

LAW OF THE SEA BULLETIN

No. 26

OCTOBER 1994



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
OFFICE OF LEGAL AFFAIRS

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. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA	1
A. Status of the United Nations Convention on the Law of the Sea	1
1. Alphabetical list of States which have ratified, acceded or succeeded to the United Nations Convention on the Law of the Sea	1
2. Communication by Tunisia concerning the declaration made by Malta upon ratification of the Convention, 27 May 1994	4
B. Status of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982	5
II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA	19
A. Recent national legislation received from Governments	19
1. Canada:	
(a) Notification in relation to the compulsory jurisdiction of the International Court of Justice, 10 May 1994	19
(b) An Act to amend the Coastal Fisheries Protection Act	20
2. Cape Verde: Law No. 60/IV/92 delimiting the maritime areas of the Republic of Cape Verde and revoking Decree-Law No. 126/77 and all legal provisions which contravene this law	24
3. Sweden: Ordinance on Sweden's Exclusive Economic Zone, issued on 3 December 1992	31
4. United Arab Emirates: Circular No. 34 of 1994 concerning the entry of vessels into the seaports of the United Arab Emirates and their departure therefrom, 24 May 1994	34
B. Communications from States	35
Comments of the Islamic Republic of Iran concerning the viewpoints of the Government of the United States of America regarding the Act on Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea of 2 May 1993	35
C. Statements received from Governments	39
1. Belize: Letter dated 22 March 1994 from the Minister for Foreign Affairs of Belize to the Secretary-General concerning Belize's regional and general relations and policy, particularly with reference to its territorial (including maritime) limits	39

CONTENTS (continued)

	<u>Page</u>
2. Guatemala: Letter dated 4 March 1994 from the Minister for Foreign Affairs of Guatemala addressed to the Secretary-General concerning the situation of the territorial and maritime limits between Guatemala and Belize	41
3. Thailand: Statement of the Ministry of Foreign Affairs of Thailand regarding the forfeiture of foreign fishing vessels and the imprisonment of foreign fishermen on the offence of violating fisheries laws and regulations in the exclusive economic zone, transmitted to the Secretary-General of the United Nations on 3 May 1993	44
D. Treaties	45
1. Bilateral treaties	45
(a) Treaty on the delimitation of the maritime frontier between the Republic of Cape Verde and the Republic of Senegal, 17 February 1993	45
(b) Maritime delimitation treaty between Jamaica and the Republic of Colombia, 12 November 1993	50
(c) Agreement between the Republic of Albania and the Republic of Italy for the determination of the continental shelf of each of the two countries, 18 December 1992	54
2. Regional treaties and declarations	57
(a) Convention for the Conservation of Southern Bluefin Tuna, 10 May 1993	57
(b) Agreement on cooperation in research, conservation and management of marine mammals in the North Atlantic, 9 April 1992	66
(c) Lisbon declaration on implementation by local authorities of the marine chapter of Agenda 21 of the United Nations Conference on Environment and Development	69
(d) Note verbale dated 12 July 1994 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General: Declaration of Buenos Aires adopted on 9 June 1994 by the International Seminar on the Adoption of an Effective Regime for the Conservation of Living Resources in the Area Adjacent to the Exclusive Economic Zone	76

CONTENTS (continued)

	<u>Page</u>
III. OTHER INFORMATION	79
A. International Court of Justice - Communiqué: Cameroon brings a case against Nigeria	79
B. Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, tentative schedule of meetings for 1994/1995 in relation to the entry into force of the Convention	81
C. <u>Note from the Editor</u>	82

I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Status of the United Nations Convention on the Law of the Sea

1. Alphabetical list of States which have ratified, acceded or succeeded to the United Nations Convention on the Law of the Sea

State/Entity	Date of ratification/ accession <u>a</u>/ succession <u>s</u>/
Angola	5 December 1990
Antigua and Barbuda	2 February 1989
Australia	5 October 1994
Bahamas	29 July 1983
Bahrain	30 May 1985
Barbados	12 October 1993
Bosnija and Herzegovina	12 January 1994 <u>s</u>/
Belize	13 August 1983
Botswana	2 May 1990
Brazil	22 December 1988
Cameroon	19 November 1985
Comoros	23 June 1994
Cape Verde	10 August 1987
Costa Rica	21 September 1992
Côte d'Ivoire	26 March 1984
Cuba	15 August 1984
Cyprus	12 December 1988
Djibouti	8 October 1991
Dominica	24 October 1991
Egypt	26 August 1983
Fiji	10 December 1982
Gambia	22 May 1984
Germany	14 October 1994 <u>a</u>/
Ghana	7 June 1983
Grenada	25 April 1991

State/Entity	Date of ratification/ accession <u>a</u> / succession <u>s</u> /
Guinea	6 September 1985
Guinea-Bissau	25 August 1986
Guyana	16 November 1993
Honduras	5 October 1993
Iceland	21 June 1985
Indonesia	3 February 1986
Iraq	30 July 1985
Jamaica	21 March 1983
Kenya	2 March 1989
Kuwait	2 May 1986
Mali	16 July 1985
Malta	20 May 1993
Marshall Islands	9 August 1991 <u>a</u> /
Mexico	18 March 1983
Micronesia (Federated States of)	29 April 1991 <u>a</u> /
Namibia	18 April 1983
Nigeria	14 August 1986
Oman	17 August 1989
Paraguay	26 September 1986
Philippines	8 May 1984
Saint Kitts and Nevis	7 January 1993
Saint Lucia	27 March 1985
Saint Vincent and the Grenadines	1 October 1993
Sao Tome and Principe	3 November 1987
Senegal	25 October 1984
Seychelles	16 September 1991
Somalia	24 July 1989
Sri Lanka	19 July 1994

State/Entity	Date of ratification/ accession <u>a</u> / succession <u>s</u> /
Sudan	23 January 1985
The former Yugoslav Republic of Macedonia	19 August 1994 <u>s</u> /
Togo	16 April 1985
Trinidad and Tobago	25 April 1986
Tunisia	24 April 1985
Uganda	9 November 1990
United Republic of Tanzania	30 September 1985
Uruguay	10 December 1992
Viet Nam	25 July 1994
Yemen	21 July 1987
Yugoslavia	5 May 1986
Zaire	17 February 1989
Zambia	7 March 1983
Zimbabwe	24 February 1993

Sixty-seven (67) ratifications, accessions or successions deposited with the Secretary-General as of 14 October 1994.

2. Communication by Tunisia concerning the declaration made by Malta upon ratification of the Convention, 27 May 1994 ^{1/}

**[Original: French]
[22 February 1994]**

...In that declaration, articles 74 and 83 of the Convention are interpreted to mean that, in the absence of any agreement on delimitation of the exclusive economic zone, the continental shelf or other maritime zones, the search for an equitable solution assumes that the boundary is the median line, in other words, a line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters is measured.

The Tunisian Government believes that such an interpretation is not in the least consistent with the spirit and letter of the provisions of these articles, which do not provide for automatic application of the median line with regard to delimitation of the exclusive economic zone or the continental shelf.

^{1/} See Law of the Sea Bulletin No. 25, p. 15.

B. Status of the Convention and of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

19 October 1994

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{3/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Afghanistan *		Yes/-			
Albania		Yes/-			
Algeria *		Yes/-	29 July 1994		
Andorra		Yes/-			
Angola *	5 December 1990	-/-			
Antigua and Barbuda *	2 February 1989	-/Co-sponsor			
Argentina *		Yes/Co-sponsor	29 July 1994		
Armenia		Yes/-			
Australia *	5 October 1994	Yes/Co-sponsor	29 July 1994 +		5 October 1994
Austria *		Yes/Co-sponsor	29 July 1994 +		
Azerbaijan		-/-			
Bahamas *	29 July 1983	Yes/Co-sponsor	29 July 1994		
Bahrain *	30 May 1985	Yes/-			

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{3/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Bangladesh *		Yes/-			
Barbados *	12 October 1993	-/-			
Belarus *		Yes/-			
Belgium *		Yes/Co-sponsor	29 July 1994 +		
Belize *	13 August 1983	Yes/-			
Benin *		Yes/Co-sponsor			
Bhutan *		Yes/-			
Bolivia *		Yes/-			
Bosnia and Herzegovina	12 January 1994 ^{2/}	-/-			
Botswana *	2 May 1990	Yes/Co-sponsor			
Brazil *	22 December 1988	Yes/Co-sponsor	29 July 1994 +	No	
Brunei Darussalam *		Yes/-			
Bulgaria *		Yes/-			
Burkina Faso *		-/-			
Burundi *		Yes/-			
Cambodia *		Yes/-			

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{3/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{3/}
Cameroon *	19 November 1985	Yes/Co-sponsor			
Canada *		Yes/-	29 July 1994 +		
Cape Verde *	10 August 1987	Yes/-	29 July 1994		
Central African Republic *		-/-			
Chad *		-/-			
Chile *		Yes/Co-sponsor			
China *		Yes/Co-sponsor	29 July 1994 +		
Colombia *		Abst./-			
Comoros *	21 June 1994	-/-			
Congo *		Yes/-			
<i>Cook Islands</i> *					
Costa Rica *	21 September 1992	-/-			
Côte d'Ivoire *	26 March 1984	Yes/-			
Croatia		-/-			
Cuba *	15 August 1984	Yes/-			
Cyprus *	12 December 1988	Yes/-			

