

LAW OF THE SEA BULLETIN

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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Chronological order of ratifications of the Convention,
giving ratifying State's regional group

<u>Date</u>	<u>State/Entity</u>	<u>Regional group</u>
1. 10 December 1982	Fiji	Asian
2. 7 March 1983	Zambia	African
3. 18 March 1983	Mexico	Latin Am./Carib.
4. 21 March 1983	Jamaica	Latin Am./Carib.
5. 18 April 1983	Namibia	African
6. 7 June 1983	Ghana	African
7. 29 July 1983	Bahamas	Latin Am./Carib.
8. 13 August 1983	Belize	Latin Am./Carib.
9. 26 August 1983	Egypt	African
10. 26 March 1984	Côte d'Ivoire	African
11. 8 May 1984	Philippines	Asian
12. 22 May 1984	Gambia	African
13. 15 August 1984	Cuba	Latin Am./Carib.
14. 25 October 1984	Senegal	African
15. 23 January 1985	Sudan	African
16. 27 March 1985	Saint Lucia	Latin Am./Carib.
17. 16 April 1985	Togo	African
18. 24 April 1985	Tunisia	African
19. 30 May 1985	Bahrain	Asian
20. 21 June 1985	Iceland	Western European and Other States
21. 16 July 1985	Mali	African
22. 30 July 1985	Iraq	Asian
23. 6 September 1985	Guinea	African
24. 30 September 1985	United Republic of Tanzania	African
25. 19 November 1985	Cameroon	African
26. 3 February 1986	Indonesia	Asian
27. 25 April 1986	Trinidad and Tobago	Latin Am./Carib.
28. 2 May 1986	Kuwait	Asian
29. 5 May 1986	Yugoslavia	Eastern European
30. 14 August 1986	Nigeria	African
31. 25 August 1986	Guinea-Bissau	African
32. 26 September 1986	Paraguay	Latin Am./Carib.
33. 21 July 1987	Yemen a/	Asian
34. 10 August 1987	Cape Verde	African
35. 3 November 1987	Sao Tome and Principe	African
36. 12 December 1988	Cyprus	Asian
37. 22 December 1988	Brazil	Latin Am./Carib.
38. 2 February 1989	Antigua and Barbuda	Latin Am./Carib.
39. 17 February 1989	Zaire	African
40. 2 March 1989	Kenya	African
41. 24 July 1989	Somalia	African
42. 17 August 1989	Oman	Asian
43. 2 May 1990	Botswana	African
44. 9 November 1990	Uganda	African
45. 5 December 1990	Angola	African

45 ratifications deposited with the Secretary-General

a/ See page 67.

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

A. Recent national legislation received from Governments

1. ALBANIA

Decree No. 7366 to Modify Decree No. 4650, dated 9 March 1990,
on the State Border of the People's Socialist Republic of Albania ^{1/}

[Original: English]

Article 1

The first paragraph, article 4, of Decree No. 4650, dated 9 March 1970, should be modified as follows:

"The territorial waters of the People's Socialist Republic of Albania are extended along the entire coastline over a width of 12 nautical miles (22,224 m), beginning with the basic straight line running from Rodon Cape (Muzhli), Palla Cape, Lagji Cape (Turra Castle), Seman Cape, the Josa river estuary, the north-eastern shore of Sazan Island, Gjuheza and Grama Gulf Cape, then between the Albanian shore and the Greek islands up to the middle of the Corfu Channel. The width of the territorial waters from the Buna river estuary to the Rodon Cape is extended up to the Albanian-Yugoslav border line."

Article 2

This decree enters into force 15 days following its publication in the Official Newspaper.

^{1/} A/45/261, annex.

2. EGYPT

Baselines of the maritime areas

Note verbale of the Arab Republic of Egypt to the United Nations, 2 May 1990

[Original: Arabic]

The Permanent Representative of the Arab Republic of Egypt to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the Arab Republic of Egypt, upon ratification of the United Nations Convention on the Law of the Sea, has deposited a declaration establishing the breadth of its territorial sea at 12 nautical miles, which is in line with the provisions of article 3 of the Convention. In the declaration, the Arab Republic of Egypt was committed to publish charts showing the baselines from which the breadth of its territorial sea in the Mediterranean Sea and in the Red Sea is measured, as well as the lines marking the outer limit of the territorial sea, in accordance with usual practice.

In this connection, the Permanent Representative of the Arab Republic of Egypt to the United Nations is pleased to attach herewith a letter signed by H.E. Dr. Ahmed Esmat Abdel-Meguid, Deputy Prime Minister and Minister for Foreign Affairs, addressed to Your Excellency, to which is attached Presidential Decree No. 27/90 signed by H.E. Mr. Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, on 9 January 1990, concerning the baselines from which the maritime areas in the Arab Republic of Egypt are measured, and to which is annexed a list of geographical co-ordinates of points specifying the Geodetic Datum. Such list shows the straight baselines from which the maritime areas under the sovereignty and jurisdiction of the Arab Republic of Egypt are measured, including its territorial sea in the Mediterranean Sea as shown in annex I of the Presidential Decree and in the Red Sea as shown in annex II of the Presidential Decree.

Furthermore, the Permanent Representative of the Arab Republic of Egypt wishes to report that the Arab Republic of Egypt has published the attached Presidential Decree, and accordingly it has entered into force in Egypt.

The Permanent Representative of the Arab Republic of Egypt wishes to deposit the attached Presidential Decree with the Secretary-General of the United Nations in accordance with article 16 of the United Nations Convention of the Law of the Sea.

[Original: Arabic]

2 May 1990

Sir,

Inasmuch as the Arab Republic of Egypt is anxious to fulfil the international obligations arising out of its signature, in 1982, and its ratification, in 1983, of the United Nations Convention on the Law of the Sea; in accordance with Part II of the said Convention; and since article 16 of this Convention requires that coastal States shall give due publicity to lists of geographical co-ordinates relating to that territorial sea and shall deposit a copy thereof with the Secretary-General of the United Nations, I have the honour to transmit to you herewith a copy of Decree No. 27 (1990) of the President of the Arab Republic of Egypt, issued on 9 January 1990, concerning the baselines from which the maritime areas of the Arab Republic of Egypt are measured, with a list of the geographical co-ordinates of all points, specifying the geodetic datum (Mercator projection), which represent the straight baselines from which the maritime areas coming under the sovereignty and rule of the Arab Republic of Egypt, including its territorial sea, are measured:

1. In the Mediterranean Sea, in accordance with annex 1 of the Presidential Decree;
2. In the Red Sea, in accordance with annex 2 of the Presidential Decree.

I am also pleased to inform you that the Arab Republic of Egypt has published the Republican Decree and its annexes and the Decree has entered into force.

(Signed) Ahmed Esmat ABDEL MEGUID
Deputy Prime Minister
and
Minister for Foreign Affairs

Decree of the President of the Arab Republic of Egypt

No. 27 (1990)

Concerning the baselines of the maritime areas
of the Arab Republic of Egypt, 9 January 1990

Article 1

The maritime areas coming under the sovereignty and rule of the Arab Republic of Egypt, including its territorial sea, shall be measured from the straight baselines connecting all the points defined by the co-ordinates referred to in article 2.

Article 2

The co-ordinates referred to in article 1, in accordance with the geodetic datum (Mercator projection), are:

1. In the Mediterranean Sea, in accordance with annex 1, which constitute an inseparable part of this Decree;
2. In the Red Sea, in accordance with annex 2, which constitutes an inseparable part of this Decree.

Article 3

The lists of co-ordinates referred to in article 2 of this Decree shall be published in accordance with the rules customarily followed in this regard and shall be notified to the Secretary-General of the United Nations.

Article 4

This Decree shall be published in the Official Gazette.

ANNEX I

I. The Mediterranean Sea

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
1	31°	40'	30"	25°	08'	56"
2	31°	34'	24"	25°	10'	48"
3	31°	30'	56"	25°	14'	30"
4	31°	30'	12"	25°	19'	55"
5	31°	38'	00"	25°	53'	24"
6	31°	36'	18"	26°	14'	24"
7	31°	31'	18"	26°	38'	30"
8	31°	27'	12"	26°	59'	06"
9	31°	24'	30"	27°	03'	48"
10	31°	22'	12"	27°	21'	00"
11	31°	12'	36"	27°	28'	30"
12	31°	12'	00"	27°	38'	00"
13	31°	14'	48"	27°	51'	36"
14	31°	06'	12"	27°	55'	00"
15	31°	05'	30"	28°	25'	48"
16	31°	03'	18"	28°	35'	24"
17	30°	58'	30"	28°	49'	56"
18	30°	54'	54"	28°	54'	52"
19	30°	50'	36"	29°	00'	00"
20	30°	59'	54"	29°	23'	48"
21	31°	01'	48"	29°	31'	00"

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
22	31°	08'	54"	29°	47'	18"
23	31°	12'	00"	29°	51'	42"
24	31°	12'	36"	29°	52'	30"
25	31°	19'	12"	30°	02'	54"
26	31°	21'	42"	30°	06'	24"
27	31°	30'	18"	30°	21'	18"
28	31°	30'	00"	30°	22'	42"
29	31°	27'	18"	30°	28'	18"
30	31°	36'	00"	31°	01'	42"
31	31°	36'	00"	31°	07'	00"
32	31°	35'	12"	31°	11'	24"
33	31°	33'	42"	31°	16'	12"
34	31°	26'	42"	31°	36'	00"
35	31°	29'	30"	31°	45'	18"
36	31°	32'	06"	31°	52'	00"
37	31°	32'	06"	31°	54'	12"
38	31°	30'	18"	31°	57'	24"
39	31°	20'	42"	32°	06'	42"
40	31°	18'	12"	32°	20'	30"
41	31°	03'	54"	32°	34'	12"
42	31°	08'	56"	32°	55'	36"

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
43	31°	13'	12"	33°	04'	00"
44	31°	13'	48"	33°	06'	12"
45	31°	14'	12"	33°	08'	42"
46	31°	13'	36"	33°	13'	18"
47	31°	12'	00"	33°	20'	30"
48	31°	11'	06"	33°	23'	54"
49	31°	07'	06"	33°	32'	00"
50	31°	07'	42"	33°	43'	24"
51	31°	11'	54"	33°	58'	18"
52	31°	14'	36"	34°	05'	18"
53	31°	19'	24"	34°	13'	06"

ANNEX 2

II. The Red Sea

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
1	29°	29'	36"	34°	54'	18"
2	29°	29'	00"	34°	52'	12"
3	29°	26'	12"	34°	50'	48"
4	29°	25'	26"	34°	49'	48"
5	29°	22'	36"	34°	48'	12"
6	29°	22'	00"	34°	47'	18"
7	29°	20'	30"	34°	46'	36"
8	29°	18'	18"	34°	44'	24"
9	29°	13'	24"	34°	44'	30"
10	29°	11'	48"	34°	44'	00"
11	29°	10'	24"	34°	42'	48"
12	29°	09'	36"	34°	41'	30"
13	29°	02'	12"	34°	40'	12"
14	29°	00'	42"	34°	41'	03"
15	28°	59'	18"	34°	41'	10"
16	28°	58'	30"	34°	40'	48"
17	28°	58'	10"	34°	38'	56"
18	28°	56'	42"	34°	38'	12"
19	28°	55'	54"	34°	38'	42"
20	28°	51'	42"	34°	38'	48"
21	28°	50'	48"	34°	37'	42"

