be open for signature by Canada, Japan, the Russian Federation and the United States of America, which are the major States of origin of anadromous stocks which migrate into the Convention Area.
2. This Convention is subject to ratification, acceptance or approval by these four States in accordance with their respective internal legal procedures, and will enter into force ninety (90) days after the date of deposit of the fourth instrument of ratification, acceptance or approval.

ARTICLE XVIII

After the entry into force of this Convention, at the invitation of the Original Parties by unanimous agreement, other States may accede to it. This Convention shall become effective for any such other State on the date of deposit of that State's instrument of accession.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Moscow, on the eleventh day of February, 1992, in a single original, in the English, French, Japanese and Russian languages, each text being equally authentic.

ANNEX

I. SPECIES

Chum salmon	<u>Oncorhynchus keta</u>
Coho salmon	<u>Oncorhynchus kisutch</u>
Pink salmon	<u>Oncorhynchus gorbuscha</u>
Sockeye salmon	<u>Oncorhynchus nerka</u>
Chinook salmon	<u>Oncorhynchus tshawytscha</u>
Cherry salmon	<u>Oncorhynchus masou</u>
Steelhead trout	<u>Oncorhynchus mykiss</u>

II. INCIDENTAL TAKING

1. Fisheries for non-anadromous fish shall be conducted in such times, areas and manners as to minimize the incidental taking of anadromous fish to the maximum extent practicable to reduce such incidental taking to insignificant levels.
2. When two or more Parties notify the Commission established under article VIII that they believe a fishery is being conducted by national or vessels of a Party in the Convention Area contrary to this annex, the Commission shall convene a special meeting to consider the matter as soon as possible. The Parties who have notified the Commission shall be responsible for presenting the information on which they based such notification. The Party whose nationals or vessels are conducting the fishery in question shall be responsible for demonstrating that the fishery is not being conducted contrary to this annex.

If the Commission decides that a satisfactory demonstration has not been made, the fishery shall be suspended until it is demonstrated that the fishery will be conducted consistent with this annex.

(b) Agreement on Cooperation in Research, Conservation and Management of Marine Mammals in the North Atlantic, 9 April 1992

The Parties,

In pursuance of the objectives laid down in the Memorandum of Understanding signed at Tromsø on 19 April 1990 on cooperation between countries bordering the North Atlantic Ocean in research, conservation and management of marine mammals;

Having regard to their common concerns for the rational management, conservation and optimum utilization of the living resources of the sea in accordance with generally accepted principles of international law as reflected in the 1982 United Nations Convention on the Law of the Sea;

Desiring to enhance their cooperation in research on marine mammals and their role in the ecosystem, including, where appropriate, multi-species approaches, and on the effects of marine pollution and other human activities;

Bearing in mind the need to develop management procedures which take into account the relationship between marine mammals and other marine living resources;

Recalling the general principles of conservation and sustainable use of natural resources as reflected in the report of the World Commission on Environment and Development;

Convinced that regional bodies in the North Atlantic can ensure effective conservation, sustainable marine resource utilization and development with due regard to the needs of coastal communities and indigenous people;

Have agreed as follows:

Article 1

There is hereby established an international organization that shall be known as the North Atlantic Marine Mammal Commission.

Article 2

The objective of the Commission shall be to contribute through regional consultation and cooperation to the conservation, rational management and study of marine mammals in the North Atlantic.

Article 3

The Commission shall consist of:

- (a) A Council;
- (b) Management Committees;
- (c) A Scientific Committee;
- (d) A Secretariat.

Article 4

1. Each Party shall be a member of the Council.
2. The functions of the Council shall be:
 - (a) To provide a forum for the study, analysis and exchange of information among the Parties on matters concerning marine mammals in the North Atlantic;
 - (b) To establish appropriate Management Committees and coordinate their activities;
 - (c) To establish guidelines and objectives for the work of the Management Committees;
 - (d) To establish working arrangements with the International Council for the Exploration of the Sea and other appropriate organizations;
 - (e) To coordinate requests for scientific advice;
 - (f) To establish cooperation with States not parties to this Agreement in order to further the objective set out in article 2.
3. Decisions of the Council shall be taken by the unanimous vote of those members present and casting an affirmative vote.

Article 5

1. Management Committees shall, with respect to stocks of marine mammals within their respective mandates:
 - (a) Propose to their members measures for conservation and management;
 - (b) Make recommendations to the Council concerning scientific research.
2. Decisions of Management Committees shall be taken by the unanimous vote of those members present and casting an affirmative vote.

Article 6

1. The Scientific Committee shall consist of experts appointed by the Parties.
2. Subject to the approval of the Council, the Scientific Committee may invite other experts to participate in the conduct of its work.
3. The Scientific Committee shall provide scientific advice in response to requests from the Council, utilizing, to the extent possible, existing scientific information.

Article 7

1. The Council shall establish a Secretariat.
2. The Secretariat shall perform such functions as the Council may determine.

Article 8

The Council may agree to admit observers to meetings of the Commission when such admission is consistent with the objective set out in article 2.

Article 9

This Agreement is without prejudice to obligations of the Parties under other international agreements.

Article 10

1. This Agreement shall be opened for signature on 9 April 1992 by the Faroe Islands, Greenland, Iceland and Norway, and shall enter into force 90 days after signature.
2. It shall remain open for signature by other Parties with the consent of the existing signatories.
3. Any Party may withdraw from this Agreement upon giving six months' notice.

DONE at Nuuk on 9 April 1992.

(c) Convention on the Protection of the Marine Environment of the Baltic Sea Area, 9 April 1992

The Contracting Parties,

Conscious of the indispensable value of the marine environment of the Baltic Sea Area, its exceptional hydrographic and ecological characteristics and the sensitivity of its living resources to changes in the environment;

Bearing in mind the historical and present economic, social and cultural value of the Baltic Sea Area for the well-being and development of the peoples of that region;

Noting with deep concern the still ongoing pollution of the Baltic Sea Area;

Declaring their firm determination to assure the ecological restoration of the Baltic Sea, ensuring the possibility of self-regeneration of the marine environment and preservation of its ecological balance;

Recognizing that the protection and enhancement of the marine environment of the Baltic Sea Area are tasks that cannot effectively be accomplished by national efforts alone but by close regional cooperation and other appropriate international measures;

Appreciating the achievements in environmental protection within the framework of the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area, and the role of the Baltic Marine Environment Protection Commission therein;

Recalling the pertinent provisions and principles of the 1972 Declaration of the Stockholm Conference on the Human Environment and the 1975 Final Act of the Conference on Security and Cooperation in Europe;

Desiring to enhance cooperation with competent regional organizations such as the International Baltic Sea Fishery Commission established by the 1973 Gdansk Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts;

Welcoming the Baltic Sea Declaration by the Baltic and other interested States, the European Economic Community and cooperating international financial institutions assembled at Ronneby in 1990, and the Joint Comprehensive Programme aimed at a joint action plan in order to restore the Baltic Sea Area to a sound ecological balance;

Conscious of the importance of transparency and public awareness as well as the work by non-governmental organizations for successful protection of the Baltic Sea Area;

Welcoming the improved opportunities for closer cooperation which have been opened by the recent political developments in Europe on the basis of peaceful cooperation and mutual understanding;

Determined to embody developments in international environmental policy and environmental law into a new Convention to extend, strengthen and modernize the legal regime for the protection of the Marine Environment of the Baltic Sea Area;

Have agreed as follows:

Article 1

Convention Area

This Convention shall apply to the Baltic Sea Area. For the purposes of this Convention the "Baltic Sea Area" shall be the Baltic Sea and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44.43'N. It includes the internal waters, i.e., for the purposes of this Convention, waters on the landward side of the baselines from which the breadth of the territorial sea is measured up to the landward limit according to the designation by the Contracting Parties.

A Contracting Party shall, at the time of the deposit of the instrument of ratification, approval or accession, inform the Depositary of the designation of its internal waters for the purposes of this Convention.

Article 2

Definitions

For the purposes of this Convention:

1. "Pollution" means introduction by man, directly or indirectly, of substances or energy into the sea, including estuaries, which are liable to create hazards to human health, to harm living resources and marine ecosystems, to cause hindrance to legitimate uses of the sea including fishing, to impair the quality for use of sea water, and to lead to a reduction of amenities;
2. "Pollution from land-based sources" means pollution of the sea by point or diffuse inputs from all sources on land reaching the sea waterborne, airborne or directly from the coast. It includes pollution from any deliberate disposal under the seabed with access from land by tunnel, pipeline or other means;
3. "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms;
4. (a) "Dumping" means:
 - (i) Any deliberate disposal at sea or into the seabed of wastes or other matter from ships, other man-made structures at sea or aircraft;
 - (ii) Any deliberate disposal at sea of ships, other man-made structures at sea or aircraft;
- (b) "Dumping" does not include:
 - (i) The disposal at sea of wastes or other matter incidental to, or derived from the normal operations of ships, other man-made structures at sea or aircraft and their equipment, other than wastes or other matter transported by or to ships, other man-made structures at sea or aircraft, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such ships, structures or aircraft;
 - (ii) Placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of the present Convention;

5. "Incineration" means the deliberate combustion of wastes or other matter at sea for the purpose of their thermal destruction. Activities incidental to the normal operation of ships or other man-made structures are excluded from the scope of this definition;
6. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;
7. "Harmful substance" means any substance which, if introduced into the sea, is liable to cause pollution;
8. "Hazardous substance" means any harmful substance which due to its intrinsic properties is persistent, toxic or liable to bio-accumulate;
9. "Pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil or other harmful substances and which poses or may pose a threat to the marine environment of the Baltic Sea or to the coastline or related interests of one or more Contracting Parties, and which requires emergency actions or other immediate response;
10. "Regional economic integration organization" means any organization constituted by sovereign States, to which their member States have transferred competence in respect of matters governed by this Convention, including the competence to enter into international agreements in respect of these matters;
11. "The Commission" means the Baltic Marine Environment Protection Commission referred to in article 19.

Article 3

Fundamental principles and obligations

1. The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance.
2. The Contracting Parties shall apply the precautionary principle, i.e., to take preventive measures when there is reason to assume that substances or energy introduced, directly or indirectly, into the marine environment may create hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea even when there is no conclusive evidence of a causal relationship between inputs and their alleged effects.
3. In order to prevent and eliminate pollution of the Baltic Sea Area the Contracting Parties shall promote the use of Best Environmental Practice and Best Available Technology. If the reduction of inputs, resulting from the use of Best Environmental Practice and Best Available Technology, as described in annex II, does not lead to environmentally acceptable results, additional measures shall be applied.
4. The Contracting Parties shall apply the polluter-pays principle.
5. The Contracting Parties shall ensure that measurements and calculations of emissions from point sources to water and air and of inputs from diffuse sources to water and air are carried out in a scientifically appropriate manner in order to assess the state of the marine environment of the Baltic Sea Area and ascertain the implementation of this Convention.

6. The Contracting Parties shall use their best endeavours to ensure that the implementation of this Convention does not cause transboundary pollution in areas outside the Baltic Sea Area. Furthermore, the relevant measures shall not lead either to unacceptable environmental strains on air quality and the atmosphere or on waters, soil and groundwater, to unacceptably harmful or increasing waste disposal, or to increased risks to human health.

Article 4

Application

1. This Convention shall apply to the protection of the marine environment of the Baltic Sea Area which comprises the water-body and the seabed including their living resources and other forms of marine life.
2. Without prejudice to its sovereignty each Contracting Party shall implement the provisions of this Convention within its territorial sea and its internal waters through its national authorities.
3. This Convention shall not apply to any warship, naval auxiliary, military aircraft or other ship and aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships and aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

Article 5

Harmful substances

The Contracting Parties undertake to prevent and eliminate pollution of the marine environment of the Baltic Sea Area caused by harmful substances from all sources, according to the provisions of this Convention and, to this end, to implement the procedures and measures of annex I.

Article 6

Principles and obligations concerning pollution from land-based sources

1. The Contracting Parties undertake to prevent and eliminate pollution of the Baltic Sea Area from land-based sources by using, *inter alia*, Best Environmental Practice for all sources and Best Available Technology for point sources. The relevant measures to this end shall be taken by each Contracting Party in the catchment area of the Baltic Sea without prejudice to its sovereignty.
2. The Contracting Parties shall implement the procedures and measures set out in annex III. To this end they shall, *inter alia*, as appropriate, cooperate in the development and adoption of specific programmes, guidelines, standards or regulations concerning emissions and inputs to water and air, environmental quality, and products containing harmful substances and material and the use thereof.
3. Harmful substances from point sources shall not, except in negligible quantities, be introduced directly or indirectly into the marine environment of the Baltic Sea Area, without a prior special permit, which may be periodically reviewed, issued by the appropriate national authority in accordance with the principles contained in annex III, regulation 3. The Contracting Parties shall ensure that authorized emissions to water and air are monitored and controlled.

4. If the input from a watercourse flowing through the territories of two or more Contracting Parties or forming a boundary between them is liable to cause pollution of the marine environment of the Baltic Sea Area, the Contracting Parties concerned shall jointly and, if possible, in cooperation with a third State interested or concerned, take appropriate measures in order to prevent and eliminate such pollution.

Article 7

Environmental impact assessment

1. Whenever an environmental impact assessment of a proposed activity that is likely to cause a significant adverse impact on the marine environment of the Baltic Sea Area is required by international law or supranational regulations applicable to the Contracting Party of origin, that Contracting Party shall notify the Commission and any Contracting Party which may be affected by a transboundary impact on the Baltic Sea Area.
2. The Contracting Party of origin shall enter into consultations with any Contracting Party which is likely to be affected by such transboundary impact, whenever consultations are required by international law or supranational regulations applicable to the Contracting Party of origin.
3. Where two or more Contracting Parties share transboundary waters within the catchment area of the Baltic Sea, these Parties shall cooperate to ensure that potential impacts on the marine environment of the Baltic Sea Area are fully investigated within the environmental impact assessment referred to in paragraph 1 of this article. The Contracting Parties concerned shall jointly take appropriate measures in order to prevent and eliminate pollution, including cumulative deleterious effects.

Article 8

Prevention of pollution from ships

1. In order to protect the Baltic Sea Area from pollution from ships, the Contracting Parties shall take measures as set out in annex IV.
2. The Contracting Parties shall develop and apply uniform requirements for the provision of reception facilities for ship-generated wastes, taking into account, inter alia, the special needs of passenger ships operating in the Baltic Sea Area.

Article 9

Pleasure craft

The Contracting Parties shall, in addition to implementing those provisions of this Convention which can appropriately be applied to pleasure craft, take special measures in order to abate harmful effects on the marine environment of the Baltic Sea Area caused by pleasure craft activities. The measures shall, inter alia, deal with air pollution, noise and hydrodynamic effects as well as with adequate reception facilities for wastes from pleasure craft.

Article 10

Prohibition of incineration

1. The Contracting Parties shall prohibit incineration in the Baltic Sea Area.
2. Each Contracting Party undertakes to ensure compliance with the provisions of this article by ships:
 - (a) Registered in its territory or flying its flag;
 - (b) Loading, within its territory or territorial sea, matter which is to be incinerated; or
 - (c) Believed to be engaged in incineration within its internal waters and territorial sea.
3. In case of suspected incineration the Contracting Parties shall cooperate in investigating the matter in accordance with regulation 2 of annex IV.

Article 11

Prevention of dumping

1. The Contracting Parties shall, subject to exemptions set forth in paragraphs 2 and 4 of this article, prohibit dumping in the Baltic Sea Area.
2. Dumping of dredged material shall be subject to a prior special permit issued by the appropriate national authority in accordance with the provisions of annex V.
3. Each Contracting Party undertakes to ensure compliance with the provisions of this article by ships and aircraft:
 - (a) Registered in its territory or flying its flag;
 - (b) Loading, within its territory or territorial sea, matter which is to be dumped; or
 - (c) Believed to be engaged in dumping within its internal waters and territorial sea.
4. The provisions of this article shall not apply when the safety of human life or of a ship or aircraft at sea is threatened by the complete destruction or total loss of the ship or aircraft, or in any case which constitutes a danger to human life, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life.
5. Dumping made under the provisions of paragraph 4 of this article shall be reported and dealt with in accordance with annex VII and shall be reported forthwith to the Commission in accordance with the provisions of regulation 4 of annex V.
6. In case of dumping suspected to be in contravention of the provisions of this article the Contracting Parties shall cooperate in investigating the matter in accordance with regulation 2 of annex IV.

Article 12

Exploration and exploitation of the seabed
and its subsoil

1. Each Contracting Party shall take all measures in order to prevent pollution of the marine environment of the Baltic Sea Area resulting from exploration or exploitation of its part of the seabed and the subsoil thereof or from any associated activities thereon as well as to ensure that adequate preparedness is maintained for immediate response actions against pollution incidents caused by such activities.
2. In order to prevent and eliminate pollution from such activities, the Contracting Parties undertake to implement the procedures and measures set out in annex VI, as far as they are applicable.

Article 13

Notification and consultations on pollution incidents

1. Whenever a pollution incident in the territory of a Contracting Party is likely to cause pollution to the marine environment of the Baltic Sea Area outside its territory and adjacent maritime area in which it exercises sovereign rights and jurisdiction according to international law, this Contracting Party shall notify without delay such Contracting Parties whose interests are affected or likely to be affected.
2. Whenever deemed necessary by the Contracting Parties referred to in paragraph 1, consultations should take place with a view to preventing, reducing and controlling such pollution.
3. Paragraphs 1 and 2 shall also apply in cases where a Contracting Party has sustained such pollution from the territory of a third State.

Article 14

Cooperation in combating marine pollution

The Contracting Parties shall individually and jointly take, as set out in annex VII, all appropriate measures to maintain adequate ability and to respond to pollution incidents in order to eliminate or minimize the consequences of these incidents to the marine environment of the Baltic Sea Area.

Article 15

Nature conservation and biodiversity

The Contracting Parties shall individually and jointly take all appropriate measures with respect to the Baltic Sea Area and its coastal ecosystems influenced by the Baltic Sea to conserve natural habitats and biological diversity and to protect ecological processes. Such measures shall also be taken in order to ensure the sustainable use of natural resources within the Baltic Sea Area. To this end, the Contracting Parties shall aim at adopting subsequent instruments containing appropriate guidelines and criteria.

Article 16

Reporting and exchange of information

1. The Contracting Parties shall report to the Commission at regular intervals on:
 - (a) The legal, regulatory or other measures taken for the implementation of the provisions of this Convention, of its annexes and of recommendations adopted thereunder;
 - (b) The effectiveness of the measures taken to implement the provisions referred to in subparagraph (a) of this paragraph; and
 - (c) Problems encountered in the implementation of the provisions referred to in subparagraph (a) of this paragraph.
2. On the request of a Contracting Party or of the Commission, the Contracting Parties shall provide information on discharge permits, emission data or data on environmental quality, as far as available.

Article 17

Information to the public

1. The Contracting Parties shall ensure that information is made available to the public on the condition of the Baltic Sea and the water in its catchment area, measures taken or planned to be taken to prevent and eliminate pollution and the effectiveness of those measures. For this purpose, the Contracting Parties shall ensure that the following information is made available to the public:
 - (a) Permits issued and the conditions required to be met;
 - (b) Results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with water-quality objectives or permit conditions; and
 - (c) Water-quality objectives.
2. Each Contracting Party shall ensure that this information shall be available to the public at all reasonable times and shall provide members of the public with reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in its registers.

Article 18

Protection of information

1. The provisions of this Convention shall not affect the right or obligation of any Contracting Party under its national law and applicable supranational regulation to protect information related to intellectual property including industrial and commercial secrecy or national security and the confidentiality of personal data.
2. If a Contracting Party nevertheless decides to supply such protected information to another Contracting Party, the Party receiving such protected information shall respect the confidentiality of the information received and the conditions under which it is supplied, and shall use that information only for the purposes for which it was supplied.

Article 19

Commission

1. The Baltic Marine Environment Protection Commission, referred to as "the Commission", is established for the purposes of this Convention.
2. The Baltic Marine Environment Protection Commission, established pursuant to the Convention on the Protection of the Marine Environment of the Baltic Sea Area of 1974, shall be the Commission.
3. The chairmanship of the Commission shall be given to each Contracting Party in turn in alphabetical order of the names of the Contracting Parties in the English language. The Chairman shall serve for a period of two years, and cannot during the period of chairmanship serve as a representative of the Contracting Party holding the chairmanship.

Should the Chairman fail to complete his term, the Contracting Party holding the chairmanship shall nominate a successor to remain in office until the term of that Contracting Party expires.

4. Meetings of the Commission shall be held at least once a year upon convocation by the Chairman. Extraordinary meetings shall, upon the request of any Contracting Party endorsed by another Contracting Party, be convened by the Chairman to be held as soon as possible, however, not later than ninety days after the date of submission of the request.
5. Unless otherwise provided under this Convention, the Commission shall take its decisions unanimously.

Article 20

The duties of the Commission

1. The duties of the Commission shall be:
 - (a) To keep the implementation of this Convention under continuous observation;
 - (b) To make recommendations on measures relating to the purposes of this Convention;
 - (c) To keep under review the contents of this Convention including its annexes and to recommend to the Contracting Parties such amendments to this Convention including its annexes as may be required including changes in the lists of substances and materials as well as the adoption of new annexes;
 - (d) To define pollution control criteria, objectives for the reduction of pollution and objectives concerning measures, particularly those described in annex III;
 - (e) To promote in close cooperation with appropriate governmental bodies, taking into consideration subparagraph (f) of this article, additional measures to protect the marine environment of the Baltic Sea Area and for this purpose:
 - (i) To receive, process, summarize and disseminate relevant scientific, technological and statistical information from available sources; and
 - (ii) To promote scientific and technological research; and

- (f) To seek, when appropriate, the services of competent regional and other international organizations to collaborate in scientific and technological research as well as other relevant activities pertinent to the objectives of this Convention.

