

LAW OF THE SEA

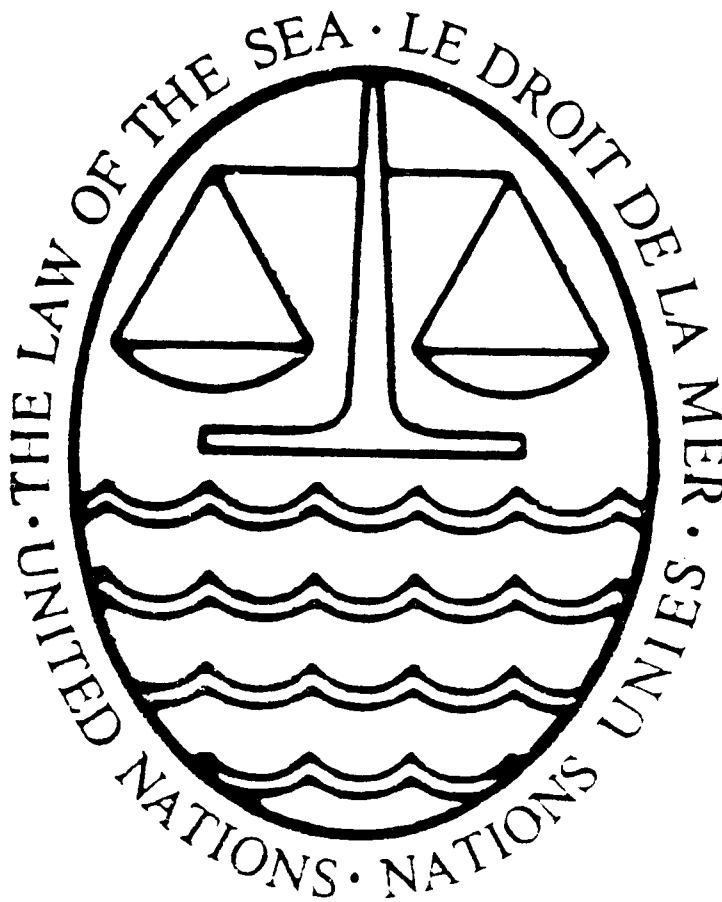
BULLETIN

---

No. 19

OCTOBER 1991

---



OFFICE FOR OCEAN AFFAIRS AND THE LAW OF THE SEA



Publication in the Bulletin of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN  
PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN

CONTENTS

	<u>Page</u>
I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.....	1
A. Table of signatures and ratifications or accessions as of 31 October 1991.....	1
B. Chronological order of ratifications of, and accessions to, the Convention, giving each State's regional group.....	7
II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.....	9
A. Recent national legislation received from Governments.....	9
1. Romania: Act concerning the Legal Regime of the Internal Waters, the Territorial Sea and the Contiguous Zone of Romania, 7 August 1990.....	9
2. United States: <u>Aide-mémoire</u> concerning amendments to the Magnuson Fishery Conservation and Management Act: amendment to include highly migratory tuna as species of fish under United States jurisdiction, 22 May 1991.....	21
B. Treaties.....	22
1. Bilateral treaties.....	22
(a) Agreement between the Republic of Trinidad and Tobago and the Republic of Venezuela on the delimitation of marine and submarine areas, 18 April 1990.....	22
Entry into force: 23 July 1991	
(b) Agreement between the Government of the French Republic and the Government of the Kingdom of Belgium on the delimitation of the territorial sea, 8 October 1990.....	27
(c) Agreement between the Government of the French Republic and the Government of the Kingdom of Belgium on the delimitation of the continental shelf, 8 October 1990.....	29
(d) Agreement between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the completion of the delimitation of the continental shelf in the southern North Sea, 23 July 1991.....	31

CONTENTS (cont.)

	<u>Page</u>
2. Regional treaties.....	33
Convention on fisheries cooperation among African States bordering the Atlantic Ocean, 5 July 1991.....	33
3. Multilateral treaties.....	41
Status of the Convention for the prohibition of fishing with long driftnets in the South Pacific, 6 June 1991.....	41
III. OTHER INFORMATION.....	42
A. Conservation and management of living resources of the high seas: proposal submitted to the third session of the Preparatory Committee for the United Nations Conference on Environment and Development, Geneva, 12 August-4 September 1991.	42
B. Corrigendum to <u>Bulletin</u> No. 18 of June 1991.....	45

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

A. Table of signatures and ratifications or accessions as of 31 October 1991

States	Final Act signature	Convention signature <u>a/</u>	Convention ratification or accession <u>b/</u>
Afghanistan		18/3/83	
Albania			
Algeria * <u>c/</u>	x	x	
Angola *	x	x	5/12/90
Antigua and Barbuda		7/2/83	2/2/89
Argentina *		5/10/84	
Australia	x	x	
Austria	x	x	
Bahamas	x	x	29/7/83
Bahrain	x	x	30/5/85
Bangladesh	x	x	
Barbados	x	x	
Belarus <u>d/</u>	x	x	
Belgium *	x	5/12/84	
Belize	x	x	13/8/83
Benin	x	30/8/83	
Bhutan	x	x	
Bolivia *		27/11/84	
Botswana	x	5/12/84	2/5/90
Brazil * ** <u>e/</u>	x	x	22/12/88
Brunei Darussalam		5/12/84	
Bulgaria	x	x	
Burkina Faso	x	x	
Burundi	x	x	
Cambodia		1/7/83	
Cameroon	x	x	19/11/85
Canada	x	x	
Cape Verde * **	x	x	10/8/87
Central African Republic		4/12/84	
Chad	x	x	
Chile *	x	x	
China	x	x	
Colombia	x	x	
Comoros		6/12/84	
Congo	x	x	

States	Final Act signature	Convention signature	Convention ratification or accession
Costa Rica *	x	x	
Côte d'Ivoire	x	x	26/3/84
Cuba * **	x	x	15/8/84
Cyprus	x	x	12/12/88
Czechoslovakia	x	x	
Democratic People's Rep. of Korea <u>f/</u>	x	x	
Denmark	x	x	
Djibouti	x	x	8/10/91
Dominica		28/3/83	24/10/91
Dominican Republic	x	x	
Ecuador	x		
Egypt **	x	x	26/8/83
El Salvador		5/12/84	
Equatorial Guinea	x	30/1/84	
Estonia <u>f/</u>			
Ethiopia	x	x	
Fiji	x	x	10/12/82
Finland *	x	x	
France *	x	x	
Gabon	x	x	
Gambia	x	x	22/5/84
Germany <u>g/</u>	x		
Ghana	x	x	7/6/83
Greece *	x	x	
Grenada	x	x	25/4/91
Guatemala		8/7/83	
Guinea *		4/10/84	6/9/85
Guinea-Bissau **	x	x	25/8/86
Guyana	x	x	
Haiti	x	x	
Holy See	x		
Honduras	x	x	
Hungary	x	x	
Iceland **	x	x	21/6/85
India	x	x	

States	Final Act signature	Convention signature	Convention ratification or accession
Indonesia	x	x	3/2/86
Iran (Islamic Republic of) *	x	x	
Iraq *	x	x	30/7/85
Ireland	x	x	
Israel	x		
Italy *	x	7/12/84	
Jamaica	x	x	21/3/83
Japan	x	7/2/83	
Jordan	x		
Kenya	x	x	2/3/89
Kiribati			
Kuwait **	x	x	2/5/86
Lao People's Democratic Republic	x	x	
Latvia <u>f/</u>			
Lebanon		7/12/84	
Lesotho	x	x	
Liberia	x	x	
Libyan Arab Jamahiriya	x	3/12/84	
Liechtenstein		30/11/84	
Lithuania <u>f/</u>			
Luxembourg *	x	5/12/84	
Madagascar		25/2/83	
Malawi		7/12/84	
Malaysia	x	x	
Maldives	x	x	
Mali *		19/10/83	16/7/85
Malta	x	x	
Marshall Islands <u>f/</u>	x		9/8/91 (a)
Mauritania	x	x	
Mauritius	x	x	
Mexico	x	x	18/3/83
Micronesia (Federated States of) <u>f/</u>	x		29/4/91 (a)
Monaco	x	x	
Mongolia	x	x	
Morocco	x	x	

States	Final Act signature	Convention signature	Convention ratification or accession
Mozambique	x	x	
Myanmar	x	x	
Namibia	x	x	18/4/83
Nauru	x	x	
Nepal	x	x	
Netherlands	x	x	
New Zealand	x	x	
Nicaragua *		9/12/84	
Niger	x	x	
Nigeria	x	x	14/8/86
Northern Mariana Islands	x		
Norway	x	x	
Oman * **	x	1/7/83	17/8/89
Pakistan	x	x	
Panama	x	x	
Papua New Guinea	x	x	
Paraguay	x	x	26/9/86
Peru	x		
Philippines * **	x	x	8/5/84
Poland	x	x	
Portugal	x	x	
Qatar *		27/11/84	
Republic of Korea <u>f</u> /	x	14/3/83	
Romania *	x	x	
Rwanda	x	x	
Saint Kitts and Nevis		7/12/84	
Saint Lucia	x	x	27/3/85
Saint Vincent and the Grenadines	x	x	
Samoa	x	28/9/84	
San Marino			
Sao Tome and Principe *		13/7/83	3/11/87
Saudi Arabia		7/12/84	
Senegal	x	x	25/10/84
Seychelles	x	x	16/9/91
Sierra Leone	x	x	