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{3/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Czech Republic *		Yes/-			
Democratic People's Republic of Korea *		-/-			
Denmark *		Yes/Co-sponsor	29 July 1994 +	No until further notice	
Djibouti *	8 October 1991	-/-			
Dominica *	24 October 1991	-/-			
Dominican Republic *		-/-			
Ecuador		-/-			
Egypt *	26 August 1983	Yes/-			
El Salvador *		-/-			
Equatorial Guinea *		-/-			
Eritrea		Yes/-			
Estonia		Yes/-			
Ethiopia *		Yes/-			
<i>European Community</i> *			29 July 1994 +	Upon notification	
Fiji *	10 December 1982	Yes/Co-sponsor	29 July 1994		

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{2/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Finland *		Yes/Co-sponsor	29 July 1994 +		
France *		Yes/Co-sponsor	29 July 1994 +	Yes 19 October 1994	
Gabon *		Yes/-			
Gambia *	22 May 1984	-/-			
Georgia		-/-			
Germany	14 October 1994 ^{2/}	Yes/Co-sponsor	29 July 1994 +		14 October 1994
Ghana *	7 June 1983	Yes/-			
Greece *		Yes/Co-sponsor	29 July 1994 +		
Grenada *	25 April 1991	Yes/Co-sponsor			
Guatemala *		-/-			
Guinea *	6 September 1985	-/-	26 August 1994		
Guinea-Bissau *	25 August 1986	-/Co-sponsor			
Guyana *	16 November 1993	Yes/Co-sponsor			
Haiti *		-/-			
Holy See ^{3/}					

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{3/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Honduras *	5 October 1993	Yes/-			
Hungary *		Yes/-			
Iceland *	21 June 1985	Yes/Co-sponsor	29 July 1994		
India *		Yes/Co-sponsor	29 July 1994 +		
Indonesia *	3 February 1986	Yes/Co-sponsor	29 July 1994		
Iran (Islamic Republic of) *		Yes/-			
Iraq *	30 July 1985	Yes/-			
Ireland *		Yes/Co-sponsor	29 July 1994 +	No	
Israel		-/-			
Italy *		Yes/Co-sponsor	29 July 1994	No until further notice	
Jamaica *	21 March 1983	Yes/Co-sponsor	29 July 1994		
Japan *		Yes/Co-sponsor	29 July 1994 +	Upon notification	
Jordan		Yes/-			
Kazakhstan		-/-			
Kenya *	2 March 1989	Yes/Co-sponsor	29 July 1994		

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{2/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
<i>Kiribati</i> ^{3/}					
Kuwait *	2 May 1986	Yes/-			
Kyrgyzstan		-/-			
Lao People's Democratic Republic *		Yes/-			
Latvia		-/-			
Lebanon *		-/-			
Lesotho *		-/-			
Liberia *		-/-			
Libyan Arab Jamahiriya *		Yes/-			
Liechtenstein *		Yes/-			
Lithuania		-/-			
Luxembourg *		Yes/Co-sponsor	29 July 1994		
Madagascar *		Yes/-			
Malawi *		-/-			
Malaysia *		Yes/-	2 August 1994 +		

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{3/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Maldives *		Yes/-	10 October 1994		
Mali *	16 July 1985	-/-			
Malta *	20 May 1993	Yes/Co-sponsor	29 July 1994		
Marshall Islands	9 August 1991 ^{2/}	Yes/Co-sponsor			
Mauritania *		-/-	2 August 1994 +		
Mauritius *		Yes/-			
Mexico *	18 March 1983	Yes/-			
Micronesia (Fed. States of)	29 April 1991 ^{2/}	Yes/Co-sponsor	10 August 1994 +		
Monaco *		Yes/-			
Mongolia *		Yes/-	17 August 1994		
Morocco *		Yes/-	19 August 1994	No	
Mozambique *		Yes/-			
Myanmar *		Yes/Co-sponsor			
Namibia *	18 April 1983	Yes/Co-sponsor	29 July 1994		
Nauru * ^{3/}					
Nepal *		Yes/-			

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{3/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Netherlands *		Yes/Co-sponsor	29 July 1994 +		
New Zealand *		Yes/Co-sponsor	29 July 1994		
Nicaragua *		Abst./-			
Niger *		-/-			
Nigeria *	14 August 1986	Yes/-			
Niue *					
Norway *		Yes/Co-sponsor			
Oman *	17 August 1989	Yes/-			
Pakistan *		Yes/-	10 August 1994		
Palau * ^{4/}					
Panama *		Abst./-			
Papua New Guinea *		Yes/Co-sponsor			
Paraguay *	26 September 1986	Yes/-	29 July 1994		
Peru		Abst./-			
Philippines *	8 May 1984	Yes/-			
Poland *		Yes/-	29 July 1994 +	Upon notification	

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{2/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Portugal *		Yes/Co-sponsor	29 July 1994 +	No	
Qatar *		Yes/-			
Republic of Korea *		Yes/Co-sponsor			
Republic of Moldova		Yes/-			
Romania *		Yes/-		No until further notice	
Russian Federation *		Abst./-			
Rwanda *		-/-			
Saint Kitts and Nevis *	7 January 1993	-/-			
Saint Lucia *	27 March 1985	-/-			
Saint Vincent and the Grenadines *	1 October 1993	-/-			
Samoa *		Yes/Co-sponsor			
San Marino		-/-			
Sao Tome and Principe *	3 November 1987	-/-			
Saudi Arabia *		Yes/-			
Senegal *	25 October 1984	Yes/Co-sponsor	9 August 1994 +		

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{2/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Seychelles *	16 September 1991	Yes/Co-sponsor	29 July 1994		
Sierra Leone *		-/-			
Singapore *		Yes/Co-sponsor			
Slovakia *		Yes/-			
Slovenia *		Yes/-			
Solomon Islands *		-/Co-sponsor			
Somalia *	24 July 1989	-/-			
South Africa *		Yes/-	3 October 1994		
Spain *		Yes/Co-sponsor	29 July 1994 +	Upon notification	
Sri Lanka *	19 July 1994	Yes/Co-sponsor	29 July 1994 ^{2/}		
Sudan *	23 January 1985	Yes/-	29 July 1994 +		
Suriname *		Yes/-			
Swaziland *		-/-	12 October 1994		
Sweden *		Yes/Co-sponsor	29 July 1994 +	No	
Switzerland * ^{3/}					
Syrian Arab Republic		-/-			

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{3/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
Tajikistan		-/-			
Thailand *		Abst./-			
The former Yugoslav Republic of Macedonia	19 August 1994 ^{2/}	-/-			19 August 1994 ^{2/}
Togo *	16 April 1985	Yes/-	3 August 1994		
<i>Tonga</i> ^{3/}					
Trinidad and Tobago *	25 April 1986	Yes/Co-sponsor	10 October 1994		
Tunisia *	24 April 1985	Yes/-			
Turkey		-/-			
Turkmenistan		-/-			
<i>Tuvalu</i> * ^{3/}					
Uganda *	9 November 1990	Yes/-	9 August 1994		
Ukraine *		Yes/-			
United Arab Emirates *		Yes/-			
United Kingdom		Yes/Co-sponsor	29 July 1994 +		
United Republic of Tanzania *	30 September 1985	Yes/Co-sponsor	7 October 1994 +		

State or entity ^{1/}	UNCLOS Date of ratification / accession ^{2/} / succession ^{2/}	General Assembly resolution 48/263 vote/Co-sponsorship	Agreement relating to the implementation of Part XI of UNCLOS		
			Signature ^{2/}	Provisional application	Ratification / accession ^{2/} / participation ^{2/}
United States of America		Yes/Co-sponsor	29 July 1994 +		
Uruguay *	10 December 1992	Yes/Co-sponsor	29 July 1994 +	No	
Uzbekistan		-/-			
Vanuatu *		Yes/Co-sponsor	29 July 1994 +		
Venezuela		Abst./-			
Viet Nam *	25 July 1994	Yes/-			
Yemen *	21 July 1987	-/-			
Yugoslavia *	5 May 1986	-/-			
Zaire *	17 February 1989	-/-			
Zambia *	7 March 1983	-/-			
Zimbabwe *	24 February 1993	Yes/-			

NOTES

- 1/ * States which have signed the United Nations Convention on the Law of the Sea.
- 2/ + States which have signed the Agreement "subject to ratification".
- 3/ Non-member State of the United Nations.
- 4/ Non-member State of the United Nations, became independent as of 1 October 1994.
- 5/ State which has signed the Agreement and selected the application of the simplified procedure set out in article 5.

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

A. Recent national legislation received from Governments

1. Canada

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

On behalf of the Government of Canada,

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

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

Louise Fréchette, Ambassador
and Permanent Representative

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

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

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

- (a) the waters of the Northwest Atlantic Ocean north of 35°00' north latitude and west of a line extending due north from 35°00' north latitude and 42°00' west longitude to 59°00' north latitude, thence due west to 44°00' west longitude and thence due north to the coast of Greenland, and**
- (b) the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' north latitude;**

'straddling stock' means a prescribed stock of fish.'

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

"5.1 Parliament, recognizing:

- (a) that straddling stocks on the Grand Banks of Newfoundland are a major renewable world food source having provided a livelihood for centuries to fishers,**
- (b) that those stocks are threatened with extinction,**
- (c) that there is an urgent need for all fishing vessels to comply in both Canadian fisheries waters and the NAFO Regulatory Area with sound conservation and management measures for those stocks, notably those measures that are taken under the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on 24 October 1978, Canada Treaty Series 1979, No. 11, and**
- (d) that some foreign fishing vessels continue to fish for those stocks in the NAFO Regulatory Area in a manner that undermines the effectiveness of sound conservation and management measures,**

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

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

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

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

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

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

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

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

"(b.4) prescribing the manner in which and the extent to which a protection officer is permitted to use the force referred to in section 8.1;

"(b.5) prescribing forms that may be used instead of the forms set out in Part XXVIII of the Criminal Code in proceedings against fishing vessels under this Act or the Fisheries Act;

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

"7. A protection officer may

"(a) for the purpose of ensuring compliance with this Act and the regulations, board and inspect any fishing vessel found within Canadian fisheries waters or the NAFO Regulatory Area; and

"(b) with a warrant issued under section 7.1, search any fishing vessel found within Canadian fisheries waters or the NAFO Regulatory Area and its cargo.