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
22	28°	44'	03"	34°	37'	36"
23	28°	38'	24"	34°	34'	48"
24	28°	32'	28"	34°	31'	03"
25	28°	30'	00"	34°	31'	24"
26	28°	28'	24"	34°	30'	30"
27	28°	26'	20"	34°	27'	48"
28	28°	22'	54"	34°	27'	18"
29	28°	16'	24"	34°	24'	36"
30	28°	10'	00"	34°	27'	30"
31	28°	03'	24"	34°	26'	56"
32	27°	58'	48"	34°	26'	12"
33	27°	43'	12"	34°	15'	36"
34	27°	27'	12"	34°	12'	18"
35	27°	11'	24"	33°	59'	24"
36	26°	51'	06"	34°	00'	18"
37	26°	45'	42"	34°	04'	54"
38	26°	42'	42"	34°	06'	36"
39	26°	06'	36"	34°	17'	24"
40	25°	42'	30"	34°	35'	24"
41	25°	29'	42"	34°	41'	00"

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
42	25°	20'	48"	34°	51'	54"
43	24°	47'	18"	35°	11'	00"
44	24°	38'	18"	35°	11'	36"
45	24°	26'	00"	35°	22'	48"
46	24°	15'	18"	35°	39'	00"
47	24°	09'	42"	35°	43'	00"
48	23°	54'	12"	35°	47'	36"
49	23°	33'	48"	36°	20'	36"
50	22°	53'	12"	36°	20'	06"
51	22°	36'	30"	36°	35'	12"
52	22°	20'	18"	36°	39'	24"
53	22°	16'	12"	36°	48'	54"
54	22°	03'	48"	36°	53'	54"
55	22°	01'	30"	36°	53'	48"
56	22°	00'	00"	36°	52'	54"

3. FRANCE

Act No. 89-874 of 1 December 1989 concerning Maritime Cultural Assets and
Amending the Act of 27 September 1941 Regulating
Archaeological Excavations, 1 December 1989

[Original: French]

Article 1

Maritime cultural assets shall comprise deposits, wrecks, artefacts or in general all assets of prehistoric, archaeological or historical interest which are situated in the maritime public domain or on the sea-bed in the contiguous zone.

SECTION I

Maritime cultural assets situated in the maritime public domain

Article 2

Maritime cultural assets situated in the maritime public zone whose owner cannot be located shall be the property of the State. Assets whose owner has not been located within three years following the date on which their discovery was made public shall be the property of the State. The manner of making such discovery public shall be established by decree of the Council of State.

Article 3

Any person discovering a maritime cultural asset shall leave it in situ and shall not cause damage to it.

Such person shall, within 48 hours of the discovery or of arrival at the first port, report the asset to the Administrative Authority.

Article 4

Any person accidentally removing a maritime cultural asset from the maritime public domain as a result of works or any other public or private activity shall not let the asset out of his possession. The asset shall be reported to the Administrative Authority within the time-limit specified in article 3; it shall be deposited with the said authority within the same time-limit, or shall be kept at its disposal.

Article 5

Where an asset is reported more than once, the credit for its discovery shall go to the first person to report it.

Article 6

Any person discovering and reporting a maritime cultural asset ownership of which is assigned to the State under the provisions of article 2 shall be entitled to a reward of a kind or in an amount to be determined by the Administrative Authority.

Article 7

No one may engage in prospecting using specialized equipment for determining the location of a maritime cultural asset, or carry out excavations or drilling, without obtaining prior administrative authorization granted in the light of the applicant's qualifications and of the type and modalities of the search.

Any removal of an asset, or of samples from it, shall be subject to the granting of prior administrative authorization under the same terms.

The Administrative Authority may also conclude with individuals licensed for the purpose contracts to search for maritime cultural assets, remove them or remove samples therefrom.

Article 8

Excavations, drilling, prospecting and the removal of assets or samples shall be carried out under the effective direction of the person applying for and receiving the authorization referred to in article 7.

Article 9

Where the owner of a maritime cultural asset is known, his written consent shall be obtained before any action is taken with respect to the asset.

Article 10

When the conservation of a maritime cultural asset is jeopardized, the Minister responsible for culture may take ex officio, after notifying the owner if known, such conservation measures as the situation necessitates.

Article 11

The Minister responsible for culture may, after affording the owner an opportunity to submit his comments, proclaim the acquisition by the State of a maritime cultural asset situated in the maritime public domain to be in the public interest. Where the consent of the owner is not given, the proclamation of public interest shall be made by decree of the Council of State.

Transfer of ownership shall be decided by the ordinary law courts, subject to payment of an indemnity prior to the taking of possession. The said indemnity shall cover the entire amount of the direct, material and certain damage. Where amicable agreement is not reached, the indemnity shall be determined by the Court.

SECTION II

Maritime cultural assets situated in the contiguous zone

Article 12

Articles 3, 4, 5, 7, 8 and 9 of the present Act shall apply to maritime cultural property situated in a contiguous zone lying between 12 and 24 marine miles measured from the baselines of the territorial sea, subject to the provisions of delimitation agreements with neighbouring States.

Article 13

Any person discovering and reporting a maritime cultural asset belonging to the State and situated in the contiguous zone shall be entitled to a reward in an amount to be determined by the Administrative Authority.

SECTION III

Penal provisions

Article 14

Any person failing to comply with the reporting obligations provided for in articles 3, paragraph 2, and 4 of the present Act shall be liable to a fine of from 500 francs to 15,000 francs.

The same penalties shall apply to any person making a false declaration to the public authority regarding the place and composition of the deposit where the object reported was discovered.

Article 15

Any person conducting prospecting, drilling, sampling or excavations of maritime cultural assets or affecting the removal of such assets or of samples from them in violation of the provisions of articles 3, (para. 1), 7 and 8 of the present Act shall be liable to a fine of from 1,000 francs to 50,000 francs.

Article 16

Any person who knowingly sells or buys a maritime cultural asset removed from the maritime public domain or from the sea-bed in the contiguous zone in violation of the provisions of articles 3, 4, 7 and 8 of the present Act shall be liable to imprisonment for from one month to two years and to a fine of from 500 francs to 30,000 francs, or to one of these two penalties alone. The amount of the fine may be raised to double the price for which the asset was sold. The authority having jurisdiction may in addition order publication of

its decision in the press at the expense of the convicted person, the maximum cost of such publication not to exceed the amount of the fine incurred.

Article 17

Violations of the present Act shall be investigated and verified by officers and constables of the criminal investigation department, deputy constables of the criminal investigation department, administrators of maritime affairs, officers in the technical and administrative corps for maritime affairs, customs officials, agents of the minister responsible for culture specially sworn and commissioned for the purpose under terms established by decree of the Council of State, officers and petty officers commanding vessels of the national navy, inspectors of maritime affairs, fishery facility inspection technicians, coast signalmen, representatives of the seamen's registry and in addition, in the ports, port officers and deputy port officers.

Article 18

Reports drawn up by the reporting agents designated in article 17 of the present Act shall be deemed accurate unless proven otherwise. They shall be transmitted forthwith to the procureur de la République.

Article 19

Cases involving violations of the provisions of the present Act committed in the territorial sea or in the contiguous zone shall be heard by the Court competent either for the place where the violation was committed or for the place of residence of the person committing the violation or for the place where the latter was arrested or, failing that, by the tribunal de grande instance, Paris.

SECTION IV

Amendment of the Act of 27 September 1941 Regulating Archaeological Excavations

Article 20

Article 19 of the above-mentioned Act of 27 September 1941 shall read as follows:

"Art. 19. Any person failing to comply with the reporting obligation provided for in article 14 or making a false report shall be liable to a fine of from 500 francs to 15,000 francs."

Article 21

Article 20 of the Act of 27 September 1941 referred to above shall read as follows:

"Art. 20. Any person conducting excavations in violation of the provisions of articles 1, 3, 6 and 15 shall be liable to a fine of from 1,000 francs to 50,000 francs."

Article 22

Article 21 of the Act of 27 September 1941 referred to above shall read as follows:

"Art. 21. Any person knowingly selling or buying any objects discovered in violation of articles 1, 6 and 15 or concealed in violation of articles 3 and 14 shall be liable to imprisonment for from one month to two years and to a fine of from 500 francs to 30,000 francs, or to one of the two penalties above. The amount of the fine may be raised to double the price for which the asset was sold.

"The authority having jurisdiction may in addition order publication of its decision in the press at the expense of the convicted person, the maximum cost of such publication not to exceed the amount of the fine incurred."

SECTION V

Miscellaneous provisions

Article 23

The provisions of the present act shall, with the exception of section IV, apply in the territorial community of Mayotte.

Article 24

The terms of implementation of the present Act shall be established by decree of the Council of State. The present Act shall be implemented as a law of the State.

4. ISRAEL

Territorial Waters (Amendment) Law, 5750-1990 of
5 February 1990 1/

[Original: English]

Replacement of section 1

1. In the Territorial Waters Law, 5717-1956 (hereinafter referred to as "the principal Law"), section 1 shall be replaced by the following section:

"Definition of - "territorial waters"

1. (a) In section 3 of the Interpretation Law, 5741-1981, in the definition of "territorial waters", the words "six miles" shall be placed by the words "twelve nautical miles".

(b) Notwithstanding the provisions of section 1 of the Interpretation Law, 5741-1981, the definition of "territorial waters" as enacted according to subsection (a) shall apply also to enactments and administrative directions issued before the coming into force of the said Law."

Amendment of section 2

2. In section 2 of the principal Law, the words "than six nautical miles" shall be replaced by the words "than twelve nautical miles" and the words "six nautical miles" shall be replaced by the words "twelve nautical miles".

1/ Entered into force on 14 February 1990.

5. NAMIBIA

Territorial Sea and Exclusive Economic Zone of Namibia
Act No. 3 of 1990, 30 June 1990 1/

[Original: English]

ACT to determine and define the territorial sea, internal waters, exclusive economic zone and continental shelf of Namibia; and to provide for matters incidental thereto (signed by the President on 6 June 1990).

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:

Definitions

1. In this Act, unless the context indicate otherwise -

"Convention" means the United Nations Convention on the Law of the Sea, 1982, adopted on 30 April 1982 by the [Third] United Nations Conference on the Law of the Sea;

"low water line" means the line of lowest astronomical tide;

"Namibia" means the Republic of Namibia as defined in article 1 (4) of the Namibian Constitution, and in relation to any right or power, the authority in which the right or power in question or a right or power of the nature in question is vested;

"nautical mile" means the international nautical mile of 1,852 metres.

Territorial sea of Namibia

2. (1) The sea within a distance of 12 nautical miles measured from the low water line shall be the territorial sea of Namibia.

(2) (a) In determining the extent of the territorial sea of Namibia due regard shall be had to the rules embodied in the Convention, or as it may from time to time be embodied in any international convention binding on Namibia, and, with due regard to the said international rules, base lines other than the low water line from which the 12 nautical miles contemplated in subsection (1) are to be measured, may be recognized by Namibia;

(b) Any base line referred to in this section may be marked or indicated by appropriate symbols on scale charts officially recognized by Namibia;

(c) In any proceedings before a court of law any chart referred to in paragraph (b) shall be prima facie evidence of the matters referred to therein.

1/ See Government Gazette of the Republic of Namibia (Windhoek), No. 28, 11 June 1990.

(3) Any law in force in Namibia at the commencement of this Act relating to territorial waters or to the sea within a specified distance but less than 12 nautical miles from the low water mark shall apply within the territorial sea of Namibia, and any reference in any such law to the territorial waters or low water mark shall be deemed to be a reference to the territorial sea or low water line as defined in this Act, respectively.

Internal waters of Namibia

3. (1) The waters landward from its low water line or any other base line from which the territorial sea was measured shall form part of the internal waters of Namibia.

(2) The provisions of subsection (1) shall be in addition to and not in substitution for any other law relating to or defining the internal waters of Namibia.