States	Final Act signature	Convention signature	Convention ratification or accession
Singapore	x	x	
Solomon Islands	x	x	
Somalia	x	x	24/7/89
South Africa *		5/12/84	
Spain *	x	4/12/84	
Sri Lanka	x	x	
Sudan *	x	x	23/1/85
Suriname	x	x	
Swaziland		18/1/84	
Sweden *	x	x	
Switzerland	x	17/10/84	
Syrian Arab Republic			
Thailand	x	x	
Togo	x	x	16/4/85
Tonga			
Trinidad and Tobago	x	x	25/4/86
Tunisia **	x	x	24/4/85
Turkey			
Tuvalu	x	x	
Uganda	x	x	9/11/90
Ukraine *	x	x	
Union of Soviet Socialist Republics *	x	x	
United Arab Emirates	x	x	
United Kingdom	x		
United Republic of Tanzania **	x	x	30/9/85
United States of America	x		
Uruguay *	x	x	
Vanuatu	x	x	
Venezuela	x		
Viet Nam	x	x	
Yemen * h/	x	x	21/7/87
Yugoslavia **	x	x	5/5/86
Zaire	x	22/8/83	17/2/89
Zambia	x	x	7/3/83
Zimbabwe	x	x	
TOTAL STATES	142	154	51

Others (Art. 305, 1. (c),(d),(e) and (f))	Final Act signature	Convention signature	Convention ratification or accession
Cook Islands	x	x	
European Economic Community *	x	7/12/84	
Niue		5/12/84	
Trust Territory of the Pacific Islands (Palau)	x		
West Indies Associated States			
<b>TOTAL STATES AND OTHERS</b>	<b>145</b>	<b>157 <u>i</u>/</b>	<b>51</b>

OTHER ENTITIES WHICH SIGNED THE FINAL ACT OF THE CONFERENCE

African National Congress of South Africa  
Netherlands Antilles  
Palestine Liberation Organization  
Pan Africanist Congress of Azania  
South West Africa People's Organization

a/ Those States which signed the Final Act and/or the Convention on 10 December 1982 are indicated by an "x". Those which signed at a later date are indicated by that date.

b/ Those States or entities which acceded to the Convention are indicated by an "(a)", which follows the date of accession.

c/ Those States which made declarations at the time of signature of the Convention are indicated by an asterisk (\*).

d/ As of 19 September 1991, the Byelorussian Soviet Socialist Republic officially changed its name to "Belarus".

e/ Those States which made declarations at the time of ratification of the Convention are indicated by a double asterisk (\*\*).

f/ Became a Member of the United Nations on 17 September 1991.

g/ Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States united to form one sovereign State, which acts in the United Nations under the designation "Germany".

h/ On 22 May 1990 Democratic Yemen and Yemen merged to form a single State. Since that date they have been represented at the United Nations as one Member with the name "Yemen". Yemen is party to the Convention.

i/ As of 10 December 1984, 159 States had signed the Convention, including the German Democratic Republic and Democratic Yemen (see notes g and h above).

B. Chronological order of ratifications of, and accessions to, the Convention, giving each State's regional group 1/

<u>Date</u>	<u>State</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	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

<u>Date</u>	<u>State</u>	<u>Regional group</u>
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
46. 25 April 1991	Grenada	Latin Am./Carib.
47. 29 April 1991	*Micronesia (Federated States of)	Asian
48. 9 August 1991	*Marshall Islands	Asian
49. 16 September 1991	Seychelles	African
50. 8 October 1991	Djibouti	African
51. 24 October 1991	Dominica	Latin Am./Carib.

---

1/ States which have acceded to the Convention are indicated by an asterisk (\*).

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

A. Recent national legislation received from Governments

1. Romania

ACT concerning the Legal Regime of the Internal Waters, the Territorial  
Sea and the Contiguous Zone of Romania, 7 August 1990 \*

[Original: Romanian]

CHAPTER I

The territorial sea and the internal waters of Romania

Article 1

The territorial sea of Romania includes the zone of the sea adjacent to the coast or, where applicable, the internal waters, having a width of 12 nautical miles (22,224 m) measured from the baselines.

The baselines are the lines of low tide along the coast or, where applicable, the straight lines which join the most advanced points of the coast, including the coasts of islands, mooring places, hydrotechnical works and other permanent harbour installations.

The geographical coordinates of the points between which the straight baselines are drawn are listed in the annex.

The outer limit of the territorial sea is the line every point of which is at a distance of 12 nautical miles measured from the nearest point of the baselines.

Article 2

The territorial sea of Romania shall be delimited from the territorial sea of neighbouring States through agreements concluded with each of the said States, in conformity with the principles and norms of international law.

Article 3

The outer and lateral limits of the territorial sea, established in accordance with the provisions of articles 1 and 2, shall constitute the marine State frontier of Romania.

Article 4

The waters situated between the sea coast and the baselines established in article 1 shall constitute the internal waters of Romania.

---

\* Translation provided by the United Nations Secretariat. Text communicated to the Secretariat in Romanian and French by a note verbale dated 5 June 1991; published in the official Gazette on 9 August 1990.

Article 5

The internal waters, the territorial sea and the soil and subsoil thereof, together with the airspace above them, shall be part of the territory of Romania.

In the said spaces Romania shall exercise sovereignty in conformity with its national laws and with the provisions of the international conventions to which it is a party, having due regard for the principles and norms of international law.

CHAPTER II

The contiguous zone of Romania

Article 6

The contiguous zone of Romania is the zone of the sea adjacent to the territorial sea and extending along the sea coast to a distance of 24 nautical miles measured from the baselines established in article 1.

Article 7

In its contiguous zone Romania shall exercise control to prevent and punish infractions of its customs, fiscal and sanitary laws and regulations and infractions relating to the crossing of the State frontier.

CHAPTER III

Innocent passage through the territorial sea

SECTION A

Rules applicable to all foreign ships

Article 8

Innocent passage of foreign ships through the territorial sea of Romania shall take place under the conditions established in this Act and in other regulations in force, subject to observance of the norms of international law.

The term "passage" means navigation through the territorial sea for the purpose of:

- (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) proceeding to or from internal waters or a call at such roadstead or port facility.

The passage shall be continuous and expeditious. The ships shall follow the recommended maritime routes, channels and passes specified on marine charts and in navigational documents.

During its innocent passage a ship shall not be permitted to stop or anchor except in cases when that is necessitated by the needs of navigation or as the result of a case of force majeure or distress for the purpose of saving persons or rendering assistance to ships or aircraft in danger or distress.

Article 9

The passage of a foreign ship through the territorial sea is innocent as long as it is not prejudicial to peace, good order or national security.

Passage shall be considered to be prejudicial to peace, good order or national security if in the territorial sea or the internal waters the said ship engages in one of the following activities:

- (a) The threat or use of force against the sovereignty, territorial integrity or political independence of Romania or in any other manner in violation of the principles of international law;
- (b) Practice or exercise with weapons of any kind;
- (c) Any act aimed at collecting information to the prejudice of national defence or security;
- (d) Any act of propaganda aimed at affecting the national defence or security;
- (e) The launching from the ship, the landing on the ship's deck or the taking on board the ship of flying apparatus of any kind;
- (f) The launching, landing or taking on board of any military device, divers, submarines, other underwater vehicles or any other installations capable of carrying on underwater research;
- (g) The loading or unloading of any commodity, currency or persons contrary to the laws and regulations in force;
- (h) Wilful and serious pollution, of any kind, of the water and the atmosphere;
- (i) Any fishing activities;
- (j) Any scientific or archaeological research or hydrographic survey;
- (k) Any activity carried out in violation of international regulations in the field of radio communications aimed at interfering with any system of communications or any other facilities or installations;
- (l) Any other activity not having a direct bearing on the passage or carried out in violation of the conditions established in this Act.

Article 10

No ship may enter the territorial sea, the internal waters or port facility of Romania if it has on board any nuclear weapons or chemical or other weapons of mass destruction, or if it transports such weapons or ammunition for them or any other merchandise or products prohibited by the laws of Romania.

Article 11

Foreign nuclear-powered ships may enter roadsteads or port facilities only with prior approval from the competent Romanian authorities, which must be requested at least 30 days before the date of entry.

Article 12

Foreign nuclear-powered ships and foreign ships which transport radioactive substances or other dangerous substances shall, when exercising the right of innocent passage through the territorial sea, carry documents established by international agreements for such ships and the cargo they are transporting and observe special precautionary measures established by the said agreements.

Article 13

Inspection of the safety documents of nuclear-powered ships and of ships which transport radioactive substances or other dangerous substances, dosimetric inspections and all other inspections related to the protection of the environment shall be carried out by the competent Romanian authorities, at the places established therefor. During such time as the ships are stopped in port facilities or roadsteads, additional inspections may be carried out.

If as a result of the inspection it is found that the presence of a ship may lead to dangerous consequences, the competent Romanian authorities may order the ship concerned to leave the territorial sea within a prescribed period of time.