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

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

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

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

"(a) is proceeding lawfully to arrest the master or other person in command of the vessel;
and

"(b) believes on reasonable grounds that the force is necessary for the purpose of arresting that master or other person."

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

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

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

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

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

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

(a) in the NAFO Regulatory Area on board or by means of a foreign fishing vessel on board or by means of which a contravention of section 5.2 has been committed; or

(b) in the course of continuing pursuit that commenced while a foreign fishing vessel was in Canadian fisheries waters or the NAFO Regulatory Area.

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

(a) on board the foreign fishing vessel; or

(b) where pursuit has been commenced, at any place on the seas, other than a place that is in the territorial sea or internal waters of a State other than Canada.

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

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

"18.3 A proceeding in respect of

(a) an offence under this Act consisting of a contravention of section 5.2, or

(b) an offence referred to in section 18.1 that is committed outside Canada may, whether or not the accused is in Canada, be commenced in any territorial division in Canada and the accused may be tried and punished for that offence in the same manner as if the offence had been committed in that territorial division.

"18.4 No proceeding in respect of

(a) an offence under this Act consisting of a contravention of section 5.2;

(b) an offence referred to in section 18.1; or

(c) an offence under paragraph 17 (d) consisting of resistance to or obstruction of a protection officer in the execution of the officer's duty in relation to section 5.2

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

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

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

(a) if section 2 of that Act enacts section 8.1 of the Coastal Fisheries Protection Act but section 2 does not come into force before the day on which this Act is assented to, section 2 of that Act and the heading before it are repealed on the later of the day on which that Act is assented to and the day on which this Act is assented to; or

(b) if section 2 of that Act enacts section 8.1 of the Coastal Fisheries Protection Act and section 2 comes into force before the day on which this Act is assented to, section 8.1 of the Coastal Fisheries Protection Act, as enacted by section 2 of that Act, is repealed on the day on which this Act, other than subsection 6 (2) and this section, comes into force.

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

2. Cape Verde

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

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

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

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

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

CHAPTER I Maritime areas

Article 1

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

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

CHAPTER II Archipelagic waters

Article 2

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

Article 3

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

- (a) The respective mass of water, whatever its depth or breadth;

- (b) The superjacent airspace and the bed and subsoil of the corresponding sea;
- (c) The living and non-living resources in these waters.

Article 4

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

Article 5

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

Article 6

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

CHAPTER III **Territorial sea**

Article 7

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

Article 8

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

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

Article 9

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

CHAPTER IV **Contiguous zone**

Article 10

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

Article 11

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

CHAPTER V

Exclusive economic zone

Article 12

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

Article 13

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

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

(b) Exclusive jurisdiction, with regard to:

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

Article 14

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

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

Article 15

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

Article 16

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

CHAPTER VI
Continental shelf

Article 17

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

Article 18

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

Article 19

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

Article 20

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

CHAPTER VII
General provisions

Article 21

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

Article 22

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

- (a) Protection of the marine environment;
- (b) Artificial installations;
- (c) Submarine pipelines and cables;
- (d) Archaeological and historical objects;

- (e) Scientific marine research;
- (f) Sea lanes in the archipelagic waters;
- (g) Drilling on the continental shelf;
- (h) Contiguous zones;
- (i) Exercise of the right of innocent passage by foreign ships in the archipelagic waters and in the territorial sea.

Article 23

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

Article 24

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

Point	Latitude N	Longitude W	Observ.
A-	14° 48' 43.17"	24° 43' 48.85"	I. Brava
C-P1 a Rainha	14° 49' 59.10"	24° 45' 33.11"	I. Brava
C-P1 a Fajã	14° 51' 52.19"	24° 45' 09.19"	I. Brava
D-P1 Vermelharia	16° 29' 10.25"	24° 19' 55.87"	S. Nicolau
E-	16° 36' 37.32"	24° 36' 13.93"	Ilheu Raso
F-P1 a da Peça	16° 54' 25.10"	25° 18' 11.00"	Santo Antao
F-	16° 54' 40.00"	25° 18' 32.00"	Santo Antao
G-P1 a Camarim	16° 55' 32.98"	25° 19' 10.76"	Santo Antao
H-P1 a Preta	17° 02' 28.66"	25° 21' 51.67"	Santo Antao
I-P1 a Mangrade	17° 03' 21.06"	25° 21' 54.44"	Santo Antao
J-P1 a Portinha	17° 05' 33.10"	25° 20' 29.91"	Santo Antao
K-P1 a de Sol	17° 12' 25.21"	25° 05' 56.15"	Santo Antao
L-P1 a Sinagoga	17° 10' 41.58"	25° 01' 38.24"	Santo Antao

Point	Latitude N	Longitude W	Observ.
M-Pta Espechim	16° 40' 51.64"	24° 20' 38.79"	S. Nicolau
N-Pta Norte	16° 51' 21.13"	22° 55' 40.74"	Sal
O-Pta Casaca	16° 50' 01.69"	22° 53' 50.14"	Sal
P-Ilheu Cascalho	16° 11' 31.04"	22° 40' 52.44"	I. Boavista
P1-Ilheu Baluarte	16° 09' 05.00"	22° 39' 45.00"	I. Boavista
Q-Pta do Roque	16° 05' 09.83"	22° 40' 26.05"	I. Boavista
R-Pta Flamengas	15° 10' 03.89"	23° 05' 47.90"	I. Maio
S-	15° 09' 02.21"	23° 06' 24.98"	I. Maio
T-	14° 54' 10.78"	23° 29' 36.09"	Santiago
U-D. Maria Pia	14° 53' 50.00"	23° 30' 54.50"	Santiago
V-Pta Pesqueiro	14° 48' 52.32"	24° 22' 43.30"	I. do Fogo
X-Pta Nho Martinho	14° 48' 25.59"	24° 42' 34.92"	I. Brava
Y=A	14° 48' 43.17"	24° 43' 48.85"	I. Brava

Article 25

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

Article 26

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

Article 27

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

Article 28

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

CHAPTER VIII
Final and transitional provisions

Article 29

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

Article 30

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

Article 31

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

Article 32

This Law shall enter into force immediately.

Approved on 10 December 1992.

3. Sweden

Ordinance on Sweden's Exclusive Economic Zone, issued on 3 December 1992 1/

The following is hereby prescribed by the Government:

I. Sweden's exclusive economic zone comprises certain sea areas beyond the limit of Sweden's territorial waters and extends as follows:

1. In the Skagerrak in the area closest to the Norwegian border up to great circle arcs between the point 58° 45' 41.3"N, 10° 35' 40.0"E, the point 58° 30' 41.2"N, 10° 08' 46.9"E and the point 58° 15' 41.2"N, 10° 01' 48.1"E,

2. In the Skagerrak in the area closest to the Danish border and in the Kattegat up to straight (geodetic) lines between the point 58° 15' 41.2"N, 10° 01' 48.1"E, the point 58° 08' 00.1"N, 10° 32' 32.8"E, the point 57° 49' 00.6"N, 11° 02' 55.6"E, the point 57° 27' 00.0"N, 11° 23' 57.4"E, the point 56° 30' 32.3"N, 12° 08' 52.1"E, the point 56° 18' 14.1"N, 12° 05' 15.9"E, and the point 56° 12' 58.9"N, 12° 21' 48.0"E,

3. In the Öresund (the Sound) between the point 56° 12' 58.9"N, 12° 21' 48.0"E and the point 55° 20' 14.2"N, 12° 38' 31.0"E up to the demarcation line set in the Declaration of 30 January 1932 between Sweden and Denmark in respect of certain border matters in the Öresund or later changes therein,

4. In the southern and central Baltic Sea up to straight (geodetic) lines:

(a) Between the point 55° 20' 14.2"N, 12° 38' 31.0"E, the point 55° 18' 30.0"N, 12° 38' 20.0"E, the point 55° 15' 00.0"N, 12° 40' 38.0"E, the point 55° 10' 00.0"N, 12° 47' 41.6"E, the point 55° 03' 54.0"N, 13° 03' 20.0"E, the point 55° 00' 35.2"N, 13° 08' 45.0"E,

(b) Between the point 55° 00' 36"N, 13° 09' 26"E, the point 55° 01' 15"N, 13° 47' 08"E, the point 54° 57' 52"N, 13° 59' 15"E,

(c) Between the point 54° 57' 49.1"N, 13° 59' 40.0"E, the point 55° 18' 44.0"N, 14° 27' 36.0"E, the point 55° 41' 29.4"N, 15° 02' 34.4"E, the point 55° 21' 18.6"N, 16° 30' 29.7"E, and

(d) Between the point 55° 21'.640"N, 16° 32.000'E, the point 55° 30.000'N, 17° 00.000'E, the point 55° 35.235'N, 17° 22.680'E, the point 55° 46.985'N, 18° 00.000'E, the point 55° 55.293'N, 18° 21.800'E, the point 55° 52.876'N, 18° 54.000'E and the point 55° 52.788'N, 18° 55.545'E,

5. In the central Baltic Sea up to a straight (geodetic) line between the point 55° 52.793'N, 18° 55.760'E, and the point 55° 53.482'N, 18° 56.777'E,

6. In the central and northern Baltic Sea up to straight lines (loxodromes) between the point 55°53.482'N, 18°56.777'E, the point 55° 57.300'N, 19°04.049'E, the point 55°58.863'N, 19°04.876'E, the point 56°02.433'N, 19°05.669'E, the point 56° 15.000'N, 19° 13.565'E, the point 56°27.000'N, 19°21.070'E, the point 56°35.000'N, 19°25.070'E, the point 56°45.000'N, 19°31.720'E, the point 56° 58.000'N, 19°40.270'E, the point 57°14.192'N, 19°53.565'E, the point 57°26.717'N, 20°02.160'E, the point 57°

1/ For text of the Act on Sweden's economic zone, see Law of the Sea Bulletin No. 23, pp. 24-28.