2. The Commission may assume such other functions as it deems appropriate to further the purposes of this Convention.

Article 21

Administrative provisions for the Commission

1. The working language of the Commission shall be English.
2. The Commission shall adopt its Rules of Procedure.
3. The office of the Commission, known as "the Secretariat", shall be in Helsinki.
4. The Commission shall appoint an Executive Secretary and make provisions for the appointment of such other personnel as may be necessary, and determine the duties, terms and conditions of service of the Executive Secretary.
5. The Executive Secretary shall be the chief administrative official of the Commission and shall perform the functions that are necessary for the administration of this Convention, the work of the Commission and other tasks entrusted to the Executive Secretary by the Commission and its Rules of Procedure.

Article 22

Financial provisions for the Commission

1. The Commission shall adopt its Financial Rules.
2. The Commission shall adopt an annual or biennial budget of proposed expenditures and consider budget estimates for the fiscal period following thereafter.
3. The total amount of the budget, including any supplementary budget adopted by the Commission, shall be contributed by the Contracting Parties other than the European Economic Community, in equal parts, unless unanimously decided otherwise by the Commission.
4. The European Economic Community shall contribute no more than 2.5 per cent of the administrative costs to the budget.
5. Each Contracting Party shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

Article 23

Right to vote

1. Except as provided for in paragraph 2 of this article, each Contracting Party shall have one vote in the Commission.

2. The European Economic Community and any other regional economic integration organization, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 24

Scientific and technological cooperation

1. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to cooperate in the fields of science, technology and other research, and to exchange data and other scientific information for the purposes of this Convention. In order to facilitate research and monitoring activities in the Baltic Sea Area, the Contracting Parties undertake to harmonize their policies with respect to permission procedures for conducting such activities.

2. Without prejudice to article 4, paragraph 2, of this Convention the Contracting Parties undertake directly, or when appropriate, through competent regional or other international organizations, to promote studies and to undertake, support or contribute to programmes aimed at developing methods assessing the nature and extent of pollution, pathways, exposures, risks and remedies in the Baltic Sea Area. In particular, the Contracting Parties undertake to develop alternative methods of treatment, disposal and elimination of such matter and substances that are likely to cause pollution of the marine environment of the Baltic Sea Area.

3. Without prejudice to article 4, paragraph 2, of this Convention the Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations and, on the basis of the information and data acquired pursuant to paragraphs 1 and 2 of this article, to cooperate in developing inter-comparable observation methods, in performing baseline studies and in establishing complementary or joint programmes for monitoring.

4. The organization and scope of work connected with the implementation of tasks referred to in the preceding paragraphs should primarily be outlined by the Commission.

Article 25

Responsibility for damage

The Contracting Parties undertake jointly to develop and accept rules concerning responsibility for damage resulting from acts or omissions in contravention of this Convention, including, *inter alia*, limits of responsibility, criteria and procedures for the determination of liability and available remedies.

Article 26

Settlement of disputes

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention, they should seek a solution by negotiation. If the Parties concerned cannot reach agreement they should seek the good offices of or jointly request mediation by a third Contracting Party, a qualified international organization or a qualified person.

2. If the Parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as described above, such disputes shall be, upon common agreement, submitted to an ad hoc arbitration tribunal to a permanent arbitration tribunal, or to the International Court of Justice.

Article 27

Safeguard of certain freedoms

Nothing in this Convention shall be construed as infringing upon the freedom of navigation, fishing, marine scientific research and other legitimate uses of the high seas, as well as upon the right of innocent passage through the territorial sea.

Article 28

Status of Annexes

The annexes attached to this Convention form an integral part of this Convention.

Article 29

Relation to other conventions

The provisions of this Convention shall be without prejudice to the rights and obligations of the Contracting Parties under existing and future treaties which further and develop the general principles of the law of the sea underlying this Convention and, in particular, provisions concerning the prevention of pollution of the marine environment.

Article 30

Conference for the revision or amendment
of the Convention

A conference for the purpose of a general revision of or an amendment to this Convention may be convened with the consent of the Contracting Parties or at the request of the Commission.

Article 31

Amendments to the articles of the Convention

1. Each Contracting Party may propose amendments to the articles of this Convention. Any such proposed amendment shall be submitted to the Depositary and communicated by it to all Contracting Parties, which shall inform the Depositary of either their acceptance or rejection of the amendment as soon as possible after receipt of the communication.

A proposed amendment shall, at the request of a Contracting Party, be considered in the Commission. In such a case article 19, paragraph 4, shall apply. If an amendment is adopted by the Commission, the procedure in paragraph 2 of this article shall apply.

2. The Commission may recommend amendments to the articles of this Convention. Any such recommended amendment shall be submitted to the Depositary and communicated by it to all Contracting Parties, which shall notify the Depositary of either their acceptance or rejection of the amendment as soon as possible after receipt of the communication.

3. The amendment shall enter into force ninety days after the Depositary has received notifications of acceptance of that amendment from all Contracting Parties.

Article 32

Amendments to the Annexes and the
adoption of Annexes

1. Any amendment to the annexes proposed by a Contracting Party shall be communicated to the other Contracting Parties by the Depositary and considered in the Commission. If adopted by the Commission, the amendment shall be communicated to the Contracting Parties and recommended for acceptance.
2. Any amendment to the annexes recommended by the Commission shall be communicated to the Contracting Parties by the Depositary and recommended for acceptance.
3. Such amendment shall be deemed to have been accepted at the end of a period determined by the Commission unless within that period any one of the Contracting Parties has, by written notification to the Depositary, objected to the amendment. The accepted amendment shall enter into force on a date determined by the Commission.

The period determined by the Commission shall be prolonged for an additional period of six months and the date of entry into force of the amendment postponed accordingly if, in exceptional cases, any Contracting Party informs the Depositary before the expiration of the period determined by the Commission that, although it intends to accept the amendment, the constitutional requirements for such an acceptance are not yet fulfilled.

4. An annex to this Convention may be adopted in accordance with the provisions of this article.

Article 33

Reservations

1. The provisions of this Convention shall not be subject to reservations.
2. The provision of paragraph 1 of this article does not prevent a Contracting Party from suspending for a period not exceeding one year the application of an annex of this Convention or part thereof or an amendment thereto after the annex in question or the amendment thereto has entered into force. Any Contracting Party to the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area, which, upon the entry into force of this Convention, suspends the application of an annex or part thereof, shall apply the corresponding annex or part thereof to the 1974 Convention for the period of suspension.
3. If after the entry into force of this Convention a Contracting Party invokes the provisions of paragraph 2 of this article it shall inform the other Contracting Parties, at the time of the adoption by the Commission of an amendment to an annex or a new annex, of those provisions which will be suspended in accordance with paragraph 2 of this article.

Article 34

Signature

This Convention shall be open for signature in Helsinki from 9 April 1992 until 9 October 1992 by States and by the European Economic Community participating in the Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea Area held at Helsinki on 9 April 1992.

Article 35

Ratification, approval and accession

1. This Convention shall be subject to ratification or approval.
2. This Convention shall, after its entry into force, be open for accession by any other State or regional economic integration organization interested in fulfilling the aims and purposes of this Convention, provided that this State or organization is invited by all the Contracting Parties. In the case of limited competence of a regional economic integration organization, the terms and conditions of its participation may be agreed upon between the Commission and the interested organization.
3. The instruments of ratification, approval or accession shall be deposited with the Depositary.
4. The European Economic Community and any other regional economic integration organization which becomes a Contracting Party to this Convention shall in matters within their competence, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such rights individually.

Article 36

Entry into force

1. This Convention shall enter into force two months after the deposit of the instruments of ratification or approval by all signatory States bordering the Baltic Sea and by the European Economic Community.
2. For each State which ratifies or approves this Convention before or after the deposit of the last instrument of ratification or approval referred to in paragraph 1 of this article, this Convention shall enter into force two months after the date of deposit by such State of its instrument of ratification or approval or on the date of entry into force of this Convention, whichever is the latest date.
3. For each acceding State or regional economic integration organization, this Convention shall enter into force two months after the deposit by such State or regional economic integration organization of its instrument of accession.
4. Upon entry into force of this Convention, the Convention on the Protection of the Marine Environment of the Baltic Sea Area, signed at Helsinki on 22 March 1974, as amended, shall cease to apply.
5. Notwithstanding paragraph 4 of this article, amendments to the annexes of the said Convention adopted by the Contracting Parties to the said Convention between the signing of this Convention and its entry into force, shall continue to apply until the corresponding annexes of this Convention have been amended accordingly.
6. Notwithstanding paragraph 4 of this article, recommendations and decisions adopted under the said Convention shall continue to be applicable to the extent that they are compatible with, or not explicitly terminated by this Convention or any decision adopted thereunder.

Article 37

Withdrawal

1. At any time after the expiry of five years from the date of entry into force of this Convention any Contracting Party may, by giving written notification to the Depositary, withdraw from this Convention. The

withdrawal shall take effect for such Contracting Party on the thirtieth day of June of the year which follows the year in which the Depositary was notified of the withdrawal.

2. In case of notification of withdrawal by a Contracting Party the Depositary shall convene a meeting of the Contracting Parties for the purpose of considering the effect of the withdrawal.

Article 38

Depositary

The Government of Finland, acting as Depositary, shall:

- (a) Notify all Contracting Parties and the Executive Secretary of:
 - (i) The signatures;
 - (ii) The deposit of any instrument of ratification, approval or accession;
 - (iii) Any date of entry into force of this Convention;
 - (iv) Any proposed or recommended amendment to any article or annex or the adoption of a new annex as well as the date on which such amendment or new annex enters into force;
 - (v) Any notification, and the date of its receipt, under articles 31 and 32;
 - (vi) Any notification of withdrawal and the date on which such withdrawal takes effect;
 - (vii) Any other act or notification relating to this Convention;
- (b) Transmit certified copies of this Convention to acceding States and regional economic integration organizations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Helsinki, this ninth day of April, one thousand nine hundred and ninety-two, in a single authentic copy in the English language which shall be deposited with the Government of Finland. The Government of Finland shall transmit certified copies to all Signatories.

ANNEX I

Harmful substances

Part 1 - General principles

1.0 Introduction

In order to fulfil the requirements of relevant parts of this Convention the following procedure shall be used by the Contracting Parties in identifying and evaluating harmful substances, as defined in article 2, paragraph 7.

1.1 Criteria on the allocation of substances

The identification and evaluation of substances shall be based on the intrinsic properties of substances, namely:

- persistency;
- toxicity or other noxious properties;
- tendency to bio-accumulation.

as well as on characteristics liable to cause pollution, such as:

- the ratio between observed concentrations and concentrations having no observed effect;
- transboundary or long-range significance;
- risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects;
- radioactivity;
- serious interference with harvesting of seafoods or with other legitimate uses of the sea;
- distribution pattern (i.e., quantities involved, use pattern and liability to reach the marine environment);
- proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment.

These characteristics are not necessarily of equal importance for the identification and evaluation of a particular substance or group of substances.

1.2 Priority groups of harmful substances

The Contracting Parties shall, in their preventive measures, give priority to the following groups of substances which are generally recognized as harmful substances:

- (a) heavy metals and their compounds;
- (b) organohalogen compounds;
- (c) organic compounds of phosphorus and tin;
- (d) pesticides, such as fungicides, herbicides, insecticides, slimicides and chemicals used for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles;
- (e) oils and hydrocarbons of petroleum origin;
- (f) other organic compounds especially harmful to the marine environment;
- (g) nitrogen and phosphorus compounds;
- (h) radioactive substances, including wastes;

- (i) persistent materials which may float, remain in suspension or sink;
- (j) substances which cause serious effects on taste and/or smell of products for human consumption from the sea, or effects on taste, smell, colour, transparency or other characteristics of the water.

Part 2 - Banned substances

In order to protect the Baltic Sea Area from hazardous substances, the Contracting Parties shall prohibit, totally or partially, the use of the following substances or groups of substances in the Baltic Sea Area and its catchment area:

2.1 Substances banned for all final uses, except for drugs

DDT (1,1,1-trichloro-2,2-(chlorophenyl)-ethane) and its derivatives DDE and DDD;

2.2 Substances banned for all uses, except in existing closed-system equipment until the end of service life or for research, development and analytical purposes

- (a) PCBs (polychlorinated biphenyls);
- (b) PCTs (polychlorinated terphenyls).

2.3 Substances banned for certain applications

Organotin compounds for anti-fouling paints for pleasure craft under 25 metres and fish net cages.

Part 3 - Pesticides

In order to protect the Baltic Sea Area from hazardous substances, the Contracting Parties shall endeavour to minimize and, whenever possible, to ban the use of the following substances as pesticides in the Baltic Sea Area and its catchment area:

	<u>CAS-number</u>
Acrylonitrile	107131
Aldrin	309002
Aramite	140578
Cadmium compounds	-
	<u>CAS-number</u>
Chlordane	57749
Chlordecone	143500
Chlordimeform	6164983
Chloroform	67663
1,3-Dibromoethane	106934
Dieldrin	60571
Endrin	72208
Fluoroacetic acid and derivatives	766393, 144490
Heptachlor	76448
Isobenzane	297789
Isodrin	465736

Kelevan	4234791
Lead compounds	-
Mercury compounds	-
Morfamquat	4636833
Nitrophen	1836755
Pentachlorophenol	87865
Polychlorinated terpenes	8001501
Quintozene	82688
Selenium compounds	-
2,4,5-T	93765
Toxaphene	8001352

ANNEX II

Criteria for use of Best Environmental Practice and Best Available Technology

Regulation 1; General provisions

1. In accordance with the relevant parts of this Convention, the Contracting Parties shall apply the criteria for Best Environmental Practice and Best Available Technology described below.
2. In order to prevent and eliminate pollution the Contracting Parties shall use Best Environmental Practice for all sources and Best Available Technology for point sources, minimizing or eliminating inputs to water and air from all sources by providing control strategies.

Regulation 2; Best Environmental Practice

The term "Best Environmental Practice" is taken to mean the application of the most appropriate combination of measures. In selecting for individual cases, at least the following graduated range of measures should be considered:

- provision of information and education to the public and to users about the environmental consequences of choosing particular activities and products, their use and final disposal;
- the development and application of Codes of Good Environmental Practice covering all aspects of activity in the product's life;
- mandatory labels informing the public and users of environmental risks related to a product, its use and final disposal;
- availability of collection and disposal systems;
- saving of resources, including energy;
- recycling, recovery and reuse;
- avoiding the use of hazardous substances and products and the generation of hazardous waste;
- application of economic instruments to activities, products or groups of products and emissions;
- a system of licensing involving a range of restrictions or a ban.

2. In determining in general or individual cases what combination of measures constitute Best Environmental Practice, particular consideration should be given to:

- the precautionary principle;
- the ecological risk associated with the product, its production, use and final disposal;
- potential environmental benefit or penalty of substitute materials or activities;
- advances and changes in scientific knowledge and understanding;
- time-limits for implementation;
- social and economic implications.

Regulation 3; Best Available Technology

1. The term "Best Available Technology" is taken to mean the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges.

2. In determining whether a set of processes, facilities and methods of operation constitute the Best Available Technology in general or individual cases, special consideration should be given to:

- comparable processes, facilities or methods of operation which have recently been successfully tried out;
- technological advances and changes in scientific knowledge and understanding;
- the economic feasibility of such technology;
- time-limits for application;
- the nature and volume of the emissions concerned;
- non-waste/low-waste technology;
- the precautionary principle.

Regulation 4; Future developments

It therefore follows that "Best Environmental Practice" and "Best Available Technology" will change with time in the light of technological advances and economic and social factors, as well as changes in scientific knowledge and understanding.

ANNEX III

Criteria and measures concerning the prevention of pollution from land-based sources

Regulation 1; General provisions

In accordance with the relevant parts of this Convention the Contracting Parties shall apply the criteria and

measures in this Annex in the whole catchment area and take into account Best Environmental Practice and Best Available Technology as described in annex II.

Regulation 2; Specific requirements

1. Municipal sewage water shall be treated at least by biological or other methods equally effective with regard to reduction of significant parameters. Substantial reduction shall be introduced for nutrients.
2. Water management in industrial plants should aim at closed water systems or at a high rate of circulation in order to avoid wastewater wherever possible.
3. Industrial wastewaters should be separately treated before mixing with diluting waters.
4. Wastewaters containing hazardous substances or other relevant substances shall not be jointly treated with other wastewaters unless an equal reduction of the pollutant load is achieved compared to the separate purification of each wastewater stream. The improvement of wastewater quality shall not lead to a significant increase in the amount of harmful sludge.
5. Limit values for emissions containing harmful substances to water and air shall be stated in special permits.
6. Industrial plants and other point sources connected to municipal treatment plants shall use Best Available Technology in order to avoid hazardous substances which cannot be made harmless in the municipal sewage treatment plant or which may disturb the processes in the plant. In addition, measures according to Best Environmental Practice shall be taken.
7. Pollution from fish farming shall be prevented and eliminated by promoting and implementing Best Environmental Practice and Best Available Technology.
8. Pollution from diffuse sources, including agriculture, shall be eliminated by promoting and implementing Best Environmental Practice.
9. Pesticides used shall comply with the criteria established by the Commission.

Regulation 3; Principles for issuing permits for industrial plants

The Contracting Parties undertake to apply the following principles and procedures when issuing the permits referred to in article 6, paragraph 3, of this Convention.

1. The operator of the industrial plant shall submit data and information to the appropriate national authority using a form of application. It is recommended that the operator negotiate with the appropriate national authority concerning the data required for the application before submitting the application to the authority (agreement on the scope of required information and surveys).

At least the following data and information shall be included in the application:

General information

- site of discharge and/or emission;
- type of production, amount of production and/or processing;
- production processes;

- type and amount of raw materials, agents and/or intermediate products;
- amount and quality of untreated wastewater and raw gas from all relevant sources (e.g., process water, cooling water);
- treatment of wastewater and raw gas with respect to type, process and efficiency of pretreatment and/or final treatment;
- treated wastewater and raw gas with respect to amount and quality at the outlet of the pretreatment and/or final treatment facilities;
- amount and quality of solid and liquid wastes generated during the process and the treatment of wastewater and raw gas;
- treatment of solid and liquid wastes;
- information about measures to prevent process failures and accidental spills;
- present status and possible impact on the environment.

Alternatives and their various impacts concerning, e.g., ecological, economic and safety aspects, if necessary

- other possible production processes;
 - other possible raw materials, agents and/or intermediate products;
 - other possible treatment technologies.
2. The appropriate national authority shall evaluate the present status and potential impact of the planned activities on the environment.
3. The appropriate national authority issues the permit after comprehensive assessment with special consideration of the above-mentioned aspects. At least the following shall be laid down in the permit:
- characterizations of all components (e.g., production capacity) which influence the amount and quality of discharge and/or emissions;
 - limit values for amount and quality (load and/or concentration) of direct and indirect discharges and emissions;
 - instructions concerning:
 - construction and safety;
 - production processes and/or agents;
 - operation and maintenance of treatment facilities;
 - recovery of materials and substances and waste disposal;
 - type and extent of control to be performed by the operator (self-control);
 - measures to be taken in case of process failures and accidental spills;

- analytical methods to be used;
 - schedule for modernization, retrofitting and investigations done by the operator;
 - schedule for reports of the operator on monitoring and/or self-control, retrofitting and investigation measures.
4. The appropriate national authority or an independent institution authorized by the appropriate national authority shall:
- inspect the amount and quality of discharges and/or emissions by sampling and analysing;
 - control the attainment of the permit requirements;
 - arrange monitoring of the various impacts of wastewater discharges and emissions into the atmosphere;
 - review the permit when necessary.

ANNEX IV

Prevention of pollution from ships

Regulation 1; Cooperation

The Contracting Parties shall, in matters concerning the protection of the Baltic Sea Area from pollution by ships, cooperate:

- (a) within the International Maritime Organization, in particular in promoting the development of intentional rules, based, inter alia, on the fundamental principles and obligations of this Convention, which also includes the promotion of the use of Best Available Technology and Best Environmental Practice as defined in annex II;
- (b) in the effective and harmonized implementation of rules adopted by the International Maritime Organization.

Regulation 2; Assistance in investigations

The Contracting Parties shall, without prejudice to article 4, paragraph 3, of this Convention, assist each other as appropriate in investigating violations of the existing legislation on anti-pollution measures, which have occurred or are suspected to have occurred within the Baltic Sea Area. This assistance may include but is not limited to inspection by the competent authorities of oil record books, cargo record books, logbooks and engine logbooks and taking oil for analytical identification purposes.

Regulation 3; Definitions

For the purposes of this annex:

1. "Administration" means the Government of the Contracting Party under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms and exploitation of the seabed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

2. (a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

(b) "Discharge" does not include:

- (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972; or
- (ii) release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of seabed mineral resources; or
- (iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

3. The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law.

4. The term "jurisdiction" shall be interpreted in accordance with international law in force at the time of application or interpretation of this Annex.

5. The term "MARPOL 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

Regulation 4; Application of the Annexes of MARPOL 73/78

Subject to regulation 5, the Contracting Parties shall apply the provisions of the annexes of MARPOL 73/78.

Regulation 5; Sewage

The Contracting Parties shall apply the provisions of paragraphs A to D and F and G of this regulation on discharge of sewage from ships while operating in the Baltic Sea Area.

A. Definitions

For the purposes of this regulation:

1. "Sewage" means:

- (a) drainage and other wastes from any form of toilets, urinals and WC scuppers;
- (b) drainage from medical premises (dispensary, sick bay, etc.) via wash-basins, washtubs and scuppers located in such premises;
- (c) drainage from spaces containing living animals; or
- (d) other wastewaters when mixed with the drainages defined above.

2. "Holding tank" means a tank used for the collection and storage of sewage.