Exclusive economic zone of Namibia

4. (1) The sea outside the territorial sea of Namibia but within a distance of two hundred nautical miles from the low water line or any other base line from which the territorial sea was measured shall constitute the exclusive economic zone of Namibia.

(2) In determining the extent of the exclusive economic zone the provisions of section 2 (2) shall mutatis mutandis apply.

(3) Within the exclusive economic zone -

(a) any law of Namibia which relates to the exploitation, exploration, conservation or management of the natural resources of the sea, whether living or non-living, shall apply;

(b) Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of any fiscal law or any law relating to customs, immigration, health or the natural resources of the sea.

(4) Any law in force in Namibia at the commencement of this Act relating to any fishing zone shall apply within the exclusive economic zone of Namibia, and any reference in any such law to any fishing zone shall be deemed to be a reference to the exclusive economic zone as defined in this Act.

Delimitation of territorial sea or exclusive economic zone

5. If, in determining the extent of the territorial sea or exclusive economic zone of Namibia or after having so determined it, it infringes or overlaps with the territorial sea, exclusive economic zone or any other maritime zone, as the case may be, of any other State, the extent of the territorial sea or exclusive economic zone of Namibia may be determined or altered by agreement with the State concerned, and pending the conclusion of such an agreement or if no such agreement can be reached, the extent of the territorial sea or exclusive economic zone of Namibia, as the case may be, may be determined or altered by Namibia as it deems fit.

Continental shelf of Namibia

6. (1) The continental shelf as defined in the Convention, or as it may from time to time be defined by international convention and binding on Namibia, shall be the continental shelf of Namibia.

(2) The continental shelf referred to in subsection (1) shall be regarded as part of Namibia and shall for the purposes of -

(a) the exploitation of the natural resources of the sea; and

(b) any provision of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of Namibia which adjoins the continental shelf,

be deemed to be State land.

Repeal or amendment of laws

7. The laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of the Schedule.

Short title and commencement

8. This Act shall be called the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, and shall come into operation on a date to be determined by the President by proclamation in the Gazette.

SCHEDULE

Laws repealed or amended
(Section 7)

O. and year	Short title	Extent of repeal or amendment
Act 58 of 1973.	Sea Fisheries Act, 1973.	<p>(a) The substitution for section 17 of the following section:</p> <p>"Forfeiture and seizure.</p> <p>17. (1) The court convicting any person of any offence in terms of this Act may, in addition to any other penalty it may impose, declare any fish, sea-weed, shells or implement or any fishing boat or other vessel or vehicle in respect of which the offence was committed or which was used in connection with the commission thereof, or any rights of the convicted person thereto, to be forfeited to the State, and cancel or suspend for such period as the court may think fit, any registration done in respect of the convicted person or any licence or permit issued or granted to such person in terms of this Act: Provided that such a declaration of forfeiture shall not affect any rights which any person other than the convicted person may have to such implement, boat, vessel or vehicle, if it is proved that such other person took all reasonable steps to prevent the use thereof in connection with the offence.</p> <p>(2) The provisions of section 35 (3) and (4) of the Criminal Procedure Act, 1977 (Act 51 of 1977) shall <u>mutatis mutandis</u> apply in respect of any such rights.</p> <p>(3) Any fish, sea-weed, shells, boat, vessel, vehicle or implement or any right thereto forfeited to the State under the provisions of this section or section 6 (6) may be sold or destroyed or may be dealt with in such other manner as the President may direct".</p> <p>(b) the amendment of section 22A:</p> <p>(i) by the substitution in subsection (4) for the amount "R50 000" of the words "one million rand";</p> <p>(ii) by the deletion in subsection (4) of the expression "or to imprisonment for a period not exceeding 7 years or to both such fine and such imprisonment"; and</p> <p>(iii) by the substitution for subsection (5) of the following subsection:</p> <p>"(5) (a) The President may by notice in the Gazette make regulations in respect of vessels authorized in terms of subsection (2), relating to any of the matters referred to in sections 10 (1), 11 (a), (b) and (e) and 13 (1) (a), (c), (d), (f), (g), (h), (i), (j), (l), (m) and (n) of this Act.</p> <p>(b) Different regulations may under paragraph (a) be made in respect of different vessels or vessels of different foreign States or in respect of different species of fish or fish products.</p> <p>(c) Any person using a vessel authorized in terms of subsection (2) in contravention of or without complying with any regulation referred to in paragraph (a) of this subsection shall be guilty of an offence and liable on conviction to the penalty prescribed in subsection (4)".</p> <p>The repeal of the whole.</p>
Proclamation AG. 2 of 1979	Territorial Waters of South West Africa Proclamation, 1979.	

Proclamation by the President of the Republic of Namibia 1/

[Original: English]

Commencement of the Territorial Sea and Exclusive Economic Zone of Namibia Act, (Act 3 of 1990)

Under the powers vested in me by section 8 of the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, I hereby determine that the said Act shall come into operation on 10 July 1990.

Given under my Hand and Seal of the Republic of Namibia at Windhoek this 30th day of June, One thousand Nine hundred and Ninety.

^{1/} See Government Gazette of the Republic of Namibia (Windhoek), No. 44, 10 July 1990.

B. Treaties

1. Bilateral treaties

- (a) Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the French Republic concerning the Prevention of Incidents at Sea outside Territorial Waters of 4 July 1989

[Original: French and Russian]

The Government of the Union of Soviet Socialist Republics and the Government of the French Republic (hereinafter referred to as "the Parties"),

Desiring to ensure the safety of navigation of ships of their respective armed forces and of the flight of their military aircraft outside territorial waters,

Guided therein by the principles and rules of international law,

Have agreed as follows:

Article I

For the purposes of this Agreement:

1. "Ship" means:

(a) A warship belonging to the armed forces of one of the Parties bearing the external marks distinguishing warships of its nationality, under the command of a naval officer of that Party whose name appears in the service list or an equivalent document, and manned by a crew which is under regular military discipline;

(b) An auxiliary vessel belonging to the armed forces of one of the Parties and authorized to fly the auxiliary vessel flag where such a flag has been established by the Party concerned.

2. "Aircraft" means any military manned aircraft;

3. "Formation" means an ordered arrangement of two or more ships operating and manoeuvring together;

4. The expression "Collision Regulations" means the International Regulations for Preventing Collisions at Sea annexed to the Convention on the International Regulations for Preventing Collisions at Sea, signed at London on 20 October 1972.

Article II

The Parties shall take measures to instruct the commanding officers of their respective ships rigorously to observe strictly the spirit and letter of the Collision Regulations.

The Parties recognize that freedom to conduct operations outside territorial waters is based on established and recognized principles and rules of international law.

Article III

1. Except when required to maintain course and speed under the Collision Regulations, ships of the Parties operating in proximity to each other shall in all cases remain well clear to avoid risk of collision.
2. Ships meeting or operating in the vicinity of a formation of the other Party shall, in compliance with the Collision Regulations, avoid manoeuvring in a manner which would hinder the evolutions of the formation.
3. Formations shall not conduct manoeuvres in areas of heavy traffic where internationally recognized traffic separation schemes are in effect.
4. Ships of one Party engaged in surveillance of ships of the other Party shall remain at a distance which avoids the risk of collision and shall also avoid executing manoeuvres which might embarrass or endanger the ships under surveillance. Except when required to maintain course and speed under the Collision Regulations, a ship engaged in surveillance shall take positive early action so as not to embarrass or endanger the ships under surveillance.
5. Ships of the two Parties operating within sight of each other shall, in order to indicate their operations and intentions, use the signals (flag, sound and light) provided for in the Collision Regulations, the International Code of Signals and the Table of Special Signals annexed to the present Agreement. At night, or during the day in conditions of reduced visibility, or under such conditions of lighting and at such distances that signal flags are undistinguishable, a flashing light or VHF radio channel 16 (156.3 MHz) shall be used.
6. Ships of the Parties:
 - (a) shall not simulate attacks by aiming guns, missile launchers or torpedo tubes or other weapons at ships or aircraft of the other Party;
 - (b) shall not launch any object in the direction of ships of the other Party in such a manner as to be hazardous to those ships or to constitute a hazard to navigation;
 - (c) shall not use searchlights or other illumination devices for the purpose of illuminating the navigation bridges of ships or the cockpit of airborne aircraft of the other Party;
 - (d) shall not use lasers in such a manner as to constitute a hazard to the health of the crew or cause damage to the equipment on board a ship or aircraft of the other Party;
 - (e) shall not launch signal rockets in the direction of the ships or aircraft of the other Party.

7. When conducting exercises with submerged submarines, the supporting ships of one Party shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals annexed to the present Agreement, to warn other ships of the presence of submarines in the area.

8. Ships of one Party when approaching ships of the other Party which, in accordance with rule 3 (g) of the Collision Regulations, are restricted in their ability to manoeuvre, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment under way, shall take appropriate measures not to hinder manoeuvres of such ships and shall remain well clear.

Article IV

1. Commanders of aircraft of the Parties shall exercise the greatest caution in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit:

(a) simulated attacks or the simulated use of weapons against ships and aircraft of the other Party;

(b) the performance of aerobatics over ships of the other Party;

(c) the dropping of any objects near ships of the other Party in such a manner as to be hazardous to them or hinder navigation.

2. Aircraft of the Parties flying in darkness or under instrument conditions shall, whenever feasible, display navigation lights.

Article V

Actions which ships and aircraft are prohibited from undertaking under this Agreement shall not be taken in respect of non-military ships of the Parties.

Article VI

The Parties shall provide through warnings to mariners, normally three to five days in advance, notification of actions by their ships or aircraft outside territorial waters which might represent a danger to navigation or to aircraft in flight.

Article VII

The Parties shall exchange in a timely manner appropriate information concerning instances of collisions, incidents which result in damage and other incidents at sea between ships and aircraft of the Parties. The Navy of the Union of Soviet Socialist Republics shall provide such information through the Naval Attaché or other Military Attaché of France in Moscow and the French Navy shall provide such information through the Naval Attaché or other Military Attaché of the Union of Soviet Socialist Republics in Paris.

Article VIII

This Agreement shall enter into force on the date of its signature. It may be terminated by either Party giving six months' written notice of termination to the other Party.

Article IX

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms and possible ways of further improving the safety of navigation of their ships and flight of their aircraft outside territorial waters. Similar consultations shall be held thereafter as deemed necessary, at least once every two years.

IN WITNESS WHEREOF the undersigned, duly authorized for this purpose by their respective Governments, have signed this Agreement.

DONE at Paris on 4 July 1989 in duplicate, in the Russian and French languages, both texts being equally authentic.

Table of special signals 1/

The following signals are to be preceded by code group YVI:

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
IR1	I am engaged in oceanographic work.
IR2(...)	I am streaming/ towing hydrographic survey equipment ... metres astern.
IR3	I am recovering hydrographic survey equipment.
IR4	I am conducting salvage operations.
JH1	I am attempting to retract a grounded vessel.
MH1	Request you not cross my course ahead of me.

1/ Both Parties shall issue mutually agreed instructions for the use of the signals of this table. The representatives of the Parties may by mutual agreement introduce into this table necessary alterations and additions.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
NB1(...)	I have my unattached hydrographic survey equipment bearing in a direction from me as indicated ... (table 3 of ICS). <u>2/</u>
PJ1	I am unable to alter course to my starboard.
PJ2	I am unable to alter course to my port.
PJ3	Caution, I have steering casualty.
PP8(...)	Dangerous operations in progress. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
QF1	Caution, I have stopped the engines.
QS6(...)	I am proceeding to anchorage on course ...