33.800'N, 20°03.965'E, the point 57°44.000'N, 20°14.139'E, the point 57°54.691'N, 20°24.920'E, the point 58°12.000'N, 20°22.502'E, the point 58°29.000'N, 20°26.590'E, and the point 58°46.836'N, 20°28.672'E,

7. In the Bothnia Sea and the Gulf of Bothnia up to straight lines between the point 60°36.6'N, 19°13.0'E, the point 60°40.7'N, 19°14.1'E, the point 62°42.0'N, 19°31.5'E, the point 63°20.0'N, 20°24.0'E, the point 63°29.1'N, 20°41.8'E, the point 63°31.3'N, 20°56.4'E and the point 63°36.6'N, 21°16.8'E, between the point 63°38.1'N, 21°22.7'E, the point 63°40.0'N, 21°30.0'E and the point 65°21.8'N, 23°55.0'E, and between the point 65°27.5'N, 24°03.2'E, the point 65°30.9'N, 24°08.2'E and the point 65°31.8'N, 24°08.4'E.

The coordinates in section I above are given in accordance with the following:

Coordinates	Coordinate system or geodetic system
The coordinates in I, 1, 2, 4a and c	European Datum 1950 (ED 50)
The coordinates in I, 4b	Coordinates in Swedish sea chart No. 83
The coordinates in I, 4d	World Geodetic System 1972 (WGS 72)
The coordinates in I, 5 and 6	Swedish coordinate system (RT 38)

II. For the period until such time as agreement on the outer limit of the exclusive economic zone has been reached with another State the exclusive economic zone extends beyond Sweden's territorial waters in areas other than those specified in section I, as follows:

1. In the southern Baltic Sea up to straight lines:

- (a) From the point 55°00'35.2"N, 13°08'45.0"E, to the point 55°00'36"N, 13°09'26"E,
- (b) From the point 54°57'52"N, 13°59'15.0"E, to the point 54°57'49"N, 13°59'40.0"E, and
- (c) From the point 55°21'18.6"N, 16°30'29.7"E, to the point 55°21'640"N, 16°32.000'E,

2. In the northern Baltic Sea as a straight line (loxodrome) between the point 58°46'836"N, 20°28.672'E, and the point 58°47'680"N, 20°25.264'E,

3. In the northern Baltic Sea as straight lines between the point 58°47.680'N, 20°25.264'E, the point 58°47.6'N, 20°24.6'E, the point 58°51.5'N, 20°10.0'E, the point 59°22.1'N, 19°57.8'E, and the point 59°28.6'N, 19°57.5'E.

III. For the period until such time as agreement on the outer limit of the exclusive economic zone has been reached with another State, as regards fishery rights the zone extends beyond Sweden's territorial waters in areas other than those specified in sections I and II, as follows:

- In the northern Baltic Sea and Aland Sea up to the median line between the point 59°33.55'N, 19°59.62'E, and the point 59°42.07'N, 19°47.48'E and between the point 59°51.22'N, 19°34.42'E and the point 59°59.54'N, 19°22.46'E

- And up to a line twelve nautical miles from Finland's baselines between the point 60°34.3'N, 19°06.5'E and the point 60°36.6'N, 19°13.0'E.

IV. For the period until such time as agreement on the outer limit of the exclusive economic zone has been reached with another State, as regards the extent of the Swedish continental shelf the zone extends beyond Sweden's territorial waters in areas other than those specified in sections I and II, as follows:

1. In the northern Baltic Sea as straight lines between the point 59°28.6'N, 19°57.5'E, the point 59°26.7'N, 20°09.4'E, and the point 59°33.55'N, 19°59.62'E,

2. And in the Aland Sea as a straight line between the point 59°42.07'N, 19°47.48'E, and the point 59°45.2'N, 19°43.0'E, and further along Finland's territorial border to the point 59°47.5'N, 19°39.7'E, and the point 59°47.7'N, 19°39.4'E, and further as a straight line to the point 59°51.22'N, 19°34.42'E,

3. And in the Aland Sea as straight lines between the point 59°59.54'N, 19°22.46'E, and the point 60°11.5'N, 19°05.2'E and the point 60°13.0'N, 19°06.0'E and further along Finland's territorial border to the point 60°14.2'N, 19°06.5'E,

4. And in the Aland Sea as a straight line between the point 60°22.5'N, 19°09.5'E and the point 60°36.6'N, 19°13.0'E.

V. The sections where the border for Sweden's exclusive economic zone coincides with the Swedish territorial border are governed separately in statutes regarding Sweden's territorial waters and Sweden's national borders.

VI. The National Maritime Administration shall ensure that the outer limit of Sweden's exclusive economic zone is marked on sea charts available to the public.

This Ordinance enters into force on 1 January 1993, when the Ordinance (1977:642) on the Extent of the Swedish Fishery Zone shall be repealed.

4. United Arab Emirates

Circular No. 34 of 1994 concerning the entry of vessels into the seaports of the United Arab Emirates and their departure therefrom, 24 May 1994

With a view to regulating the entry of vessels into the seaports of the State and their departure therefrom, instructions have been issued for the purpose of laying down rules for the regulation of this traffic in a manner that accords with the provisions of the laws and regulations in force in the country.

Therefore, as from 1 July 1994, ships, cruisers, launches and other means of maritime transport and naval units shall be prohibited from entering the territorial waters and ports of the State unless they hold the evidential document required under the provisions of the law, in accordance with international custom.

The most important of these documents are:

1. Certificate of registration and sailing permit of vessels;
2. Statement of cargo or freight;
3. Crew list and passenger list;

For the purpose of establishing the identity of crew members, the seaman's maritime permit shall be used for entering the ports of the State.

Due account being taken of emergencies and climatic conditions, vessels shall be prohibited from lying at anchor in the ports of the State for more than 72 hours in the case of cruisers and for more than 21 days in the case of wooden vessels and launches.

B. Communications from States

**Comments from the Islamic Republic of Iran concerning the viewpoints
of the Government of the United States of America regarding the
Act on Marine Areas of the Islamic Republic of Iran
in the Persian Gulf and the Oman Sea of 2 May 1993** ^{1/}

The Government of the Islamic Republic of Iran took careful note of the viewpoints of the Government of the United States of America regarding the Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea of 2 May 1993 as expressed in the latter's note of 11 January 1994, ^{2/} and would like to make, in this respect, the following comments:

In the note of the United States, reference was repeatedly made to customary rules and regulations of international law as embodied in the United Nations Convention on the Law of the Sea of 10 December 1982; and it appears that the United States believes that the provisions of the Convention are of a customary nature, the observance of which being obligatory upon all States whether or not they are parties to the Convention; and on this basis some provisions of the Marine Areas Act have been considered as inconsistent with the rules of international law.

In this regard, it is necessary to explain that the Islamic Republic of Iran, unlike the United States, does not consider all provisions of the Convention as customary law and believes that many of them which are the result of years of negotiations in the framework of the Third United Nations Conference on the Law of the Sea and preparation of regulations in the form of a package deal, are of contractual nature the binding force of which depends upon the entry into force of the Convention on the Law of the Sea for the States parties. The Islamic Republic of Iran had already declared, at the time of signing the Convention on 10 December 1982, that:

"Notwithstanding the intended character of the Convention being one of general application and of law-making nature, certain provisions are merely product of quid pro quo which do not necessarily purport to codify the existing customs or established usage (practice) regarded as having an obligatory character. Therefore, it seems natural and in harmony with article 34 of the 1969 Vienna Convention on the Law of Treaties that only States parties to the Law of the Sea Convention shall be entitled to benefit from the contractual rights created therein."

It is also to be noted that the United States, in its note, referred to 16 November 1994 as the date of the entry into force of the Convention; a reference which would have been unnecessary if the provisions of the Convention were of a customary nature.

It is quite clear that making a distinction between customary and conventional rules of international law is a complicated task and as long as a general belief on the binding force of a particular conduct is not definitely realized, one may not speak of it as a custom. From the viewpoint of the Islamic Republic of Iran, the adoption of different laws by States, on their rights and jurisdiction in seas, which are in many cases inconsistent with the 1982 Convention, is an indication of the fact that as yet no definite custom has been formed.

^{1/} Communicated by the Permanent Mission of the Islamic Republic of Iran to the United Nations in a note verbale No. 224 of 24 May 1994.

^{2/} The note from the United States appears in Law of the Sea Bulletin No. 25, pp. 101-103.