B. Application

The provisions of this regulation shall apply to:

- (a) ships of 200 tons gross tonnage and above;
- (b) ships of less than 200 tons gross tonnage which are certified to carry more than 10 persons;
- (c) ships which do not have a measured gross tonnage and are certified to carry more than 10 persons.

C. Discharge of sewage

1. Subject to the provisions of paragraph D of this regulation, the discharge of sewage into the sea is prohibited, except when:

- (a) the ship is discharging comminuted and disinfected sewage using a system approved by the Administration at a distance of more than 4 nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that in any case the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; or
- (b) the ship has in operation a sewage treatment plant which has been approved by the Administration, and
 - (i) the test results of the plant are laid down in a document carried by the ship;
 - (ii) additionally, the effluent shall not produce visible floating solids in, nor cause discolouration of, the surrounding water.

2. When the sewage is mixed with wastes or wastewater having different discharge requirements, the more stringent requirements shall apply.

D. Exceptions

Paragraph C of this regulation shall not apply to:

- (a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
- (b) the discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage for the purpose of prevention or minimizing the discharge.

E. Reception facilities

1. Each Contracting Party undertakes to ensure the provision of facilities at its ports and terminals of the Baltic Sea Area for the reception of sewage, without causing undue delay to ships, adequate to meet the needs of the ships using them.

2. To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

<u>Description</u>	<u>Dimension</u>
Outside diameter	210 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 mm
Slots in flange	4 holes 18 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	4, each of 16 mm in diameter and of quantity and of suitable length

The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 6 kg/cm.

For ships having a moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.

F. Surveys

1. Ships which are engaged in international voyages in the Baltic Sea Area shall be subject to surveys as specified below:

(a) An initial survey before the ship is put into service or before the Certificate required under paragraph G of this regulation is issued for the first time including a survey of the ship which shall be such as to ensure that:

- (i) when the ship is equipped with a sewage treatment plant the plant shall meet operational requirements based on the standards and test methods recommended by the Commission and shall be approved by the Administration;
- (ii) when the ship is fitted with a system to comminute and disinfect the sewage, such system shall meet operational requirements based on the standards and test methods recommended by the Commission and shall be approved by the Administration;
- (iii) when the ship is equipped with a holding tank the capacity of such tank shall be to the satisfaction of the Administration for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall meet operational requirements based on the standards and test methods recommended by the Commission and shall be approved by the Administration; and

- (iv) the ship is equipped with a pipeline to discharge sewage to a reception facility. The pipeline should be fitted with a standard shore connection in accordance with paragraph E, or for ships in dedicated trades, alternatively with other standards which can be accepted by the Administration such as quick connection couplings.

This survey shall be such as to ensure that equipment, fittings, arrangements and materials fully comply with the applicable requirements of this regulation.

The Administration shall recognize the "Certificate of Type Test" for sewage treatment plants issued under the authority of other Contracting Parties.

(b) Periodical surveys at intervals specified by the Administration but not exceeding five years which shall be such as to ensure that the equipment, fittings, arrangements and materials fully comply with the applicable requirements of this Regulation.

2. Surveys of the ship as regards enforcement of the provisions of this regulation shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the surveys.

3. After any survey of the ship has been completed, no significant change shall be made in the equipment, fittings, arrangements or material covered by the survey without the approval of the Administration, except the direct replacement of such equipment or fittings.

G. Certificate

1. A Sewage Pollution Prevention Certificate shall be issued to ships certified to carry more than 50 persons which are engaged in international voyages in the Baltic Sea Area, after survey in accordance with the provisions of paragraph F of this regulation.

2. Such Certificate shall be issued either by the Administration or by any person or organization duly authorized by it. In every case the Administration assumes full responsibility for the certificate.

3. The Sewage Prevention Certificate shall be drawn up in a form corresponding to the model given in the appendix to annex IV of MARPOL 73/78. If the language is not English, the text shall not exceed five years.

5. A Certificate shall cease to be valid if significant alterations have taken place in the equipment, fittings, arrangements or materials required without the approval of the Administration, except the direct replacement of such equipment or fittings.

ANNEX V

Exemptions from the general prohibition of dumping of waste and other matter in the Baltic Sea Area

Regulation 1

In accordance with article 11, paragraph 2, of this Convention the prohibition of dumping shall not apply to the disposal at sea of dredged materials provided that:

(a) the dumping of dredged material containing harmful substances indicated in Annex I is only permitted according to the guidelines adopted by the Commission; and

(b) the dumping is carried out under a prior special permit issued by the appropriate national authority, either

- (i) within the area of internal waters and the territorial sea of the Contracting Party; or
- (ii) outside the area of internal waters and the territorial sea, whenever necessary, after prior consultations in the Commission.

When issuing such permits the Contracting Party shall comply with the provisions in regulation 3 of this annex.

Regulation 2

1. The appropriate national authority referred to in article 11, paragraph 2, of this Convention shall:

- (a) issue the special permits provided for in regulation 1 of this annex;
- (b) keep records of the nature and quantities of matter permitted to be dumped and the location, time and method of dumping;
- (c) collect available information concerning the nature and quantities of matter that has been dumped in the Baltic Sea Area recently and up to the coming into force of this Convention, provided that the dumped matter in question could be liable to contaminate water or organisms in the Baltic Sea Area, to be caught by fishing equipment, or otherwise to give rise to harm, and information concerning the location, time and method of such dumping.

2. The appropriate national authority shall issue special permits in accordance with regulation 1 of this annex in respect of matter intended for dumping in the Baltic Sea Area:

- (a) loaded in its territory;
- (b) loaded by a ship or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State which is not a Contracting Party to this Convention.

3. Each Contracting Party shall report to the Commission, and where appropriate to other Contracting Parties, the information specified in sub-paragraph 1 (c) of regulation 2 of this annex. The procedure to be followed and the nature of such reports shall be determined by the Commission.

Regulation 3

When issuing special permits according to regulation 1 of this annex the appropriate national authority shall take into account:

- (a) the quantity of dredged material to be dumped;
- (b) the content of harmful substances as referred to in annex I;
- (c) the location (e.g., coordinates of the dumping area, depth and distance from the coast and its relation to areas of special interest (e.g., amenity areas, spawning, nursery and fishing areas, etc.);

(d) the water characteristics, if dumping is carried out outside the territorial sea, consisting of:

- (i) hydrographic properties (e.g., temperature, salinity, density, profile);
- (ii) chemical properties (e.g., pH, dissolved oxygen, nutrients);
- (iii) biological properties (e.g., primary production and benthic animals);

the data should include sufficient information on the annual mean levels and seasonal variation of the properties mentioned in this paragraph; and

(e) the existence and effects of other dumping which may have been carried out in the dumping area.

Regulation 4

Reports made in accordance with article 11, paragraph 5, of this Convention shall include the information to be provided in the reporting form to be determined by the Commission.

ANNEX VI

Prevention of pollution from offshore activities

Regulation 1; Definitions

For the purposes of this annex:

1. "Offshore activity" means any exploration and exploitation of oil and gas by a fixed or floating offshore installation or structure, including all associated activities thereon;
2. "Offshore unit" means any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil;
3. "Exploration" includes any drilling activity but not seismic investigations;
4. "Exploitation" includes any production, well testing or stimulation activity.

Regulation 2; Use of Best Available Technology and Best Environmental Practice

The Contracting Parties undertake to prevent and eliminate pollution from offshore activities by using the principles of Best Available Technology and Best Environmental Practice as defined in annex II.

Regulation 3; Environmental impact assessment and monitoring

1. An environmental impact assessment shall be made before an offshore activity is permitted to start. In case of exploitation referred to in regulation 5 the outcome of this assessment shall be notified to the Commission before the offshore activity is permitted to start.
2. In connection with the environmental impact assessment, the environmental sensitivity of the sea area around a proposed offshore unit should be assessed with respect to the following:
 - (a) the importance of the area for birds and marine mammals;

- (b) the importance of the area as fishing or spawning grounds for fish and shellfish, and for aquaculture;
 - (c) the recreational importance of the area;
 - (d) the composition of the sediment measured as: grain size distribution, dry matter, ignition loss, total hydrocarbon content and Ba, Cr, Pb, Cu, Hg and Cd content;
 - (e) the abundance and diversity of benthic fauna and the content of selected aliphatic and aromatic hydrocarbons.
3. In order to monitor the consequent effects of the exploration phase of the offshore activity studies, at least those referred to in subparagraphs (d) and (e) above shall be carried out before the operation, at annual intervals during the operation, and after the operation has been concluded.

Regulation 4; Discharges on the exploration phase

1. The use of oil-based drilling mud or muds containing other harmful substances shall be restricted to cases where it is necessary for geological, technical or safety reasons and only after prior authorization by the appropriate national authority. In such cases appropriate measures shall be taken and appropriate installations provided in order to prevent the discharge of such muds into the marine environment.
2. Oil-based drilling muds and cuttings arising from the use of oil-based drilling muds should not be discharged in the Baltic Sea Area but taken ashore for final treatment or disposal in an environmentally acceptable manner.
3. The discharge of water-based mud and cuttings shall be subject to authorization by the appropriate national authority. Before authorization the content of the water-based mud must be proven to be of low toxicity.
4. The discharge of cuttings arising from the use of water-based drilling mud shall not be permitted in specifically sensitive parts of the Baltic Sea Area such as confined or shallow areas with limited water exchange and areas characterized by rare, valuable or particularly fragile ecosystems.

Regulation 5; Discharges on the exploitation phase

In addition to the provisions of annex IV the following provisions shall apply to discharges:

- (a) All chemicals and materials shall be taken ashore and may be discharged only exceptionally after obtaining permission from the appropriate national authority in each individual operation;
- (b) The discharge of production water and displacement water is prohibited unless its oil content is proven to be less than 15 mg/l measured by the methods of analysis and sampling to be adopted by the Commission;
- (c) If compliance with this limit value cannot be achieved by the use of Best Environmental Practice and Best Available Technology the appropriate national authority may require adequate additional measures to prevent possible pollution of the marine environment of the Baltic Sea Area and allow, if necessary, a higher limit value which shall, however, be as low as possible and in no case exceed 40 mg/l; the oil content shall be measured as provided in subparagraph (b) above;
- (d) The permitted discharge shall not, in any case, create any unacceptable effects on the marine environment;

(e) In order to benefit from the future developments in cleaning and production technology, discharge permits shall be regularly reviewed by the appropriate national authority and the discharge limits shall be revised accordingly.

Regulation 6; Reporting procedure

Each Contracting Party shall require that the operator or any other person having charge of the offshore unit shall report in accordance with the provisions of regulation 5.1 of annex VII of this Convention.

Regulation 7; Contingency planning

Each offshore unit shall have a pollution emergency plan approved in accordance with the procedure established by the appropriate national authority. The plan shall contain information on alarm and communication systems, organization of response measures, a list of pre-positioned equipment and a description of the measures to be taken in different types of pollution incidents.

Regulation 8; Disused offshore units

The Contracting Parties shall ensure that abandoned, disused offshore units and accidentally wrecked offshore units are entirely removed and brought ashore under the responsibility of the owner and that disused drilling wells are plugged.

Regulation 9; Exchange of information

The Contracting Parties shall continuously exchange information through the Commission on the location and nature of all planned or accomplished offshore activities and on the nature and amounts of discharges as well as on contingency measures that are undertaken.

ANNEX VII

Response to pollution incidents

Regulation 1; General provisions

1. The Contracting Parties undertake to maintain the ability to respond to pollution incidents threatening the marine environment of the Baltic Sea Area. This ability shall include adequate equipment, ships and manpower prepared for operations in coastal waters as well as on the high sea.

2. (a) In addition to the incidents referred to in article 13, the Contracting Party shall also notify without delay those pollution incidents occurring within its response region which affect or are likely to affect the interests of other Contracting Parties.

(b) In the event of a significant pollution incident other Contracting Parties and the Commission shall also be informed as soon as possible.

3. The Contracting Parties agree that, subject to their capabilities and the availability of relevant resources, they shall cooperate in responding to pollution incidents when the severity of such incidents so justifies.

4. In addition the Contracting Parties shall take other measures to:

- (a) conduct regular surveillance outside their coastlines; and
- (b) otherwise cooperate and exchange information with other Contracting Parties in order to improve the ability to respond to pollution incidents.

Regulation 2; Contingency planning

Each Contracting Party shall draw up a national contingency plan and in cooperation with other Contracting Parties, as appropriate, bilateral or multilateral plans for a joint response to pollution incidents.

Regulation 3; Surveillance

1. In order to prevent violations of the existing regulations on prevention of pollution from ships the Contracting Parties shall develop and apply, individually or in cooperation, surveillance activities covering the Baltic Sea Area in order to spot and monitor oil and other substances released into the sea.
2. The Contracting Parties shall undertake appropriate measures to conduct the surveillance referred to in paragraph 1 by using, *inter alia*, airborne surveillance equipped with remote sensing systems.

Regulation 4; Response regions

The Contracting Parties shall as soon as possible agree bilaterally or multilaterally on those regions of the Baltic Sea Area in which they shall conduct surveillance activities and take action to respond whenever a significant pollution incident has occurred or is likely to occur. Such agreements shall not prejudice any other agreements concluded between Contracting Parties concerning the same subject. Neighbouring States shall ensure the harmonization of different agreements. Contracting Parties shall inform other Contracting Parties and the Commission about such agreements.

Regulation 5; Reporting procedure

1. (a) Each Contracting Party shall require masters or other persons having charge of ships flying its flag to report without delay any event on their ship involving a discharge or probable discharge of oil or other harmful substances.
 - (b) The report shall be made to the nearest coastal State and in accordance with the provisions of article 8 and Protocol I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 related thereto (MARPOL 73/78).
 - (c) The Contracting Parties shall request masters or other persons having charge of ships and pilots of aircraft to report without delay and in accordance with this system on significant spillages of oil or other harmful substances observed at sea. Such reports should as far as possible contain the following data: time, position, wind and sea conditions, and kind, extent and probable source of the spill observed.
2. The provisions of paragraph 1 (b) shall also be applied with regard to dumping made under the provisions of article 11, paragraph 4, of this Convention.

Regulation 6; Emergency measures on board ships

1. Each Contracting Party shall require that ships entitled to fly its flag have on board a shipboard oil pollution emergency plan as required by and in accordance with the provisions of MARPOL 73/78.

2. Each Contracting Party shall request masters of ships flying its flag or, in case of fixed or floating platforms operating under its jurisdiction, the persons having charge of platforms to provide, in case of a pollution incident and on request by the proper authorities, such detailed information about the ship and its cargo or in case of platform its production which is relevant to actions for preventing or responding to pollution of the sea, and to cooperate with these authorities.

Regulation 7; Response measures

1. The Contracting Party shall, when a pollution incident occurs in its response region, make the necessary assessments of the situation and take adequate response action in order to avoid or minimize subsequent pollution effects.

2. (a) The Contracting Parties shall, subject to subparagraph (b), use mechanical means to respond to pollution incidents.

(b) Chemical agents may be used only in exceptional cases and after authorization, in each individual case, by the appropriate national authority.

3. When such a spillage is drifting or is likely to drift into a response region of another Contracting Party, that Party shall without delay be informed of the situation and the actions that have been taken.

Regulation 8; Assistance

1. According to the provisions of paragraph 3 of regulation I:

(a) a Contracting Party is entitled to call for assistance by other Contracting Parties when responding to a pollution incident at sea; and

(b) Contracting Parties shall use their best endeavours to bring such assistance.

2. Contracting Parties shall take necessary legal or administrative measures to facilitate:

(a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and

(b) the expeditious movement into, through and out of its territory of personnel, cargoes, materials and equipment referred to in subparagraph (a).

Regulation 9; Reimbursement of cost of assistance

1. The Contracting Parties shall bear the costs of assistance referred to in regulation 8 in accordance with this regulation.

2. (a) If the action was taken by one Contracting Party at the express request of another Contracting Party, the requesting Party shall reimburse to the assisting Party the costs of the action of the assisting Party. If the request is cancelled the requesting Party shall bear the costs already incurred or committed by the assisting Party.

(b) If the action was taken by a Contracting Party on its own initiative, this Party shall bear the costs of its action.

(c) The principles laid down above in subparagraphs (a) and (b) shall apply unless the Parties concerned otherwise agree in any individual case.

3. Unless otherwise agreed, the costs of the action taken by a Contracting Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.

4. The provisions of this regulation shall not be interpreted as in any way prejudicing the rights of Contracting Parties to recover from third parties the costs of actions taken to deal with pollution incidents under other applicable provisions and rules of international law and national or supra-national regulations.

Regulation 10; Regular cooperation

1. Each Contracting Party shall provide information to the other Contracting Parties and the Commission about:

(a) its organization for dealing with spillages at sea of oil and other harmful substances;

(b) its regulations and other matters which have a direct bearing on preparedness and response to pollution at sea by oil and other harmful substances;

(c) the competent authority responsible for receiving and dispatching reports of pollution at sea by oil and other harmful substances;

(d) the competent authorities for dealing with questions concerning measures for mutual assistance, information and cooperation between the Contracting Parties according to this Annex; and

(e) actions taken in accordance with regulations 7 and 8 of this annex.

2. The Contracting Parties shall exchange information on research and development programmes, results concerning ways in which pollution by oil and other harmful substances at sea may be dealt with and experiences in surveillance activities and in responding to such pollution.

3. The Contracting Parties shall on a regular basis arrange joint operational combating exercises as well as alarm exercises.

4. The Contracting Parties shall cooperate within the International Maritime Organization in matters concerning the implementation and further development of the International Convention on Oil Pollution Preparedness, Response and Cooperation.

Regulation 11; HELCOM Combating Manual

The Contracting Parties agree to apply, as far as practicable, the principles and rules included in the Manual on Cooperation in Combating Marine Pollution, detailing this annex and adopted by the Commission or by the Committee designated by the Commission for this purpose.

(d) Convention on the Protection of the Black Sea
against Pollution, 21 April 1992

The Contracting Parties,

Determined to act with a view to achieve progress in the protection of the marine environment of the Black Sea and in the conservation of its living resources,

Conscious of the importance of the economic, social and health values of the marine environment of the Black Sea,

Convinced that the natural resources and amenities of the Black Sea can be preserved primarily through joint efforts of the Black Sea countries,

Taking into account the generally accepted rules and regulations of international law,

Having in mind the principles, customs and rules of general international law regulating the protection and preservation of the marine environment and the conservation of the living resources thereof,

Taking into account the relevant provisions of the Convention on Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 as amended; the International Convention on Prevention of Pollution from Ships of 1973 as modified by the Protocol of 1978 relating thereto as amended; the Convention on Control of Transboundary Movement of Hazardous Wastes and Their Disposal of 1989 and the International Convention on Oil Pollution Preparedness, Response and Cooperation of 1990,

Recognizing the significance of the principles adopted by the Conference on Security and Cooperation in Europe,

Taking into account their interest in the conservation, exploitation and development of the bio-productive potential of the Black Sea,

Bearing in mind that the Black Sea coast is a major international resort area where Black Sea countries have made large investments in public health and tourism,

Taking into account the special hydrological and ecological characteristics of the Black Sea and the hypersensitivity of its flora and fauna to changes in the temperature and composition of the sea water,

Noting that pollution of the marine environment of the Black Sea also emanates from land-based sources in other countries of Europe, mainly through rivers,

Reaffirming their readiness to cooperate in the preservation of the marine environment of the Black Sea and the protection of its living resources against pollution,

Noting the necessity of scientific, technical and technological cooperation for the attainment of the purposes of the Convention,

Noting that existing international agreements do not cover all aspects of pollution of the marine environment of the Black Sea emanating from third countries,

Realizing the need for close cooperation with competent international organizations based on a concerted regional approach for the protection and enhancement of the marine environment of the Black Sea,

Have agreed as follows:

Article I
Area of application

1. This Convention shall apply to the Black Sea proper with the southern limit constituted for the purposes of this Convention by the line joining Capes Kelagra and Dalyan.
2. For the purposes of this Convention the reference to the Black Sea shall include the territorial sea and exclusive economic zone of each Contracting Party in the Black Sea. However, any Protocol to this Convention may provide otherwise for the purposes of that Protocol.

Article II
Definitions

For the purposes of this Convention:

1. "Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazard to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.
2. (a) "Vessel" means seaborne craft of any type. This expression includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, whether self-propelled or not, and platforms and other man-made structures at sea;

(b) "Aircraft" means airborne craft of any type.
3. (a) "Dumping" means:
 - (i) any deliberate disposal of wastes or other matter from vessels or aircraft;
 - (ii) any deliberate disposal of vessels or aircraft;
(b) "Dumping" does not include:
 - (i) the disposal of wastes or other matter incidental to or derived from the normal operations of vessels or aircraft and their equipment, other than wastes or other matter transported by or to vessels or aircraft operating for purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels or aircraft;
 - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.
4. "Harmful substance" means any hazardous, noxious or other substance, the introduction of which into the marine environment would result in pollution or adversely affect the biological processes due to its toxicity and/or persistence and/or bioaccumulation characteristics.

Article III
General provisions

The Contracting Parties take part in this Convention on the basis of full equality in rights and duties, respect for national sovereignty and independence, non-interference in their internal affairs, mutual benefit and other relevant principles and norms of international law.

Article IV
Sovereign immunity

This Convention does not apply to any warship, naval auxiliary or other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing operations of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is practicable, with this Convention.

Article V
General undertakings

1. Each Contracting Party shall ensure the application of the Convention in those areas of the Black Sea where it exercises its sovereignty as well as its sovereign rights and jurisdiction without prejudice to the rights and obligations of the Contracting Parties arising from the rules of international law.

Each Contracting Party, in order to achieve the purposes of this Convention, shall bear in mind the adverse effect of pollution within its internal waters on the marine environment of the Black Sea.

2. The Contracting Parties shall take individually or jointly, as appropriate, all necessary measures consistent with international law and in accordance with the provisions of this Convention to prevent, reduce and control pollution thereof in order to protect and preserve the marine environment of the Black Sea.