Article 14

Foreign ships exercising the right of innocent passage through the territorial sea or are stopped in port facilities or roadsteads may use radio navigation equipment, hydro-acoustic apparatus and radio communication apparatus, electronic and optical observation systems only for the needs of safety of navigation and of lying at anchor and for communicating with the port facility authorities and carrying on radio traffic, in clear or using codes, with Romanian land stations, following the rules and procedures prescribed in the Radio Regulations annexed to the International Convention on Telecommunications.

Article 15

The competent Romanian authorities shall take the necessary measures to prevent any violation of the conditions established by the regulations in force in connection with the admittance of foreign ships into the internal waters or port facilities and shall use all legal means, including coercive measures, to prevent the passage of any foreign ship through the internal waters or the territorial sea when such passage is not innocent.

Article 16

The competent Romanian authorities may, in specified zones of the territorial sea, temporarily suspend the innocent passage of foreign ships if such suspension is required in order to ensure the security of the country or is necessary for the execution of military exercises.

The measures for the suspension of innocent passage provided for in the preceding paragraph shall be published in the "notices to mariners" issued by the competent Romanian authorities.

## SECTION B

### Rules applicable to foreign ships used for commercial purposes

#### Article 17

The criminal jurisdiction of Romania shall be applicable with respect to any infraction committed in Romanian territory by persons embarked on board foreign ships used for commercial purposes and shall also be applicable in respect of any infraction committed on board such a ship during the time when it is in Romanian harbours or in the internal waters.

The criminal jurisdiction of Romania shall not be exercised on board a foreign ship used for commercial purposes which is in passage through the territorial sea, with respect to an infraction committed on board that ship, with the exception of those cases in which:

- (a) The infraction has been committed by a Romanian national or by a stateless person domiciled in the territory of Romania;
- (b) The infraction is directed against the interests of Romania or against a Romanian national or a person resident in the territory of Romania;
- (c) The infraction is of such a nature as to disturb the good order and peace of the country or order in the territorial sea;
- (d) The exercise of Romanian jurisdiction is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances;
- (e) The assistance of the Romanian authorities has been requested, in writing, by the master of the ship or by a diplomatic agent or consular officer of the flag state.

#### Article 18

The criminal jurisdiction of Romania shall also be applicable in the case of violations of Romanian legislation in force with regard to the exclusive economic zone of Romania in the Black Sea by persons embarked on board foreign ships used for commercial purposes if the acts in question are committed under such conditions that they are considered infractions under the criminal law.

#### Article 19

Criminal jurisdiction on board a ship flying the flag of a State with which Romania has concluded a consular convention or other similar agreement shall be exercised with due regard for the provisions of the said convention or agreement.

Article 20

In the exercise of Romania's jurisdiction, the competent Romanian authorities may, in conformity with the legal provisions in force, order the detention or arrest of a foreign ship used for commercial purposes and levy execution against such a ship which is in the territorial sea or in the internal waters of Romania, in order to ensure the performance of contractual obligations or other obligations assumed by the ship in question during or in connection with its passage through the territorial sea of Romania, as well as for other claims resulting from navigational incidents which have resulted in damage to the ship or its cargo or have taken place as a result of boarding, assistance or salvage and for compensation, charges and the like.

SECTION C

Rules applicable to warships, submarines and other submersible vehicles and to other government ships operated for non-commercial purposes

Article 21

Foreign warships, submarines and other submersible vehicles and other government ships operated for non-commercial purposes may enter the territorial sea, harbours and roadsteads only with prior approval from the Romanian Government, except in cases in which they have suffered damage or are taking refuge from storms.

Approval must be requested at least 30 days before the scheduled date of the passage through the territorial sea or the call at harbours or roadsteads, except where otherwise agreed between Romania and the flag State.

Article 22

Foreign submarines and other foreign submersible vehicles passing through the territorial sea shall be required to navigate on the surface and to show their national flag. Those which are submerged shall be required to surface. In those cases in which, as a result of damage, they cannot reach the surface, they shall be required to signal their situation by every possible means.

Article 23

If a foreign warship does not comply with the laws and regulations of Romania in internal waters or in the territorial sea and disregards any request for compliance, it shall be required to leave the territorial sea of Romania immediately.

Article 24

Flag States shall bear international responsibility for any loss or damage caused by a foreign warship or by any other government ship operated for non-commercial purposes, as well as by any persons who are members of the crews of such ships, when the ship in question has been in the harbours, the internal waters and the territorial sea of Romania.

Article 25

Subject to the exceptions specified in section A and the conditions established in articles 21 to 24, foreign warships and other government ships operated for non-commercial purposes shall enjoy sovereign immunity during the time when they are in the harbours, the internal waters and the territorial sea of Romania.

CHAPTER IV

Right of hot pursuit beyond the territorial sea

Article 26

A foreign ship operated for commercial purposes may be pursued beyond the territorial sea of Romania and may be detained in order to establish its responsibility if there is good reason to believe that the ship has violated Romanian laws and regulations during the time when it was in the national waters, the internal waters, the territorial sea or the contiguous zone of Romania.

The hot pursuit may commence when the foreign ship or one of its boats is within the internal waters, the territorial sea or the contiguous zone.

The hot pursuit shall commence when the foreign ship fails to obey the order to stop, and it may be continued without interruption until the pursued ship enters the territorial sea of its own State or of a third State.

A ship arrested in accordance with the provisions of this article may be escorted to the nearest Romanian harbour for the purposes of an inquiry and the imposition of penalties.

If a ship has been arrested outside the territorial sea in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

Article 27

The right of hot pursuit provided for in the preceding article shall also apply in cases in which a foreign ship used for commercial purposes violates Romanian legislation relating to the exclusive economic zone of Romania in the Black Sea.

In such cases, the hot pursuit may commence only when the foreign ship concerned, or one of its boats, is in the internal waters, the territorial sea or the exclusive economic zone of Romania.

CHAPTER V

Scientific research in the territorial sea of Romania

Article 28

Scientific research activity, as well as activity relating to prospecting and the regulation of maritime traffic in the territorial sea of Romania, shall be carried out by the specialized Romanian institutions in accordance with approved programmes and with the advice of the competent Romanian authorities.

Article 29

Foreign individuals and bodies corporate may carry on scientific research in the territorial sea of Romania only with the express consent of the competent Romanian authorities and in accordance with the conditions prescribed by the said authorities.

CHAPTER VI

Protection of the marine environment

Article 30

The competent Romanian authorities shall establish regulations concerning the prevention, reduction and control of pollution of the marine environment and shall ensure compliance thereof in the port facility, the internal waters and the territorial sea of Romania.

Article 31

In accordance with the legislation in force, it shall be prohibited to pollute the internal waters and the territorial sea, or the atmosphere above them, by the disposal, dumping or discharge from a ship or other floating or fixed installation, from flying apparatuses or from land-based sources, of any toxic substances or residues of toxic substances, radioactive substances, hydrocarbons or other substances which are harmful or dangerous to human health or to marine life, or other residues or materials capable of causing damage to the Romanian coastline or of creating obstacles to the legitimate uses of the sea.

Article 32

When there are reasonable grounds for believing that a ship used for commercial purposes which is in the internal waters or the territorial sea has violated Romanian law or international rules relating to the prevention, reduction and control of pollution of the marine environment, the competent Romanian authorities shall have the right to ask the ship in question to give information regarding its actions and to undertake physical inspection of that ship if the ship refuses to give information or if the information supplied is at variance with the evident factual situation.

Article 33

When there is clear objective evidence that a ship used for commercial purposes which is in the internal waters or the territorial sea has in those waters or in the exclusive economic zone of Romania committed a violation referred to in articles 30 and 31 resulting in a discharge of radioactive substances, hydrocarbons or other substances and residues which have caused major damage or threat of major damage to the Romanian coastline or to any resources of the internal waters and the territorial sea, the competent Romanian authorities may detain the ship and institute legal proceedings with respect to that violation, in accordance with Romanian legislation.

Article 34

In case of collision or stranding or any other maritime damage to a ship taking place in the internal waters or the territorial sea and when such an event may have consequences harmful to the internal waters and the territorial sea or to the Romanian coastline, the competent Romanian authorities shall have the right to take all necessary measures, proportionate to the actual damage or the threat it represents, in order to provide protection against the pollution or the threat of pollution.

CHAPTER VII

Penalties

Article 35

The following acts, if they are not committed in such circumstances as to be considered offences under criminal law, shall constitute infractions:

- (a) Violation of the prohibition referred to in article 10;
- (b) Violation of the prohibition referred to in article 31, as well as the illegal introduction, for purposes of the disposal, dumping or discharge into the internal waters or into the territorial sea of Romania, or the discharge into the atmosphere above them, from ships or other floating or fixed installations, from flying apparatuses or from submersible vehicles, of toxic substances or residues of toxic substances, radioactive substances, hydrocarbons or other substances which are harmful or dangerous to human health or to marine life, or other residues or materials capable of causing damage to the Romanian coastline or creating obstacles to the legitimate uses of the sea;
- (c) Industrial fishing or any other activity involving illegal exploitation of the natural resources of the internal waters or the territorial sea, including the seabed and the subsoil of that zone;
- (d) Scuttling a ship in the internal waters or in the territorial sea or running a ship ashore on the coast;
- (e) The entry of nuclear-powered ships into Romanian harbours without approval from the competent Romanian authorities;
- (f) Failure to produce the documents provided for by international agreements for ships transporting radioactive or toxic substances or other dangerous substances and failure to take the precautionary measures provided for by those agreements;
- (g) The carrying on, without authorization from the competent Romanian authorities or in violation of the conditions established in such authorization, of scientific research activities, prospecting or other activities in the internal waters or the territorial sea of Romania;
- (h) The embarking or disembarking of persons or goods outside of harbours or places in which such operations are authorized;

(i) The unauthorized entry of a ship into a harbour which has been declared closed or into a zone of the territorial sea in which innocent passage has been temporarily suspended;

(j) Violation of the restrictions referred to in article 14;

(k) Violation of the prohibitions referred to in article 9 (e), (f) and (k);

(l) Failure to observe the rules established by the competent Romanian authorities with regard to the safety of navigation and the protection of telecommunication cables and submarine pipelines in the internal waters or the territorial sea.