The method of decision-making on some of the provisions of the Convention, in the proceedings of the Third United Nations Conference on the Law of the Sea, also demonstrates the uncertainty of their customary nature. For instance, reference can be made to the issue of the right of coastal States to enforce regulations for their security in the territorial sea which was emphasized in the course of the Conference by the Group of 27 (including the Islamic Republic of Iran) and a proposal was submitted for amendment of article 21 of the preliminary draft Convention. Although at the request of the President of the Conference the Group agreed not to insist on voting for the proposal, in his statement of 26 April 1982 the Chairman stated that:

"The sponsors of the amendment, with a view to clarifying the text of the draft convention and in response to the President's appeal, have agreed not to press it to a vote. They would, however, like to reaffirm that their decision is without prejudice to the rights of coastal States to adopt measures to safeguard their security interests, in accordance with articles 19 and 25 of the draft convention." 3/

Until the enactment of the recent Act in the Islamic Republic of Iran, there existed several laws and regulations, each one of which covered a part of issues relating to the law of the sea matters, while in some cases, developments in such rules concerning the expansion of States' jurisdiction were not provided for. The Marine Areas Act was therefore prepared and approved with the aim of compiling all relevant regulations in a single comprehensive text so as to replace previous laws and at the same time to include the most recent developments of the law of the sea. A list of the relevant laws and regulations is annexed to the present note.

Decree No. 2/250-67, dated 31 Tir 1352 (22 July 1973) is amongst such regulations and was approved and put into force nearly 20 years ago. Usage of the straight baselines is in no way considered as an unusual measure, as other States, too, use the same method under similar circumstances. The reason for further emphasis on the Decree of 1973 was that since its enforcement and in spite of its international circulation in the collections circulated by the United Nations Secretariat, 4/ so far no objections have been received thereto. The Islamic Republic of Iran, therefore, considers this as a recognition of its content by the international community.

As mentioned in the United States' note, there is no criterion in international law to determine the maximum length of parts of the straight baselines; thus the reference made by the United States to 24 nautical miles lacks legal foundation. Instead, in drawing the line, effort has been made to employ those criteria which have been internationally important and were later mentioned in the Convention. Among them is the drawing of straight baselines in a way that they do not depart in any appreciable extent from the general direction of the coast (article 7, para. 3), and it has also been taken into account that in determining the straight baselines the coastal States may consider the economic interests peculiar to the region concerned, the reality and importance of which are clearly evidenced by long usage.

As for declaration of waters between islands whose distance is less than 24 nautical miles as internal waters, it is noteworthy to recall the Act on Territorial Waters and the Contiguous Zone of Iran dated 24 Tir 1313 (15 July 1934), and its amendment of 22 Farvardin 1338 (12 April 1959), according to which

3/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVI (United Nations publication, Sales No. E.84.V.2), Summary records of meetings, plenary meetings, 176th meeting, para.1.

4/ United Nations Legislative Series: National Legislation and Treaties relating to the Law of the Sea, ST/LEG/SER.B/19 (United Nations publication, Sales No. E/F.80.V.3), p. 55. See also United Nations, Division for Ocean Affairs and the Law of the Sea, The Law of the Sea: Baselines - National legislation with Illustrative Maps (United Nations publication, Sales No. E.89.V.10), p. 194.

similar rules have been provided in connection with islands belonging to the Islamic Republic of Iran, and in the recent Act the criterion for the distance between islands has been changed in conformity with the extension of the breadth of territorial sea. Moreover, in recent years, the context of some of its provisions, such as the authority of the Government of the Islamic Republic of Iran in the field of marine scientific research in areas beyond the territorial sea, while being consistent with the recognized rules of international law, has been observed by other States, and for example marine scientific research in the areas under the jurisdiction of the Islamic Republic of Iran has been carried out after a prior consent has been granted. In this connection, the Islamic Republic of Iran assumes that any kind of scientific research in the exclusive economic zone, because of its effects on the exploration and exploitation of living and mineral resources and economic interests, is directly linked to the rights of the coastal State (in this case the Islamic Republic of Iran) and should be conducted with prior authorization. In accordance with the Law of the Sea Convention, even in cases where the scientific research is conducted exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind, the matter has not been excluded from the jurisdiction of the coastal State, and under normal circumstances, such a state is merely requested to grant its consent without reasonable delay (article 246 (3) of the Convention). Therefore, hydrographic research, even though it falls under this category, would require the authorization of the coastal State.

In drafting the Act, the ecological and environmental conditions of the Persian Gulf is another main issue which was taken into consideration, to which fundamental importance should be attached. From an environmental point of view, the Persian Gulf, as a semi-enclosed sea, is very vulnerable and that is why it has been recognized as a special area in some international treaties relating to the marine environment. The limited width of the Persian Gulf (as the share of each opposite State in the widest parts is less than 100 miles), its shallowness, the volume of economic activities, particularly in the field of fishing and the oil industry, and the scope of navigation traffic have created a situation where the smallest incident inflicts severe enduring pollution of the marine environment. The sinking of a Russian cargo ship, the Kapitan Sakharov, a few months ago, which brought about hazards and damage, particularly in fishing and navigation, could be cited as a good example for the importance of the issue. With regard to this matter, the littoral States of the Persian Gulf have taken coordinated measures, in the framework of the Kuwait Convention (1978) and its protocols, to protect the marine environment, which, in comparison, have been more comprehensive than the measures taken in other regions.

Some of the objections raised by the United States to the Marine Areas Act of the Islamic Republic of Iran are also in connection with the regulations drawn up with due consideration to this very particularity of the Persian Gulf region, such as not regarding as innocent the passage of ships which, against the laws and regulations of the Islamic Republic of Iran, cause any sort of marine pollution in the territorial sea.

The requirement of obtaining a prior authorization for the passage of some categories of foreign vessels, especially for ships carrying hazardous substances, was also put in to have more supervision over the traffic of such vessels and with the aim of protecting the marine environment of the region. The same argument applies to the environmental regulations to be enforced in the contiguous zone.

As for the question of a 500-metre zone around oil platforms and installations, it is necessary to emphasize that, due to the high number of exploitation platforms and the volume of shipping traffic, the establishment of such a zone is completely necessary for the security of installations as well as international navigation. As for the competence of the coastal State in laying submarine cables and pipelines, it is also to be noted that the Government of the Islamic Republic of Iran, having due regard to the same considerations, deems a prior permission a necessary requirement; to give an example, it clearly emphasized this point in its reservations recorded at the time of signature of the 1958 Geneva Conventions on the High Seas and on the Continental Shelf.

As for article 16 of the Act, attention is to be drawn to the fact that, due to the multiplicity of economic activities in the region, it is possible that such activities, for which the coastal State enjoys sovereign rights, could be harmed by military practices and manoeuvres; accordingly, those practices which affect the economic activities in the exclusive economic zone and the continental shelf are thus prohibited.

ANNEX

- Act of 15 July 1934 (24 Tir 1313) on the Territorial Waters and the Contiguous Zone of Iran;
- Act of 18 June 1955 (28 Khordad 1334) on the Exploration and Exploitation of the Natural Resources of the Continental Shelf of Iran;
- Act of 12 April 1959 (22 Farvardin 1338) amending the Act of 15 July 1934 (24 Tir 1313) on the Territorial Waters and the Contiguous Zone of Iran;
- Decree No. 2/250-67 of 22 July 1973 (31 Tir 1352) on the amendment of the Act on the Territorial Waters and the Contiguous Zone of Iran;
- Proclamation of 30 October 1973 (8 Aban 1353) on the Exclusive Fishing Zone of Iran in the Persian Gulf and the Oman Sea;
- Proclamation of 22 May 1977 (1 Khordad 1356) on the Outer Limit of the Exclusive Fishing Zone of Iran in the Oman Sea.

C. Statements received from Governments

1. Belize

Letter dated 22 March 1994 from the Minister for Foreign Affairs of Belize to the Secretary-General concerning Belize's regional and general relations and policy, particularly with reference to its territorial (including maritime) limits 1/

I have the honour to refer to a letter dated 4 March 1994 addressed to you by the distinguished Minister for Foreign Affairs of Guatemala (A/49/94, annex). That letter belatedly refers to a letter dated 22 April 1992 from the Chargé d'affaires ad interim of the Permanent Mission of Belize to the United Nations (A/47/173-S/23837). The annex to that letter is, in fact, a document containing extracts of a statement delivered by the then Minister for Foreign Affairs of Belize on 3 April 1992.

I

In that statement of 3 April 1992, my predecessor notes the passage, on 17 January 1992, of the Maritime Areas Act, whereby Belize, inter alia, exercises its right to claim a territorial sea of 12 miles. I would now like to point out that prior to the passage of the Act Belize had unequivocally reserved that right under international law, and had, by notes of July 1940 and July 1961, of the Government of Great Britain, vigorously protested Guatemala's claims to territorial waters in excess of three miles, particularly insofar as these encroached on Belizean rights. While so reserving its rights, as a good neighbour and pending an agreement with Guatemala on the delimitation of their adjacent waters, Belize facilitated Guatemala's unimpeded access to the high seas in the area where Belize's southern waters and adjacent Guatemalan waters intersect.

In the Maritime Areas Act, Belize forbore from extending its territorial sea out from three miles to 12 miles in the specific area of intersection. This was done, as a temporary measure and as an act of good faith, following Guatemala's juridical recognition of Belize's independent statehood on 5 September 1991. Section 3 of the Act makes it clear that this forbearance was "to provide a framework for negotiation of a definite agreement" on delimitation; and that, failing such agreement or its approval in a referendum in Belize, delimitation would be effected on the basis of international law. Equally, if negotiations do not occur or are not concluded, Belize will continue to enjoy its rights under international law.

II

The letter of 4 March 1994 reflects Guatemala's position on several matters which are herein addressed under the same numerals as in that letter:

1. Belize appreciates Guatemala's reaffirmation of its recognition of Belize's independent statehood and reciprocates the sentiments regarding the ordering of relations between States on the basis of international norms. Like Guatemala, Belize stresses the maintenance of solidarity, cooperation and friendship with neighbouring countries.

2. Belize concurs in Guatemala's statement of adherence to the salient principles of the Charter of the United Nations, especially those which mandate peaceful settlement of disputes in accordance with justice and customary and conventional international law.

1/ A/49/112, annex.