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
QV2	I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.
QV3	I am anchored in deep water with hydrographic survey equipment streamed.
RT2	I intend to pass you on your port side.
RT3	I intend to pass you on your starboard side.
RT4	I will overtake you on your port side.
RT5	I will overtake you on your starboard side.
RT6(...)	I am manoeuvring (or the formation is manoeuvring). Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
RT7(...)	I shall approach your ship on starboard side to a distance of ... 100s of metres (yards).
RT8(...)	I shall approach your ship on port side to a distance of ... 100s of metres (yards).
RT9(...)	I shall cross astern at a distance of ... 100s of metres (yards).
RU2(...)	I am beginning a port turn in approximately ... minutes.
RU3(...)	I am beginning a starboard turn in approximately ... minutes.
RU4	The formation is preparing to alter course to port.
RU5	The formation is preparing to alter course to starboard.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
RU6	I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.
RU7	I am preparing to submerge.
RU8	A submarine will surface within two miles of me within 30 minutes. Request you remain clear.
SL2	Request your course, speed and passing intention.
TX1	I am engaged in fisheries patrol.
UY1(...)	I am preparing to launch/recover aircraft on course ...
UY2(...)	I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
UY3(...)	I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
UY4	I am preparing to conduct/am conducting operations employing explosive charges.
UY5(...)	I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated ... (table 3 of ICS).
UY6(...)	I am preparing to conduct/am conducting under-way replenishment on course ... Request you remain clear.
UY7	I am preparing to conduct extensive small-boat and ship-to-shore amphibious training operations.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
UY8	I am manoeuvring to launch/recover landing craft/boats.
UY9	I am preparing to conduct/am conducting helicopter operations over my stern.
UY10	I am checking gunnery systems. <u>3/</u>
UY11	I am checking rocket systems. <u>3/</u>
UY12(...)	I am preparing to conduct/I am conducting/gunnery exercises/bombing by aircraft of the towed target. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

3/ These signals shall be transmitted by ships when they, routinely or for other technical reasons, test their gunnery and rocket rotating mechanisms.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
ZL1	I have received and understood your signal.
ZL2	Do you understand? Request acknowledgement.

(b) Agreement between the Government of the Italian Republic and the
Government of the Union of Soviet Socialist Republics
concerning the Prevention of Incidents at Sea
outside Territorial Waters of
30 November 1989 1/

[Original: Italian and Russian]

The Government of the Italian Republic and the Government of the Union of Soviet Socialist Republics (hereinafter referred to as "the Parties"),

Desiring to ensure the safety of navigation of ships of their respective armed forces, and of the flight of their military aircraft outside territorial waters,

Acknowledging that actions prohibited by this Agreement should also not be taken against non-military ships of the Parties,

Guided by the principles and rules of international law,

Have agreed as follows:

Article I

1. For the purposes of this Agreement:

(a) "Ship" means:

- (i) A warship belonging to the armed forces of one of the Parties bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the Government and whose name appears in the appropriate service list or an equivalent document, and manned by a crew which is under regular military discipline;
- (ii) An auxiliary vessel belonging to the armed forces of one of the Parties and authorized to fly the auxiliary vessel flag where such a flag has been established by the Party concerned;

(b) "Aircraft" means any military manned heavier-than-air and lighter-than-air aircraft, excluding spacecraft;

(c) "Formation" means an ordered arrangement of two or more ships operating together.

2. This Agreement shall apply to ships and aircraft operating outside territorial waters.

1/ Entered into force on 30 December 1989.

Article II

The Parties shall take measures to instruct the commanding officers of ships to observe strictly the letter and spirit of the International Regulations for Preventing Collisions at Sea (hereinafter referred to as "the Collision Regulations"), which are annexed to the Convention on the International Regulations for Preventing Collisions at Sea, signed at London on 20 October 1972. The Parties recognize that freedom to conduct operations outside territorial waters is based on the principles recognized in international law.

Article III

1. Except when required to maintain course and speed under the Collision Regulations, ships of the Parties operating in proximity to each other shall in all cases remain well clear to avoid risk of collision.
2. Ships meeting or operating in the vicinity of a formation of the other Party shall, in compliance with the Collision Regulations, avoid manoeuvring in a manner which would hinder the evolutions of the formation.
3. Formations shall not conduct manoeuvres in areas of heavy traffic where internationally recognized traffic separation schemes are in effect.
4. Ships of one Party engaged in surveillance of ships of the other Party shall remain at a distance which avoids the risk of collision and shall also avoid executing manoeuvres which might embarrass or endanger the ships of the other Party which are under surveillance. Except when required to maintain course and speed under the Collision Regulations, a ship engaged in surveillance shall, in the exercise of good seamanship, take positive early action so as not to embarrass or endanger the ships under surveillance.
5. Ships of the two Parties operating within sight of each other shall, in order to indicate their operations and intentions, use the signals (flag, sound and light) provided for in the Collision Regulations, the International Code of Signals and the Table of Special Signals annexed to this Agreement. At night or in conditions of reduced visibility, or under such conditions of lighting and at such distances that signal flags are undistinguishable, a flashing light or VHF Radio Channel 16 (156.8 MHz) should be used.
6. Ships of the Parties:
 - (a) shall not simulate attacks by aiming guns, missile launchers or torpedo tubes or other weapons at ships or aircraft of the other Party;
 - (b) shall not launch any object in the direction of ships of the other Party in such a manner as to be hazardous to those ships or to constitute a hazard to navigation;
 - (c) shall not use searchlights or other illumination devices for the purpose of illuminating the navigation bridges of ships or the cockpits of airborne aircraft of the other Party;

(d) shall not use lasers in such a manner as to constitute a hazard to the health of the crew or cause damage to the equipment on board a ship or aircraft of the other Party;

(e) shall not launch signal rockets in the direction of the ships or aircraft of the other Party.

7. When conducting exercises with submerged submarines, supporting ships shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals annexed to this Agreement, to warn other ships of the presence of submarines in the area.

8. Ships of one Party when approaching ships of the other Party which, in accordance with rule 3 (g) of the Collision Regulations, are restricted in their ability to manoeuvre, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment under way, shall take appropriate measures not to hinder manoeuvres of such ships and shall remain well clear.

Article IV

1. Commanders of aircraft of the Parties shall exercise the greatest caution and prudence in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit:

(a) simulated attacks or the simulated use of weapons against ships and aircraft of the other Party;

(b) the performance of aerobatics over ships of the other Party;

(c) the dropping of any objects near ships of the other Party in such a manner as to be hazardous to them or hinder navigation.

2. Aircraft of the Parties flying in darkness or under instrument conditions shall, whenever feasible, display navigation lights.

Article V

1. Actions which ships and aircraft are prohibited from undertaking under this Agreement shall likewise not be taken in respect of non-military ships and aircraft of the other Party.

2. The Parties shall take measures to notify the non-military ships and aircraft of each Party about the provisions of this Agreement directed at securing mutual safety.

Article VI

The Parties shall provide through the established system of radio broadcasts of warnings to mariners, normally not less than three to five days in advance, notification of actions outside territorial waters which represent a danger to navigation or to aircraft in flight.

Article VII

1. The Parties shall exchange in a timely manner appropriate information concerning instances of collisions, incidents which result in damage and other incidents at sea between ships and aircraft of the Parties. The Italian Navy shall provide such information through the Naval Attaché or other Military Attaché of the Union of Soviet Socialist Republics in Rome, and the Navy of the Union of Soviet Socialist Republics shall provide such information through the Naval Attaché or other Military Attaché of the Italian Republic in Moscow.
2. The procedure outlined in paragraph 1 of this article shall also be used by the Parties to exchange information on other incidents at sea whenever immediate receipt of such information is deemed important by the other Party.

Article VIII

This Agreement shall enter into force 30 days after its signature. It may be terminated by either Party giving six months' written notice of termination to the other Party.

Article IX

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms and possible ways of further improving the safety of navigation of their ships and flight of their aircraft outside territorial waters. Similar consultations shall be held thereafter annually or at more frequent intervals, as may be agreed between the Parties.

DONE at Rome on 30 November 1989 in duplicate, in the Italian and Russian languages, both texts being equally authentic.

ANNEX

Table of special signals 1/

The following signals are to be preceded by code group YVI:

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
IR1	I am engaged in oceanographic work.
IR2(...)	I am streaming/ towing hydrographic survey equipment ... metres astern.
IR3	I am recovering hydrographic survey equipment.
IR4	I am conducting salvage operations.
JH1	I am attempting to retract a grounded vessel.
MH1	Request you not cross my course ahead of me.

1/ Both Parties shall issue mutually agreed instructions for the use of the signals of this table. The representatives of the Parties may by mutual agreement introduce into this table necessary alterations and additions.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
NB1(...)	I have my unattached hydrographic survey equipment bearing in a direction from me as indicated ... (table 3 of ICS). <u>2/</u>
PJ1	I am unable to alter course to my starboard.
PJ2	I am unable to alter course to my port.
PJ3	Caution, I have a steering casualty.
PP8(...)	Dangerous operations in progress. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
QF1(...)	Caution, I have stopped the engines.
QS6(...)	I am proceeding to anchorage on course ...

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
QV2	I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.
QV3	I am anchored in deep water with hydrographic survey equipment streamed.
RT2	I intend to pass you on your port side.
RT3	I intend to pass you on your starboard side.
RT4	I will overtake you on your port side.
RT5	I will overtake you on your starboard side.
RT6(...)	I am manoeuvring (or the formation is manoeuvring). Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
RT7(...)	I shall approach your ship on starboard side to a distance of ... 100s of metres (yards).
RT8(...)	I shall approach your ship on port side to a distance of ... 100s of metres (yards).
RT9(...)	I shall cross astern at a distance of ... 100s of metres (yards).
RU2(...)	I am beginning a port turn in approximately ... minutes.
RU3(...)	I am beginning a starboard turn in approximately ... minutes.
RU4	The formation is preparing to alter course to port.
RU5	The formation is preparing to alter course to starboard.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
RU6	I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.
RU7	I am preparing to submerge.
RU8	A submarine will surface within two miles of me within 30 minutes. Request you remain clear.
SL2	Request your course, speed and passing intention.
TX1	I am engaged in fisheries patrol.
UY1(...)	I am preparing to launch/recover aircraft on course ...
UY2(...)	I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
UY3(...)	I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
UY4	I am preparing to conduct/am conducting operations employing explosive charges.
UY5(...)	I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated ... (table 3 of ICS).
UY6(...)	I am preparing to conduct/am conducting under-way replenishment on course ... Request you remain clear.
UY7(...)	I am preparing to conduct extensive small-boat and ship-to-shore amphibious training operations. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
UY8(...)	I am manoeuvring to launch/recover landing craft/boats. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
UY9	I am preparing to conduct/am conducting helicopter operations over my stern.
UY10 */	I am checking gunnery systems.
UY11 */	I am checking rocket systems.
UY12(...)	I am preparing to conduct/I am conducting/gunnery exercises/bombing by aircraft of the towed target. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

*/ These signals shall be transmitted by ships when they, routinely or for other technical reasons, test their gunnery and rocket rotating mechanisms.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
ZL1	I have received and understood your signal.
ZL2	Do you understand? Request acknowledgment.
ZL3	Your signal has been received but has not been understood.

(c) Agreement between the Government of the United States of America and
the Government of the Union of Soviet Socialist Republics on
Co-operation in Ocean Studies of 1 June 1990

[Original: English and Russian]

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics (hereinafter referred to as "the Parties");

Recognizing the importance of comprehensive studies of the oceans of the world for peaceful purposes and for the well-being of mankind;

Striving for more complete knowledge and rational utilization of the oceans of the world by all nations through broad international co-operation in oceanographic investigations and research;

Aware of the capabilities and resources of both countries for studies of the oceans of the world and the extensive history and successful results of previous co-operation between them;

Desiring to combine their efforts in the further investigation of the oceans of the world and to use the results for the benefit of the peoples of both countries and of all mankind;

Noting the General Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Contacts, Exchanges and Co-operation in Scientific, Technical, Educational, Cultural and Other Fields, signed 21 November 1985; the Agreement on Co-operation in the Field of Environmental Protection, signed 23 May 1972; and the Agreement on Co-operation in the Field of Basic Scientific Research, signed 8 January 1989; and

Desiring to continue the co-operation carried out under the Agreement on Co-operation in Studies of the World Ocean, signed 19 June 1973;

Have agreed as follows:

Article 1

1. The Parties will develop and carry out co-operation in ocean studies on the basis of equality, overall reciprocity and mutual benefit.