The infractions referred to in items (a) to (g) shall be punishable by a fine of between 100,000 and 2,000,000 lei, and those referred to in items (h) to (l) shall be punishable by a fine of between 10,000 and 500,000 lei, the penalties being applied at the place where the infractions have been spotted.

#### Article 36

If the acts referred to in article 35 (a) to (g) have caused serious damage or have caused other grave consequences or have been committed repeatedly, the fine shall be from 1,000,000 to 2,000,000 lei.

For the acts referred to in article 35 (b) and (c), the penalty may, depending on the seriousness of the consequences and the extent of the damage, be a fine of between 2,000,000 and 10,000,000 lei.

In particularly serious situations, the competent Romanian authorities may order, as additional measures, the confiscation of the ship, the installations, the fishing gear, the apparatus and the other objects belonging to the person who used them to commit the infraction.

The goods acquired unlawfully shall be confiscated.

#### Article 37

The acts referred to in article 35 (d), (h), (i) and (j) shall not constitute infractions if they have been committed in order to guarantee the safety of a ship, to save human lives or to avoid damage to a ship or its cargo.

#### Article 38

The infractions shall be ascertained and the penalties shall be imposed, in conformity with the regulations in force, by the navigation monitoring and control authorities of the Ministry of Public Works, Transport and Territorial Administration and by the authorities specially empowered by the Ministry of National Defence, the Ministry of the Environment, the Ministry of the Interior, the Ministry of Agriculture and Food and the Ministry of Health, as well as by other legally authorized authorities.

Any objection to the infraction report may be filed, within a period of 15 days following the date of its communication, with the Sea and River Section of the Court of the Town of Constanta.

Article 39

The fines levied for infractions shall not exempt the violator from the obligation to furnish compensation for the damage caused on land, in the internal waters and in the territorial sea of Romania, in accordance with Romanian law.

Article 40

The fines levied on foreign individuals or legal entities shall be paid in convertible currency, by converting the fines in lei at the official rate of exchange in force on the day on which the infraction was committed.

Article 41

The provisions of Act No. 32/1968 relating to the establishment and punishment of infractions, with the exception of articles 25, 26 and 27 of that Act, shall be applicable to the infractions referred to in article 35.

Article 42

When acts have been committed which under Romanian law result in the arrest of the master of the foreign ship or the detention of the ship, the competent Romanian authorities shall immediately inform the diplomatic agents or consular officers of the flag State of the measures taken.

A detained ship and its crew shall be released immediately upon the payment of proper adequate security, in accordance with the legal provisions in force. The security shall be fixed in lei and shall be paid in convertible currency, by converting the sum in lei at the official rate of exchange in force on the day on which the infraction was committed.

Article 43

The authorities of the Ministry of National Defence shall ensure the application of the provisions of articles 21 to 23 and articles 26 and 27 and shall render assistance to other competent State authorities in the application of coercive measures against foreign ships in the territorial sea which are taken in accordance with the provisions of this Act.

CHAPTER VIII

Final provisions

Article 44

The term "territorial sea", as defined in article 1, shall replace the term "territorial waters" used in legal provisions prior to this Act.

Article 45

This act shall enter into force 90 days after the date of its publication in Monitorul Oficial al României.

GEOGRAPHICAL COORDINATES

of the points between which the straight baselines from which the width of the marine spaces of Romania is measured are drawn.

Geographical coordinates of the points			
Segment	Points	Latitude ( )	Longitude ( )
A	1	45° 10' 51"	29° 45' 56"
	2	45° 08' 42"	29° 46' 20"
B	2		Same as segment A
	3	44° 50' 23"	29° 36' 52"
C	3		The line of low tide
	4		
D	4	44° 46' 52"	29° 31' 48"
	5	44° 43' 38"	29° 03' 10"
E	5		Same as segment D
	6	44° 31' 26"	28° 52' 20"
F	6		Same as segment E
	7	44° 07' 15"	28° 41' 50"
G	7		Same as segment F
	8	43° 59' 14"	28° 40' 09"
H	8		Same as segment G
	9	43° 44' 20"	28° 34' 51"

2. United States

Aide-mémoire concerning amendments to the Magnuson Fishery Conservation and Management Act: amendment to include highly migratory tuna as species of fish under United States jurisdiction,

22 May 1991 \*

The Representative of the United States of America to the United Nations presents his compliments to the Special Representative of the Secretary General for the Law of the Sea and would like to draw his attention to the enactment of amendments to the Magnuson Fishery Conservation and Management Act.

The most significant change in the United States law is the amendment to include highly migratory tuna as species of fish under United States jurisdiction throughout the exclusive economic zone. Accordingly, the United States now recognizes coastal State claims of jurisdiction over highly migratory species of tuna within the exclusive economic zone. Prior to this amendment, the United States only claimed, and recognized claims of other countries to, jurisdiction over tuna out to 12 nautical miles. This change will make the United States position consistent with the overwhelming State practice subsequent to the 1982 United Nations Law of the Sea Convention, with regard to highly migratory species.

The effective date of enactment of the amendment is 1 January 1992. Upon that date the United States will assert management authority over such species in its exclusive economic zone. As a matter of international law, effective 28 November 1990, the United States recognized similar assertions by coastal nations regarding their exclusive economic zones.

---

\* Communicated by the United States Mission to the United Nations in Note Verbale No. USUN 3509/427, dated 22 May 1991.

B. Treaties

1. Bilateral treaties

- (a) Agreement between the Republic of Trinidad and Tobago and the Republic of Venezuela on the delimitation of marine and submarine areas, 18 April 1990 \*

[Original: English and Spanish]

The Government of the Republic of Trinidad and Tobago and the Government of the Republic of Venezuela, hereinafter referred to as the Contracting Parties;

Resolving in a true spirit of cooperation and friendship to settle permanently as good neighbours the limits of the marine and submarine areas within which the respective Governments exercise sovereignty, sovereign rights and jurisdiction through the establishment of a precise and equitable maritime boundary between the two countries;

Taking into account the rules of international law and the development of the new law of the sea;

Have agreed as follows:

Article I

The maritime boundary between the Republic of Trinidad and Tobago and the Republic of Venezuela referred to in this Treaty is the maritime boundary with respect to the territorial seas, the continental shelves and the exclusive economic zones and to any other marine and submarine areas which have been or might be established by the Contracting Parties in accordance with international law.

Article II

1. The delimitation lines with respect to the marine and submarine areas in the Caribbean, the Gulf of Paria, the Serpent's Mouth and the Atlantic Ocean are geodesics connecting the following geographical coordinates:

1.	Latitude	11° 10' 30" North;	Longitude	61° 43' 46" West
2.	Latitude	10° 54' 40" North;	Longitude	61° 43' 46" West
3.	Latitude	10° 54' 15" North;	Longitude	61° 43' 52" West
4.	Latitude	10° 48' 41" North;	Longitude	61° 45' 47" West
5.	Latitude	10° 47' 38" North;	Longitude	61° 46' 17" West

---

\* Communicated by the Permanent Mission of Venezuela to the United Nations on 5 November 1991. Entered into force on 23 July 1991.

6.	Latitude	10° 42' 52" North;	Longitude	61° 48' 10" West
7.	Latitude	10° 35' 20" North;	Longitude	67° 48' 10" West
8.	Latitude	10° 35' 19" North;	Longitude	61° 51' 45" West
9.	Latitude	10° 02' 46" North;	Longitude	62° 04' 59" West
10.	Latitude	10° 00' 29" North;	Longitude	61° 58' 25" West
11.	Latitude	09° 59' 12" North;	Longitude	61° 51' 18" West
12.	Latitude	09° 59' 12" North;	Longitude	61° 37' 50" West
13.	Latitude	09° 58' 12" North;	Longitude	61° 30' 00" West
14.	Latitude	09° 52' 33" North;	Longitude	61° 13' 24" West
15.	Latitude	09° 50' 55" North;	Longitude	60° 53' 27" West
16.	Latitude	09° 49' 55" North;	Longitude	60° 39' 51" West
17.	Latitude	09° 53' 26" North;	Longitude	60° 16' 02" West
18.	Latitude	09° 57' 17" North;	Longitude	59° 59' 16" West
19.	Latitude	09° 58' 11" North;	Longitude	59° 55' 21" West
20.	Latitude	10° 09' 59" North;	Longitude	58° 49' 12" West
21.	Latitude	10° 16' 01" North;	Longitude	58° 49' 12" West

and from point 1 northerly in constant and true direction following the meridian 61° 43' 46" West up to the point at which it meets the jurisdiction of a third State, and from point 21 along an azimuth of 067 degrees up to the outer limit of the exclusive economic zone and thereafter towards point 22, with the following geographic coordinates: Latitude 11° 24' 00" North and Longitude 56° 06' 30" West which is situated approximately on the outer edge of the continental margin which delimits the national jurisdiction of the Republic of Trinidad and Tobago and of the Republic of Venezuela and the international seabed area which is the common heritage of mankind.