3. The Government of Belize expresses its earnest desire to continue direct discussions concerning whatever territorial dispute or difference Guatemala deems to linger.

4. The full maritime entitlements of Belize are clearly stated in international law. They are reiterated in the laws of Belize and have been fully acknowledged in a note dated 13 February 1992, from the Minister for Foreign Affairs of Guatemala. In that note, he stated that a January 1992 advertisement by the Guatemalan Ministry of Energy and Mines, for the exploration of oil, which contained an erroneous map, was inadvertent ("involuntario"); was not cleared by the Minister for Foreign Affairs; and was not intended to create friction with Belize. In an advertisement of July 1992 in the same magazine, and in accordance with the note of 13 February 1992, the error was not repeated. Then in a document dated 31 July 1992, both States amicably and legally affirmed that, pending a final treaty, their land boundaries would be "based on the existing reference monuments", that is to say, as set forth in the Constitution of Belize.

5. The Government of Belize does not acknowledge the validity of any territorial claim but will discuss any dispute or difference as stated in paragraphs 3 and 7 hereof.

6. The Belize Maritime Areas Act asserts no jurisdiction that is inconsistent with customary and conventional international law. Furthermore:

(a) The breadth of Belize's territorial sea is as provided by international law, or otherwise by the said Act, according to its specific terms, as stated in section I above;

(b) Belize stands by its entitlement to a 12-mile territorial sea subject to the rule of equidistant lines as provided in international law and subject to the Maritime Areas Act to the extent specified in section I above. As noted, protests have been and hereby are lodged against any and all Guatemalan claims and/or acts, past, present and future, in violation of international law;

(c) The Government of Belize asserts no claim to Guatemalan internal waters as defined by international law;

(d) In their respective territorial seas as provided by international law or by agreement between Belize and Guatemala, both States can exercise such jurisdiction as provided by international law;

(e) The Government of Belize welcomes Guatemala's acknowledgement, as a non-party to the United Nations Convention on the Law of the Sea of 1982, of the evolution into customary international law of the Convention's definition and regulation of maritime areas, including the exclusive economic zone. In this connection, Belize notes Guatemala's incorporation of the language of article 59 of the Convention. Any joint exploration would have to be a matter for negotiation and agreement;

(f) The Government of Belize welcomes Guatemala's acknowledgement, as a non-party to the United Nations Convention on the Law of the Sea, of the evolution into customary international law of the Convention's definition and regulation of the continental shelf. Belize notes Guatemala's incorporation of the language of articles 76 and 77 of the Convention, and stands by its categorization of the events of February 1992 in paragraph 4 above. Again, Belize stands ready to negotiate all legitimate and pertinent issues.

7. The Government of Belize notes that any dispute or difference with Guatemala is not of Belize's making. It reiterates its willingness to continue negotiations with the Government of Guatemala to find a peaceful and just solution and to enter into improved relations and cooperation. To that end, Belize requests you to use your good offices to encourage an early meeting of the parties.

2. Guatemala

[Original: Spanish]

Letter dated 4 March 1994 from the Minister for Foreign Affairs
of Guatemala addressed to the Secretary-General concerning the
situation of the territorial and maritime limits between
Guatemala and Belize 1/

I have the honour to refer to the letter dated 22 April 1992 addressed to you by the Charge d'affaires a.i. of the Permanent Mission of Belize to the United Nations (A/47/173-S/23837), to which was attached a copy of relevant extracts of a statement delivered by the Minister for Foreign Affairs of Belize on 3 April 1992 on the occasion of the establishment of the National Advisory Commission on the negotiations between Belize and Guatemala. In that letter, it was requested that the letter and its annex should be circulated as an official document of the General Assembly under agenda item 36. The Government of Guatemala saw no need to make reservations to that statement, since the Belize-Guatemala Joint Declaration, dated 31 July 1992, in which both States recognize that their territorial and maritime boundaries are not defined, made it clear that the Declaration could not be interpreted as detrimental to its sovereign rights.

However, in view of recent events which have given rise to a series of speculations about Guatemala's policy towards the neighbouring country, I have deemed it appropriate to transmit to you this note containing the following declaration regarding Guatemala's official position on the matter, with the request that it should be circulated to the delegations of the States Members of the Organization:

1. As called for in article 149 of the Constitution, Guatemala's relations with other States are governed by international principles, rules and practices; Guatemala maintains relations of friendship, solidarity and cooperation with the countries of the world, particularly with neighbouring States.
2. In its international relations, the Government of Guatemala, in accordance with the principles of the Charter of the United Nations, refrains from the threat or use of force, respects the principles of sovereign equality of States and self-determination of peoples and firmly believes that the settlement of disputes between States should be achieved by peaceful means, in conformity with the principles of justice and international law.
3. The Government of Guatemala has always expressed its willingness to continue direct discussions with the Government of Belize in order to reach a definitive solution to the territorial dispute between those two States, which remains unresolved.
4. In the Joint Declaration, dated 31 July 1992, the Governments of Guatemala and Belize expressed their willingness to continue the negotiations to seek a solution to the ongoing dispute, and mentioned in particular that Guatemala and Belize have not concluded a treaty definitively establishing their territorial and maritime limits, and that such a treaty would be among the desired results of the negotiations.
5. The territorial claim which Guatemala maintains includes a land area currently occupied by Belize and maritime spaces in the Caribbean Sea.

1/ A/49/94, annex.

6. Concerning the maritime spaces covered by the Act of 24 January 1992 on the territorial sea, the internal waters and exclusive economic zone of Belize published in Law of the Sea Bulletin No. 21 of August 1992 by the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat's Office of Legal Affairs, Guatemala expresses a formal reservation to any provision that adversely affects its sovereignty and jurisdiction over its territorial sea, continental shelf and exclusive economic zone, not only as defined by the State of Guatemala well before the adoption by Belize of the above-mentioned Act but also as may be defined once the ongoing territorial dispute is settled. It also formulates the following reservations and declarations:

(a) The breadth of Guatemala's territorial sea extends 12 nautical miles measured from the baselines determined by the low-water line along the coast under the terms of the settlement of the territorial dispute;

(b) As a coastal State, Guatemala has not surrendered its sovereign rights over its maritime space even though it exercises authority only over the part that is not affected by the dispute and has done so without incident. Until such time as the territorial dispute is resolved, Guatemala cannot and does not accept the principle of equidistant lines with States with opposite or adjacent coasts that might affect its sovereign right to 12 nautical miles;

(c) The waters on the landward side of the baseline of Guatemala's territorial sea form part of its internal waters;

(d) Guatemala reserves the right to take, in the territorial sea as determined when the dispute is resolved and in that over which it has traditionally exercised authority, appropriate control measures to prevent and punish any infringement of its customs, fiscal, immigration or sanitation laws and regulations;

(e) Guatemala confirms that its exclusive economic zone consists of an area beyond and adjacent to the territorial sea, that extends up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. However, once the territorial dispute with Belize is settled, in the event of conflict of interests with another State or other States, Guatemala could agree to have the dispute resolved in accordance with international law on the basis of equity in the light of the relevant circumstances, taking into account how vital its interests in the zone are. It might also be possible to consider areas of joint exploitation or participation within the zone;

(f) Guatemala's continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, or to the outer edge of the continental margin when it extends beyond that distance, with exclusive rights of sovereignty for purposes of exploiting its natural resources, that do not depend on occupation effective or notional, or on any express proclamation. In that regard, the Government of Guatemala wishes to point out that the letter dated 13 February 1992 sent by the then Minister for Foreign Affairs of Guatemala to the Ministry of Foreign Affairs of Belize (to which reference is made in the note dated 22 April 1992 from the Government of Belize (A/47/173-S/23837)) concerning the exclusion of an area from international tendering for oil exploration and exploitation, should in no way be construed as surrendering Guatemala's sovereign rights over its continental shelf in the Caribbean Sea or as recognizing any right of Belize or accepting delimitation of the continental shelf, particularly since the territorial dispute has yet to be resolved;

(g) Until such time as a definitive settlement is reached that is satisfactory to both parties, Guatemala does not recognize the charts and/or lists of geographical coordinates prepared by Belize to

show all or part of maritime areas, the base of the territorial sea, the outer limits of the exclusive economic zone and the sea lanes.

7. The Government of Guatemala reiterates its willingness to continue negotiations with the State of Belize in order to arrive at a peaceful and equitable settlement to the ongoing dispute.

3. Thailand

Statement of the Ministry of Foreign Affairs of Thailand regarding the forfeiture of foreign fishing vessels and the imprisonment of foreign fishermen on the offence of violating fisheries laws and regulations in the exclusive economic zone, transmitted to the Secretary-General of the United Nations on 3 May 1993 ^{1/}

It has come to the attention of the Ministry of Foreign Affairs that a number of States have enacted laws and regulations, the de jure and/or de facto effect of which is to forfeit fishing vessels and/or to imprison foreign fishermen arrested on the offence of violating fisheries laws and regulations in their respective exclusive economic zones. The Ministry of Foreign Affairs wishes to make known the position of the Royal Thai Government on this matter as follows:

1. Such forfeiture and imprisonment are clearly in breach, both in letter and spirit, of article 73, paragraphs 2 and 3, of the United Nations Convention on the Law of the Sea of 1982, which all the States concerned do have the obligation to observe in good faith, either as signatories to or ratifiers of the Convention, especially in view of the Convention's impending entry into force as from 16 November 1994;

2. The Royal Thai Government thus feels duty-bound to register through the Secretary-General, in the latter's capacity as the depositary of the United Nations Convention on the Law of the Sea of 1982, a strong protest against such forfeiture and imprisonment. It is fervently hoped that these States will soon rectify their laws and regulations so as to be compatible with the obligations assumed by them under the Convention.