2. All co-operation under this Agreement will be subject to approval of the Parties and to the national laws, regulations and international obligations of each country, as well as the availability of appropriated funds and personnel.

Article 2

1. In their ocean studies, the Parties will direct co-operative efforts to the investigation of important and mutually agreed scientific topics.

2. Co-operative efforts may be considered in the areas of: (a) physical oceanography; (b) chemical and biological oceanography; (c) geological, geophysical and geochemical investigations of oceans; (d) biological productivity and the functioning of oceanic biological communities; and (e) marine meteorology.

3. Projects of initial co-operation are set forth in Annex I, which constitutes an integral part of the Agreement. Other projects may be added by mutual agreement of the Parties.

Article 3

1. Co-operation provided for in the preceding articles may take the following forms:

- a. Co-operative scientific research projects, including field studies; the exchange of participating scientists, specialists and researchers; and the exchange and joint publication of their results;
- b. Joint scientific conferences, symposia and workshops;
- c. Exchange of scientific information and documentation;
- d. Appropriate participation by both countries in multilateral co-operative activities sponsored by international scientific organizations;
- e. Facilitation by both Parties of use of appropriate port facilities of the two countries for ships' services and supplies, including provision for rest and changes of ships' personnel, in connection with carrying out co-operative activities.

2. Other forms of co-operation may be added by mutual agreement of the Parties.

Article 4

1. Co-operation in ocean studies under this Agreement will be within the framework of jointly approved projects and programmes and in accordance with written arrangements for their implementation.

2. The Parties will ensure, in accordance with agreed co-operative activity, that access to institutes, scientists and other specialists participating in joint co-operative activity under this Agreement, and to scientific data, will be made available on an equal, reciprocal and mutually beneficial basis.

Article 5

1. The implementation of this Agreement will be carried out by a US-USSR Joint Committee on Co-operation in Ocean Studies. This Joint Committee shall meet, as a rule, once a year, alternatively in the United States and the Soviet Union, unless otherwise mutually agreed.

2. The Joint Committee shall take such action as is necessary for effective implementation of this Agreement, including, but not limited to, approval of specific projects and programmes of co-operation; designation of agencies and organizations to be responsible for carrying out co-operative activities; and making recommendations, as appropriate, to the Parties.

3. Each Party shall have an Executive Agent to assist the Joint Committee. The Executive Agent of the United States of America will be the National Oceanic and Atmospheric Administration (NOAA), a constituent agency of the U.S. Department of Commerce. The Executive Agent of the Union of Soviet Socialist Republics will be the USSR State Committee for Science and Technology (GKNT).

4. The Executive Agents of the Parties will be responsible for carrying out this Agreement during the period between meetings of the Joint Committee. The Executive Agents will maintain contact with each other; keep each other informed of activities and progress in implementing this Agreement; and co-ordinate and supervise the development and implementation of co-operative activities conducted under this Agreement.

Article 6

Nothing in this Agreement will be interpreted to prejudice other agreements between the Parties or commitments of either Party to other international oceanographic programmes.

Article 7

Each Party, with the consent of the other Party, may invite third countries to participate in co-operative activities engaged in under this Agreement. Such participation will be consistent with the provisions of this Agreement.

Article 8

Protection of intellectual property and rights thereto shall be as set forth in Annex II, which constitutes an integral part of this Agreement.

Article 9

1. This Agreement will enter into force upon signature by both Parties and will remain in force for five years. It may be modified or extended by written agreement of the Parties.

2. Co-operative activities being conducted when the effective period of this Agreement ends will, unless terminated by either Party, be continued to their conclusion in accordance with the terms of this Agreement.

3. Either Party has the right to terminate this Agreement on six months' written notice to the other Party.

4. Upon entry into force, this Agreement shall supersede the 1973 US-USSR Agreement on Co-operation in Studies of the World Ocean, as amended and extended.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

ANNEX I

To the Agreement between the Government of the United States of America and
the Government of the Union of Soviet Socialist Republics on
Co-operation in Ocean Studies

Co-operation under this Agreement will initially be implemented in the following projects:

- a. Southern Ocean Dynamics
- b. Mid-Atlantic Ridge Crest Processes
- c. Geochemistry of Marine Sediments
- d. Arctic Erosional Processes with Special Attention to Gas Hydrates

ANNEX II

Pursuant to article 8 of this Agreement:

I. GENERAL

A. For purposes of this Agreement, "intellectual property" is understood to have the meaning found in article 2 of the Convention Establishing the World Intellectual Property Organization, done at Stockholm 14 July 1967.

B. The Parties shall ensure adequate and effective protection for intellectual property created or furnished under this Agreement.

II. COPYRIGHTS

The Parties shall take appropriate steps to secure copyright to works created under this Agreement in accordance with their respective national laws, except as otherwise specifically agreed. The following provisions shall apply to copyright protection for works created under this Agreement:

1. Except as otherwise agreed, each Party is entitled to a nonexclusive, irrevocable, royalty-free licence under a copyright, secured in accordance with the national laws of either Party, to translate, reproduce, publish and distribute published scientific, technical and medical works in its own territory with the right to grant sublicences in its territory in accordance with this Party's laws and practices. Any such copyrighted work shall indicate the names of all persons who participated in the joint work. Either Party is entitled to a licence in third countries upon request.

2. Rights to other copyrighted works (such as computer software) shall be allocated in the same manner as for inventions, as set forth in article III, paragraphs B-E, of this annex. A Party receiving rights pursuant to this provision to copyrighted works which embody business-confidential information shall protect such information in accordance with article IV of this annex.

III. INVENTIONS

A. For purposes of this annex, "invention" means any invention made in the course of co-operation under this Agreement which is or may be patentable or otherwise protectable under the laws of the United States of America, the Union of Soviet Socialist Republics or any third country. An invention "made" means one conceived or for which an application for patent or other title of protection has been filed or which has otherwise been reduced to practice.

B. Between a Party and its nationals, the ownership of rights and interests in inventions will be determined in accordance with that Party's national laws and practices.

C. As between the Parties, unless otherwise specifically agreed, the Parties shall take appropriate steps to implement the following:

1. If the invention is made in the course of a programme of co-operative activity that involves only the transfer or exchange of information between the Parties, such as by joint meetings, seminars or the exchange of technical reports or papers, unless otherwise specifically agreed:

- a. The Party whose personnel make the invention ("the Inventing Party") has the right to obtain all rights and interests in the invention in all countries in accordance with applicable national laws of such countries;

- b. In any country where the Inventing Party decides not to obtain such rights and interests, the other Party has the right to do so.

2. If the invention is made by personnel of one Party ("the Assigning Party") while assigned to the other Party ("the Receiving Party") in the course of a programme of co-operative activity that involves only the visit or exchange of scientific and technical personnel:

- a. The Receiving Party has the right to obtain all rights and interests in the invention in all countries in accordance with applicable national laws of such countries;

- b. In any country where the Receiving Party decides not to obtain such rights and interests, the Assigning Party has the right to do so.

D. For other forms of co-operation, such as joint research projects with an agreed scope of work, each Party has the right to obtain all rights and interests in its own country in any invention made as a result of such co-operation, whereas the Party in whose country the invention was made has first option to secure legal protection of that invention in third countries, as well as the right to license or transfer such rights and interests in third countries. However, if the Parties agree that the application of this paragraph to a particular co-operative activity would lead to an inequitable result, they shall agree to an equitable allocation of rights with respect to that activity.

E. Notwithstanding the foregoing, if an invention is of a type for which exclusive rights are available under the laws of the Party but not of the other Party, the Party whose laws provide for exclusive rights shall be entitled to all rights in all countries which provide rights to such invention. The Parties may agree, however, to a different allocation of rights to such invention.

F. The Parties shall disclose to one another inventions made in the course of programmes of co-operative activities and furnish to one another any documentation and information necessary to enable them to secure any rights to which they may be entitled. The Parties may ask one another in writing to delay publication or public disclosure of such documentation or information for the purpose of protecting their respective rights related to inventions. Unless otherwise agreed in writing, such restriction shall not exceed a period of six months from the date of communication of such information. Communication shall be through the Executive Agents.

IV. BUSINESS-CONFIDENTIAL INFORMATION

A. The Parties do not expect to furnish to one another or create business-confidential information in the course of co-operation under this Agreement. In the event that such information is inadvertently furnished or created or the Parties agree to furnish such information, the Parties shall give full protection to such information in accordance with their laws, regulations and administrative practices.

B. For the purposes of this annex, "business-confidential information" means information of a confidential nature which meets all of the following conditions:

1. It is of a type customarily held in confidence for commercial reasons;
2. It is not generally known or publicly available from other sources;
3. It has not been previously made available by the owner to others without an obligation concerning its confidentiality; and
4. It is not already in the possession of the recipient Party without an obligation concerning its confidentiality.

C. Any information to be protected as "business confidential information" shall be appropriately identified by the Party furnishing such information or asserting that it is to be protected, except as otherwise provided in the Parties' laws, regulations and administrative practices. Subject to the aforesaid laws, regulations and administrative practices, unidentified information will be assumed not to be information to be protected, except that a Party to the co-operative activity may notify the other Party in writing, within a reasonable period of time after furnishing or transferring such information, that such information is business-confidential under the laws, regulations and administrative practices of its country. Such information will thereafter be protected in accordance with paragraph A above.

V. OTHER TYPES OF INTELLECTUAL PROPERTY

"Other types of intellectual property" means any intellectual property protectable in accordance with the laws, regulations and administrative practices of either Party or any third country other than those described in articles II and III above and includes, for example, scientific discoveries, maskworks and trade marks. Rights to other types of intellectual property shall be determined in the same manner as for inventions, as set forth in article III, paragraphs B-D, of this annex. If an intellectual property is one for which protection is available under the laws of one Party but not of the other Party, the Party whose laws provide such protection shall be entitled to all rights in all countries which protect such intellectual property. The Parties may agree, however, to a different allocation of rights to such intellectual property.

VI. MISCELLANEOUS

A. Each Party shall take all necessary and appropriate steps to provide for the co-operation of its authors, inventors and discoverers which is required to carry out the provisions of this annex.

B. Each Party shall assume the responsibility to pay to its nationals such awards or compensation as may be in accordance with its laws and regulations. - This annex does not create any entitlement or prejudice any right or interest of the author or inventor to an award or compensation for his or her work or invention.

C. Intellectual property disputes arising under this Agreement should be resolved, if possible, through discussions between the Executive Agents. If the Executive Agents cannot resolve such a disagreement, it shall be settled through consultations between the Parties or their designees.

VII. EFFECT OF TERMINATION OR EXPIRATION

Termination or expiration of this Agreement shall not affect rights or obligations under this annex.

VIII. APPLICABILITY

This annex is applicable to all co-operative activities under this Agreement, except as otherwise specifically agreed.