2. Both parties reserve the right, in case of determining that the outer edge of the continental margin is located closer to 350 nautical miles from the respective baselines, to establish and negotiate thier respective rights up to this outer edge in conformity with the provisions of international law; no provision of the present Treaty shall in any way prejudice or limit these rights or the rights of third parties.

### Article III

It is understood by the Contracting Parties that in the Caribbean Sea and the Gulf of Paria, the Republic of Trinidad and Tobago to the west and south of the said maritime boundary and the Republic of Venezuela to the east and north of that boundary; and in the Atlantic, the Republic of Trinidad and Tobago to the south of the said maritime boundary, and the Republic of

Venezuela to the north of that boundary, shall not, for any purpose, claim or exercise sovereignty, sovereign rights or jurisdiction over the marine and submarine areas to which article 1 of the present Treaty refers.

#### Article IV

1. The positions of the aforementioned points have been defined by latitude and longitude of the 1956 Provisional South American Datum (International Ellipsoid 1924).
2. The limits and points previously indicated have been drawn solely by way of illustration on the map accepted by the parties and annexed to this Treaty.

#### Article V

1. The Contracting Parties agree to create a Trinidad and Tobago/Venezuela Mixed Demarcation Commission. The Commission shall be responsible for the actual demarcation of the points and lines referred to above to the extent possible and all related activities.
2. The demarcation referred to in paragraph I of this article shall be effected by such aids to navigation as the Commission deems appropriate.
3. The Commission shall be comprised of three (3) representatives of each country together with such advisors as may be deemed necessary and whose names shall be duly communicated through diplomatic channels.
4. The Commission shall convene within three (3) months following the date of the entry into force of the present Treaty and thereafter whenever requested by either Contracting Party or by the Commission itself. Meetings of the Commission shall be held alternatively in the Republic of Trinidad and Tobago and the Republic of Venezuela.

#### Article VI

Without prejudice to the rights of navigation and overflight recognized under international law in the other areas under the sovereignty and/or jurisdiction of the Contracting Parties, in the existing strait between the island of Trinidad and the island of Tobago, Venezuelan vessels and aircraft shall enjoy freedom of navigation and overflight for the sole purpose of expeditious and uninterrupted transit through the maritime areas in question, which shall henceforth be termed the right of transit passage. Transit passage does not preclude passage through or over maritime areas for the purpose of entering or leaving Trinidad and Tobago subject to the conditions regulating entry into ports or similar access conditions. In the other straits which exist in the Gulf of Paria, innocent passage shall apply.

#### Article VII Unity of deposits

If any single geological petroleum structure or petroleum field, or any single geological structure or field of any other mineral deposit, including sand and gravel, extends across the delimitation line and the part of such structure or field which is situated on one side of the delimitation line is exploitable, wholly or in part, from the other side of the said line, the Contracting Parties shall, after holding the appropriate technical

consultations, seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the costs and benefits arising from such exploitation shall be apportioned.

#### Article VIII

In cases where either of the two Contracting Parties decides to carry out or to permit drilling activities for exploration or exploitation in areas five hundred metres (500m) away from the delimitation line, such activities should be made known to the other Party.

#### Article IX

The Contracting Parties shall adopt all measures for the preservation of the marine environment in the marine areas to which the present Treaty refers. Consequently, the Parties agree:

- (a) To provide the other Party with information on the legal provisions and on its experience in the preservation of the marine environment;
- (b) To provide information on the authorities which are competent for ascertaining and taking decisions on pollution matters;
- (c) To inform each other about any indication of actual, imminent or potential pollution of a serious nature which occurs in the maritime frontier zone.

#### Article X. Settlement of disputes

Any difference or dispute arising out of the interpretation or application of this Treaty shall be settled peacefully by direct consultation or negotiation between the Contracting Parties.

#### Article XI

1. This Treaty shall be subject to ratification and shall enter into force from the date of the exchange of instruments of ratification which shall take place in Port of Spain as soon as possible.
2. The Treaty between His Majesty in respect of the United Kingdom and the President of the United States of Venezuela relating to the submarine areas of the Gulf of Paria, signed at Caracas on 26 February 1942, and the Agreement between the Government of the Republic of Trinidad and Tobago and the Government of the Republic of Venezuela on the delimitation of marine and submarine areas (First Phase), signed at Port of Spain on 4 August 1989, shall cease to have effect between the Contracting Parties on their becoming bound by this Treaty.

DONE in the City of Caracas, on the 18th day of the month of April, One Thousand Nine Hundred and Ninety, in duplicate in the English and Spanish languages, both texts being equally authoritative.

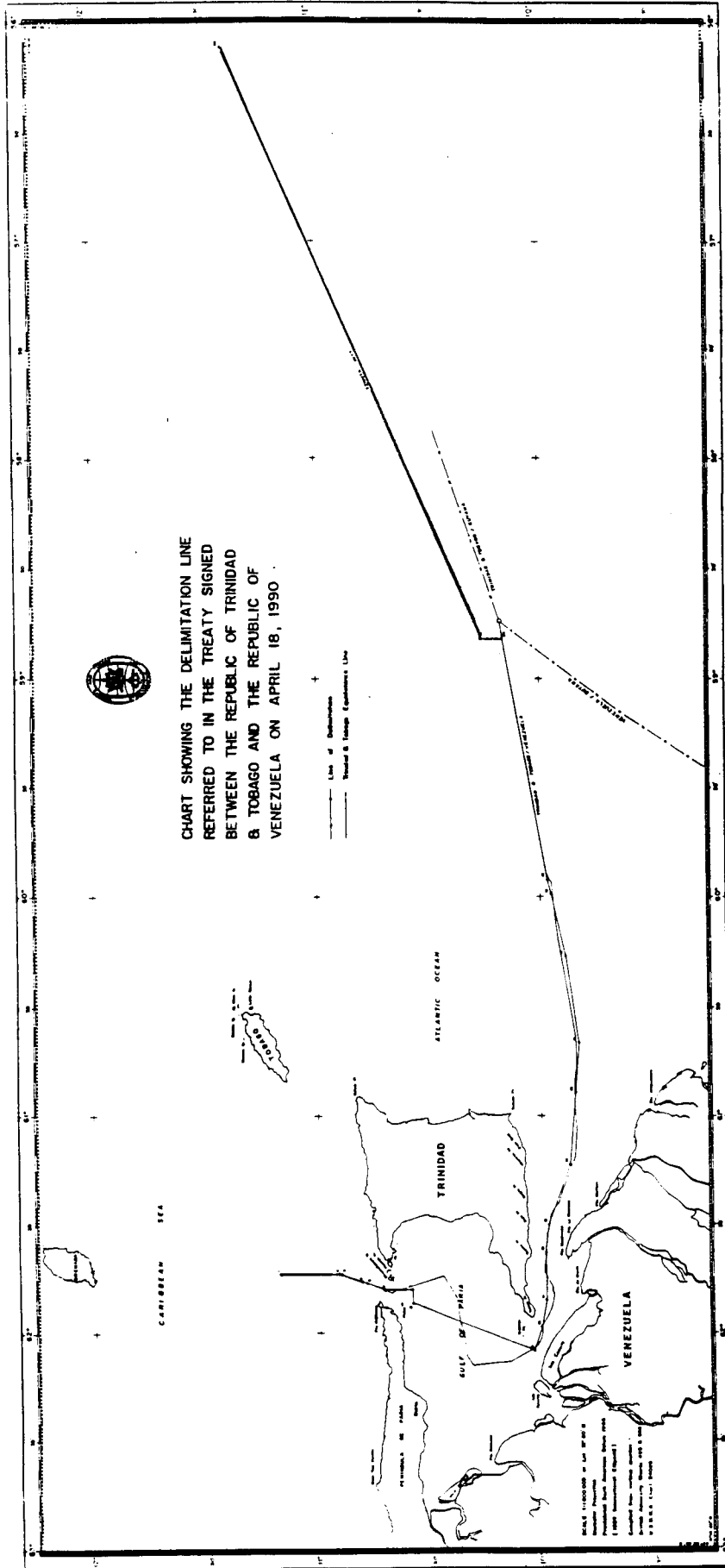


CHART SHOWING THE DELIMITATION LINE REFERRED TO IN THE TREATY SIGNED BETWEEN THE REPUBLIC OF TRINIDAD & TOBAGO AND THE REPUBLIC OF VENEZUELA ON APRIL 18, 1950 .