^{1/} A/48/936, annex.

D. Treaties

1. Bilateral treaties

(a) Treaty on the delimitation of the maritime frontier between the Republic of Cape Verde and the Republic of Senegal, 17 February 1993

[Original: French and Portuguese]

The Government of the Republic of Cape Verde, on the one hand, and

The Government of the Republic of Senegal, on the other hand,

Guided by the spirit of friendship and cooperation existing between their two peoples;

Desiring to develop and strengthen their neighbourly relations;

Desiring to establish, through negotiations, their common maritime frontier which separates the exclusive economic zone and the continental shelf of the two countries;

Taking into account the United Nations Convention on the Law of the Sea of 1982.

Have agreed as follows:

Article 1

The two Parties shall establish, as their maritime frontier which separates the exclusive economic zone and the continental shelf of the two countries, a median line all of whose points are equidistant from the nearest points on the baselines of the two countries.

The median line mentioned above, for practical reasons of simplification, has been corrected following the course and coordinates included in annex I.

Article 2

The baselines referred to in the preceding article are the archipelagic baselines of the Republic of Cape Verde and the baselines of the Republic of Senegal from which the breadth of the territorial sea of each Party is measured.

The baselines are drawn in conformity with the Convention on the Law of the Sea of 1982.

Article 3

The line defining the common maritime frontier between the two countries and its geographical coordinates defined in conformity with article 1 is reproduced in annex I of this Treaty.

The two Parties have agreed to use, in their work, the American map entitled "Operational Navigation Chart", scale 1/1,000,000, series ONC, K-O, prepared and published by the Defense Mapping Agency Aerospace Center, St. Louis, Missouri, Edition Revue of September 1986. They have used this map for drawing the line delimiting their common maritime frontier.

The map mentioned in the preceding paragraph has been anticipated by the signatories of this Treaty and is contained in annex I. 1/

Article 4

The archipelagic lines of the Republic of Cape Verde and their geographical coordinates defined in conformity with article 2 are reproduced in annex II of this Treaty.

Article 5

The baselines of the Republic of Senegal and their geographical coordinates, defined in conformity with article 2, are reproduced in annex III of this Treaty.

Article 6

Any dispute regarding the interpretation or application of this Treaty shall be settled by negotiations.

If, within a reasonable time, these negotiations are not successful, the two Parties may have recourse to any other means of peaceful settlement mutually agreed upon, without prejudice to article 287 of the United Nations Convention on the Law of the Sea.

Article 7

The annexes to this Treaty form an integral part of it.

Article 8

This Treaty shall enter into force on the date of the reception, by the other Party, of the last instrument of ratification.

Article 9

This Treaty is drawn up in two originals, in Portuguese and French, the two texts being equally authentic.

1/ Map not annexed to this Treaty.

ANNEX I

**Line establishing the common maritime frontier between the Republic of Cape Verde
and the Republic of Senegal**

Article 1

The line establishing the common maritime frontier which separates the exclusive economic zone and the continental shelf of the two countries is defined by the following coordinates:

Points	Longitude north	Longitude west
A	13° 39' 00"	20° 04' 25"
B	14° 51' 00"	20° 04' 25"
C	14° 55' 00"	20° 00' 00"
D	15° 10' 00"	19° 51' 30"
E	15° 25' 00"	19° 44' 50"
F	15° 40' 00"	19° 38' 30"
G	15° 55' 00"	19° 35' 40"
H	16° 04' 05"	19° 33' 30"

Article 2

The geometric configuration of the maritime zone between the two countries and the projection of the baseline of the maritime frontier mentioned above appear on the map included herewith.

ANNEX II

Baselines of the Republic of Cape Verde

Article 1

The archipelagic baselines of the Republic of Cape Verde having served as reference points for the delimitation of the maritime frontier between the two countries have been defined in conformity with the following coordinates, which have been published in Law No. 60/IV/92 of 21 December 1992 of the Republic of Cape Verde.

Points	Longitude north	Longitude west	Observ.
O-Pta Casaca	16° 50' 01.69"	22° 53' 50.14"	Sal
P-ILHEU Cascalho	16° 11' 31.04"	22° 40' 52.44"	Boa Vista
P1-ILHEU Baluarte	16° 09' 05.00"	22° 39' 45.00"	Boa Vista
Q-Pta Roque	16° 05' 09.83"	22° 40' 26.06"	Boa Vista
R-Pta Flamengas	15° 10' 03.89"	23° 05' 47.90"	Maio
S-	15° 09' 02.21"	23° 06' 24.98"	Maio

Article 2

The baselines mentioned above appear on the annexed map.

ANNEX III

Baselines of the Republic of Senegal

Article 1

The baselines of the Republic of Senegal having served as reference points for the delimitation of the common maritime frontier between the two countries have been defined in conformity with the following coordinates, which have been published in Decree No. 90-670 of 18 June 1990 of the Republic of Senegal:

Straight baselines

1. From the end of the Langue de Barbarie (15° 52' 42" N - 16° 31' 36" W) to point P1 (15° 48' 05" N - 16° 31' 32" W);
2. From point P2 (14° 45' 49" N - 17° 27' 42" W) to the northern end of Ile de Yoff (14° 46' 18" N - 17° 28' 42" W);
3. From the northern end of Ile de Yoff (14° 46' 18" N - 17° 28' 42" W) to the northern end of the Ile de Ngor (14° 45' 30" N - 17° 30' 56" W);
4. From the northern end of Ile de Ngor (14° 45' 30" N - 17° 30' 56" W) to feu des Almadies (14° 44' 36" N - 17° 32' 36" W);
5. From feu des Almadies (14° 44' 36" N - 17° 32' 36" W) to the south-western end of Ile des Madeleines (14° 39' 10" N - 17° 28' 25" W);
6. From the south-western end of Ile des Madeleines (14° 39' 10" N - 17° 28' 25" W) to Cap-Manuel (14° 39' 00" N - 17° 26' 00" W);
7. From Cap-Manuel (14° 39' 00" N - 17° 26' 00" W) to Point Sud Gorée (14° 39' 48" N - 17° 23' 54" W);

8. From Point Sud Gorée (14° 39' 48" N - 17° 23' 54" W) to Rufisque lighthouse (14° 42' 36" N - 17° 17' 00" W);
9. From the western end of Sangomer (13° 50' 00" N - 16° 45' 40" W) to the northern end of Ile des oiseaux (13° 39' 42" N - 16° 40' 20" W);
10. From the southern end of Ile des oiseaux (13° 38' 15" N - 16° 38' 45" W) to Point Djinnak (13° 35' 36" N - 16° 32' 54" W);

Normal baselines

Everywhere else the breadth of the maritime areas under Senegalese jurisdiction shall be measured from the line of low tide.

Article 2

The baselines mentioned above are drawn on the map appearing in annex I.

(b) Maritime delimitation treaty between Jamaica and the Republic of Colombia, 12 November 1993

[Original: English and Spanish]

The Government of Jamaica and the Government of the Republic of Colombia;

Considering the bonds of friendship existing between both countries;

Recognizing the common interests of both countries in considering issues related to the rational exploitation, management and conservation of the maritime areas between them, including questions relating to the exploitation of living resources;

Acknowledging the interests which both countries have in concluding a maritime delimitation treaty;

Taking into account recent developments in the law of the sea;

Desirous of delimiting the maritime areas between both countries on the basis of mutual respect, sovereign equality and the relevant principles of international law;

Agree as follows:

Article 1

The maritime boundary between Jamaica and the Republic of Colombia is constituted by geodesic lines drawn between the following points:

	<u>Latitude (North)</u>	<u>Longitude (West)</u>
1.	14° 29' 37"	78° 38' 00"
2.	14° 15' 00"	78° 19' 30"
3.	14° 05' 00"	77° 40' 00"
4.	14° 44' 10"	74° 30' 50"

5. From point 4, the delimitation line proceeds by a geodesic line in the direction to another point with coordinates 15° 02' 00"N, 73° 27' 30"W, as far as the delimitation line between Colombia and Haiti is intercepted by the delimitation line to be decided between Jamaica and Haiti.

Article 2

Where hydrocarbon or natural gas deposits, or fields are found on both sides of the delimitation line established in article 1, they shall be exploited in a manner such that the distribution of the volumes of the resource extracted from said deposits or fields is proportional to the volume of the same which is correspondingly found on each side of the line.

Article 3

1. Pending the determination of the jurisdictional limits of each Party in the area designated below, the Parties agree to establish therein a zone of joint management, control, exploration and exploitation of the living and non-living resources, hereafter called "The Joint Regime Area".

(a) The Joint Regime Area is established by the closed figure described by the lines joining the following points in the order in which they occur. The lines so joining the listed points are geodesic lines unless specifically stated otherwise.

<u>Point</u>	<u>Latitude (North)</u>	<u>Longitude (West)</u>
1.	16° 04' 15"	79° 50' 32"
2.	16° 04' 15"	79° 29' 20"
3.	16° 10' 10"	79° 29' 20"
4.	16° 10' 10"	79° 16' 40"
5.	16° 04' 15"	79° 16' 40"
6.	16° 04' 15"	78° 25' 50"
7.	15° 36' 00"	78° 25' 50"
8.	15° 36' 00"	78° 38' 00"
9.	14° 29' 37"	78° 38' 00"
10.	15° 30' 10"	79° 56' 00"
11.	15° 46' 00"	80° 03' 55"

The limit of the Joint Regime Area then continues along the arc of 12 nautical miles radius centred on a point at 15° 47' 50"N, 79° 51' 20"W, such that it passes to the west of Serranilla Cays to a point at 15° 58' 40"N, 79° 56' 40"W. The figure is then closed by the geodesic line to point 1.