3. The Contracting Parties will cooperate in the elaboration of additional Protocols and Annexes other than those attached to this Convention, as necessary for its implementation.

4. The Contracting Parties, when entering bilateral or multilateral agreements for the protection and preservation of the marine environment of the Black Sea, shall endeavour to ensure that such agreements are consistent with this Convention. Copies of such agreements shall be transmitted to the other Contracting Parties through the Commission as defined in article XVII of this Convention.

5. The Contracting Parties will cooperate in promoting, within international organizations found to be competent by them, the elaboration of measures contributing to the protection and preservation of the marine environment of the Black Sea.

Article VI
Pollution by hazardous substances and matter

Each Contracting Party shall prevent pollution of the marine environment of the Black Sea from any source by substances or matter specified in the Annex to this Convention.

Article VII
Pollution from land-based sources

The Contracting Parties shall prevent, reduce and control pollution of the marine environment of the Black Sea from land-based sources, in accordance with the Protocol on the Protection of the Black Sea Marine Environment Against Pollution from Land-based Sources which shall form an integral part of this Convention.

Article VIII
Pollution from vessels

The Contracting Parties shall take individually or, when necessary, jointly, all appropriate measures to prevent, reduce and control pollution of the marine environment of the Black Sea from vessels in accordance with generally accepted international rules and standards.

Article IX
Cooperation in combating pollution in emergency situations

The Contracting Parties shall cooperate in order to prevent, reduce and combat pollution of the marine environment of the Black Sea resulting from emergency situations in accordance with the Protocol on Cooperation in Combating Pollution of the Black Sea by Oil and Other Harmful Substances in Emergency Situations which shall form an integral part of this Convention.

Article X
Pollution by dumping

1. The Contracting Parties shall take all appropriate measures and cooperate in preventing, reducing and controlling pollution caused by dumping in accordance with the Protocol on the Protection of the Black Sea Marine Environment Against Pollution by Dumping which shall form an integral part of this Convention.
2. The Contracting Parties shall not permit, within areas under their respective jurisdiction, dumping by natural or juridical persons of non-Black Sea States.

Article XI
Pollution from activities on the continental shelf

1. Each Contracting Party shall, as soon as possible, adopt laws and regulations and take measures to prevent, reduce and control pollution of the marine environment of the Black Sea caused by or connected with activities on its continental shelf, including the exploration and exploitation of the natural resources of the continental shelf.

The Contracting Parties shall inform each other through the Commission of the laws, regulations and measures adopted by them in this respect.

2. The Contracting Parties shall cooperate in this field, as appropriate, and endeavour to harmonize the measures referred to in paragraph 1 of this article.

Article XII
Pollution from or through the atmosphere

The Contracting Parties shall adopt laws and regulations and take individual or agreed measures to prevent, reduce and control pollution of the marine environment of the Black Sea from or through the atmosphere, applicable to the airspace above their territories and to vessels flying their flag or vessels and aircraft registered in their territory.

Article XIII
Protection of the marine living resources

The Contracting Parties, when taking measures in accordance with this Convention for the prevention, reduction and control of the pollution of the marine environment of the Black Sea, shall pay particular attention to avoiding harm to marine life and living resources, in particular by changing their habitats and creating hindrance to fishing and other legitimate uses of the Black Sea, and in this respect shall give due regard to the recommendations of competent international organizations.

Article XIV
Pollution by hazardous wastes in transboundary movement

The Contracting Parties shall take all measures consistent with international law and cooperate in preventing pollution of the marine environment of the Black Sea due to hazardous wastes in transboundary movement, as well as in combating illegal traffic thereof, in accordance with the Protocol to be adopted by them.

Article XV
Scientific and technical cooperation and monitoring

1. The Contracting Parties shall cooperate in conducting scientific research aimed at protecting and preserving the marine environment of the Black Sea and shall undertake, where appropriate, joint programmes of scientific research, and exchange relevant scientific data and information.
2. The Contracting Parties shall cooperate in conducting studies aimed at developing ways and means for the assessment of the nature and extent of pollution and of its effect on the ecological system in the water column and sediments, detecting polluted areas, examining and assessing risks and finding remedies, and in particular, they shall develop alternative methods of treatment, disposal, elimination or utilization of harmful substances.
3. The Contracting Parties shall cooperate through the Commission in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment of the Black Sea.
4. The Contracting Parties shall, inter alia, establish through the Commission and, where appropriate, in cooperation with international organizations they consider to be competent, complementary or joint monitoring programmes covering all sources of pollution and shall establish a pollution monitoring system for the Black Sea including, as appropriate, programmes at the bilateral or multilateral level for observing, measuring, evaluating and analysing the risks or effects of pollution of the marine environment of the Black Sea.
5. When the Contracting Parties have reasonable grounds for believing that activities under their jurisdiction or control may cause substantial pollution or significant and harmful changes to the marine environment of the Black Sea, they shall, before commencing such activities, assess their potential effects on the basis of all relevant information and monitoring data and shall communicate the results of such assessments to the Commission.
6. The Contracting Parties shall cooperate, as appropriate, in the development, acquisition and introduction of clean and low-waste technology, inter alia, by adopting measures to facilitate the exchange of such technology.
7. Each Contracting Party shall designate the competent national authority responsible for scientific activities and monitoring.

Article XVI
Responsibility and liability

1. The Contracting Parties are responsible for the fulfilment of their international obligations concerning the protection and the preservation of the marine environment of the Black Sea.
2. Each Contracting Party shall adopt rules and regulations on the liability for damage caused by natural or juridical persons to the marine environment of the Black Sea in areas where it exercises, in accordance with international law, its sovereignty, sovereign rights or jurisdiction.
3. The Contracting Parties shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief for damage caused by pollution of the marine environment of the Black Sea by natural or juridical persons under their jurisdiction.
4. The Contracting Parties shall cooperate in developing and harmonizing their laws, regulations and procedures relating to liability, assessment of and compensation for damage caused by pollution of the marine environment of the Black Sea, in order to ensure the highest degree of deterrence and protection for the Black Sea as a whole.

Article XVII
The Commission

1. In order to achieve the purposes of this Convention, the Contracting Parties shall establish a Commission on the Protection of the Black Sea Against Pollution, hereinafter referred to as "the Commission".
2. Each Contracting Party shall be represented in the Commission by one Representative who may be accompanied by Alternate Representatives, Advisers and Experts.
3. The Chairmanship of the Commission shall be assumed by each Contracting Party, in turn, in the alphabetical order of the English language. The first Chairman of the Commission shall be the Representative of the Republic of Bulgaria.

The Chairman shall serve for one year, and during his term he cannot act in the capacity of Representative of this country. Should the Chairmanship fall vacant, the Contracting Party chairing the Commission shall appoint a successor to remain in office until the term of its Chairmanship expires.

4. The Commission shall meet at least once a year. The Chairman shall convene extraordinary meetings upon the request of any Contracting Party.
5. Decisions and recommendations of the Commission shall be adopted unanimously by the Black Sea States.
6. The Commission shall be assisted in its activities by a permanent Secretariat. The Commission shall nominate the Executive Director and other officials of the Secretariat. The Executive Director shall appoint the technical staff in accordance with the rules to be established by the Commission. The Secretariat shall be composed of nationals of all Black Sea States.

The Commission and the Secretariat shall have their headquarters in Istanbul. The location of the headquarters may be changed by the Contracting Parties by consensus.

7. The Commission shall adopt its Rules of Procedure for carrying out its functions, decide upon the organization of its activities and establish subsidiary bodies in accordance with the provisions of this Convention.

8. Representatives, Alternate Representatives, Advisers and Experts of the Contracting Parties shall enjoy in the territory of the respective Contracting Party diplomatic privileges and immunities in accordance with international law.
9. The privileges and immunities of the officials of the Secretariat shall be determined by agreement among the Contracting Parties.
10. The Commission shall have such legal capacity as may be necessary for the exercise of its functions.
11. The Commission shall conclude a Headquarters Agreement with the host Contracting Party.

Article XVIII
Functions of the Commission

The Commission shall:

1. Promote the implementation of this Convention and inform the Contracting Parties of its work;
2. Make recommendations on measures necessary for achieving the aims of this Convention;
3. Consider questions relating to the implementation of this Convention and recommend such amendments to the Convention and to the Protocols as may be required, including amendments to Annexes of this Convention and the Protocols;
4. Elaborate criteria pertaining to the prevention, reduction and control of pollution of the marine environment of the Black Sea and to the elimination of the effects of pollution, as well as recommendations on measures to this effect;
5. Promote the adoption by the Contracting Parties of additional measures needed to protect the marine environment of the Black Sea, and to that end receive, process and disseminate to the Contracting Parties relevant scientific, technical and statistical information and promote scientific and technical research;
6. Cooperate with competent international organizations, especially with a view to developing appropriate programmes or obtaining assistance in order to achieve the purposes of this Convention;
7. Consider any questions raised by the Contracting Parties;
8. Perform other functions as foreseen in other provisions of this Convention or assigned unanimously to the Commission by the Contracting Parties.

Article XIX
Meetings of the Contracting Parties

1. The Contracting Parties shall meet in conference upon recommendation by the Commission. They shall also meet in conference within ten days at the request of the Contracting Party.
2. The primary function of the meetings of the Contracting Parties shall be the review of the implementation of this Convention and of the Protocols upon the report of the Commission.
3. A non-Black Sea State which accedes to this Convention may attend the meetings of the Contracting Parties in an advisory capacity.

Article XX

Adoption of amendments to the Convention and/or to the Protocols

1. Any Contracting Party may propose amendments to the articles of this Convention.
2. Any Contracting Party to this Convention may propose amendments to any Protocol.
3. Any such proposed amendment shall be transmitted to the depositary and communicated by it through diplomatic channels to all the Contracting Parties and to the Commission.
4. Amendments to this Convention and to any Protocol shall be adopted by consensus at a Diplomatic Conference of the Contracting Parties to be convened within 90 days after the circulation of the proposed amendment by the depositary.
5. The amendments shall enter into force 30 days after the depositary has received notifications of acceptance of these amendments from all Contracting Parties.

Article XXI

Annexes and amendments to annexes

1. Annexes to this Convention or to any Protocol shall form an integral part of the Convention or such Protocol, as the case may be.
2. Any Contracting Party may propose amendments to the annexes to this Convention or to the annexes of any Protocol through its Representative in the Commission. Such amendments shall be adopted by the Commission on the basis of consensus. The depositary, duly informed by the Chairman of the Commission of its decision, shall without delay communicate the amendments so adopted to all the Contracting Parties. Such amendments shall enter into force 30 days after the depositary has received notifications of acceptance from all Contracting Parties.
3. The provisions of paragraph 2 of this article shall apply to the adoption and entry into force of a new annex to this Convention or to any Protocol.

Article XXII

Notification of entry into force of amendments

The depositary shall inform, through diplomatic channels, the Contracting Parties of the date on which amendments adopted under articles XX and XXI enter into force.

Article XXIII

Financial rules

The Contracting Parties shall decide upon all financial matters on the basis of unanimity, taking into account the recommendations of the Commission.

Article XXIV

Relation to other international instruments

Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea, established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelf in accordance with international law, and the exercise by ships and aircraft of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

Article XXV
Settlement of disputes

In case of a dispute between Contracting Parties concerning the interpretation and implementation of this Convention, they shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice.

Article XXVI
Adoption of additional Protocols

1. At the request of a Contracting Party or upon a recommendation by the Commission, a Diplomatic Conference of the Contracting Parties may be convened with the consent of all Contracting Parties in order to adopt additional Protocols.
2. Signature, ratification, acceptance, approval, accession to, entry into force, and denunciation of additional Protocols shall be done in accordance with procedures contained, respectively, in articles XXVIII, XXIX, and XXX of this Convention.

Article XXVII
Reservations

No reservations may be made to this Convention.

Article XXVIII
Signature, ratification, acceptance, approval and accession

1. This Convention shall be open for signature by the Black Sea States.
2. This Convention shall be subject to ratification, acceptance or approval by the States which have signed it.
3. This Convention shall be open for accession by any non-Black Sea State interested in achieving the aims of this Convention and contributing substantially to the protection and preservation of the marine environment of the Black Sea provided the said State has been invited by all Contracting Parties. Procedures with regard to the invitation for accession will be dealt with by the depositary.
4. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary. The depositary of this Convention shall be the Government of Romania.

Article XXIX
Entry into force

This Convention shall enter into force 60 days after the date of deposit with the depositary of the fourth instrument of ratification, acceptance or approval.

For a State acceding to this Convention in accordance with article XXVIII, the Convention shall enter into force 60 days after the deposit of its instrument of accession.

Article XXX
Denunciation

After the expiry of five years from the date of entry into force of this Convention, any Contracting Party may, by written notification addressed to the depositary, denounce this Convention. The denunciation shall take effect on the thirty-first day of December of the year which follows the year in which the depositary was notified of the denunciation.

DONE in English, on the twenty-first day of the month of April of one thousand nine hundred and ninety two, in Bucharest.

ANNEX

1. Organotin compounds.
2. Organohalogen compounds, e.g., DDT, DDE, DDD, PCBs.
3. Persistent organophosphorus compounds.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent substances with proven toxic, carcinogenic, teratogenic or mutagenic properties.
7. Used lubricating oils.
8. Persistent synthetic materials which may float, sink or remain in suspension.
9. Radioactive substances and wastes, including used radioactive fuel.
10. Lead and lead compounds.

PROTOCOL ON PROTECTION OF THE BLACK SEA MARINE ENVIRONMENT AGAINST POLLUTION FROM LAND-BASED SOURCES

Article 1

In accordance with article VII of the Convention, the Contracting Parties shall take all necessary measures to prevent, reduce and control pollution of the marine environment of the Black Sea caused by discharges from land-based sources on their territories such as rivers, canals, coastal establishments, other artificial structures, outfall or run-off, or emanating from any other land-based source, including through the atmosphere.

Article 2

For the purposes of this Protocol, the freshwater limit means the landward part of the line drawn between the endpoints on the right and the left banks of a watercourse where it reaches the Black Sea.

Article 3

This Protocol shall apply to the Black Sea as defined in article I of the Convention and to the waters landward of the baselines from which the breadth of the territorial sea is measured, and in the case of freshwater courses, up to the freshwater limit.

Article 4

The Contracting Parties undertake to prevent and eliminate pollution of the marine environment of the Black Sea from land-based sources by substances and matter listed in annex I to this Protocol.

The Contracting Parties undertake to reduce and, whenever possible, to eliminate pollution of the marine environment of the Black Sea from land-based sources by substances and matter listed in annex II to this Protocol.

As to watercourses that are tributaries to the Black Sea, the Contracting Parties will endeavour to cooperate, as appropriate, with other States in order to achieve the purposes set forth in this article.

Article 5

Pursuant to the provisions of article XV of the Convention, each Contracting Party shall carry out, at the earliest possible date, monitoring activities in order to assess the levels of pollution, its sources and ecological effects along its coast, in particular with regard to the substances and matter listed in annexes I and II to this

Protocol. Additional research will be conducted upstream of river sections in order to investigate fresh/salt water interactions.

Article 6

In conformity with article XV of the Convention, the Contracting Parties shall cooperate in elaborating common guidelines, standards or criteria dealing with special characteristics of marine outfall and in undertaking research on specific requirements for effluents necessitating separate treatment and concerning the quantities of discharged substances and matter listed in annexes I and II, their concentration in effluents, and methods of discharging them.

The common emission standards and timetable for the implementation of the programme and measures aimed at preventing, reducing or eliminating, as appropriate, pollution from land-based sources shall be fixed by the Contracting Parties and periodically reviewed for substances and matter listed in annexes I and II to this Protocol.

The Commission shall define pollution prevention criteria as well as recommend appropriate measures to reduce, control and eliminate pollution of the marine environment of the Black Sea from land-based sources.

The Contracting Parties shall take into consideration the following:

- (a) The discharge of water from municipal sewage systems should be made in such a way as to reduce the pollution of the marine environment of the Black Sea;
- (b) The pollution load of industrial wastes should be reduced in order to comply with the accepted concentrations of substances and matter listed in annexes I and II to this Protocol;
- (c) The discharge of cooling water from nuclear power plants or other industrial enterprises using large amounts of water should be made in such a way as to prevent pollution of the marine environment of the Black Sea;
- (d) The pollution load from agricultural and forest areas affecting the water quality of the marine environment of the Black Sea should be reduced in order to comply with the accepted concentrations of substances and matter listed in annexes I and II to this Protocol.

Article 7

The Contracting Parties shall inform one another through the Commission of measures taken, results achieved or difficulties encountered in the application of this Protocol. Procedures for the collection and transmission of such information shall be determined by the Commission.

ANNEX I Hazardous substances and matter

The following substances or groups of substances or matter are not listed in order of priority. They have been selected mainly on the basis of their toxicity, persistence and bioaccumulation characteristics.

This annex does not apply to discharges which contain substances and matter listed below that are below the concentration limits defined jointly by the Contracting Parties, not exceeding environmental background concentrations.

1. Organotin compounds.
2. Organohalogen compounds, e.g., DDT, DDE, DDD, PCBs.
3. Persistent organophosphorus compounds.

4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent substances with proven toxic, carcinogenic, teratogenic or mutagenic properties.
7. Used lubricating oils.
8. Persistent synthetic materials which may float, sink or remain in suspension.
9. Radioactive substances and wastes, including used radioactive fuel.
10. Lead and lead compounds.

ANNEX II

Noxious substances and matter

The following substances and matter have been selected mainly on the basis of criteria used in annex I, while taking into account the fact that they are less harmful or more readily rendered harmless by natural processes.

The control and strict limitation of the discharges of substances and matter referred to in this annex shall be implemented in accordance with annex III to this Protocol.

1. Biocides and their derivatives not covered in annex I.
2. Cyanides, fluorides, and elemental phosphorus.
3. Pathogenic micro-organisms.
4. Non-biodegradable detergents and their surface-active substances.
5. Alkaline or acid compounds.
6. Thermal discharges.
7. Substances which, although of a non-toxic nature, may become harmful to the marine biota owing to the quantities in which they are discharged, e.g., inorganic phosphorus, nitrogen, organic matter and other nutrient compounds. Also substances which have an adverse effect on the oxygen content in the marine environment.
8. The following elements and their compounds:

Zinc	Selenium	Tin	Vanadium
Copper	Arsenic	Barium	Cobalt
Nickel	Antimony	Beryllium	Thallium
Chromium	Molybdenum	Boron	Tellurium
	Titanium	Uranium	Silver

9. Crude oil and hydrocarbons of any origin.

ANNEX III

The discharges of substances and matter listed in annex II to this Protocol shall be subject to restrictions based on the following:

1. Maximum permissible concentrations of the substances and matter immediately before the outlet;
2. Maximum permissible quantity (load, inflow) of the substances and matter per annual cycle or shorter time limit;
3. In case of differences between 1 and 2 above, the stricter restriction should apply.

When issuing a permit for the discharge of wastes containing substances and matter referred to in annexes I and II to this Protocol, the national authorities will take particular account, as the case may be, of the following factors:

A. CHARACTERISTICS AND COMPOSITION OF THE WASTE

1. Type and size of waste source (e.g., industrial process).
2. Type of waste (origin, average composition).
3. Form of waste (solid, liquid, sludge, slurry).
4. Total amount (volume discharged. e.g. per year).
5. Discharge pattern (continuous, intermittent, seasonally variable, etc.).
6. Concentrations with respect to major constituents, substances listed in annex I, substances listed in annex II, and other harmful substances as appropriate.
7. Physical, chemical and biological properties of the waste.

B. CHARACTERISTICS OF WASTE CONSTITUENTS WITH RESPECT TO THEIR HARMFULNESS

1. Persistence (physical, chemical, biological) in the marine environment.
2. Toxicity and other harmful effects.
3. Accumulation in biological materials and sediments.
4. Biochemical transformation producing harmful compounds.
5. Adverse effects on the oxygen contents and balance.
6. Susceptibility to physical, chemical and biochemical changes and interaction in the marine environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in section E below.

PROTOCOL ON COOPERATION IN COMBATING POLLUTION OF THE BLACK SEA MARINE ENVIRONMENT BY OIL AND OTHER HARMFUL SUBSTANCES IN EMERGENCY SITUATIONS

Article 1

In accordance with article IX of the Convention, the Contracting Parties shall take necessary measures and cooperate in cases of grave and imminent danger to the marine environment of the Black Sea or to the coast of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or from accumulation of small discharges which are polluting or constituting a threat of pollution.

Article 2

The Contracting Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral cooperation, contingency plans for combating pollution of the sea by oil and other harmful substances. These shall include, in particular, equipment, vessels, aircraft and manpower prepared for operations in emergency situations.

Article 3

Each Contracting Party shall take necessary measures for detecting violations and, within areas under its jurisdiction, for enforcing the provisions of this Protocol. Furthermore, the Contracting Parties shall ensure compliance with the provisions of this Protocol by vessels flying their flag.

The Contracting Parties shall promote exchange of information on subjects related to the implementation of this Protocol, including transmission of reports and urgent information which relate to article 1 thereof.

C. CHARACTERISTICS OF DISCHARGE SITE AND RECEIVING MARINE ENVIRONMENT

1. Hydrographic, meteorological, geological and topographic characteristics of the coastal area.
2. Location and type of discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery and fishing areas, shellfish grounds) and other discharges.
3. Initial dilution achieved at the point of discharge into the receiving marine environment.
4. Dispersal characteristics such as the effect of currents, tides and winds on horizontal transport and vertical mixing.
5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.
6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. AVAILABILITY OF WASTE TECHNOLOGIES

The methods of waste reduction and discharge for industrial effluents as well as household sewage should be selected taking into account the availability and feasibility of:

- (a) Alternative treatment processes;
- (b) Recycling, reuse or elimination methods;
- (c) On-land disposal alternatives; and
- (d) Appropriate clean and low-waste technologies.