Line of Delimitation  
Boundary of Republic of Trinidad

SCALE 1:100,000 - Lat. 10° 00' N  
Longitude 61° 00' W  
Published by the Hydrographic Office  
Washington, D.C. 20540  
Copyright © 1950 by the Hydrographic Office  
U.S. GOVERNMENT PRINTING OFFICE

(b) Agreement between the Government of the French Republic and the Government of the Kingdom of Belgium on the delimitation of the territorial sea, 8 October 1990

[Original: French]

The Government of the French Republic and the Government of the Kingdom of Belgium;

Desiring to establish the course of the line delimiting the territorial sea of the French Republic and that of the Kingdom of Belgium;

Desiring to take account of all the existing rules applicable to the delimitation of maritime spaces, with a view to arriving at an equitable solution;

Have agreed as follows:

Article 1

1. The boundary between the territorial sea of the French Republic and the territorial sea of the Kingdom of Belgium shall be a line composed of loxodromes connecting, in the sequence given, the points defined as follows by their coordinates:

	<u>East longitude</u>	<u>North latitude</u>
Point 1	02° 32' 37"	51° 05' 37"
Point 2	02° 23' 25"	51° 16' 09"

2. The coordinates of the points specified in paragraph 1 are defined on European Datum (1st Adjustment 1950).

3. The line defined in paragraph 1 has been drawn, for purposes of illustration only, on the map annexed to this Agreement.

Article 2

The points defined above have been determined by taking into account low-tide elevations at the approaches to the French and Belgian coasts. However, the application by France and Belgium of different methods for calculating the elevations has resulted in two different delineations. It has therefore been agreed that the area comprised within these two delineations shall be divided into two equal parts.

Article 3

Each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement. This Agreement shall enter into force on the date of receipt of the last notification.

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

DONE at Brussels on 8 October 1990.



(c) Agreement between the Government of the French Republic and the Government of the Kingdom of Belgium on the delimitation of the continental shelf, 8 October 1990

[Original: French]

The Government of the French Republic and the Government of the Kingdom of Belgium;

Desiring to establish the course of the line delimiting the continental shelf between the French Republic and the Kingdom of Belgium;

Desiring to take account of all the existing rules applicable to the delimitation of maritime spaces, with a view to arriving at an equitable solution;

Have agreed as follows:

Article 1

1. The boundary between the continental shelf of the French Republic and the continental shelf of the Kingdom of Belgium shall be a line composed of loxodromes connecting in the sequence given, the points defined as follows by their coordinates:

	<u>East longitude</u>	<u>North latitude</u>
Point 2	02° 23' 25"	51° 16' 09"
Point 3	02° 14' 18"	51° 33' 28"

2. The coordinates of the points specified in paragraph 1 are defined on European Datum (1st Adjustment 1950).

3. The line defined in paragraph 1 has been drawn, for purposes of illustration only, on the map annexed to this Agreement.

Article 2

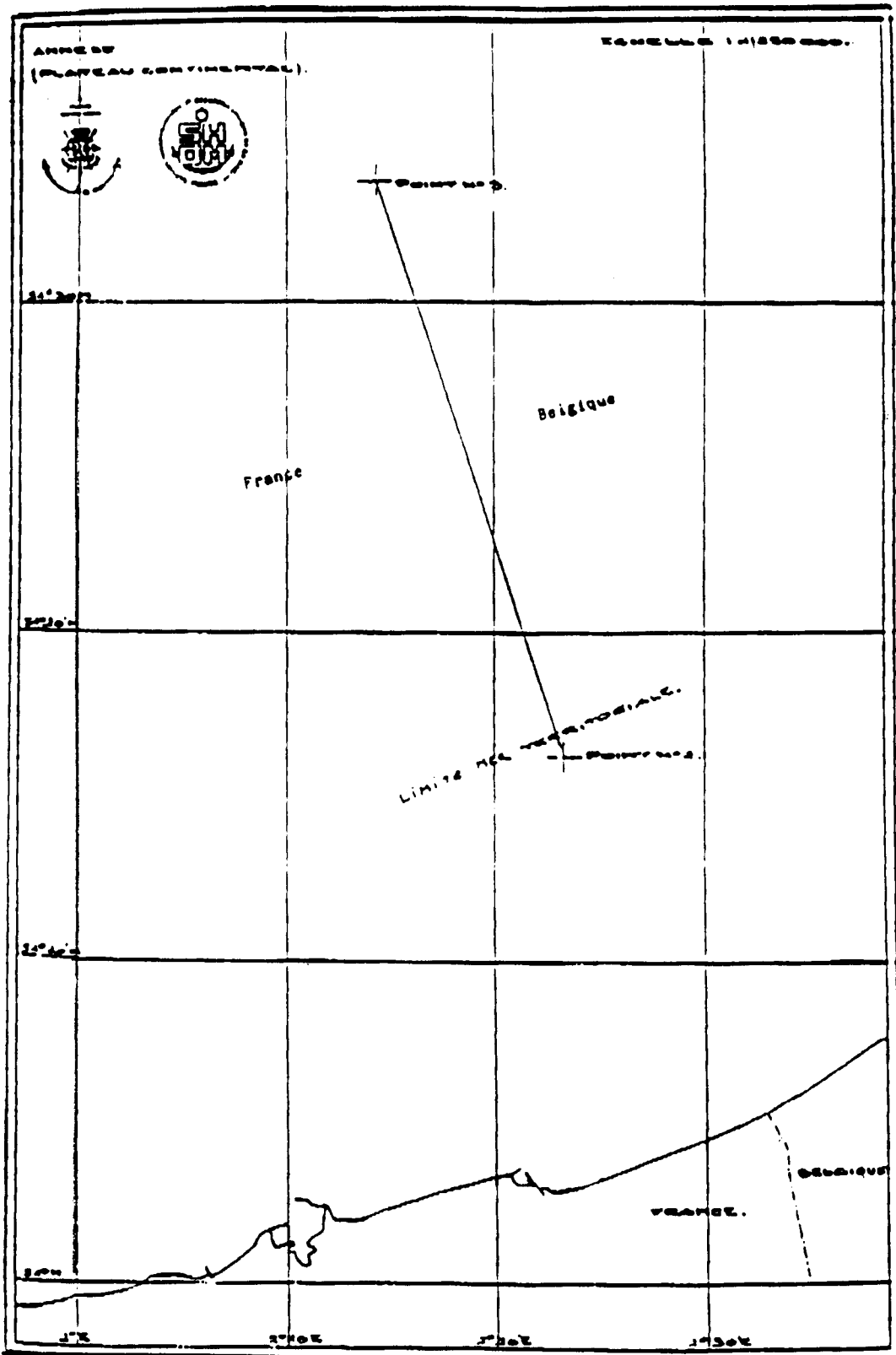
The points defined above have been arrived at after an attempt to find an equitable solution on the basis mainly of a compromise between two assumptions, one taking into account the low-tide elevations at the approaches to the French and Belgian coasts, and one taking into account the low-water line of the coast.

Article 3

Each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement. This Agreement shall enter into force on the date of receipt of the last notification.

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

DONE at Brussels on 8 October 1990.



- (d) Agreement between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the completion of the delimitation of the continental shelf in the southern North Sea, 23 July 1991

[Original: English and French]

The Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland;

Recalling article 2(2) of their Agreement of 24 June 1982 relating to the delimitation of the continental shelf in the area east of 30 minutes West of the Greenwich meridian, according to which the delimitation from point 14 to the tripoint between the boundaries of the continental shelf appertaining respectively to the Parties and to the Kingdom of Belgium is to be completed at the appropriate time by application of the same methods as were utilized for the definition of the boundary line between points 1 and 14;

Noting that, following the discovery of a material error in the coordinates used for the Banc Breedt in 1982, the coordinates of points 13 and 14 were corrected by the Note from the Ministry of Foreign Affairs to the British Embassy in Paris dated 21 March 1990 and the Embassy's Note in reply dated 27 March 1990;

Desiring to complete the definition of the boundry beyond point 14;

Have agreed as follows:

Article 1

1. The tripoint between the boundaries of the continental shelf appertaining respectively to the Parties and to the Kingdom of Belgium shall be defined on European Datum (1st Adjustment 1950), as follows:

Point 15: Lat. 51° 33' 28"N      Long. 2° 14' 18"E

2. The boundary between the parts of the continental shelf which appertain to the United Kingdom and the French Republic respectively in the area of the southern North Sea shall be a loxodrome joining points 14 and 15.

3. The boundary defined in paragraph 2 is illustrated on the chart annexed to this Agreement.

Article 2

It is hereby recorded that the corrected coordinates for points 13 and 14 are as follows:

Point 13: Lat. 51° 20' 11"N      Long. 2° 02' 18"E  
Point 14: Lat. 51° 30' 14"N      Long. 2° 07' 18"E

Article 3

1. Each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement.
2. The Agreement shall enter into force on the date when the last notification is received.

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

DONE in duplicate at London this 23rd day of July 1991 in the English and French languages, both texts equally authoritative.