(d) Agreement on Maritime Delimitation between the Government
of the Cook Islands and the Government of
the French Republic of 3 August 1990

[Original: English and French]

The Government of the Cook Islands and the Government of the French Republic,

Desirous of strengthening the bonds of neighbourliness and friendship between the two States,

Recognizing the need to effect a precise and equitable delimitation of the respective maritime areas in which the two States exercise sovereign rights,

Basing themselves on the rules and principles of relevant international law, as they are expressed in the United Nations Convention on the Law of the Sea of 10 December 1982,

Have agreed as follows:

Article 1

1. The line of delimitation of maritime areas between the Cook Islands and the French Republic is the line which lies along the loxodromes connecting the points defined by their co-ordinates as follows:

	Longitude West			Latitude South		
Point 1	158°	07'	41"	15°	52'	08"
Point 2	157°	52'	07"	16°	24'	18"
Point 3	157°	14'	45"	17°	19'	06"
Point 4	156°	02'	31"	18°	20'	44"
Point 5	155°	10'	28"	18°	55'	11"
Point 6	154°	48'	20"	19°	15'	26"
Point 7	156°	19'	23"	21°	24'	20"
Point 8	156°	08'	33"	24°	53'	40"

2. This line is approximately equidistant between the Cook Islands and the French Republic of French Polynesia.

3. The geographic co-ordinates aforementioned are expressed in the WGS 84 (World Geodesic System 1984).

4. The line described above is shown on the chart annexed to this Agreement. */

*/ The chart has never been annexed to the Agreement.

Article 2

The line described in article 1 of this Agreement shall be the maritime boundary between the areas referred to in the said article 1 in which the Parties exercise, or will exercise, in accordance with international law, any sovereign rights or jurisdiction.

Article 3

If new surveys or resulting charts and maps should indicate that changes in the base points co-ordinates are sufficiently significant to require adjustments of the maritime boundary, the Parties agree that an adjustment will be carried out on the basis of the same principles as those used in determining the maritime boundary, and such adjustments shall be provided for in a Protocol to this Agreement.

Article 4

Any dispute arising between the Parties with respect to the interpretation or the application of this Agreement shall be resolved by peaceful means, in accordance with international law.

Article 5

This Agreement shall enter into force on the date of its signature.

IN WITNESS WHEREOF, the representatives of the two Governments, being duly authorized for this purpose, have signed this Agreement.

DONE at Rarotonga the 3rd day of August 1990 in two originals, each in the English and French languages, the two texts being equally authoritative.

2. Regional treaties

Agreement on the Organization for Indian Ocean Marine Affairs Co-operation (IOMAC), 7 September 1990

[Original: English]

The Contracting States,

Being coastal and hinterland States of the Indian Ocean:

Bearing in mind the resources of the Indian Ocean and their potential for contributing to the economic and social development of the States of the region, and for promoting co-operation among them as well as between them and other States, in the light of the new ocean régime embodied in the United Nations Convention on the Law of the Sea;

Reaffirming their commitment to the peaceful development and rational management of the Indian Ocean;

Recalling the First Conference on Economic, Scientific and Technical Co-operation in Marine Affairs in the Indian Ocean, in the context of the new ocean régime, held at the ministerial level in Colombo, Sri Lanka, in 1987, and the progress achieved thereafter in such co-operation;

Considering it desirable that the principles applicable to such co-operation and the institutions of such co-operation be formally recognized;

Hereby agree as follows:

I. DEFINITIONS

Article 1 Definitions

For the purposes of this Agreement:

"coastal State of the Indian Ocean" means a State the coast of which borders on, or is contained within, the Indian Ocean or the adjacent seas or gulfs thereof;

"hinterland State", means a State which is immediately adjacent to a coastal State of the Indian Ocean;

"land-locked State" shall have the same meaning as in the United Nations Convention on the Law of the Sea;

"geographically disadvantaged State" shall have the same meaning as in the United Nations Convention on the Law of the Sea;

"active in marine affairs in the Indian Ocean" means having substantial marine affairs activities in the Indian Ocean or its adjacent seas or gulfs."

II. GENERAL PROVISIONS

Article 2 Establishment

1. The Organization for Indian Ocean Marine Affairs Co-operation (IOMAC), hereinafter referred to as the "Organization", is hereby established.
2. The headquarters of the Organization shall be in Colombo, Sri Lanka.

Article 3 Objectives

The objectives of the Organization shall be:

- (a) to create an awareness regarding the Indian Ocean, its resources and potential for the development of the States of the region, and promoting co-operation among them, as well as between them and other States, bearing in mind the ocean régime embodied in the United Nations Convention on the Law of the Sea;
- (b) to provide a forum where the coastal and hinterland States of the Indian Ocean and other interested States could consider, examine and review the economic uses of the Indian Ocean, its resources and related activities, including those undertaken within the framework of intergovernmental organizations, and to identify fields in which they could benefit from enhanced international co-operation, co-ordination and concerted action;
- (c) to enhance the economic and social development of the coastal and hinterland States of the Indian Ocean through integration of ocean-related activities in their respective development processes, and to further a policy of integrated ocean management through regular and continuing dialogue and co-operative international and regional action with particular emphasis on technical co-operation among developing countries.

Article 4 Principles and fields of co-operation

1. Principles of co-operation in marine affairs in the Indian Ocean shall be:
 - (a) optimization of the utilization of the resources of the Indian Ocean for the benefit of the States of the Indian Ocean;
 - (b) development of national capabilities in marine affairs with a view to promoting self-reliance in ocean management;
 - (c) enhancement of co-operation with other States;
 - (d) establishment and maintenance of effective co-operation with international, governmental, and non-governmental organizations, agencies and other entities active in marine affairs; and
 - (e) due regard to the rights and needs of the land-locked and geographically disadvantaged Member States recognized in the new ocean régime.

2. Fields of co-operation in marine affairs in the Indian Ocean shall be:
- (a) marine science, ocean services and marine technology;
 - (b) living resources;
 - (c) non-living resources;
 - (d) ocean law, policy and management;
 - (e) marine transport and communications;
 - (f) marine environment; and
 - (g) other fields relevant to co-operation in marine affairs.

III. INSTITUTIONAL PROVISIONS

Article 5 Membership

Any coastal or hinterland State of the Indian Ocean may become a Member of the Organization by becoming a party to this Agreement.

Article 6 Structure of the Organization

The Organization shall have the following principal bodies:

- (a) the Conference;
- (b) the Committee; and
- (c) the Secretariat.

Article 7 The Conference

Composition

1. The Conference shall be composed of representatives at a ministerial or equivalent level of all the Members of the Organization.

Functions

2. The Conference shall:
- (a) establish policies and principles which shall govern the programmes and activities of the Organization;
 - (b) elect the members of the Committee of the Organization in accordance with the provisions of article 8, paragraph 1, below;
 - (c) appoint the Secretary General of the Organization;

- (d) receive and consider the reports of the Committee and of the Secretary General;
- (e) approve the budget and accounts of the Organization for each financial period;
- (f) approve proposals for programmes and activities of the Organization;
- (g) establish such subsidiary bodies as it may deem necessary;
- (h) examine disputes that may arise concerning the interpretation or application of this Agreement and make such recommendations, and if necessary establish such procedures, as it may deem appropriate with a view to their solution;
- (i) establish its rules of procedure except as otherwise provided in this Agreement;
- (j) establish the financial regulations of the Organization;
- (k) establish the staff regulations of the Organization and provide for conditions of service consistent as far as possible with those of other international organizations;
- (l) exercise such other functions as may be permissible under this Agreement.

Meetings and procedure

3. The Conference shall meet in regular session once every two years.
4. The Conference shall meet in special session whenever a majority of its Members or the Committee requests the convening of a special session.
5. A quorum for meetings of the Conference shall be two thirds of the Members of the Organization.
6. Each Member shall have one vote.
7. The Conference shall endeavour to reach its decisions by consensus. Where consensus is not possible, decisions of the Conference shall, unless otherwise provided in this Agreement, be made by a majority of the Members present and voting.
8. The Conference shall at each regular session elect from amongst the Members, its President and Vice-Presidents. They shall hold office until the election of their successors at the next regular session of the Conference.
9. Representatives Governments not Members of the Organization, representatives of the United Nations and the appropriate agencies and bodies of the United Nations, representatives of such other international and national governmental or non-governmental organizations as the Conference may deem appropriate and experts in fields of interest to the Conference may be invited to attend meetings of the Conference as observers. If one third of the Members of the Organization objects to the invitation of an observer to the Conference that observer shall not be invited thereafter.

10. Sessions of the Conference shall be held at the headquarters of the Organization unless the Conference decides otherwise.

Article 8
The Committee

Composition

1. The Conference shall determine the size and elect the members of the Committee, from amongst the Members of the Organization, and shall endeavour to ensure that the major geographical areas and the principal ocean-related interests (namely, land-locked, geographically disadvantaged, mainland, coastal and archipelagic) shall be represented in the Committee.

Functions

2. The Committee, which shall be the executive body of the Organization, shall:

- (a) provide the necessary policy guidance for the implementation of the Programme of Co-operation and Plan of Action of the Organization, and for the futhering of co-operation through the framework of the Organization;
- (b) consider the implementation of decisions taken by the Conference;
- (c) supervise the administration and finances of the Organization;
- (d) submit to the Conference, for its approval, the budget estimates and accounts of the Organization, together with comments and recommendations;
- (e) submit to the Conference, for its approval, proposals for programmes and activities of the Organization;
- (f) authorize the Secretary General to take whatever steps the Committee considers necessary for achieving the objectives of the Organization;
- (g) establish its rules of procedure except as otherwise provided in this Agreement; and
- (h) exercise such other functions as may be referred to it by the Conference.

Meetings and procedure

3. The Committee shall meet in regular session once a year.

4. The Committee shall meet in special session whenever a majority of the members of the Committee requests the convening of a special session.

5. A quorum for meetings of the Committee shall be two thirds of the members of the Committee.

6. The Committee shall elect a Chairman and a Vice-Chairman.

7. Members of the Organization not elected to the Committee may participate at its meetings without a vote.

8. The Committee shall endeavour to reach its decisions by consensus. Where consensus is not possible, decisions of the Committee shall, unless otherwise provided in this Agreement, be made by a majority of its members present and voting.

9. Representatives of Governments not Members of the Organization, representatives of the United Nations and the appropriate agencies and bodies of the United Nations, representatives of such other international and national governmental and non-governmental organizations as the Committee may deem appropriate and experts in fields of interest to the Committee may be invited to attend meetings of the Committee as observers. If one third of the Members of the Organization objects to the invitation of an observer to the Committee that observer shall not be invited thereafter.

Article 9 The Secretariat

1. The Secretariat shall be composed of the Secretary-General, who shall be the chief administrative officer of the Organization, and such staff as the Organization may require.

2. The Secretary-General shall be appointed by the Conference for a period of four years, on such terms as the Conference shall determine, and shall be eligible for reappointment.

3. The Secretary-General shall, as chief administrative officer, be responsible under the guidance of the Committee for the administration of the Organization and its programmes. He shall ensure that the Organization shall be an effective and dynamic channel of co-operation in marine affairs in the Indian Ocean.

The Secretary-General shall:

- (a) serve as Secretary of the Conference and of the Committee;
- (b) report to the Conference and to the Committee on the administration of the programmes and activities of the Organization;
- (c) report to the Conference and the Committee on the financial and other resources available to the Organization;
- (d) having regard to the importance of ensuring efficiency and equitable geographical representation, appoint such staff as may be necessary for the proper functioning of the Secretariat;
- (e) prepare and submit to the Committee the budget estimates and accounts of the Organization, and proposals for programmes and activities for the consideration of the Committee;
- (f) perform such other tasks as may be entrusted to him by the Conference or the Committee.

The Secretary-General shall be responsible to the Conference in the performance of his functions.