E. POTENTIAL IMPAIRMENT OF MARINE ECOSYSTEMS AND SEA-WATER USES

1. Effects on human life through pollution impact on:
 - (a) Edible marine organisms;
 - (b) Bathing waters;
 - (c) Aesthetics.

Discharges of wastes containing substances and matter listed in annexes I and II shall be subject to a system of self-monitoring and control by the competent national authorities.

2. Effects on marine ecosystems, in particular living resources, endangered species, and critical habitats.
3. Effects on other legitimate uses of the sea.

Article 4

Any Contracting Party which becomes aware of cases where the marine environment of the Black Sea is in imminent danger of being damaged or has been significantly damaged by pollution, shall immediately notify the other Contracting Parties it deems likely to be affected by such damage as well as the Commission.

Article 5

Each Contracting Party shall indicate to the other Contracting Parties and the Commission, the competent national authorities responsible for controlling and combating of pollution by oil and other harmful substances. Each Contracting Party shall also designate a focal point to transmit and receive reports of incidents which have resulted or may result in a discharge of oil or other harmful substances, in accordance with the provisions of relevant international instruments.

Article 6

1. Each Contracting Party shall issue instructions to the masters of vessels flying its flag and to the pilots of aircraft registered in its territory requiring them to report in accordance with the Annex to this Protocol and by the most rapid and reliable channels, to the Party or Parties that might potentially be affected to the Commission:

(a) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a threat to the marine environment of the Black Sea or to the coast of one or more Contracting Parties;

(b) All emergency situations causing or likely to cause pollution by oil or other harmful substances.

2. The information collected in accordance with paragraph 1 shall be communicated to the other Parties which are likely to be affected by pollution:

(a) By the Contracting Party which has received the information;

(b) By the Commission.

ANNEX

Contents of the report to be made pursuant to article 6

1. Each report shall contain in general:

(a) The identification of the source of pollution;

(b) The geographic position, time and date of occurrence of the incident or of the observation;

(c) Land and sea conditions prevailing in the area;

(d) Relevant details with respect to the condition of the vessel polluting the sea.

2. Each report shall contain, whenever possible, in particular:

(a) A clear indication or description of the harmful substances involved, including the correct technical names of such substances;

(b) A statement of estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;

(c) A description of packaging and identifying marks;

(d) Name of the consignor, consignee, or manufacturer.

3. Each report shall clearly indicate, whenever possible, whether the harmful substances discharged or likely to be discharged are oil or noxious liquid, solid, or gaseous substances and whether such substances were or are carried in bulk or contained in packaged form, freight containers, portable tanks or road and rail tank wagons.
4. Each report shall be supplemented, as necessary, by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.
5. Any of the persons referred to in article 6, paragraph 1, of this Protocol shall:
 - (a) Supplement the initial report, as far as possible and necessary, with information concerning further developments;
 - (b) Comply as fully as possible with requests from affected Contracting Parties for additional information.

PROTOCOL ON THE PROTECTION OF THE BLACK SEA MARINE ENVIRONMENT AGAINST POLLUTION BY DUMPING

Article 1

In accordance with article X of the Convention, the Contracting Parties shall take individually or jointly all appropriate measures for the implementation of this Protocol.

Article 2

Dumping in the Black Sea of wastes or other matter containing noxious substances listed in annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 3

Dumping in the Black Sea of wastes or other matter containing noxious substances listed in annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 4

Dumping in the Black Sea of all other wastes or matter requires a prior general permit from the competent national authorities.

Article 5

The permits referred to in articles 3 and 4 above shall be issued after a careful consideration of all the factors set forth in annex III to this Protocol by the competent national authorities of the relevant coastal State. The Commission shall receive records of such permits.

Article 6

The provisions of articles 2, 3 and 4 shall not apply when the safety of human life or of a vessel or aircraft at sea is threatened by complete destruction or total loss or in any other case when there is a danger to human life and when dumping appears to be the only way of averting such danger, and if there is every probability that the damage resulting from such dumping will be less than would otherwise occur. Such dumping shall be carried out so as to minimize the likelihood of damage to human or marine life. The Commission shall promptly be informed.

Article 7

1. Each Contracting Party shall designate one or more competent authorities to:
 - (a) Issue the permits provided for in articles 3 and 4;
 - (b) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping.
2. The competent authorities of each Contracting Party shall issue the permits provided for in articles 3 and 4 in respect of the wastes or other matter intended for dumping:
 - (a) Loaded within its territory;
 - (b) Loaded by a vessel flying its flag or an aircraft registered in its territory when the loading occurs within the territory of another State.

Article 8

1. Each Contracting Party shall take the measures required to implement this Protocol in respect of:
 - (a) Vessels flying its flag or aircraft registered in its territory;
 - (b) Vessels and aircraft loading in its territory wastes or other matter which are to be dumped;
 - (c) Platforms and other man-made structures at sea situated within its territorial sea and exclusive economic zone;
 - (d) Dumping within its territorial sea and exclusive economic zone.

Article 9

The Contracting Parties shall cooperate in exchanging information relevant to articles 5, 6, 7 and 8. Each Contracting Party shall inform the other Contracting Parties which may potentially be affected, in case of suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur.

ANNEX I

Hazardous substances and matter

1. Organohalogen compounds, e.g., DDT, DDE, DDD, PCBs.
2. Persistent organophosphorus compounds.
3. Mercury and mercury compounds.
4. Cadmium and cadmium compounds.
5. Persistent substances with proven toxic, carcinogenic, teratogenic or mutagenic properties.
6. Used lubricating oils.
7. Persistent synthetic materials which may float, sink or remain in suspension.
8. Radioactive substances and wastes, including used radioactive fuel.
9. Crude oil and hydrocarbons of any origin.

ANNEX II Noxious substances and matter

The following substances, compounds or matter have been selected mainly on the basis of criteria used in annex I, while taking into account the fact that they are less harmful or more readily rendered harmless by natural processes.

The control and strict limitation of the dumping of substances referred to in Annex I shall be implemented in accordance with annex III of this Protocol.

1. Biocides and their derivatives not covered in annex I.
2. Cyanides, fluorides, and elemental phosphorus.
3. Pathogenic micro-organisms.
4. Non-biodegradable detergents and their surface-active substances.
5. Alkaline or acid compounds.
6. Substances which, although of a non-toxic nature, may become harmful to the marine biota owing to the quantities in which they are discharged, e.g., inorganic phosphorus, nitrogen, organic matter and other nutrient compounds. Also substances which have an adverse effect on the oxygen content in the marine environment.
7. The following elements and their compounds:

Zinc	Selenium	Tin	Vanadium
Copper	Arsenic	Barium	Cobalt
Nickel	Antimony	Beryllium	Thallium
Chromium	Molybdenum	Boron	Tellurium
	Titanium	Uranium	Silver

8. Sewage sludge.

ANNEX III

In issuing permits for dumping at sea, the following factors shall be considered:

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Amount of matter to be dumped (e.g., per year).
2. Average composition of the matter to be dumped.
3. Properties: physical (e.g., solubility, density), chemical and biochemical (e.g. oxygen demand, nutrients), biological (e.g., presence of bacteria, etc.).

The data should include sufficient information on the annual mean levels and seasonal variations of the mentioned properties.

4. Long-term toxicity.
5. Persistence: physical, chemical, biological.
6. Accumulation and transformation in the marine environment.
7. Susceptibility to physical, chemical and biochemical changes and interaction with other dissolved matter.
8. Probability of inducing effects which would reduce the marketability of resources (e.g., fish, shellfish).

B. CHARACTERISTICS OF DUMPING SITE AND DISPOSAL METHOD

1. Location (e.g., coordinates of the dumping area, depth and distance from the coast) and its relation to areas of special interest (e.g., amenity areas, spawning, nursery and fishing grounds).
2. Methods and technologies of packaging and disposal of matter.
3. Dispersal characteristics.
4. Hydrological characteristics and seasonal variations in these characteristics (e.g., temperature, pH, salinity, stratification, turbidity, dissolved oxygen, biochemical oxygen demand, chemical oxygen demand, nutrients, productivity).
5. Bottom characteristics (e.g., topography, geochemical, geological and biological productivity).
6. Cases and effects of other dumping.

C. GENERAL CONSIDERATIONS

1. Possible effects on amenities (e.g., floating or stranded matter, water turbidity, objectionable odour, discoloration, and foaming).
2. Possible effects on marine life, fish stocks, mari-culture areas, traditional fishing grounds, seaweed harvesting and cultivation sites.
3. Possible effects on other uses of the sea (e.g., impairment of water quality for industrial use, underwater corrosion of structures, interference with vessel operations or fishing due to floating matter or through deposit of wastes or objects on the seabed, and difficulties in protecting areas of special interest for scientific research or protection of nature).
4. Practical availability of alternative land disposal methods.

RESOLUTION 1

Elaboration of a Protocol concerning transboundary movement of hazardous wastes and cooperation in combating illegal traffic thereof

The Diplomatic Conference on the Protection of the Black Sea against Pollution:

Having adopted the Convention on the Protection of the Black Sea against Pollution,

Bearing in mind its article XIV, "Pollution by hazardous wastes in transboundary movement", stipulating:

"The Contracting Parties shall take all measures consistent with international law and cooperate in preventing pollution of the marine environment of the Black Sea due to hazardous wastes in transboundary movement, as well as in combating illegal traffic thereof, in accordance with the Protocol to be adopted by them";

Noting the draft Protocol to this effect elaborated by the delegation of the Russian Federation;

Decides that priority shall be given to the elaboration and adoption of a Protocol concerning transboundary movement of hazardous wastes and cooperation in combating illegal traffic thereof.

RESOLUTION 2

Establishment of cooperation with Danube States for promoting the objectives of the Convention on the Protection of the Black Sea against Pollution

The Contracting Parties to the Convention on the Protection of the Black Sea against Pollution,

Having adopted the Convention on the Protection of the Black Sea against Pollution,

Taking into account that rivers tributary to the Black Sea constitute a major source of pollution of the marine environment of the Black Sea,

Mindful of the efforts of Danube countries for the preparation of an agreement aimed at improving ecological conditions in the Danube,

Recalling the provisions of the Charter of Paris for a New Europe, adopted on 21 November 1990, stipulating the common responsibility of all countries for the preservation of the environment and their commitment to intensify their endeavours to protect and improve their environment in order to restore and maintain a sound ecological balance in air, water and soil,

Recalling further that under international law all States, whether they are or not coastal States, have an obligation to protect and preserve the marine environment,

Conscious of the need to take into consideration the work to be undertaken by Danube States,

Decides that the Contracting Parties to the Convention will closely follow the activities of the Danube States regarding the improvement of the ecological conditions in the Danube and will endeavour to initiate cooperation including future meetings with them for the purposes of the Convention.

RESOLUTION 3

Cooperation with intergovernmental organizations

The Diplomatic Conference on the Protection of the Black Sea against Pollution:

Having adopted the Convention on the Protection of the Black Sea against Pollution,

Considering article V, paragraph 5, "General undertakings", of the Convention, stipulating;

"The Contracting Parties will cooperate in promoting, within international organizations found to be competent by them, the elaboration of measures contributing to the protection and preservation of the marine environment of the Black Sea";

Wishing to establish effective cooperation with the Regional Seas Programme of the United Nations Environment Programme Oceans and Coastal Areas Programme Activity Centre, which has gained considerable experience in the field of marine pollution,

1. Decides to invite the Regional Seas Programme of the United Nations Environment Programme Oceans and Coastal Areas Programme Activity Centre to cooperate with the Contracting Parties and/or the Commission for the elaboration of a Black Sea Action Plan, including provision of assistance and equipment as well as a preliminary work programme for priority environmental issues, such as:

- Preparation of monitoring and research programmes of the Contracting Parties for the prevention of marine pollution;
- Training of environment specialists;
- Transfer and use of best available clean and low-waste technologies;
- Providing assistance in supporting the efforts of the Contracting Parties in achieving sustainable development;

2. Decides to invite other intergovernmental organizations to cooperate with the Contracting Parties and/or the Commission by preparing and implementing specific programmes and projects, with a view to fulfilling the objectives of the Convention.

RESOLUTION 4

Institutional arrangements related to the Convention on the Protection of the Black Sea against Pollution

1. The headquarters of the Commission and the Secretariat, to be established in accordance with article XVII of the Convention, will be in Istanbul.

The Contracting Parties take note of the offer by the Republic of Turkey relating to the financial means and facilities to be provided for this purpose (Ankara meeting WP/5/C, 26 March 1991).

2. The national programmes, in the context of the implementation of the Convention and the Protocols annexed to it, will be carried out by the appropriate research establishments of the Contracting Parties, in accordance with the criteria and guidelines established by the Commission.

3. Furthermore, in accordance with programmes of the Commission, certain activities concerning technical matters such as organization of training courses, formulation of joint pollution control guidelines and joint inter-calibration and inter-comparison exercises, etc., shall be carried out by the research institutes of the Contracting Parties as activity centres. The Contracting Parties take note of offers of the Bulgarian and the Romanian sides to provide the facilities for this purpose in Varna (Institute of Oceanology) and Constanta (Institute of Marine Research) respectively.

(e) Convention for the Protection of the Marine Environment of the North-East Atlantic, 22 September 1992

The Contracting Parties,

Recognizing that the marine environment and the fauna and flora which it supports are of vital importance to all nations,

Recognizing the inherent worth of the marine environment of the North-East Atlantic and the necessity for providing coordinated protection for it,

Recognizing that concerted action at national, regional and global levels is essential to prevent and eliminate marine pollution and to achieve sustainable management of the maritime area, that is, the management of human activities in such a manner that the marine ecosystem will continue to sustain the legitimate uses of the sea and will continue to meet the needs of present and future generations,

Mindful that the ecological equilibrium and the legitimate uses of the sea are threatened by pollution,

Considering the recommendations of the United Nations Conference on the Human Environment, held at Stockholm in June 1972,

Considering also the results of the United Nations Conference on the Environment and Development held at Rio de Janeiro in June 1992,

Recalling the relevant provisions of customary international law reflected in Part XII of the United Nations Convention on the Law of the Sea and, in particular, article 197 on global and regional cooperation for the protection and preservation of the marine environment,

Considering that the common interests of States concerned with the same marine area should induce them to cooperate at regional or subregional levels,

Recalling the positive results obtained within the context of the Convention for the prevention of marine pollution by dumping from ships and aircraft signed at Oslo on 15 February 1972, as amended by the protocols of 2 March 1983 and 5 December 1989, and the Convention for the Prevention of Marine Pollution from Land-based Sources signed at Paris on 4 June 1974, as amended by the Protocol of 26 March 1986,

Convinced that further international action to prevent and eliminate pollution of the sea should be taken without delay, as part of progressive and coherent measures to protect the marine environment,

Recognizing that it may be desirable to adopt, on the regional level, more stringent measures with respect to the prevention and elimination of pollution of the marine environment or with respect to the protection of the marine environment against the adverse effects of human activities than are provided for in international conventions or agreements with a global scope,

Recognizing that questions relating to the management of fisheries are appropriately regulated under international and regional agreements dealing specifically with such questions,

Considering that the present Oslo and Paris Conventions do not adequately control some of the many sources of pollution, and that it is therefore justifiable to replace them with the present Convention, which addresses all sources of pollution of the marine environment and the adverse effects of human activities upon it, takes into account the precautionary principle and strengthens regional cooperation,

Have agreed as follows:

Article 1
Definitions

For the purposes of the Convention:

- (a) "Maritime area" means the internal waters and the territorial seas of the Contracting Parties, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal State to the extent recognized by international law, and the high seas, including the bed of all those waters and its subsoil, situated within the following limits:
- (i) those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding:
 - (1) the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to Kullen,
 - (2) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude;
 - (ii) that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude;
- (b) "Internal waters" means the waters on the landward side of the baselines from which the breadth of the territorial sea is measured, extending in the case of watercourses up to the freshwater limit;
- (c) "Freshwater limit" means the place in a watercourse where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of seawater;
- (d) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the maritime area which results, or is likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea;
- (e) "Land-based sources" means point and diffuse sources on land from which substances or energy reach the maritime area by water, through the air, or directly from the coast. It includes sources associated with any deliberate disposal under the seabed made accessible from land by tunnel, pipeline or other means and sources associated with man-made structures placed in the maritime area under the jurisdiction of a Contracting Party, other than for the purpose of offshore activities;
- (f) "Dumping" means
- (i) any deliberate disposal in the maritime area of wastes or other matter:
 - (1) from vessels or aircraft;
 - (2) from offshore installations;
 - (ii) any deliberate disposal in the maritime area of:
 - (1) vessels or aircraft;
 - (2) offshore installations and offshore pipelines;

(g) "Dumping" does not include:

- (i) the disposal in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, or other applicable international law, of wastes or other matter incidental to, or derived from, the normal operations of vessels or aircraft or offshore installations other than wastes or other matter transported by or to vessels or aircraft or offshore installations for the purpose of disposal of such wastes or other matter or derived from the treatment of such wastes or other matter on such vessels or aircraft or offshore installations;
 - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that, if the placement is for a purpose other than that for which the matter was originally designed or constructed, it is in accordance with the relevant provisions of the Convention; and
 - (iii) for the purposes of annex III, the leaving wholly or partly in place of a disused offshore installation or disused offshore pipeline, provided that any such operation takes place in accordance with any relevant provision of the Convention and with other relevant international law;
- (h) "Incineration" means any deliberate combustion of wastes or other matter in the maritime area for the purpose of their thermal destruction;
- (i) "Incineration" does not include the thermal destruction of wastes or other matter in accordance with applicable international law incidental to, or derived from the normal operation of vessels or aircraft, or offshore installations other than the thermal destruction of wastes or other matter on vessels or aircraft or offshore installations operating for the purpose of such thermal destruction;
- (j) "Offshore activities" means activities carried out in the maritime area for the purposes of the exploration, appraisal or exploitation of liquid and gaseous hydrocarbons;
- (k) "Offshore sources" means offshore installations and offshore pipelines from which substances or energy reach the maritime area;
- (l) "Offshore installation" means any man-made structure, plant or vessel or parts thereof, whether floating or fixed to the seabed, placed within the maritime area for the purpose of offshore activities;
- (m) "Offshore pipeline" means any pipeline which has been placed in the maritime area for the purpose of offshore activities;
- (n) "Vessels or aircraft" means water-borne or airborne craft of any type whatsoever, their parts and other fittings. This expression includes air-cushion craft, floating craft whether self-propelled or not, and other man-made structures in the maritime area and their equipment, but excludes offshore installations and offshore pipelines;

(o) "Wastes or other matter" does not include:

- (i) human remains;
 - (ii) offshore installations;
 - (iii) offshore pipelines;
 - (iv) unprocessed fish and fish offal discarded from fishing vessels;
- (p) "Convention" means, unless the text otherwise indicates, the Convention for the Protection of the Marine Environment of the North-East Atlantic, its annexes and appendices;

- (q) "Oslo Convention" means the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft signed at Oslo on 15 February 1972, as amended by the Protocols of 2 March 1983 and 5 December 1989;
- (r) "Paris Convention" means the Convention for the Prevention of Marine Pollution from Land-based Sources, signed at Paris on 4 June 1974, as amended by the Protocol of 26 March 1986;
- (s) "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by the Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the Convention.

Article 2
General obligations

1. (a) The Contracting Parties shall, in accordance with the provisions of the Convention, take all possible steps to prevent and eliminate pollution and shall take the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected.

(b) To this end the Contracting Parties shall, individually and jointly, adopt programmes and measures and shall harmonize their policies and strategies.

2. The Contracting Parties shall apply:

(a) the precautionary principle, by virtue of which preventive measures are to be taken when there are reasonable grounds for concern that substances or energy introduced, directly or indirectly, into the marine environment may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even when there is no conclusive evidence of a causal relationship between the inputs and the effects;

(b) the "polluter pays" principle, by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter.

3. (a) In implementing the Convention, the Contracting Parties shall adopt programmes and measures which contain, where appropriate, time-limits for their completion and which take full account of the use of the latest technological developments and practices designed to prevent and eliminate pollution fully.

(b) To this end they shall:

(i) taking into account the criteria set forth in appendix 1, define with respect to programmes and measures the application of, inter alia,

- best available techniques

- best environmental practice including, where appropriate, clean technology;

(ii) in carrying out such programmes and measures, ensure the application of best available techniques and best environmental practice as so defined, including, where appropriate, clean technology.

4. The Contracting Parties shall apply the measures they adopt in such a way as to prevent an increase in pollution of the sea outside the maritime area or in other parts of the environment.

5. No provision of the Convention shall be interpreted as preventing the Contracting Parties from taking, individually or jointly, more stringent measures with respect to the prevention and elimination of pollution of the maritime area or with respect to the protection of the maritime area against the adverse effects of human activities.

Article 3

Pollution from land-based sources

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution from land-based sources in accordance with the provisions of the Convention, in particular as provided for in annex I.

Article 4

Pollution by dumping or incineration

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution by dumping or incineration of wastes or other matter in accordance with the provisions of the Convention, in particular as provided for in annex II.

Articles 5

Pollution from offshore sources

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution from offshore sources in accordance with the provisions of the Convention, in particular as provided for in annex III.

Article 6

Assessment of the quality of the marine environment

The Contracting Parties shall, in accordance with the provisions of the Convention, in particular as provided for in annex IV:

- (a) undertake and publish at regular intervals joint assessments of the quality status of the marine environment and of its development, for the maritime area or for regions or subregions thereof;
- (b) include in such assessments both an evaluation of the effectiveness of the measures taken and planned for the protection of the marine environment and the identification of priorities for action.