2. Regional treaties

Convention on fisheries cooperation among African States  
bordering the Atlantic Ocean, 5 July 1991

[Original: English and French]

The African States Bordering the Atlantic Ocean, Parties to this Convention,

Mindful of the United Nations Convention on the Law of the Sea signed on 10 December 1982, in particular its provisions encouraging the conclusion of regional and subregional agreements on fisheries cooperation as well as other relevant international treaties;

Bearing in mind the Rabat Declaration adopted at the end of the Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean, which took place in the Kingdom of Morocco from 30 March to 1 April 1989;

Taking into account the existing regional and subregional fisheries agreements between States of the Region;

Convinced that, in view of the particular nature of the marine environment no rational management of stocks and consequently sustainable fisheries development may be secured without coordination of policies in this field, particularly among States belonging to the same region;

Convinced, therefore, of the need for regional consultation for the purpose of achieving harmonized policies regarding fishery resources exploitation, conservation and processing;

Determined, for that purpose, to promote between them and in collaboration with competent subregional, regional, and international organizations, active cooperation in line with the aspirations of States of the Region, within the context of a fisheries management strategy designed to serve the economic, social and nutritional development of their populations;

HAVE AGREED as follows:

Article 1  
Scope and use of terms

1. The provisions of this Convention shall apply to the following African States bordering the Atlantic Ocean:

People's Republic of Angola, Republic of Benin, Republic of Cameroon, Republic of Cape Verde, Republic of Congo, Republic of Côte d'Ivoire, Republic of Gabon, Republic of The Gambia, Republic of Ghana, Republic of Guinea, Republic of Guinea-Bissau, Republic of Equatorial Guinea, Republic of Liberia, Kingdom of Morocco, Islamic Republic of Mauritania, Republic of Namibia, Federal Republic of Nigeria, Democratic Republic of Sao Tome and Principe, Republic of Senegal, Republic of Sierra Leone, Republic of Togo, Republic of Zaire.

2. For the purpose of this Convention:

- (a) "Region": means the area comprising the above-mentioned States;
- (b) "Party": means any State party to this Convention;
- (c) "Convention": means this Convention.

Article 2  
Objectives

The objectives of this Convention shall be to enable Parties:

- (a) To promote an active and organized cooperation in the area of fisheries management and development in the Region;
- (b) To take up the challenge of food self-sufficiency through the rational utilization of fishery resources, within the context of an integrated approach that would embrace all the components of the fishing sector;
- (c) To stimulate the national economic sectors through the direct and secondary effects resulting from fishery resources exploitation, bearing in mind the importance of the fisheries sector in the economic, social and nutritional development process of the people of the Region;
- (d) To enhance, coordinate and harmonize their efforts and capabilities for the purpose of conserving, exploiting, upgrading and marketing fishery resources, considering in particular fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one Party;
- (e) To reinforce solidarity with African land-locked States and geographically disadvantaged States of the Region.

Article 3  
Conservation and management of fishery resources

1. Parties shall combine their efforts to ensure the conservation and rational management of their fishery resources and take concerted action for the assessment of fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one Party.
2. Parties shall establish and maintain an up-to-date inventory of human and material resources of the Region and shall conclude arrangements utilizing their complementary strengths in the area of fishery resources assessment.
3. Parties shall exchange scientific information regarding fishery resources, statistics relating to catch and fishing effort and other data relevant to the conservation and management of fish stocks with the objective of achieving their optimum utilization.
4. Parties shall endeavour to adopt harmonized policies concerning the conservation, management and exploitation of fishery resources, in particular with regard to the determination of catch quotas and, as appropriate, the adoption of joint regulation of fishing seasons.

Article 4

Assessment and conservation of highly migratory species

Parties undertake to exchange information on their activities regarding the assessment and conservation of highly migratory species and coordinate their actions in this area within the competent international organizations.

Article 5

Monitoring, surveillance and control of fishing vessels

Parties shall work and collaborate with all the means at their disposal, or which they may jointly acquire to ensure the monitoring, surveillance and control, including technical control, of fishing vessels operating in the Region.

Article 6

Development of fishery production and means of production

1. Parties shall give particular attention to development and upgrading of fishery production in all its forms so that the beneficial effects of fishing activity may contribute to the social and economic development of their people.
2. For the purpose of developing fishery production in the Region, Parties shall promote cooperation and encourage joint actions in the following priority areas:

- (a) The enhancement of the Region's capabilities with respect to freezing plants and fish processing facilities;
- (b) The modernization of means of production, particularly for artisanal fishing;
- (c) The promotion of undervalued or underexploited species;
- (d) The development of aquaculture and the utilization of technical improvements achieved in this area for the purpose of adapting it to the particular circumstances of the Region.

Article 7

Marketing of fishery products

1. Parties shall encourage the establishment of bilateral and multilateral cooperation in the marketing of fishery products so as to promote intra-African fish trade and to enhance the exporting capacities of Parties in the world market. To this end they undertake:
  - (a) To inquire into their needs and capacities regarding fishery products;
  - (b) To promote and harmonize laws and regulations concerning trade in fishery products;

- (c) To determine common positions regarding international trade in fishery products;
- (d) To promote the conclusion of bilateral or multilateral arrangements favouring, in particular, trade preferences and facilities for payment;
- (e) To identify and carry out measures capable of enhancing the quality image of fishery products of the Region.

2. Parties shall encourage meetings between operators from the fisheries sector in order to encourage the exchange of information on technological advances in fisheries and aquaculture and to promote the products of their respective fishing industries.

Article 8  
Fisheries planning and financing

With a view to promoting the fisheries sector and its connected industries at the macro-economic level, Parties shall endeavour:

- (a) To reinforce specialized bodies and capabilities, in particular those relating to economic and social analysis, in order to determine the required policies and strategies for the rational management and planned development of the fisheries of the Region;
- (b) To promote specific financing mechanisms in line with the needs of the Region's fisheries sector, in the form of a system of maritime credit or other appropriate system.

Article 9  
Social conditions of fishermen

Taking into account the vital role of the Region's fishermen in the development of artisanal and industrial fisheries, Parties agree to promote the improvement of their welfare, in particular with respect to professional standing and working conditions.

Article 10  
Enhancement of vocational and technical training

In order to meet more effectively the specific needs of the fisheries sector in terms of persons qualified at sea and on shore, Parties shall:

- (a) Promote the establishment of regional cooperation in the field of maritime training that would encompass technical, scientific, economic and legal aspects relevant to the fisheries sector. Such training will take into account relevant international standards and regulations as well as the evolution of maritime technologies;
- (b) Encourage optimum use of the Region's training institutions so as to foster the exchange of trainers and students as well as the joint formulation of training programmes;
- (c) Collaborate in the establishment and updating of a directory of training institutions in the Region that would in particular indicate the requirements for admission to these institutions;

- (d) Promote a common regional maritime training policy that would cover all levels and activities of the fisheries sector and give particular consideration to the training of women.

Article 11

Development of marine scientific research

1. Parties shall encourage the exchange of experience in the field of marine scientific research with a view to promoting joint activities aiming at achieving better knowledge of the marine environment and its resources and, in due course, formulating fisheries management plans as well as improving fishing techniques or gears adapted to the specific needs of the Region;
2. Parties shall encourage the twinning of the Region's institutions so as to allow the exchange of scientists and the formulation of research programmes as well as the optimum use of vessels and other means of research.

Article 12

Protection and preservation of the marine environment

Parties shall intensify their efforts at the national, regional and international levels, directly or with the assistance of competent regional or international organizations, to ensure the protection and preservation of the marine environment as well as the management of coastal areas of the Region.

To this end, they shall promote the strengthening of bilateral, subregional and international cooperation mechanisms dealing with the protection and preservation of the marine environment and coastal areas as well as the intensification of their activities, while taking into account the relevant international standards and regulations on the subject.

Article 13

Harmonization of policies

Parties shall endeavour to harmonize their fisheries policies. To this end:

- (a) They shall adopt at the national level, laws and regulations to ensure proper implementation of the provisions of this Convention and its protocols;
- (b) They shall encourage the exchange of information on fisheries laws and regulations and methods of their implementation;
- (c) They agree to consult one another in international conferences on fisheries in order to harmonize their positions.

Article 14

Fisheries cooperation agreements

Parties shall encourage the conclusion of fisheries agreements between them on a preferential basis. Furthermore, they shall exchange their experience in the negotiation and conclusion of fisheries cooperation agreements with third parties.

Article 15  
Maritime data and information bank

With a view to promoting the dissemination of scientific, economic, technical and legal data and information regarding the Region's fisheries, Parties shall collaborate in the establishment and operation of a data and information bank, in cooperation with relevant subregional, regional and international organizations.

Article 16  
Solidarity with land-locked African States and with geographically disadvantaged States of the region

Parties affirm their solidarity with land-locked African States and with geographically disadvantaged States of the Region and shall establish active cooperation with them.

Article 17  
Institutional framework

1. For the purpose of implementing this Convention and its protocols, Parties shall establish an institutional framework comprising the Conference of Ministers, the Bureau and the Secretariat.

- (a) The Conference of Ministers is the governing and decision-making body with respect to fisheries cooperation among the Parties. It shall determine the objectives and principles governing programmes and activities to be carried out under this Convention. It shall hold a regular session once every two years and a special session at the request of a majority of the Parties;
- (b) The Bureau is the coordinating organ of the Conference of Ministers;
- (c) The Secretariat is the executive organ.

2. The Conference of Ministers shall define the status of the above-mentioned organs.

3. Third States and competent governmental and nongovernmental international organizations may be invited as observers to the sessions and meetings of the said organs.