Article 10
Legal status

The Organization shall have juridical personality and the capacity necessary for the performance of its functions and, in particular, to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 11
Facilities, privileges and immunities

1. Each Member of the Organization shall accord to the Organization, its representatives, officials and consultants such facilities, privileges and immunities as it accords to intergovernmental organizations of a similar nature.
2. The Organization shall conclude a headquarters agreement with the Government of Sri Lanka. Until such time as a headquarters agreement is concluded, the Government of Sri Lanka shall accord to the Organization, its representatives, officials and consultants such facilities, privileges and immunities as it accords to intergovernmental organizations of a similar nature.

Article 12
Relations with other organizations

The Organization shall establish effective relations and co-operate closely with the United Nations and the appropriate agencies and bodies of the United Nations, as well as with other governmental and non-governmental organizations, agencies and institutes that are active in marine affairs.

IV. RESOURCES

Article 13
Resources

1. The resources of the Organization shall include:
 - (a) the financial contributions of the Members of the Organization in accordance with paragraph 2 of this article;
 - (b) such additional financial contributions as Members may wish to make to ensure that the programmes and activities of the Organization proceed on a sound financial basis;
 - (c) other funds whose receipt is consistent with the purposes of the Organization as determined by the Secretary-General in consultation, where necessary, with the Committee;
 - (d) contributions of a non-financial nature whose receipt is consistent with the purposes of the Organization as determined by the Secretary-General in consultation, where necessary, with the Committee.

2. The financial contributions of the Members of the Organization shall consist of a yearly contribution from each Member, made in United States dollars, as follows:

- (a) a sum arrived at by dividing fifty per cent of the required and approved budget of the Organization equally amongst all the Members of the Organization; and
- (b) an additional sum, the amount of which shall be determined periodically by the Secretariat and approved by the Committee, to meet its share of the remainder of the required and approved budget. Such amount shall be calculated on the basis of the rates of assessment applicable in the United Nations, to the Members of the Organization with respect to their contributions to the regular budget of the United Nations.

Provided that the contributions, under subparagraphs (a) and (b) above, of any Member of the Organization shall not in the aggregate exceed \$30,000 a year for the first financial period of the Organization and, thereafter, such fixed annual sum for each subsequent financial period as the Conference shall determine.

3. A Member which is in arrears in the payment of its contributions under paragraph 2 above to the budget of the Organization to the extent that the amount of its arrears is equivalent to or exceeds the sum of its required contributions, under paragraph 2 above, for the two preceding calendar years, shall cease to be entitled to vote in the Conference and to be represented in the Committee.

The Conference may nevertheless permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Article 14 Management of resources

1. The Conference and the Committee shall at each of its sessions review the status of the resources of the Organization and shall make such recommendations to the Members of the Organization as may be deemed appropriate to ensure that timely and adequate resources are always available to the Organization and its programmes, and that a reasonable balance between such resources and the programmes and activities of the Organization is maintained.

2. The resources of the Organization shall be administered on a sound economic and financial basis.

3. Rules for the receipt, custody and expenditure of the financial and non-financial resources of the Organization and for the auditing of its accounts shall be established by the Secretary-General with the approval of the Committee.

V. FINAL PROVISIONS

Article 15

Signature, ratification, accession

1. Any coastal or hinterland State of the Indian Ocean may become a party to this Agreement by:
 - (a) signing this Agreement subject to ratification, acceptance or approval and, thereafter, depositing an instrument of ratification, acceptance or approval; or
 - (b) acceding to this Agreement.
2. This Agreement shall be open for signature at the Ministry of Foreign Affairs, Dar-Es-Salaam, United Republic of Tanzania, and at the Secretariat of IOMAC, in Colombo, Sri Lanka, until its entry into force.
3. Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of Sri Lanka.

Article 16

Entry into force

1. This Agreement shall enter into force on the thirtieth day after eight States have become parties to this Agreement in accordance with article 15.
2. For each State depositing an instrument of ratification, acceptance, approval or accession after the entry into force of this Agreement, the Agreement shall enter into force on the thirtieth day after such deposit.

Article 17

Amendment

1. Any party to this Agreement may propose an amendment to this Agreement.
2. The text of the proposed amendment shall be communicated by the Secretary-General to all the parties to this Agreement at least six months in advance of consideration of the proposed amendment by the Conference.
3. If approved by a two-thirds majority in the Conference, the proposed amendment shall, nevertheless, only enter into force for all parties to this Agreement on the thirtieth day after deposit of instruments of acceptance or approval of the proposed amendment by two thirds of the parties to this Agreement.

Article 18
Withdrawal from the Organization

1. Any Member of the Organization may withdraw from this Agreement and, in doing so, from its Membership in the Organization by giving written notice of withdrawal to the depositary of this Agreement and to the Secretary-General.
2. The withdrawal shall take effect six months after the date of receipt of the notification by the depositary.
3. A Member withdrawing from the Organization shall continue to be responsible for the obligations incurred within the period of its Membership.

Article 19
Dissolution of the Organization

1. The Conference may, by a two thirds majority of its Members, resolve that the Organization shall be dissolved.
2. On the endorsement of such a resolution by two thirds of the States parties to this Agreement in notifications addressed to the President of the Conference the necessary steps shall be taken by the Conference for the dissolution of the Organization. These steps shall include the establishment by the Conference of a committee to advise the Conference, in consultation with the Committee and the Secretary-General, on the manner in which the assets and obligations of the Organization should be liquidated prior to its dissolution.
3. The Conference shall, at the appropriate stage, adopt a final declaration stating that on a specified date the Organization shall be deemed dissolved. The declaration shall be communicated by the President of the Conference to the Members of the Organization and to the depositary of this Agreement.

Article 20
Depositary

The two original copies of this Agreement shall be deposited with the Government of Sri Lanka which will be the depositary of this Agreement in accordance with the Vienna Convention on the Law of Treaties.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Arusha, the United Republic of Tanzania, in two copies in the English language this seventh day of September one thousand nine hundred and ninety.

III. OTHER INFORMATION

A. Merging of the People's Democratic Republic of Yemen and the Yemen Arab Republic to form a single State named Yemen, 22 May 1990

Letter dated 19 May 1990 from the Ministers for Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen to the Secretary-General of the United Nations 1/

[Original: English]

The Ministers for Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen present their compliments to the Secretary-General of the United Nations and wish to inform him that the People's Democratic Republic of Yemen and the Yemen Arab Republic will merge in a single sovereign State called the "Republic of Yemen" with Sana'a as its capital, as soon as it is proclaimed on Tuesday, 22 May 1990. The Republic of Yemen will have single membership in the United Nations and be bound by the provisions of the Charter. All treaties and agreements concluded between either the Yemen Arab Republic or the People's Democratic Republic of Yemen and other States and international organizations in accordance with international law which are in force on 22 May 1990 between the People's Democratic Republic of Yemen and the Yemen Arab Republic and other States will continue.

The Ministers for Foreign Affairs have the honour to request the Secretary-General of the United Nations to circulate the contents of this note to the following entities:

1. All States Members of the United Nations;
2. All the principal organs of the United Nations and any other organs of the Organization on which either the Yemen Arab Republic or the People's Democratic Republic of Yemen is represented;
3. All the specialized agencies of the United Nations and related organizations.

1/ On 22 May 1990 the People's Democratic Republic of Yemen and the Yemen Arab Republic merged to form a single State. Since that date they have been represented at the United Nations as one Member with the name "Yemen" (ST/CS/SER.A/31).

On 21 July 1987 the People's Democratic Republic of Yemen ratified the United Nations Convention on the Law of the Sea with a declaration (for the text see Bulletin 10); the Yemen Arab Republic signed the Convention on 10 December 1982 with a declaration (for the text see Status of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.85.V.5)).

B. Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)

No. 90/5*

The Court dismisses the request for the indication of provisional measures

The following information is communicated to the press by the Registry of the International Court of Justice:

Today, 2 March 1990, the International Court of Justice, in the case concerning the Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal), made an Order dismissing, by fourteen votes to one, the request of the Republic of Guinea-Bissau for the indication of provisional measures.

The Court was composed as follows:

President Ruda; Vice-President Mbaye; Judges Lachs, Elias, Oda, Ago, Schwebel, Sir Robert Jennings, Ni, Evensen, Tarasov, Guillaume, Shahabuddeen and Pathak; Judge ad hoc Thierry.

Judges Evensen and Shahabuddeen appended separate opinions to the Order of the Court; Judge ad hoc Thierry appended a dissenting opinion.

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The printed text of the Order and of the opinions will be available in a few days' time. (Orders and inquiries should be addressed to the Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10; the Sales Section, United Nations, New York, N.Y. 10017; or any specialized bookshop).

An analysis of the Order is given below, followed by the text of the operative paragraph. The analysis has been prepared by the Registry for the use of the press and in no way involves the responsibility of the Court. It cannot be quoted against the actual text of the Order, of which it does not constitute an interpretation.

Analysis of the Order

In its Order the Court recalls that on 23 August 1989 Guinea-Bissau instituted proceedings against Senegal in respect of a dispute concerning the existence and validity of the arbitral award delivered on 31 July 1989 by the Arbitration Tribunal for the Determination of the Maritime Boundary between the two States.

*/ International Court of Justice communiqué No. 90/5 of 2 March 1990.

On 18 January 1990 Guinea-Bissau, on the ground of actions stated to have been taken by the Senegalese Navy in a maritime area which Guinea-Bissau regards as an area disputed between the parties, requested the Court to indicate the following provisional measures:

"In order to safeguard the rights of each of the Parties, they shall abstain in the disputed area from any act or action of any kind whatever, during the whole duration of the proceedings until the decision is given by the Court."

The Court further recalls the events leading to the present proceedings; on 26 April 1960 an Agreement by exchange of letters was concluded between France and Portugal for the purpose of defining the maritime boundary between Senegal (at that time an autonomous State within the Communauté) and the Portuguese Province of Guinea; after the accession to independence of Senegal and Guinea-Bissau a dispute arose between them concerning the delimitation of their maritime territories; in 1985 the Parties concluded an Arbitration Agreement for submission of that dispute to an Arbitration Tribunal, article 2 of which provided that the following questions should be put to the Tribunal:

"(1) Does the Agreement concluded by an exchange of letters on 26 April 1960, and which relates to the maritime boundary, have the force of law in the relations between the Republic of Guinea-Bissau and the Republic of Senegal?

"(2) In the event of a negative answer to the first question, what is the course of the line delimiting the maritime territories appertaining to the Republic of Guinea-Bissau and the Republic of Senegal respectively?"

and article 9 of which provided that the decision of the Tribunal "shall include the drawing of the boundary line on a map".

On 31 July 1989 the Arbitration Tribunal pronounced, by two votes (including that of the President of the Tribunal) to one, an award of which the operative clause was as follows:

"For the reasons stated above, the Tribunal decides ... to reply as follows to the first question formulated in article 2 of the Arbitration Agreement: The Agreement concluded by an exchange of letters on 26 April 1960, and relating to the maritime boundary, has the force of law in the relations between the Republic of Guinea-Bissau and the Republic of Senegal with regard solely to the areas mentioned in that Agreement, namely the territorial sea, the contiguous zone and the continental shelf. The straight line drawn at 240° is a loxodromic line."

In that award the Tribunal also stated its conclusion that "it is not called upon to reply to the second question", and that "in view of its decision it has not thought it necessary to append a map showing the course of the boundary line"; the President of the Arbitration Tribunal appended a declaration to the award.