Article 7

Pollution from other sources

The Contracting Parties shall cooperate with a view to adopting annexes, in addition to the annexes mentioned in articles 3, 4, 5 and 6 above, prescribing measures, procedures and standards to protect the maritime area against pollution from other sources, to the extent that such pollution is not already the subject of effective measures agreed by other international organizations or prescribed by other international conventions.

Article 8

Scientific and technical research

1. To further the aims of the Convention, the Contracting Parties shall establish complementary or joint programmes of scientific or technical research and, in accordance with a standard procedure, transmit to the Commission:

- (a) the results of such complementary, joint or other relevant research;
 - (b) details of other relevant programmes of scientific and technical research.
2. In so doing, the Contracting Parties shall have regard to the work carried out, in these fields, by the appropriate international organizations and agencies.

Article 9
Access to information

1. The Contracting Parties shall ensure that their competent authorities are required to make available the information described in paragraph 2 of this article to any natural or legal person, in response to any reasonable request, without that person's having to prove an interest, without unreasonable charges, as soon as possible and at the latest within two months.
2. The information referred to in paragraph 1 of this article is any available information in written, visual, aural or data-base form on the state of the maritime area, on activities or measures adversely affecting or likely to affect it and on activities or measures introduced in accordance with the Convention.
3. The provisions of this article shall not affect the right of Contracting Parties, in accordance with their national legal systems and applicable international regulations, to provide for a request for such information to be refused where it affects:
- (a) the confidentiality of the proceedings of public authorities, international relations and national defence;
 - (b) public security;
 - (c) matters which are, or have been, sub judice, or under enquiry (including disciplinary enquiries), or which are the subject of preliminary investigation proceedings;
 - (d) commercial and industrial confidentiality, including intellectual property;
 - (e) the confidentiality of personal data and/or files;
 - (f) material supplied by a third party without that party being under a legal obligation to do so;
 - (g) material, the disclosure of which would make it more likely that the environment to which such material related would be damaged.
4. The reasons for a refusal to provide the information requested must be given.

Article 10
Commission

1. A Commission, made up of representatives of each of the Contracting Parties, is hereby established. The Commission shall meet at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the Rules of Procedure.
2. It shall be the duty of the Commission:
- (a) to supervise the implementation of the Convention;
 - (b) generally to review the condition of the maritime area, the effectiveness of the measures being adopted, the priorities and the need for any additional or different measures;

- (c) to draw up, in accordance with the General Obligation of the Convention, programmes and measures for the prevention and elimination of pollution and for the control of activities which may, directly or indirectly, adversely affect the maritime area; such programmes and measure may, when appropriate, include economic instruments;
 - (d) to establish at regular intervals its programme of work;
 - (e) to set up such subsidiary bodies as it considers necessary and to define their terms of reference;
 - (f) to consider and, where appropriate, adopt proposals for the amendment of the Convention in accordance with articles 15, 16, 17, 18, 19 and 27;
 - (g) to discharge the functions conferred by articles 21 and 23 and such other functions as may be appropriate under the terms of the Convention.
3. To these ends the Commission may, inter alia, adopt decisions and recommendations in accordance with article 13.
4. The Commission shall draw up its Rules of Procedure which shall be adopted by unanimous vote of the Contracting Parties.
5. The Commission shall draw up its Financial Regulations which shall be adopted by unanimous vote of the Contracting Parties.

Article 11
Observers

1. The Commission may, by unanimous vote of the Contracting Parties, decide to admit as an observer:
- (a) any State which is not a Contracting Party to the Convention;
 - (b) any international governmental or any non-governmental organization the activities of which are related to the Convention.
2. Such observers may participate in meetings of the Commission but without the right to vote and may present to the Commission any information or reports relevant to the objectives of the Convention.
3. The conditions for the admission and the participation of observers shall be set in the Rules of Procedure of the Commission.

Article 12
Secretariat

1. A permanent Secretariat is hereby established.
2. The Commission shall appoint an Executive Secretary and determine the duties of that post and the terms and conditions upon which it is to be held.
3. The Executive Secretary shall perform the functions that are necessary for the administration of the Convention and for the work of the Commission as well as the other tasks entrusted to the Executive Secretary by the Commission in accordance with its Rules of Procedure and its Financial Regulations.

Article 13

Decisions and recommendations

1. Decisions and recommendations shall be adopted by unanimous vote of the Contracting Parties. Should unanimity not be attainable, and unless otherwise provided in the Convention, the Commission may none the less adopt decisions or recommendations by a three-quarters majority vote of the Contracting Parties.
2. A decision shall be binding on the expiry of a period of two hundred days after its adoption for those Contracting Parties that voted for it and have not within that period notified the Executive Secretary in writing that they are unable to accept the decision, provided that at the expiry of that period three quarters of the Contracting Parties have either voted for the decision and not withdrawn their acceptance or notified the Executive Secretary in writing that they are able to accept the decision. Such a decision shall become binding on any other Contracting Party which has notified the Executive Secretary in writing that it is able to accept the decision from the moment of that notification or after the expiry of a period of two hundred days after the adoption of the decision, whichever is later.
3. A notification under paragraph 2 of this article to the Executive Secretary may indicate that a Contracting Party is unable to accept a decision in so far as it relates to one or more of its dependent or autonomous territories to which the Convention applies.
4. All decisions adopted by the Commission shall, where appropriate, contain provisions specifying the timetable by which the decision shall be implemented.
5. Recommendations shall have no binding force.
6. Decisions concerning any annex or appendix shall be taken only by the Contracting Parties bound by the annex or appendix concerned.

Article 14

Status of annexes and appendices

1. The annexes and appendices form an integral part of the Convention.
2. The appendices shall be of a scientific, technical or administrative nature.

Article 15

Amendment of the Convention

1. Without prejudice to the provisions of paragraph 2 of article 27 and to specific provisions applicable to the adoption or amendment of annexes or appendices, an amendment to the Convention shall be governed by the present article.
2. Any Contracting Party may propose an amendment to the Convention. The text of the proposed amendment shall be communicated to the Contracting Parties by the Executive Secretary of the Commission at least six months before the meeting of the Commission at which it is proposed for adoption. The Executive Secretary shall also communicate the proposed amendment to the signatories to the Convention for information.
3. The Commission shall adopt the amendment by unanimous vote of the Contracting Parties.
4. The adopted amendment shall be submitted by the Depositary Government to the Contracting Parties for ratification, acceptance or approval. Ratification, acceptance or approval of the amendment shall be notified to the Depositary Government in writing.

5. The amendment shall enter into force for those Contracting Parties which have ratified, accepted or approved it on the thirtieth day after receipt by the Depository Government of notification of its ratification, acceptance or approval by at least seven Contracting Parties. Thereafter the amendment shall enter into force for any other Contracting Party on the thirtieth day after that Contracting Party has deposited its instrument of ratification, acceptance or approval of the amendment.

Article 16
Adoption of annexes

The provisions of article 15 relating to the amendment of the Convention shall also apply to the proposal, adoption and entry into force of an annex to the Convention, except that the Commission shall adopt any annex referred to in article 7 by a three-quarters majority vote of the Contracting Parties.

Article 17
Amendment of annexes

1. The provisions of article 15 relating to the amendment of the Convention shall also apply to an amendment to an annex to the Convention, except that the Commission shall adopt amendments to any annex referred to in articles 3, 4, 5, 6 or 7 by a three-quarters majority vote of the Contracting Parties bound by that annex.
2. If the amendment of an annex is related to an amendment to the Convention, the amendment of the annex shall be governed by the same provisions as apply to the amendment to the Convention.

Article 18
Adoption of appendices

1. If a proposed appendix is related to an amendment to the Convention or an annex, proposed for adoption in accordance with article 15 or article 17, the proposal, adoption and entry into force of that appendix shall be governed by the same provisions as apply to the proposal, adoption and entry into force of that amendment.
2. If a proposed appendix is related to an annex to the Convention, proposed for adoption in accordance with article 16, the proposal, adoption and entry into force of that appendix shall be governed by the same provisions as apply to the proposal, adoption and entry into force of that annex.

Article 19
Amendment of appendices

1. Any Contracting Party bound by an appendix may propose an amendment to that appendix. The text of the proposed amendment shall be communicated to all Contracting Parties to the Convention by the Executive Secretary of the Commission as provided for in paragraph 2 of article 15.
2. The Commission shall adopt the amendment to an appendix by a three-quarters majority vote of the Contracting Parties bound by that appendix.
3. An amendment to an appendix shall enter into force on the expiry of a period of two hundred days after its adoption for those Contracting Parties which are bound by that appendix and have not within that period notified the Depository Government in writing that they are unable to accept that amendment, provided that at the expiry of that period three-quarters of the Contracting Parties bound by that appendix have either voted for the amendment and not withdrawn their acceptance or have notified the Depository Government in writing that they are able to accept the amendment.
4. A notification under paragraph 3 of this article to the Depository Government may indicate that a Contracting Party is unable to accept the amendment in so far as it relates to one or more of its dependent or autonomous territories to which the Convention applies.

5. An amendment to an appendix shall become binding on any other Contracting Party bound by the appendix which has notified the Depository Government in writing that it is able to accept the amendment from the moment of that notification or after the expiry of a period of two hundred days after the adoption of the amendment, whichever is later.
6. The Depository Government shall without delay notify all Contracting Parties of any such notification received.
7. If the amendment of an appendix is related to an amendment to the Convention or an annex, the amendment of the appendix shall be governed by the same provisions as apply to the amendment to the Convention or that annex.

Article 20
Right to vote

1. Each Contracting Party shall have one vote in the Commission.
2. Notwithstanding the provisions of paragraph 1 of this article, the European Economic Community and other regional economic integration organizations, within the areas of their competence, are entitled to a number of votes equal to the number of their member States which are Contracting Parties to the Convention. Those organizations shall not exercise their right to vote in cases where their member States exercise theirs, and conversely.

Article 21
Transboundary pollution

1. When pollution originating from a Contracting Party is likely to prejudice the interests of one or more of the other Contracting Parties to the Convention, the Contracting Parties concerned shall enter into consultation, at the request of any one of them, with a view to negotiating a cooperation agreement.
2. At the request of any Contracting Party concerned, the Commission shall consider the question and may make recommendations with a view to reaching a satisfactory solution.
3. An agreement referred to in paragraph 1 of this article may, *inter alia*, define the areas to which it shall apply, the quality objectives to be achieved and the methods for achieving these objectives, including methods for the application of appropriate standards and the scientific and technical information to be collected.
4. The Contracting Parties signatory to such an agreement shall, through the medium of the Commission, inform the other Contracting Parties of its purport and of the progress made in putting it into effect.

Article 22
Reporting to the Commission

The Contracting Parties shall report to the Commission at regular intervals on:

- (a) the legal, regulatory or other measures taken by them for the implementation of the provisions of the Convention and of decisions and recommendations adopted thereunder, including in particular measures taken to prevent and punish conduct in contravention of those provisions;
- (b) the effectiveness of the measures referred to in subparagraph (a) of this article;
- (c) problems encountered in the implementation of the provisions referred to in subparagraph (a) of this article.

Article 23
Compliance

The Commission shall:

- (a) on the basis of the periodical reports referred to in article 22 and any other report submitted by the Contracting Parties, assess their compliance with the Convention and the decisions and recommendations adopted thereunder;
- (b) when appropriate, decide upon and call for steps to bring about full compliance with the Convention, and decisions adopted thereunder, and promote the implementation of recommendations, including measures to assist a Contracting Party to carry out its obligations.

Article 24
Regionalization

The Commission may decide that any decision or recommendation adopted by it shall apply to all, or a specified part, of the maritime area and may provide for different timetables to be applied, having regard to the differences between ecological and economic conditions in the various regions and sub-regions covered by the Convention.

Article 25
Signature

The Convention shall be open for signature at Paris from 22 September 1992 to 30 June 1993 by:

- (a) the Contracting Parties to the Oslo Convention or the Paris Convention;
- (b) any other coastal State bordering the maritime area;
- (c) any State located upstream on watercourses reaching the maritime area;
- (d) any regional economic integration organization having as a member at least one State to which any of the subparagraphs (a) to (c) of this article applies.

Article 26
Ratification, acceptance or approval

The Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the French Republic.

Article 27
Accessions

1. After 30 June 1993, the Convention shall be open for accession by the States and regional economic integration organizations referred to in article 25.
2. The Contracting Parties may unanimously invite States or regional economic integration organizations not referred to in article 25 to accede to the Convention. In the case of such an accession, the definition of the maritime area shall, if necessary, be amended by a decision of the Commission adopted by unanimous vote of the Contracting Parties. Any such amendment shall enter into force after unanimous approval of all the Contracting Parties on the thirtieth day after the receipt of the last notification by the Depository Government.

3. Any such accession shall relate to the Convention, including any annex and any appendix that have been adopted at the date of such accession, except when the instrument of accession contains an express declaration of non-acceptance of one or several annexes other than annexes I, II, III and IV.

Article 28
Reservations

No reservation to the Convention may be made.

Article 29
Entry into force

1. The Convention shall enter into force on the thirtieth day following the date on which all Contracting Parties to the Oslo Convention and all Contracting Parties to the Paris Convention have deposited their instrument of ratification, acceptance, approval or accession.

2. For any State or regional economic integration organization not referred to in paragraph 1 of this article, the Convention shall enter into force in accordance with paragraph 1 of this article, or on the thirtieth day following the date of the deposit of the instrument of ratification, acceptance, approval or accession by that State or regional economic integration organization, whichever is later.

Article 30
Withdrawal

1. At any time after the expiry of two years from the date of entry into force of the Convention for a Contracting Party, that Contracting Party may withdraw from the Convention by notification in writing to the Depository Government.

2. Except as may be otherwise provided in an annex other than annexes I to IV to the Convention, any Contracting Party may at any time after the expiry of two years from the date of entry into force of such annex for that Contracting Party withdraw from such annex by notification in writing to the Depository Government.

3. Any withdrawal referred to in paragraphs 1 and 2 of this article shall take effect one year after the date on which the notification of that withdrawal is received by the Depository Government.

Article 31
Replacement of the Oslo and Paris Conventions

1. Upon its entry into force, the Convention shall replace the Oslo and Paris Conventions as between the Contracting Parties.

2. Notwithstanding paragraph 1 of this article, decisions, recommendations and all other agreements adopted under the Oslo Convention or the Paris Convention shall continue to be applicable, unaltered in their legal nature, to the extent that they are compatible with, or not explicitly terminated by, the Convention, any decisions or, in the case of existing recommendations, any recommendations adopted thereunder.

Article 32
Settlement of disputes

1. Any disputes between Contracting Parties relating to the interpretation or application of the Convention, which cannot be settled otherwise by the Contracting Parties concerned, for instance by means of inquiry or conciliation within the Commission, shall, at the request of any of those Contracting Parties, be submitted to arbitration under the conditions laid down in this article.

2. Unless the parties to the dispute decide otherwise, the procedure of the arbitration referred to in paragraph 1 of this article shall be in accordance with paragraphs 3 to 10 of this article.
3. (a) At the request addressed by one Contracting Party to another Contracting Party in accordance with paragraph 1 of this article, an arbitral tribunal shall be constituted. The request for arbitration shall state the subject-matter of the application including in particular the articles of the Convention, the interpretation or application of which is in dispute.

(b) The applicant party shall inform the Commission that it has requested the setting up of an arbitral tribunal, stating the name of the other party to the dispute and the articles of the Convention the interpretation or application of which, in its opinion, is in dispute. The Commission shall forward the information thus received to all Contracting Parties to the Convention.
4. The arbitral tribunal shall consist of three members: each of the parties to the dispute shall appoint an arbitrator; the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
5. (a) If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the President of the International Court of Justice shall, at the request of either party, designate him within a further two months' period.

(b) If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the President of the International Court of Justice who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the President of the International Court of Justice who shall make this appointment within a further two months' period.
6. (a) The arbitral tribunal shall decide according to the rules of international law and, in particular, those of the Convention.

(b) Any arbitral tribunal constituted under the provisions of this article shall draw up its own rules of procedure.

(c) In the event of a dispute as to whether the arbitral tribunal has jurisdiction, the matter shall be decided by the decision of the arbitral tribunal.
7. (a) The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority voting of its members.

(b) The arbitral tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.

(c) If two or more arbitral tribunals constituted under the provisions of this article are seized of requests with identical or similar subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.

(d) The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

(e) The absence or default of a party to the dispute shall not constitute an impediment to the proceedings.

8. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.
9. Any Contracting Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case may intervene in the proceedings with the consent of the tribunal.
10. (a) The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.

(b) Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

Article 33
Duties of the Depositary Government

The Depositary Government shall inform the Contracting Parties and the signatories to the Convention:

- (a) of the deposit of instruments of ratification, acceptance, approval or accession, of declarations of non-acceptance and of notifications of withdrawal in accordance with articles 26, 27 and 30;
- (b) of the date on which the Convention comes into force in accordance with article 29;
- (c) of the receipt of notifications of acceptance, of the deposit of instruments of ratification, acceptance, approval or accession and of the entry into force of amendments to the Convention and of the adoption and amendment of annexes or appendices, in accordance with articles 15, 16, 17, 18 and 19.

Article 34
Original text

The original of the Convention, of which the French and English texts shall be equally authentic, shall be deposited with the Government of the French Republic which shall send certified copies thereof to the Contracting Parties and the signatories to the Convention and shall deposit a certified copy with the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE at Paris, on the twenty-second day of September 1992.

ANNEX I
ON THE PREVENTION AND ELIMINATION OF POLLUTION
FROM LAND-BASED SOURCES

Article 1

1. When adopting programmes and measures for the purpose of this annex, the Contracting Parties shall require, either individually or jointly, the use of:

- best available techniques for point sources
- best environmental practice for point and diffuse sources

including, where appropriate, clean technology.

2. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given in appendix 2.
3. The Contracting Parties shall take preventive measures to minimize the risk of pollution caused by accidents.
4. When adopting programmes and measures in relation to radioactive substances, including waste, the Contracting Parties shall also take account of:
 - (a) the recommendations of the other appropriate international organizations and agencies;
 - (b) the monitoring procedures recommended by these international organizations and agencies.

Article 2

1. Point source discharges to the maritime area, and releases into water or air which reach and may affect the maritime area, shall be strictly subject to authorization or regulation by the competent authorities of the Contracting Parties. Such authorization or regulation shall, in particular, implement relevant decisions of the Commission which bind the relevant Contracting Party.
2. The Contracting Parties shall provide for a system of regular monitoring and inspection by their competent authorities to assess compliance with authorizations and regulations of releases into water or air.

Article 3

For the purposes of this annex, it shall, inter alia, be the duty of the Commission to draw up:

- (a) plans for the reduction and phasing out of substances that are toxic, persistent and liable to bioaccumulate arising from land-based sources;
- (b) when appropriate, programmes and measures for the reduction of inputs of nutrients from urban, municipal, industrial, agricultural and other sources.

ANNEX II ON THE PREVENTION AND ELIMINATION OF POLLUTION BY DUMPING OR INCINERATION

Article 1

This annex shall not apply to any deliberate disposal in the maritime area of:

- (a) wastes or other matter from offshore installations;
- (b) offshore installations and offshore pipelines.

Article 2

Incineration is prohibited.

Article 3

1. The dumping of all wastes or other matter is prohibited, except for those wastes or other matter listed in paragraphs 2 and 3 of this article.
2. The list referred to in paragraph 1 of this article is as follows:
 - (a) dredged material;
 - (b) inert materials of natural origin, that is, solid, chemically unprocessed geological material the chemical constituents of which are unlikely to be released into the marine environment;
 - (c) sewage sludge until 31 December 1998;
 - (d) fish waste from industrial fish processing operations;
 - (e) vessels or aircraft until, at the latest, 31 December 2004.
3.
 - (a) The dumping of low- and intermediate-level radioactive substances, including wastes, is prohibited.
 - (b) As an exception to subparagraph 3(a) of this article, those Contracting Parties, the United Kingdom and France, who wish to retain the option of an exception to subparagraph 3(a) in any case not before the expiry of a period of 15 years from 1 January 1993, shall report to the meeting of the Commission at the Ministerial level in 1997 on the steps taken to explore alternative land-based options.
 - (c) Unless, at or before the expiry of this period of 15 years, the Commission decides by a unanimous vote not to continue the exception provided in subparagraph 3(b), it shall take a decision pursuant to article 13 of the Convention on the prolongation for a period of 10 years after 1 January 2008 of the prohibition, after which another meeting of the Commission at Ministerial level shall be held. Those Contracting Parties mentioned in subparagraph 3(b) of this article still wishing to retain the option mentioned in subparagraph 3(b) shall report to the Commission meetings to be held at Ministerial level at two-yearly intervals from 1999 onwards about the progress in establishing alternative land-based options and on the results of scientific studies which show that any potential dumping operations would not result in hazards to human health, harm to living resources or marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.

Article 4

1. The Contracting Parties shall ensure that:
 - (a) no wastes or other matter listed in paragraph 2 of article 3 of this annex shall be dumped without authorization by their competent authorities, or regulation;
 - (b) such authorization or regulation is in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with article 6 of this annex;
 - (c) with the aim of avoiding situations in which the same dumping operation is authorized or regulated by more than one Contracting Party, their competent authorities shall, as appropriate, consult before granting an authorization or applying regulation.

2. Any authorization or regulation under paragraph 1 of this Article shall not permit the dumping of vessels or aircraft containing substances which result or are likely to result in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.
3. Each Contracting Party shall keep, and report to the Commission, records of the nature and the quantities of wastes or other matter dumped in accordance with paragraph 1 of this article, and of the dates, places and methods of dumping.

Article 5

No placement of matter in the maritime area for a purpose other than that for which it was originally designed or constructed shall take place without authorization or regulation by the competent authority of the relevant Contracting Party. Such authorization or regulation shall be in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with article 6 of this annex. This provision shall not be taken to permit the dumping of wastes or other matter otherwise prohibited under this annex.