Article 18  
Budget

A regional fisheries development fund (RFDF) shall be established. Such fund shall be managed by the secretariat and the modalities concerning its establishment and operation shall be determined by the Conference of Ministers. The fund shall be used:

- (a) To cover the operating expenses of the secretariat;
- (b) To finance project and programme activities to be carried out under this Convention.

Article 19  
Protocols

Parties shall prepare and adopt additional protocols establishing measures, procedures and standards for the purpose of clarifying and improving the methods by which the provisions of this Convention shall be implemented.

Article 20  
Cooperation with other organizations

With a view to achieving the objectives of this Convention, Parties shall cooperate through all appropriate means with relevant subregional, regional and international organizations, as well as with any other concerned institution.

Article 21  
Settlement of disputes

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with the Charter of the United Nations.

Article 22  
Signature

This Convention shall remain open for signature by States of the Region with the Government of Senegal and also with the Depositary until 31 December 1992.

Article 23  
Ratification, acceptance, approval and accession

This Convention shall be subject to ratification, acceptance or approval by States which have signed it and shall remain open for accession by other States of the Region in accordance with their respective procedures.

Article 24  
Entry into force

This Convention shall enter into force thirty (30) days following the deposit with the Director General of the Food and Agriculture Organization of the United Nations of the seventh instrument of ratification, approval or accession.

For each of the States which ratifies the Convention or accedes after the deposit of the seventh instrument of ratification or accession, the Convention shall enter into force thirty (30) days after the deposit by that State of its instrument of its ratification or accession.

Article 25  
Amendments

Any Party may propose amendments to this Convention and its protocols. Amendments shall be circulated to all Parties six (6) months prior to their consideration.

Amendments shall be adopted by a two-thirds majority of the Parties and shall enter into force ninety (90) days after their adoption.

Article 26  
Denunciation

Five (5) years after the coming into force of the Convention any Party may denounce it, provided that it notifies to the Depositary its intention to do so.

A denunciation shall take effect one year after receipt of this notification.

Article 27  
Depositary

1. This Convention shall be deposited with:

The Director General of the Food and Agriculture Organization of the United Nations who shall transmit certified true copies of this Convention to the Governments of States which have signed it.

2. The Depositary shall notify:

- (a) Each new signatory of the Convention, and the deposit of an instrument of ratification, acceptance, approval or accession;
- (b) The date on which the Convention enters into force;
- (c) The date of coming into force of this Convention to proposals for amendments presented in accordance with article 25 and the date of coming into force of amendments adopted;
- (d) The intention to denounce this Convention in accordance with article 26 together with the date on which the denunciation takes effect.

Article 28  
Languages

This Convention is established in a single original in the English and French languages, each text being equally authentic.

A certified true copy of this Convention shall be transmitted to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

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

DONE in Dakar this 5th day of July 1991.

3. Multilateral treaties

Status of the Convention for the prohibition of fishing  
with long driftnets in the South Pacific, 6 June 1991 \*

The Permanent Mission of New Zealand to the United Nations presents its compliments to the United Nations Office for Ocean Affairs and Law of the Sea and has the honour to advise that the New Zealand Government, as the Depository for the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific (The Convention) and for Protocols I and II to the Convention, wishes to communicate the following information:

I. Convention

Instruments of ratification to the Convention were deposited with the New Zealand Government by the Governments of the following States and territories on the dates indicated:

Cook Islands	24.01.90
Federated States of Micronesia	20.12.90
New Zealand	17.05.91
Tokelau	17.05.91

The conditions for entry into force of the Convention, as provided in article 13(1), were met upon the deposit of the fourth instrument of ratification on 17 May 1991, and accordingly the Convention entered into force on that date.

II. Protocol I

On 26 February 1991 Protocol I to the Convention was signed on behalf of the United States of America. In accordance with article 7(3), Protocol I enters into force for each State on the date of deposit of its instrument and ratification with the New Zealand Government.

---

\* Communicated by the Permanent Mission of New Zealand to the United Nations in Note verbale No. 4/137/12, dated 6 June 1991.

### III. OTHER INFORMATION

- A. Conservation and management of living resources of the high seas: proposal submitted to the third session of the Preparatory Committee for the United Nations Conference on Environment and Development, Geneva, 12 August-4 September 1991 \*

Protection of the oceans and all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources

Principles and measures for an effective regime based on the United Nations Convention on the Law of the Sea

#### BACKGROUND

1. Pursuant to the United Nations Convention on the Law of the Sea, States fishing on the high seas have three fundamental obligations with respect to the conservation and management of living resources:
  - (a) To adopt with respect to their nationals measures for the conservation and management of living resources (art. 117);
  - (b) To cooperate with other States in taking such measures (art. 117);
  - (c) To seek to agree with the coastal States on measures necessary to ensure the conservation of straddling stocks (arts. 116 and 63 (2)) and to cooperate in the conservation of highly migratory species (art. 64).
2. Articles 119 and 120 provide obligations ancillary to these fundamental obligations.
3. Experience shows that, while constituting a sound framework, in a number of high seas areas these obligations are not being implemented as intended. In these areas there are problems of unregulated fishing, vessel reflagging to escape controls, harmful fishing practices such as driftnetting, overfishing, lack of surveillance, control and enforcement and, in general, lack of the required cooperation with other States. Resort to these harmful practices is increasing and may spread to other areas of the high seas.
4. It is necessary to identify and achieve international agreement on principles and measures, consistent with the Convention, to eliminate these practices and thus provide for an effective conservation regime on the high seas giving full effect to the Convention's provisions. Following is a proposed list of such principles and measures for inclusion in Agenda 21.

---

\* Communicated by the Permanent Mission of Chile to the United Nations to the Office for Ocean Affairs and the Law of the Sea in Note verbale No. 132/91, dated 17 September 1991; document A/CONF.151/PC/WG.II/L.16, dated 15 August 1991, co-sponsors: Argentina, Barbados, Canada, Cape Verde, Chile, Fiji, Guinea, Guinea-Bissau, Iceland, Kiribati, New Zealand, Peru, Samoa, Senegal, Solomon Islands and Vanuatu.

## PRINCIPLES

(a) High seas fishing must be carried out only on the basis of sustainable ecologically sound practices, effectively monitored and enforced, in order to ensure conservation and promote optimum utilization of the living resources.

(b) In order to ensure sustained conservation of those resources, fisheries management regimes must effectively maintain the ecological relationship between dependent and associated populations, prevent any decrease in the size of harvested populations below those necessary to ensure their stable recruitment and avoid adverse impacts or changes in the marine ecosystem.

(c) On the high seas, States fishing a stock which straddles the 200-mile limit of a coastal State, or highly migratory species which are found within that limit, must take all measures necessary to give effect to the special interest and responsibility of the coastal State concerning the portion of the stock outside the 200-mile limit and in the highly migratory species while outside that limit.

(d) High seas fishing must not have an adverse impact on the resources under the jurisdiction of coastal States.

## MEASURES

1. States must effectively monitor and control fishing activities of their nationals, vessels and crews thereof on the high seas to ensure the conservation of the resources, compliance with applicable conservation and management rules, complete and accurate reporting of catches and efforts, and avoidance of incidental catches.
2. States must make available to appropriate international organizations all data relating to catches on the high seas as well as scientific data on these catches. States fishing the same stocks must also cooperate through the exchange of such data.
3. States must ensure that vessels authorized to fly their flag comply with the conservation and management rules adopted by competent international organizations or, where no such organization exists, through other international arrangements.
4. States must establish penalties under domestic law, and take legal action against their nationals, vessels and crews thereof, for any violation of rules adopted by competent international organizations or, where no such organizations exist, through other international arrangements, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States must take similar action for any violation of domestically instituted conservation and management rules.
5. States whose nationals or vessels fish in the same area of the high seas must cooperate to establish international arrangements or organizations to ensure sustainable and optimally developed fisheries through effective conservation and management regimes, including as appropriate reciprocal inspection and enforcement systems and dispute settlement mechanisms.

6. States must cooperate with competent international organizations or, where such organizations do not exist, through other international arrangements, and ensure that their nationals, vessels and crews thereof, do not violate rules adopted pursuant to such regimes.

7. In areas of the high seas where a management regime has been agreed within the framework of a competent international organization or, where such an organization does not exist, through another international arrangement, States must ensure that high seas fishing is undertaken only in accordance with the conservation and management rules adopted under that organization or arrangement.

8. With respect to a stock occurring both within the exclusive economic zone of a coastal State and in an area of the high seas adjacent to it, the management regime applied to the stock must provide for consistency of the measures applied on the high seas with those applied by the coastal State within its exclusive economic zone.

9. With respect to a highly migratory species, the management regime on the high seas must fully recognize the sovereign rights of the coastal State in its exclusive economic zone and, taking into account the special interest of the coastal State in the species while outside its zone, avoid an adverse impact on the resources within that zone.

B. Corrigendum to Bulletin No. 18 of June 1991

Page 33, replace article 1, paragraph 1, by the following:

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

	<u>LATITUDE SOUTH</u>	<u>LONGITUDE EAST</u>
Point 23	15° 44' 07"	158° 45' 39"
Point 24	16° 07' 37"	160° 14' 54"
Point 25	15° 12' 17"	162° 19' 26"
Point 26 (a)	14° 50' 03"	163° 10'

-----