Guinea-Bissau contends in its Application to the Court that "a new dispute then came into existence, relating to the applicability of the text issued by way of award on 31 July 1989"; and requests the Court, in respect of the decision of the Arbitration Tribunal, to adjudge and declare:

- "- that that so called decision is inexistent in view of the fact that one of the two arbitrators making up the appearance of a majority in favour of the text of the 'award' has, by a declaration appended to it, expressed a view in contradiction with the one apparently adopted by the vote;
- "- subsidiarily, that that so-called decision is null and void, as the Tribunal did not give a complete answer to the two-fold question raised by the Agreement and so did not arrive at a single delimitation line duly recorded on a map, and as it has not given the reasons for the restrictions thus improperly placed upon its jurisdiction;
- "- that the Government of Senegal is thus not justified in seeking to require the Government of Guinea-Bissau to apply the so-called award of 31 July 1989;"

The Court observes that Guinea-Bissau explains in its request for the indication of provisional measures that that request was prompted by

"acts of sovereignty by Senegal which prejudice both the judgment on the merits to be given by the Court and the maritime delimitation to be effected subsequently between the States;"

It then summarizes the incidents which took place and which involved actions by both Parties with regard to foreign fishing vessels.

On the question of its jurisdiction the Court subsequently considers that, whereas on a request for provisional measures it need not, before deciding whether or not to indicate them, finally satisfy itself that it has jurisdiction on the merits of the case, yet it ought not to indicate such measures unless the provisions invoked by the Applicant appear, prima facie, to afford a basis on which the jurisdiction of the Court might be founded; and finds that the two declarations made by the Parties under Article 36, paragraph 2, of the Statute and invoked by the Applicant do appear, prima facie, to afford a basis of jurisdiction.

It observes that that decision in no way prejudices the question of the jurisdiction of the Court to deal with the merits of the case.

Guinea-Bissau has requested the Court to exercise in the present proceedings the power conferred upon it by Article 41 of the Statute of the Court "to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party."

The Court observes that the purpose of exercising this power is to protect "rights which are the subject of dispute in judicial proceedings" (Aegean Sea Continental Shelf, I.C.J. Reports 1976, p. 9, para. 25; Diplomatic and Consular Staff in Tehran, I.C.J. Reports 1979, p. 19, para. 36); that such measures are provisional and indicated "pending the final decision" (Article 41, paragraph 2, of the Statute); and that therefore they are to be measures such that they will no longer be required as such once the dispute over those rights has been resolved by the Court's judgment on the merits of the case.

It further notes that Guinea-Bissau recognizes in its Application that the dispute of which it has seized the Court is not the dispute over maritime delimitation brought before the Arbitration Tribunal, but a "new dispute ... relating to the applicability of the text issued by way of award of 31 July 1989"; that however it has been argued by Guinea-Bissau that provisional measures may be requested, in the context of judicial proceedings on a subsidiary dispute, to protect rights in issue in the underlying dispute; that the only link essential for the admissibility of measures is the link between the measures contemplated and the conflict of interests underlying the question or questions put to the Court - that conflict of interests in the present case being the conflict over maritime delimitation - and that this is so whether the Court is seized of a main dispute or of a subsidiary dispute, a fundamental dispute or a secondary dispute, on the sole condition that the decision by the Court on the questions of substance which are submitted to it be a necessary prerequisite for the settlement of the conflict of interests to which the measures relate; that in the present case Guinea-Bissau claims that the basic dispute concerns the conflicting claims of the Parties to control, exploration and exploitation of maritime areas, and that the purpose of the measures requested is to preserve the integrity of the maritime area concerned, and that the required relationship between the provisional measures requested by Guinea-Bissau and the case before the Court is present.

The Court observes that the Application instituting proceedings asks the Court to declare the 1989 award to be "inexistent" or, subsidiarily, "null and void", and to declare "that the Government of Senegal is thus not justified in seeking to require the Government of Guinea-Bissau to apply the so-called award of 31 July 1989"; that the Application thus asks the Court to pass upon the existence and validity of the award but does not ask the Court to pass upon the respective rights of the Parties in the maritime areas in question; it finds that accordingly the alleged rights sought to be made the subject of provisional measures are not the subject of the proceedings before the Court on the merits of the case; and that any such measures could not be subsumed by the Court's judgment on the merits.

Moreover, a decision of the Court that the award is inexistent or null and void would in no way entail a decision that the Applicant's claims in respect of the disputed maritime delimitation are well founded, in whole or in part; and that the dispute over those claims will therefore not be resolved by the Court's judgment.

Operative paragraph

"Accordingly,

THE COURT

by fourteen votes to one,

Dismisses the request of the Republic of Guinea-Bissau, filed in the Registry on 18 January 1990, for the indication of provisional measures."

Summary of Opinions appended to the Order of the Court

Separate Opinion of Judge Evensen

The circumstances of the present case do not seem to require the exercise of the Court's power under Article 41 of the Statute of the International Court of Justice to indicate interim measures.

But the Court does not need finally to establish that it has jurisdiction on the merits of the case before deciding whether or not to indicate interim measures. The absence at this stage of any challenge to the Court's jurisdiction is relevant in this context.

The avoidance of irreparable damage should not be a condition for the stipulation of interim measures. Neither Article 41 of the Statute of the Court nor Article 73 of the Rules of Court contain any reference to "irreparable damage". The Court's discretionary powers should not be limited in such a manner.

In the present case guidance may be found in the United Nations Convention on the Law of the Sea of 10 December 1982, especially in Part V on the exclusive economic zone and in Part VI on the continental shelf. Both the Government of Guinea-Bissau and the Government of Senegal have signed and ratified this Convention.

Article 74, paragraph 1, of the 1982 Convention, dealing with the delimitation of the exclusive economic zone between neighbouring coastal States, provides that the delimitation of the zone "shall be effected by agreement". Identical provisions are found in article 83 of the Convention, on the delimitation of the continental shelf. The Convention has not yet entered into force.

But these articles give expression to governing principles of international law in this field. They entail that coastal States should conclude agreements, where necessary, concerning the allowable catch of fish stocks, the distribution of this catch between the States concerned, the issuance of fisheries licences, the character and modes of fishing gear, the protection of spawning grounds, the maintenance of the necessary contacts between the relevant national fisheries authorities together with other means for the rational and peaceful exploitation of these vital resources of the oceans.

Separate Opinion of Judge Shahabuddeen

In his separate opinion, it appears to Judge Shahabuddeen that Guinea-Bissau has been contending for a more liberal view than that adopted by the Court of the kind of link which should exist between rights sought to be preserved by provisional measures and rights sought to be adjudicated in the case. But, in this view, such an approach is limited by the reflection that the situation created by an indication of provisional measures should be consistent with the effect of a possible decision in the main case in favour of the State applying for such measures. In this case, if Guinea-Bissau were to succeed in obtaining a declaration that the award was inexistent or invalid, the original dispute would be reopened and each party would be at liberty to act within the limits allowed by international law. This liberty of action, resulting from such a decision in Guinea-Bissau's favour, would be actually inconsistent with the situation created by an indication of provisional measures restraining both parties from carrying out any activities, instead of being consistent with it as in the normal case. Consequently, Judge Shahabuddeen does not consider that the approach suggested by Guinea-Bissau could lead to a decision different from that reached by the Court.

Dissenting Opinion of Judge ad hoc Thierry

In his dissenting opinion, Judge Thierry gives the reasons which have unfortunately prevented him from associating himself with the Court's decision. Indeed, he takes the view that:

1. The incidents set forth in the Order were such as to require the indication of provisional measures which ought, for that reason, to have been indicated in accordance with Article 41 of the Statute and Article 75, paragraph 2, of the Rules of Court.
2. There was, in this case, no legal impediment to the exercise, by the Court, of its power to indicate provisional measures, since the finding that it is called upon to reach with regard to the merits (i.e., on the validity of the Arbitral Award of 31 July 1989) is bound to affect the rights of the Parties in the disputed maritime area.
3. The Court ought to have enjoined the Parties to negotiate on the basis of the assurances given by Senegal in that regard, in order to forestall any aggravation of the dispute for the time being.

- C. Excerpts from the final communiqué of the twenty-first South Pacific Forum, held at Port Vila, Vanuatu, from 31 July to 1 August 1990 ^{1/}

ENVIRONMENT

The Forum recognized the fundamental importance to Pacific countries and peoples of environmental issues, particularly climate change, sea level rise and waste disposal at sea. It also recognized that sustainable development was the key to the protection of the region's resources and environment for future generations. The Forum further agreed that strengthened institutional arrangements should be developed to address environmental concerns. Towards this objective, the Forum agreed to establish a special committee, to be funded by New Zealand, to examine future institutional and operational arrangements for strengthening the capacity and efficiency of the South Pacific Regional Environment Programme (SPREP). The Forum invited SPREP to report to it on an annual basis commencing in 1991. In addition the Secretariat should have enhanced capacity to keep abreast of environmental issues.

The Forum noted with satisfaction recent ratifications of the Convention for the Protection of the Natural Resources by France and Western Samoa, [as] a result of which the Convention will enter into force on 22 August 1990.

The Forum noted the continued threat to the cultural and physical survival of Pacific nations from climate change and sea level rise. The Forum recalled that the gases which cause the greenhouse effect, notably carbon dioxide, are emitted mainly by the industrialized countries.

The Forum therefore strongly urged industrialized countries to enact immediately significant cuts in the emission of greenhouse gases into the atmosphere, including the establishment of obligatory emission reduction standards. The Forum agreed to communicate these concerns to all relevant international bodies, including the United Nations Environment Programme (UNEP), the Intergovernmental Panel on Climate Change (IPCC) and the World Climate Change Conference (WCCC).

...

FISHERIES

The Forum was gratified by the impetus given by the 1989 Tarawa Declaration ^{2/} on the elimination of driftnet fishing. The Declaration had been followed in quick succession by the adoption of the Convention for the Prohibition of Long Driftnets in the South Pacific ^{3/} and a United Nations resolution against driftnetting. ^{4/} The Forum continued to give high priority to the more effective management and better utilization of marine fishery resources in the region and adopted a number of decisions on issues of immediate concern and importance.

^{1/} A/45/456, annex.

^{2/} Bulletin 14, p. 29; see also A/44/463, annex, para. 34.

^{3/} Ibid., p. 31.

^{4/} General Assembly resolution 44/225; see Bulletin 15, p. 15.

(a) Control of long driftnets in the South Pacific;

The Forum:

- endorsed the Convention for the Prohibition of Long Driftnets in the South Pacific
- called on all interested parties to accede to the Convention or its Protocols as appropriate
- welcomed Japan's decision to cease driftnetting one year in advance of the date stipulated in UNGA Resolution 225 4/
- directed that every effort be made to find means to involve Taiwan (Province of China) in negotiations for a management régime for South Pacific albacore tuna

(b) Multilateral fishing arrangements with Japan;

The Forum:

- recorded its disappointment at Japan's continuing reluctance to enter into substantive negotiations towards the conclusion of a multilateral fisheries access arrangement which would protect fisheries resources and the interests of all parties
- renewed its call to Japan to resume negotiations
- directed the South Pacific Forum Fisheries Agency (FFA) to strengthen and develop regional strategies for improved fisheries management

(c) Minimum Terms and Conditions for Access by Foreign Fishing Vessels;

- Forum members agreed to give high priority to the implementation of the revised Minimum Terms and Conditions as the basic standard of access to the FFA members' EEZs

(d) Western Pacific Purse Seine Fishery;

The Forum:

- noted with concern the potential threat to the western Pacific fisheries by the increased purse seine effort
- endorsed the need to control the number of purse seine vessels licensed to fish within the EEZs of FFA members in the western Pacific fishery

(e) Ratification of the Law of the Sea Convention.

- The Forum urged all member countries, as a matter of priority, to take measures to ensure the entry into force of the Law of the Sea Convention.

D. Corrigendum to Bulletin 15 of May 1990

Page 34, table of claims to maritime zones, "Continental shelf" column:

The entry for Norway should read 200 n.m. + NP [natural prolongation]