Article 6

For the purposes of this annex, it shall, *inter alia*, be the duty of the Commission to draw up and adopt criteria, guidelines and procedures relating to the dumping of wastes or other matter listed in paragraph 2 of article 3, and to the placement of matter referred to in article 5, of this annex, with a view to preventing and eliminating pollution.

Article 7

The provisions of this annex concerning dumping shall not apply in case of force majeure, due to stress of weather or any other cause, when the safety of human life or of a vessel or aircraft is threatened. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life and shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 8

The Contracting Parties shall take appropriate measures, both individually and within relevant international organizations, to prevent and eliminate pollution resulting from the abandonment of vessels or aircraft in the maritime area caused by accidents. In the absence of relevant guidance from such international organizations, the measures taken by individual Contracting Parties should be based on such guidelines as the Commission may adopt.

Article 9

In an emergency, if a Contracting Party considers that wastes or other matter the dumping of which is prohibited under this annex cannot be disposed of on land without unacceptable danger or damage, it shall forthwith consult other Contracting Parties with a view to finding the most satisfactory methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Contracting Party shall inform the Commission of the steps adopted following this consultation. The Contracting Parties pledge themselves to assist one another in such situations.

Article 10

Each Contracting Party shall ensure compliance with the provisions of this annex:

- (a) by vessels or aircraft registered in its territory;
- (b) by vessels or aircraft loading in its territory the wastes or other matter which are to be dumped or incinerated;
- (c) by vessels or aircraft believed to be engaged in dumping or incineration within its internal waters or within its territorial sea or within that part of the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal State to the extent recognized by international law.

2. Each Contracting Party shall issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the maritime area which give rise to suspicions that dumping in contravention of the provisions of the present annex has occurred or is about to occur. Any Contracting Party whose authorities receive such a report shall, if it considers it appropriate, accordingly inform any other Contracting Party concerned.

3. Nothing in this annex shall abridge the sovereign immunity to which certain vessels are entitled under international law.

**ANNEX III
ON THE PREVENTION AND ELIMINATION OF POLLUTION
FROM OFFSHORE SOURCES**

This annex shall not apply to any deliberate disposal in the maritime area of:

- (a) wastes or other matter from vessels or aircraft;
- (b) vessels or aircraft.

Article 2

1. When adopting programmes and measures for the purpose of this annex, the Contracting Parties shall require, either individually or jointly, the use of:

- (a) best available techniques;
- (b) best environmental practice;

including, where appropriate, clean technology.

2. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given in appendix 2.

Article 3

- 1. Any dumping of wastes or other matter from offshore installations is prohibited.
- 2. This prohibition does not relate to discharges or emissions from offshore sources.

Article 4

1. The use on, or the discharge or emission from, offshore sources of substances which may reach and affect the maritime area shall be strictly subject to authorization or regulation by the competent authorities of the Contracting Parties. Such authorization or regulation shall, in particular, implement the relevant applicable decisions, recommendations and all other agreements adopted under the Convention.
2. The competent authorities of the Contracting Parties shall provide for a system of monitoring and inspection to assess compliance with authorization or regulation as provided for in paragraph 1 of article 4 of this annex.

Article 5

1. No disused offshore installation or disused offshore pipeline shall be dumped and no disused offshore installation shall be left wholly or partly in place in the maritime area without a permit issued by the competent authority of the relevant Contracting Party on a case-by-case basis. The Contracting Parties shall ensure that their authorities, when granting such permits, shall implement the relevant applicable decisions, recommendations and all other agreements adopted under the Convention.
2. No such permit shall be issued if the disused offshore pipeline contains substances which result or are likely to result in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.
3. Any Contracting Party which intends to take the decision to issue a permit for the dumping of a disused offshore installation or a disused offshore pipeline placed in the maritime area after 1 January 1998 shall, through the medium of the Commission, inform the other Contracting Parties of its reasons for accepting such dumping, in order to make consultation possible.
4. Each Contracting Party shall keep, and report to the Commission, records of the disused offshore installations and disused offshore pipelines dumped and of the disused offshore installations left in place in accordance with the provisions of this article, and of the dates, places and methods of dumping.

Article 6

Articles 3 and 5 of this annex shall not apply in case of force majeure due to stress of weather or any other cause, when the safety of human life or of an offshore installation is threatened. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life and shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the matter dumped.

Article 7

The Contracting Parties shall take appropriate measures, both individually and within relevant international organizations, to prevent and eliminate pollution resulting from the abandonment of offshore installations in the maritime area caused by accidents. In the absence of relevant guidance from such international organizations, the measures taken by individual Contracting Parties should be based on such guidelines as the Commission may adopt.

Article 8

No placement of a disused offshore installation or a disused offshore pipeline in the maritime area for a purpose other than that for which it was originally designed or constructed shall take place without authorization or regulation by the competent authority of the relevant Contracting Party. Such authorization or regulation shall be in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with subparagraph (d) of article 10 of this annex. This provision shall not be taken to

permit the dumping of disused offshore installations or disused offshore pipelines in contravention of the provisions of this annex.

Article 9

1. Each Contracting Party shall issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the maritime area which give rise to suspicions that a contravention of the provisions of the present annex has occurred or is about to occur. Any Contracting Party whose authorities receive such a report shall, if it considers it appropriate, accordingly inform any other Contracting Party concerned.
2. Nothing in this annex shall abridge the sovereign immunity to which certain vessels are entitled under international law.

Article 10

For the purposes of this annex, it shall, inter alia, be the duty of the Commission:

- (a) to collect information about substances which are used in offshore activities and, on the basis of that information, to agree lists of substances for the purposes of paragraph 1 of article 4 of this annex;
- (b) to list substances which are toxic, persistent and liable to bioaccumulate and to draw up plans for the reduction and phasing out of their use on, or discharge from, offshore sources;
- (c) to draw up criteria, guidelines and procedures for the prevention of pollution from dumping of disused offshore installations and of disused offshore pipelines, and the leaving in place of offshore installations, in the maritime area;
- (d) to draw up criteria, guidelines and procedures relating to the placement of disused offshore installations and disused offshore pipelines referred to in article 8 of this annex, with a view to preventing and eliminating pollution.

**ANNEX IV
ON THE ASSESSMENT OF THE QUALITY OF THE MARINE ENVIRONMENT**

Article 1

1. For the purposes of this annex "monitoring" means the repeated measurement of:
 - (a) the quality of the marine environment and each of its compartments, that is, water, sediments and biota;
 - (b) activities or natural and anthropogenic inputs which may affect the quality of the marine environment;
 - (c) the effects of such activities and inputs.
2. Monitoring may be undertaken either for the purposes of ensuring compliance with the Convention, with the objective of identifying patterns and trends, or for research purposes.

Article 2

For the purposes of this annex, the Contracting Parties shall:

- (a) cooperate in carrying out monitoring programmes and submit the resulting data to the Commission;
- (b) comply with quality assurance prescriptions and participate in intercalibration exercises;
- (c) use and develop, individually or preferably jointly, other duly validated scientific assessment tools, such as modelling, remote sensing and progressive risk assessment strategies;
- (d) carry out, individually or preferably jointly, research which is considered necessary to assess the quality of the marine environment, and to increase knowledge and scientific understanding of the marine environment and, in particular, of the relationship between inputs, concentration and effects;
- (e) take into account scientific progress which is considered to be useful for such assessment purposes and which has been made elsewhere either on the initiative of individual researchers and research institutions, or through other national and international research programmes or under the auspices of the European Economic Community or other regional economic integration organizations.

Article 3

For the purposes of this annex, it shall, inter alia, be the duty of the Commission:

- (a) to define and implement programmes of collaborative monitoring and assessment-related research, to draw up codes of practice for the guidance of participants in carrying out these monitoring programmes and to approve the presentation and interpretation of their results;
- (b) to carry out assessments taking into account the results of relevant monitoring and research and the data relating to inputs of substances or energy into the maritime area which are provided by virtue of other annexes to the Convention, as well as other relevant information;
- (c) to seek, where appropriate, the advice or services of competent regional organizations and other competent international organizations and competent bodies with a view to incorporating the latest results of scientific research;
- (d) to cooperate with competent regional organizations and other competent international organizations in carrying out quality status assessments.

APPENDIX 1

**CRITERIA FOR THE DEFINITION OF PRACTICES AND TECHNIQUES MENTIONED
IN PARAGRAPH 3(b)(i) OF ARTICLE 2 OF THE CONVENTION**

BEST AVAILABLE TECHNIQUES

1. The use of the best available techniques shall emphasize the use of non-waste technology, if available.
2. The term "best available techniques" means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitutes the best available techniques in general or individual cases, special consideration shall be given to:

- (a) comparable processes, facilities or methods of operation which have recently been successfully tried out;
- (b) technological advances and changes in scientific knowledge and understanding;
- (c) the economic feasibility of such techniques;
- (d) time-limits for installation in both new and existing plants;
- (e) the nature and volume of the discharges and emissions concerned.

3. It therefore follows that what is "best available techniques" for a particular process will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

4. If the reduction of discharges and emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures have to be applied.

5. "Techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.

BEST ENVIRONMENTAL PRACTICE

6. The term "best environmental practice" means the application of the most appropriate combination of environmental control measures and strategies. In making a selection for individual cases, at least the following graduated range of measures should be considered:

- (a) the provision of information and education to the public and to users about the environmental consequences of choice of particular activities and choice of products, their use and ultimate disposal;
- (b) the development and application of codes of good environmental practice which covers all aspects of the activity in the product's life;
- (c) the mandatory application of labels informing users of environmental risks related to a product, its use and ultimate disposal;
- (d) saving resources, including energy;
- (e) making collection and disposal systems available to the public;
- (f) avoiding the use of hazardous substances or products and the generation of hazardous waste;
- (g) recycling, recovery and reuse;
- (h) the application of economic instruments to activities, products or groups of products;
- (i) establishing a system of licensing, involving a range of restrictions or a ban.

7. In determining what combination of measures constitutes best environmental practice, in general or individual cases, particular consideration should be given to:

- (a) the environmental hazard of the product and its production, use and ultimate disposal;
- (b) the substitution by less polluting activities or substances;
- (c) the scale of use;

- (d) the potential environmental benefit or penalty of substitute materials or activities;
- (e) advances and changes in scientific knowledge and understanding;
- (f) time-limits for implementation;
- (g) social and economic implications.

8. It therefore follows that best environmental practice for a particular source will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

9. If the reduction of inputs resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practice redefined.

APPENDIX 2

CRITERIA MENTIONED IN PARAGRAPH 2 OF ARTICLE 1 OF ANNEX I AND IN PARAGRAPH 2 OF ARTICLE 2 OF ANNEX III

1. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given below:

- (a) persistency;
- (b) toxicity or other noxious properties;
- (c) tendency to bioaccumulation;
- (d) radioactivity;
- (e) the ratio between observed or (where the results of observations are not yet available) predicted concentrations and no observed effect concentrations;
- (f) anthropogenically caused risk of eutrophication;
- (g) transboundary significance;
- (h) risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects;
- (i) interference with harvesting of seafoods or with other legitimate uses of the sea;
- (j) effects on the taste and/or smell of products for human consumption from the sea, or effects on smell, colour, transparency or other characteristics of the water in the marine environment;
- (k) distribution pattern (i.e., quantities involved, use pattern and liability to reach the marine environment);
- (l) non-fulfilment of environmental quality objectives.

2. These criteria are not necessarily of equal importance for the consideration of a particular substance or group of substances.

3. The above criteria indicate that substances which shall be subject to programmes and measures include:

- (a) heavy metals and their compounds;
- (b) organohalogen compounds (and substances which may form such compounds in the marine environment);
- (c) organic compounds of phosphorus and silicon;
- (d) biocides such as pesticides, fungicides, herbicides, insecticides, slimicides and chemicals used, inter alia, for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles;
- (e) oils and hydrocarbons of petroleum origin;
- (f) nitrogen and phosphorus compounds;
- (g) radioactive substances, including wastes;
- (h) persistent synthetic materials which may float, remain in suspension or sink.

(f) Declaration on the coordinated extension of jurisdiction
in the North Sea, 22 September 1992

The Ministers,

Meeting within the framework of the North Sea Cooperation in Paris on 22 September 1992,

Recalling Common Action 36 of the Ministerial Declaration of the Third International Conference on the Protection of the North Sea, stating that the North Sea States will coordinate action, with the aim of increasing coastal State jurisdiction, in accordance with international law, including the possibility of establishing exclusive economic zones in the areas of the North Sea where they do not exist,

Taking note of the report of the Working Group,

Have come to the following conclusions:

A. As to the exercise of jurisdiction:

1. They agree that coastal State jurisdiction should be increased to the full extent permitted by the rules of international law in order to prevent, reduce and control pollution of the marine environment;¹
2. They agree that in this respect the existence of exclusive economic zones in the North Sea, which enable the coastal States to adopt certain laws and regulations giving effect to generally accepted international rules and standards for the prevention, reduction and control of pollution from vessels, and to take other measures concerning the exercise of jurisdiction, would allow a better and more effective enforcement of international rules of environmental protection;
3. They undertake to initiate the process either of establishing exclusive economic zones in the areas of the North Sea where they do not exist for the purpose of protecting and preserving the marine environment, or of increasing coastal State jurisdiction for that purpose, in accordance with international law and without going beyond the scope of the provisions of the United Nations Convention on the Law of the Sea (1982);
4. They undertake to initiate the process of implementing in their national legislations those generally accepted international rules and standards which are of particular importance to the protection and preservation of the marine environment of the North Sea, including the relevant provisions of the United Nations Convention on the Law of the Sea (1982), in particular those which may allow action to be taken in respect of vessels suspected of violating the International Convention for the Prevention of Pollution from Ships as amended (MARPOL 73/78);
5. They agree to engage on further consultation as regards the harmonization and implementation of the legal regime initiated according to paragraph 3 above and as regards coordinated enforcement policies;
6. They agree to report on the process of implementation to the Fourth International Conference on the Protection of the North Sea to be held in Copenhagen in 1995. Consultations should be initiated as soon as possible by a task force.

¹ The term "increased jurisdiction" in this paragraph has a double meaning: It is intended to mean the geographical extension of jurisdiction (to a maximum of 200 NM) as well as an extension regarding legal consent (such as increased enforcement possibilities).

B. As to the coordination in the exercise of jurisdiction:

They will continue:

1. To take appropriate action with the aim of further improving airborne surveillance with a view to the collection of evidence on marine pollution;
2. To enhance further scientific knowledge and understanding of the marine environment and to avoid creating new restrictions or impediments for marine scientific research and monitoring activities of other North Sea States within the exclusive economic zone;
3. To discuss the problem of improving deterrents against violations of MARPOL 73/78.

(g) Convention for the Conservation of Southern Bluefin Tuna, 10 May 1993

The Parties to this Convention:

Considering their mutual interest in southern bluefin tuna;

Recalling that Australia, Japan and New Zealand have already taken certain measures for the conservation and management of southern bluefin tuna;

Paying due regard to the rights and obligations of the Parties under relevant principles of international law;

Noting the adoption of the United Nations Convention on the Law of the Sea in 1982;

Noting that States have established exclusive economic or fishery zones within which they exercise, in accordance with international law, sovereign rights or jurisdiction for the purpose of exploring and exploiting, conserving and managing the living resources;

Recognizing that the southern bluefin tuna is a highly migratory species which migrates through such zones;

Noting that the coastal States through whose exclusive economic or fishery zones of the southern bluefin tuna migrates exercise sovereign rights within such zones for the purpose of exploring and exploiting, conserving and managing the living resources including southern bluefin tuna;

Acknowledging the importance of scientific research for the conservation and management of southern bluefin tuna and the importance of collecting scientific information relating to southern bluefin tuna and ecologically related species;

Recognizing that it is essential that they cooperate to ensure the conservation and optimum utilisation of southern bluefin tuna;

Have agreed as follows:

Article 1

This Convention shall apply to southern bluefin tuna (Thunnus maccoyii)

Article 2

For the purposes of this Convention:

- (a) "Ecologically related species" means living marine species which are associated with southern bluefin tuna, including but not restricted to both predators and prey of southern bluefin tuna;
- (b) "Fishing" means:
 - (i) The catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or
 - (ii) Any operation at sea in preparation for or in direct support of any activity described in subparagraph (i) above.

Article 3

The objective of this Convention is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna.

Article 4

Nothing in this Convention nor any measures adopted pursuant to it shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party or its positions or views with respect to the law of the sea.

Article 5

1. Each Party shall take all action necessary to ensure the enforcement of this Convention and compliance with measures which become binding under paragraph 7 of article 8.
2. The Parties shall expeditiously provide to the Commission for the Conservation of Southern Bluefin Tuna scientific information, fishing catch and effort statistics and other data relevant to the conservation of southern bluefin tuna and, as appropriate, ecologically related species.
3. The Parties shall cooperate in collection and direct exchange, when appropriate, of fisheries data, biological samples and other information relevant for scientific research on southern bluefin tuna and ecologically related species.
4. The Parties shall cooperate in the exchange of information regarding any fishing for southern bluefin tuna by nationals, residents and vessels of any State or entity not party to this Convention.

Article 6

1. The Parties hereby establish and agree to maintain the Commission for the Conservation of Southern Bluefin Tuna (hereinafter referred to as "the Commission").
2. Each Party shall be represented on the Commission by not more than three delegates, who may be accompanied by experts and advisers.
3. The Commission shall hold an annual meeting before 1 August each year or at such other time as it may determine.
4. At each annual meeting the Commission shall elect from among the delegates a Chair and a Vice-Chair. The Chair and the Vice-Chair shall be elected from different Parties and shall remain in office until the election of their successors at the next annual meeting. A delegate, when acting as Chair, shall not vote.
5. Special meetings of the Commission shall be convened by the Chair at the request of a Party supported by at least two other Parties.
6. A special meeting may consider any matter of relevance to this Convention.
7. Two thirds of the Parties shall constitute a quorum.
8. The rules of procedure of the Commission and other internal administrative regulations as may be necessary to carry out its functions shall be decided upon at the first meeting of the Commission and may be amended by the Commission as occasion may require.
9. The Commission shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

10. The Commission shall determine the location of its headquarters at such time as a Secretariat is established pursuant to paragraph 1 of article 10.

11. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

Article 7

Each Party shall have one vote in the Commission. Decisions of the Commission shall be taken by a unanimous vote of the Parties present at the Commission meeting.

Article 8

1. The Commission shall collect and accumulate information described below:

(a) Scientific information, statistical data and other information relating to southern bluefin tuna and ecologically related species;

(b) Information relating to laws, regulations and administrative measures on southern bluefin tuna fisheries;

(c) Any other information relating to southern bluefin tuna.

2. The Commission shall consider matters described below:

(a) Interpretation or implementation of this Convention and measures adopted pursuant to it;

(b) Regulatory measures for conservation, management and optimum utilization of southern bluefin tuna;

(c) Matters which shall be reported by the Scientific Committee prescribed in article 9;

(d) Matters which may be entrusted to the Scientific Committee prescribed in article 9;

(e) Matters which may be entrusted to the Secretariat prescribed in article 10;

(f) Other activities necessary to carry out the provisions of this Convention.

3. For the conservation, management and optimum utilisation of southern bluefin tuna:

(a) The Commission shall decide upon a total allowable catch and its allocation among the Parties unless the Commission decides upon other appropriate measures on the basis of the report and recommendations of the Scientific Committee referred to in paragraph 2 (c) and (d) of article 9; and

(b) The Commission may, if necessary, decide upon other additional measures.

4. In deciding upon allocations among the Parties under paragraph 3 above the Commission shall consider:

(a) Relevant scientific evidence;

(b) The need for orderly and sustainable development of southern bluefin tuna fisheries;

(c) The interests of Parties through whose exclusive economic or fishery zones southern bluefin tuna migrates;

- (d) The interests of Parties whose vessels engage in fishing for southern bluefin tuna, including those which have historically engaged in such fishing and those which have southern bluefin tuna fisheries under development;
 - (e) The contribution of each Party to conservation and enhancement of, and scientific research on, southern bluefin tuna;
 - (f) Any other factors which the Commission deems appropriate.
5. The Commission may decide upon recommendations to the Parties in order to further the attainment of the objective of this Convention.
6. In deciding upon measures under paragraph 3 above and recommendations under paragraph 5 above, the Commission shall take full account of the report and recommendations of the Scientific Committee under paragraph 2 (c) and (d) of article 9.
7. All measures decided upon under paragraph 3 above shall be binding on the Parties.
8. The Commission shall notify all Parties promptly of measures and recommendations decided upon by the Commission.
9. The Commission shall develop, at the earliest possible time and consistent with international law, systems to monitor all fishing activities related to southern bluefin tuna in order to enhance scientific knowledge necessary for conservation and management of southern bluefin tuna and in order to achieve effective implementation of this Convention and measures adopted pursuant to it.
10. The Commission may establish such subsidiary bodies as it considers desirable for the exercise of its duties and functions.

Article 9

1. The Parties hereby establish the Scientific Committee as an advisory body to the Commission.
2. The Scientific Committee shall:
- (a) Assess and analyse the status and trends of the population of southern bluefin tuna;
 - (b) Coordinate research and studies of southern bluefin tuna;
 - (c) Report to the Commission its findings or conclusions, including consensus, majority and minority views, on the status of the southern bluefin tuna stock and, where appropriate, of ecologically related species;
 - (d) Make recommendations, as appropriate, to the Commission by consensus on matters concerning the conservation, management and optimum utilization of southern bluefin tuna;
 - (e) consider any matter referred to it by the Commission.
3. A meeting of the Scientific Committee shall be held prior to the annual meeting of the Commission. A special meeting of the Scientific Committee shall be called at any time at the request of a Party provided that such request is supported by at least two other Parties.

4. The Scientific Committee shall adopt and amend as necessary its rules of procedure. The rules and any amendments thereto shall be approved by the Commission.

5. (a) Each Party shall be a member of the Scientific Committee and shall appoint to the Committee a representative with suitable scientific qualifications who may be accompanied by alternates, experts and advisers.

(b) The Scientific Committee shall elect a Chair and a Vice-Chair. The Chair and the Vice-Chair shall be elected from different Parties.

Article 10

1. The Commission may establish a Secretariat consisting of an Executive Secretary to be appointed by the Commission and appropriate staff on conditions as may be determined by the Commission. The staff shall be appointed by the Executive Secretary.

2. Until such time as a Secretariat is established, the Chair of the Commission shall nominate from within his or her Government an official to act as Secretary to the Commission to perform the secretariat functions set out in paragraph 3 below for a term of one year. At each annual meeting of the Commission, the Chair shall advise the Parties of the name and address of the Secretary.

3. The Secretariat functions shall be prescribed by the Commission, and shall include the following:

(a) Receiving and transmitting the Commission's official communications;

(b) Facilitating the collection of data necessary to accomplish the objective of this Convention;

(c) Preparing administrative and other reports for the Commission and the Scientific Committee.

Article 11

1. The Commission shall decide upon an annual budget.

2. The contributions to the annual budget from each Party shall be calculated on the following basis:

(a) Thirty per cent (30%) of the budget shall be divided equally among all the Parties; and

(b) Seventy per cent (70%) of the budget shall be divided in proportion to the nominal catches of southern bluefin tuna among all the Parties.

3. Notwithstanding the provisions of article 7, any Party that has not paid its contributions for two consecutive years shall not enjoy the right to participate in the decision-making process in the Commission until it has fulfilled its obligations, unless the Commission decides otherwise.

4. The Commission shall decide upon, and amend as occasion may require, financial regulations for the conduct of the Commission and for the exercise of its functions.

5. Each Party shall meet its own expenses arising from attendance at meetings of the Commission and of the Scientific Committee.

Article 12

The Commission shall collaborate with other intergovernmental organizations which have related objectives, *inter alia*, to obtain the best available information, including scientific information, to further the attainment of the objective of this Convention and shall seek to avoid duplication with respect to their work. The Commission may make arrangements with such intergovernmental organizations to these ends.

Article 13

With a view to furthering the attainment of the objective of this Convention, the Parties shall cooperate with each other to encourage accession by any State to this Convention where the Commission considers this to be desirable.

Article 14

1. The Commission may invite any State or entity not party to this Convention whose nationals, residents or fishing vessels harvest southern bluefin tuna, and any coastal State through whose exclusive economic or fishery zone southern bluefin tuna migrates, to send observers to meetings of the Commission and of the Scientific Committee.
2. The Commission may invite intergovernmental or, on request, non-governmental organizations having special competence concerning southern bluefin tuna to send observers to meetings of the Commission.

Article 15

1. The Parties agree to invite the attention of any State or entity not party to this Convention to any matter relating to the fishing activities of its nationals, residents or vessels which could affect the attainment of the objective of this Convention.
2. Each Party shall encourage its nationals not to associate with the southern bluefin tuna fishery of any State or entity not party to this Convention, where such association could affect adversely the attainment of the objective of this Convention.
3. Each Party shall take appropriate measures aimed at preventing vessels registered under its laws and regulations from transferring their registration for the purpose of avoiding compliance with the provisions of this Convention or measures adopted pursuant to it.
4. The Parties shall cooperate in taking appropriate action, consistent with international law and their respective domestic laws, to deter fishing activities for southern bluefin tuna by nationals, residents or vessels of any State or entity not party to this Convention where such activity could affect adversely the attainment of the objective of this Convention.

Article 16

1. If any dispute arises between two or more of the Parties concerning the interpretation or implementation of this Convention, those Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
2. Any dispute of this character not so resolved shall, with the consent in each case of all parties to the dispute, be referred for settlement to the International Court of Justice or to arbitration; but failure to reach agreement on reference to the International Court of Justice or to arbitration shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 above.

3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the annex to this Convention. The annex forms an integral part of this Convention.

Article 17

1. This Convention shall be open for signature by Australia, Japan and New Zealand.
2. This Convention is subject to ratification, acceptance or approval by these three States in accordance with their respective internal legal procedures, and will enter into force on the date of deposit of the third instrument of ratification, acceptance or approval.

Article 18

After the entry into force of this Convention, any other State whose vessels engage in fishing for southern bluefin tuna, or any other coastal State through whose exclusive economic or fishery zone southern bluefin tuna migrates, may accede to it. This Convention shall become effective for any such other State on the date of deposit of that State's instrument of accession.

Article 19

Reservations may not be made with respect to any of the provisions of this Convention.

Article 20

Any Party may withdraw from this Convention twelve months after the date on which it formally notifies the Depositary of its intention to withdraw.

Article 21

1. Any Party may at any time propose an amendment to this Convention.
2. If one third of the Parties request a meeting to discuss a proposed amendment, the Depositary shall call such a meeting.
3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all the Parties.

Article 22

1. The original of this Convention shall be deposited with the Government of Australia, which shall be the Depositary. The Depositary shall transmit certified copies thereof to all other Signatories and acceding States.
2. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Canberra on the tenth day of May 1993, in a single original, in the English and Japanese languages, each text being equally authentic.

Annex for an arbitral tribunal

1. The arbitral tribunal referred to in paragraph 3 of article 16 shall be composed of three arbitrators who shall be appointed as follows:

(a) The party commencing proceedings shall communicate the name of an arbitrator to the other party which, in turn, within a period of forty days following such notification, shall communicate the name of the second arbitrator. The parties shall, within a period of sixty days following the appointment of the second arbitrator, appoint the third arbitrator, who shall not be a national of either party and shall not be of the same nationality as either of the first two arbitrators. The third arbitrator shall preside over the tribunal;

(b) If the second arbitrator has not been appointed within the prescribed period, or if the parties have not reached agreement within the prescribed period on the appointment of the third arbitrator, that arbitrator shall be appointed, at the request of either party, by the Secretary-General of the Permanent Court of Arbitration, from among persons of international standing not having the nationality of a State which is a Party to this Convention.

2. The arbitral tribunal shall decide where its headquarters will be located and shall adopt its own rules of procedure.

3. The award of the arbitral tribunal shall be made by a majority of its members, who may not abstain from voting.

4. Any Party which is not a party to the dispute may intervene in the proceedings with the consent of the arbitral tribunal.

5. The award of the arbitral tribunal shall be final and binding on all parties to the dispute and on any Party which intervenes in the proceedings and shall be complied with without delay. The arbitral tribunal shall interpret the award at the request of one of the parties to the dispute or of any intervening Party.

6. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares.

(h) Lisbon Declaration on implementation by local authorities of the marine chapter of Agenda 21 of the United Nations Conference on Environment and Development

Representatives of local authorities attending the Conference organised by the Advisory Committee on Protection of the Sea and the Camara Municipal de Lisboa on "implementation of the marine chapter of Agenda 21 by local authorities," held at Lisbon from 3 to 5 May 1993, adopted the following Recommendations.

The Conference,

Noting the goals set by the Rio Declaration on Environment and Development adopted by the United Nations Conference on Environment and Development on 14 June 1992,

Bearing in mind that up to 80 per cent of marine pollution derives from land-based sources, including atmospheric pollution,

Recognizing that 70 per cent of the earth's surface is covered by the oceans and all kinds of seas,

Noting that much of the world's population is situated on the coasts and river banks but that many of the pollutants entering the oceans and seas are generated by cities, agricultural, industrial and commercial practices,

Further recognizing that, although control of individual sources of pollution is important, it is necessary to develop a more integrated approach to control of marine pollution, based on coastal zone management,

Convinced of the vital role of local authorities in developing and implementing such a strategy, since control of many of the sources of land-based marine pollution falls within their jurisdiction and competencies,

Aware that the current summary of the state of the marine environment through reports presented to the Conference demonstrates the vital economic importance of the coastal zones and that the continued ability of coastal zones to support present and future development needs is dependent on the maintenance of marine ecosystems, many of which are under unacceptable and increasing threats,

Conscious that in many regions the marine resources on which development depends may already be irreversibly damaged or in the process thereof and that essential further development will be impossible if the current trends continue and harmful practices are not changed,

Noting that the causes of pollution damage arise from many land-based sources, including general coastal development, increased industrial operations, increased growth in urban lifestyles, agricultural practices, trade and commerce, including shipping, port operations and tourism,

Recognizing that these activities are central to human life and thus cannot be avoided. They are predicted to increase in intensity and because they are already causing serious damage in many locations, will need to be technically modified and controlled if necessary development is to take place on a sustainable basis,

Conscious that the problems faced by developing countries in attaining this goal will require that these countries be given special assistance and support,

Taking account of the Curitiba Commitment to Sustainable Development, adopted in Rio de Janeiro on 15 January 1992 by representatives of local government authorities,

Welcoming the technical assistance and cooperation available from or offered by both Governments and International Organizations,

Appreciating the role which non-governmental organizations and especially the national and international local authority associations can play in implementing Chapter 17 of Agenda 21 and related chapters,

Noting the Conclusions of the multidisciplinary study carried out by the team of experts of the Advisory Committee on Protection of the Sea,

Sensitive to the need to take cognizance of the principle of subsidiarity, which requires that actions best taken at the national or local level should be taken at that level,

Agreed the following Conclusions and Recommendations:

GENERAL RECOMMENDATIONS

Commitment to take scientific, technical and administrative measures

Local Authorities should:

1. Seek to implement integrated coastal zone management procedures and arrangements, pressing central Governments where necessary to facilitate such implementation;
2. Endeavour to build the capacity for increased understanding of the issues involved using international sources of assistance where necessary in order to meet specified objectives in terms of protection of the coastal strip and the inshore waters in order to achieve sustainable development;
3. Take, as appropriate, such practical steps to the above ends as:
 - Developing an understanding of the relationship between sources of damage and sustained damage to ecosystems and the coastal zone in general, having regard to the capacity of the environment to absorb damage;
 - Developing and implementing damage limitation and pollution abatement strategies for ecosystems and environmental protection;
4. Compile, as soon as possible, inventories of all sources of industrial emissions to air, discharges to water and other waste arisings, characterizing these in terms of relevant physico-chemical properties, and quantify these so that potential impact can be assessed, specific damage limitation and pollution abatement techniques can be identified, the extent of required implementation assessed and appropriate priorities allocated, taking into account best international practice and seeking advice where appropriate;
5. Prepare inventories and quantify the sources of environmental damage arising from urban living, such as sewage and domestic waste arisings; introduce, as appropriate, procedures for effluent treatment at progressive levels of intensity, and modify these as may be required with the passage of time; identify, similarly, domestic waste arisings in relation to components, and quantify these; and design and introduce procedures for safe disposal, recycling or destruction of these, frilly integrating such procedures with sewage sludge disposal procedures, having regard to the best international practice, modified, where necessary, to take account of local conditions;

6. Identify marine ecosystems exhibiting high levels of biodiversity and productivity and other critical habitat areas, with a view to limiting their use through, inter alia designating them as protected areas, special or particularly sensitive areas, as appropriate, according protection for this purpose to coral reefs, estuaries, temperate and tropical wetlands (including mangroves), seagrass beds and other spawning and nursery areas of living resources, amongst others;
7. Assess agricultural practice, particularly intensive practice, in relation to its impact on coastal ecosystems, and take appropriate steps to minimize the impact of animal waste products, excess use of fertilizer and pesticides, having regard to the best international practice;
8. Ensure, to the greatest extent possible, that port and shipping operations should adhere to the best international practice both in respect of shoreside and seaborne operations, and insist upon observance of the highest standards of navigational practice and procedure and arrangements for cargo and fuel handling;
9. Assess and quantify the impact of tourism, partly in conjunction with urban living issues, partly through consideration of specific tourist activities, making in both cases proper provision for seasonal variation in demand;
10. In assessing potential environmental and ecological impact, have regard to: acceptable water quality criteria and standards, and the available means of monitoring effluents, ambient conditions and any changes occurring in these over a period of time; internationally accepted criteria and standards for water quality and the monitoring of discharges being used as a reference against which local criteria can be established when using water quality as an indicator in this way, taking international advice where possible to ensure that standards are cost-effective and are not disproportionate to the benefits sought;
11. In developing all damage limitation and pollution abatement strategies, ensure that, in general, they take account of all impacts, including impacts on artisanal fisheries and indigenous peoples, paying due regard to accidental inputs and adopting an integrated approach to ensure that controls in one area do not simply result in additional adverse impacts in another;
12. Take note of the fact that good housekeeping and avoidance of accidents provide a quick and relatively cost-effective means of limiting damage and may avoid the cost of introducing additional controls of operational discharges involving the use of relatively complicated technologies;
13. Ensure that steps taken towards improvements of ecosystems and environmental conditions in general are cost-effective and progressive in the light of demonstrated need and have clearly identifiable beneficial results, in order to ensure that the protective approach is not discredited and discounted as an imposition of unnecessary cost for no discernible improvement.

Commitment to take legal measures and to secure adequate financial support

Local Authorities should:

1. Endeavour to ensure that, for the benefit of local communities, the national Governments sign, ratify, accede or otherwise adhere to all relevant global and regional treaties concerned with protection of the marine environment, including particularly and as appropriate the Regional Seas Conventions and Protocols of the United Nations Environment Programme and the Conventions, Protocols and Regulations of the International Maritime Organization;
2. Endeavour to ensure that their national Governments delegate to them, as appropriate, the legislative powers and financial resources necessary for them to take appropriate measures at the local level to combat the entry into the marine environment of pollutants deriving from land-based sources, taking cognizance of Chapter 28 of Agenda 21 of the United Nations Conference on Environment and Development and relevant sections of Chapter 17;

3. Ensure that the necessary legislation is adopted at local levels to control or prevent, reduce or eliminate all sources of marine pollution that degrade the marine environment, especially in coastal waters;
4. Take any other measures, including administrative measures, necessary for the above purposes;
5. In enacting by-laws and measures pursuant to recommendations 3 and 4 above, should make full use of all powers delegated to them and, in particular, provide for:
 - (i) The undertaking of environmental impact assessments, taking account of the guidelines of the United Nations Programme on this subject, for all projects, developments, discharges and emissions which might adversely affect the marine environment;
 - (ii) Control of planning and development of domestic, industrial and other projects that might adversely affect the marine environment, including tourist developments, by means of permit or authorization systems;
 - (iii) Regulation and control, by means of permit or authorization systems, of all emissions or discharges from land-based sources which are likely adversely to affect the marine environment, prohibiting emission or discharge of blacklisted substances;
 - (iv) Similarly regulate and control all dumping in the sea of wastes derived from land-based sources;
 - (v) In the case of both (iii) and (iv) above, pay particular attention to the regulation of discharge or disposal of sewage effluents or sewage wastes;
 - (vi) Appropriate training and education in implementing regulations enacted under (i) to (v) above, bearing in mind the need to create public awareness of the value and benefit of such measures to the health and welfare of local communities;
 - (vii) The holding of public inquiries in the case of all major development projects which might adversely affect the marine environment;
 - (viii) Ensuring that breaches of regulations enacted are appropriately punished and that any financial penalties are adequate both to punish and to deter repetition of such offences within the framework of existing law, and encouraging the revision and reinforcement of the law and legal procedures where these are found to be inadequate;
 - (ix) Introduction of flexible procedures for reviewing, on a continuous basis, any measures and penalties laid down in order to ensure that they take account of advances in technology, changes in monetary values and other relevant developments, at the same time encouraging central Governments also to take proper account of these matters and to make provision for them;
 - (x) Effective enforcement of the measures adopted through monitoring and inspection on a continuous basis, and review of the operation of planning requirements, emission, discharge and dumping controls and any standards set for the quality of receiving waters;
 - (xi) The taking into account of the role that non-governmental organizations can play in enforcement, by seeking to ensure that they are appropriately involved at relevant stages of the legislative and enforcement procedures;
6. In developing further measures to prevent, control and eliminate marine pollution from land-based sources, consider such possibilities as:
 - (i) Creating property rights, for example in certain areas of environmentally sensitive land adjacent to coasts, for the purposes of preventing activities and developments that would have an adverse impact on

adjoining sea areas or on marine living resources, to ensure their protection and the protection of the habitat from marine pollution and other disturbances;

- (ii) Encouraging provision for public interest litigation, including enabling local authorities to institute proceedings on behalf of the public against those violating marine pollution controls, including claims for compensation for economic loss resulting from environmental damage, and non-governmental environmental organizations so to act;
- (iii) Urging that legal advice and aid be made available for victims of marine pollution damage;
- (iv) Introducing "economic" incentives to encourage conformity to local authority by-laws, such as so-called "tax holidays", prizes, levying of charges for or local taxes on use of the marine environment for emissions, discharges into and dumping in the marine environment.

7. Have regard to the need for maximum transparency in decision-making, bearing in mind the importance of this for the enhancement both of public awareness and public involvement in the decision-making processes, which can improve the quality of this process and ensure public acceptance of, cooperation and voluntary compliance with, and enforcement of any resultant regulations, thus reducing the economic costs of the latter and increasing their effectiveness;

8. Consider establishing an appropriate planning and coordinating mechanism for integrated management and sustainable development of coastal and marine areas and their resources, providing, in particular, for consultation as appropriate with the academic and private sectors, non-governmental organizations, local communities, resource user groups and indigenous peoples;

9. Endeavour to ensure availability of adequate financial funds for environmental protection and management of coastal zones, including technology transfer and capacity-building, through mobilization of local resources, allocations from national budgets and, where appropriate, seeking international assistance for specific projects;

10. Consider adopting rules and other financial regulations for levying local dues and taxes on water use, solid waste management, access to beaches, tourist sites and natural amenities in order to establish funds for environmental purposes;

11. Introduce economic incentives for adoption of low-waste and environmentally clean technologies;

12. Adopt relevant fiscal regulations, based on national legislation, for introducing local taxes for construction and other development works;

13. Adopt and enforce sanctions and monetary penalties for violation of local environmental regulations and require payment of compensation for damage to the marine environment, including clean-up costs, based on the polluter-pays principle;

14. Ensure technology transfer for environmental protection and management through the competent national authorities, and where appropriate, international organizations;

15. Endeavour to ensure availability of adequate financial funds and special grants for capacity-building purposes, education, training of personnel and other support activities.

Commitment to cooperation and assistance

Local authorities should, within the context of the welcome collaboration being established between the International Union of Local Authorities, its European Section - the Council of European Municipalities and Regions - and the United Towns Organization:

- (a) Cooperate and render assistance at the inter-municipal level, taking account of the following means:
- (i) Dissemination of information on best environmental practices based on case studies;
 - (ii) Development and maintenance of links among coastal cities for exchanges of information and experiences covering relevant problems, strategies and solutions;
 - (iii) Establishment of systematic information systems, on the lines of the Local Environmental Initiative Communications Network, based on electronic mail transfers, as currently being tested in the Baltic Sea region through the International Council for Local Environmental Initiatives, which could be used for transmission of coastal news; calls for assistance; conveying examples of good environmental practice; providing calendars of events; accessing information on sources of funds and available technologies and arranging conferences on problem areas, taking account of the possibility of holding such meetings through the use of computer and television link-ups;
 - (iv) Facilitation of exchanges of officials in order to enlarge their experience and provision of assistance by secondment of appropriately qualified municipal experts;
 - (v) Provision of training for officials and facilities therefor, bearing in mind the possibilities of inviting officials of other municipal authorities to attend in-house courses; arranging joint courses; seeking assistance from local government associations and institutes at the global, regional and national levels, taking into account in particular in this process the need also for training in integrated coastal and marine management and sustainable development for scientists, technologists, community-based managers, advisers, local leaders, indigenous peoples, fisher folk, women and youth, among others;
 - (vi) Encourage incorporation of management and development, as well as environmental protection concerns and local planning issues, in educational curricula and public awareness campaigns, having regard to traditional ecological knowledge and sociocultural values;
- (b) Make full use of the opportunities available for financial, administrative and other support from international and regional institutions:
- (i) For the above-mentioned activities, as appropriate;
 - (ii) For environmental monitoring, compiling of inventories and any necessary scientific research and environmental impact assessment;
 - (iii) For projects such as waste, waste water and sludge treatment plants, sewage systems, reduction or control of atmospheric pollution on industrial plants and other sources, prevention of coastal erosion and countering the adverse environmental effects of tourism;
- (c) For the purposes of inter-municipal cooperation and cooperation with intergovernmental organizations, take maximum advantage of and collaborate with local government associations, in particular the International Union of Local Authorities, its associated International Council for Local Environmental Initiatives and the national associations established in various countries;
- (d) Make use, as required, of the advice and assistance available through the Advisory Committee on Protection of the Sea and its regional programmes, in giving effect to the recommendations made in this Declaration at the local level;
- (e) In the case of developing countries and countries in Eastern and Central Europe, press at the international and regional levels for concerned Governments and institutions to facilitate the transfer to them of funds and technology adequate to enable them to develop the capacity to study, monitor, regulate and enforce the measures necessary to prevent and control land-based marine pollution and promote also the training necessary for this purpose.

Addendum to the Lisbon Declaration on small island States

The above Declaration has special pertinence to islands, as featured in the separate programme area on sustainable development of small islands in the marine chapter of Agenda 21. This chapter called for a Global Conference on Sustainable Development of Small Island Developing States, to be held in Barbados in April 1994, as one of the first steps in its implementation. In many archipelagic and small island States and many island territories of continental States, local authorities are responsible for individual islands or parts of islands. Because of their physical isolation and frequent distance from national Governments, the role and responsibility of such local authorities for island development and environmental management have increased. It is often through local authorities that island inhabitants are most directly involved in their own governance. Local authorities on small islands should thus take an active part in the Global Conference on Sustainable Development of Small Island Developing States and its preparatory process, since they will need to be directly involved in the implementation of decisions taken.