(b) The Joint Regime Area excludes the maritime area around the cays of Serranilla Bank comprised within the outermost arc of the circle of 12 nautical miles radius centred at a point 15° 47' 50"N, 79° 51' 20"W, such that it passes to through points 15° 46' 00"N, 80° 03' 55"W and 15° 58' 40"N, 79° 56' 40"W.

(c) The Joint Regime Area will also exclude the maritime area around the cays of Bajo Nuevo comprised within the outermost arc of the circle of 12 nautical miles radius centred at the point 15° 51' 00"N, 78° 38' 00"W.

2. In the Joint Regime Area, the Parties may carry out the following activities:

(a) Exploration and exploitation of the natural resources, whether living or non-living, of the waters superjacent to the seabed and the seabed and its subsoil, and other activities for the economic exploitation and exploration of the Joint Regime Area;

(b) The establishment and use of artificial islands, installations and structures;

(c) Marine scientific research;

(d) The protection and preservation of the marine environment;

(e) The conservation of living resources;

(f) Such measures as are authorized by this Treaty, or as the Parties may otherwise agree for ensuring compliance with and enforcement of the regime established by this Treaty.

3. Activities relating to exploration and exploitation of non-living resources, as well as those referred to in paragraph 2 (c) and (d), will be carried out on a joint basis agreed by both Parties.

4. The Parties shall not authorize third States and international organizations or vessels of such States and organizations to carry out any of the activities referred to in paragraph 2. This does not preclude a Party from entering into, or authorizing arrangements for leases, licences, joint ventures and technical assistance programmes in order to facilitate the exercise of the rights pursuant to paragraph 2, in accordance with the procedures established in article 4.

5. The Parties agree that in the Joint Regime Area, each Party has jurisdiction over its nationals and vessels flying its flag or over which it exercises management and control in accordance with international law.

Provided that in any case where it is alleged by one Party that nationals or vessels of the other Party have breached, or are breaching the provisions of this Treaty and any measures adopted by the Parties for their implementation, the Party alleging the breach shall bring it to the attention of the other Party, following which both Parties shall forthwith commence consultations with a view to arriving at an amicable settlement within 14 days.

On receipt of the allegation, the Party to whose attention the allegation has been brought shall, without prejudice to the consultations referred to in the above paragraph:

- (a) In relation to an allegation that a breach has been committed, ensure that the activities, the subject-matter of the allegation, do not recur;
- (b) In relation to an allegation that a breach is being committed, ensure that the activities are discontinued.

6. The Parties agree to adopt measures for ensuring that nationals and vessels of third States comply with any regulations and measures adopted by the Parties for implementing the activities set out in paragraph 2.

Article 4

1. The Parties agree to establish a Joint Commission, hereinafter called "The Joint Commission", which shall elaborate the modalities for the implementation and the carrying out of the activities set out in paragraph 2 of article 3, the measures adopted pursuant to paragraph 6 of article 3, and carry out any other functions which may be assigned to it by the Parties for the purpose of implementing the provisions of this Treaty.

2. The Joint Commission shall consist of one representative of each Party, who may be assisted by such advisers as is considered necessary.

3. Conclusions of the Joint Commission shall be adopted by consensus and shall be only recommendations to the Parties. Conclusions of the Joint Commission when adopted by the Parties shall become binding on the Parties.

4. The Joint Commission shall begin its work immediately on the entry into force of this Treaty and shall, unless the Parties agree otherwise, conclude the tasks identified in paragraph 1 of this article within six months from the commencement of its work.

Article 5

Geodetic data are based on the World Geodetic System (1984).

Article 6

For illustrative purposes only, the delimitation line and the Joint Regime Area are shown on a United States Defence Mapping Agency Chart 402, which is attached. In the event of conflict between the coordinates and the Chart, the coordinates will prevail.

Article 7

Any dispute between the Parties on the interpretation or application of this Treaty shall be settled by agreement between the two countries in accordance with the means for the peaceful settlement of disputes provided for by international law.

Article 8

This Treaty shall be subject to ratification.

Article 9

This Treaty shall enter into force on the date of exchange of instruments of ratification.

Article 10

Done in English and Spanish, each text being equally authentic.

IN WITNESS WHEREOF, the Ministers for Foreign Affairs of both countries have signed the present Treaty.

DONE at Kingston this 12th day of November 1993.

(c) Agreement between the Republic of Albania and the Republic of Italy
for the determination of the continental shelf of
each of the two countries, 18 December 1992

[Original: Albanian and Italian]

Starting from the desire to determine the division line of the border between the respective areas of the continental shelf in the Adriatic Sea and in the Otranto Channel, on which each of the two countries respectively exercises sovereign rights with the aim of exploring for and exploiting natural resources;

Deciding that the border division between the two zones of the continental shelf be determined on the basis of the principle of equidistance that is expressed by the median line;

Reconfirming the request that the exploitation of the respective continental shelf should not impair the ecological equilibrium of the sea that waters the shores of the two countries, and their determination to cooperate towards this purpose as well as in harmony with what is decided in the Declaration on the Adriatic Sea, signed at Ancona on 13 July 1993;

Both Contracting Parties agreed to conclude the following Agreement:

Article I

1. Applying the principle of equidistance that is expressed in the median line, which is mentioned in the introduction to this Agreement, the division line between the two zones of the continental shelf of each of the two countries is determined from the lines that follow the geodesic curves that link the points, the geographic coordinates of which, referring to the geodesic system European Datum 1950, are as follows:

<u>No. of points</u>	<u>Northern Latitude</u>	<u>Eastern Longitude</u>
1.	41° 16' 39"	18° 27' 43"
2.	41° 11' 37"	18° 32' 34"
3.	41° 08' 01"	18° 34' 37"
4.	41° 06' 29"	18° 35' 42"
5.	40° 55' 03"	18° 39' 31"
6.	40° 53' 06"	18° 39' 34"
7.	40° 50' 50"	18° 40' 16"
8.	40° 43' 59"	18° 42' 40"
9.	40° 40' 10"	18° 44' 23"
10.	40° 38' 46"	18° 44' 43"
11.	40° 35' 38"	18° 45' 35"

<u>No. of points</u>	<u>Northern Latitude</u>	<u>Eastern Longitude</u>
12.	40° 30' 44"	18° 47' 45"
13.	40° 23' 17"	18° 51' 05"
14.	40° 21' 30"	18° 51' 35"
15.	40° 18' 50"	18° 52' 48"
16.	40° 12' 13"	18° 57' 05"
17.	40° 07' 55"	18° 58' 38"

This division line is marked by an indicating title in the map attached to this Agreement.

The basic map used is the Albanian sea map "From Korfu to Dubrovnik - from Cape Santa Maria di Leuca up to the Troniti Islands" at a scale of 1:500 000, of the Mercator projection, 1984 edition.

2. The Contracting Parties agreed that, for the present, the determination of the border should not extend beyond the first and the last point determined in the previous paragraph.

The completion of the determination in the north beyond point 1 and in the south beyond point 17 remains to be accomplished by later agreements respectively with the respective interested parties.

Article II

1. Where a deposit of mineral resources, including sand and gravel, is divided by the division line of the zones of the continental shelf, and the part of the deposit which is located on one of the sides of the division line is fully or partially exploitable by installations which are located on the other side of the line, the Contracting Parties will try, by preliminary consultations with the concessionaires, if there are any, that have the right of mineral exploitation, to agree on the conditions and the method of processing of the deposit, in order that this processing may be as beneficial as possible, keeping in mind the protection of the deposit and in such a manner that each of the parties maintains the integrity of its own rights to the mineral resources of the surface and subsurface of its continental shelf.

2. In particular, such an arrangement will be applied if the conditions and the processing method of the part of the deposit located on one side of the division line of the border have an effect on the conditions or processing method on the other part of the deposit.

Article III

None of the provisions of this Agreement affects the juridical regime of the waters and that of the airspace above the continental shelf.

Article IV

1. The Contracting Parties shall take all the possible measures in order that exploration in the respective zones of the continental shelf, as well as the exploitation of the natural resources of the latter, does not

impair the ecological equilibrium of the sea or does not hinder in an unjustified manner other legal uses of the sea.

2. In case that in its territory, or in its continental shelf, there occurs a disquieting situation that brings about negative consequences for the environment in the continental shelf of the other party, each of the Contracting Parties commits itself to provide immediately to the other party the necessary notification and the latter on its part has the right to receive this notification which shall be considered secret if so requested by the party which provides the data.
3. A Contracting Party whose continental shelf may be polluted by negative effects upon the environment caused by verified operations or a failure to act in the territory or continental shelf of the other party, after having received the notification mentioned in the previous paragraph or in the case when it has been given any notice whatsoever, has the right to invest at any time in the establishment of an investigative commission, to clarify and define the basic elements of the situation, in order to prevent the emergence of any dispute between the two Contracting Parties.

Article V

1. The Contracting Parties shall try to resolve through the diplomatic channel, in the shortest possible time, any dispute which may arise concerning the interpretation and the application of this Agreement.
2. In case of disputes which are related to the location of installations or equipment in relation to the division line determined according to Article I of this Agreement, the respective competent authorities of both Contracting Parties shall verify in good understanding in which zone of the continental shelf such installations or equipment is installed.
3. If a dispute is not resolved within a period of four months from the date on which one of the Contracting Parties has notified the other party of its suggestions regarding the commencement of the procedures envisaged in paragraph 1 of this article, each of the Contracting Parties may refer the dispute to the International Court of Justice, if at least within this period of time the parties have not agreed to refer the dispute to any other international institution.

Article VI

1. This Agreement shall be ratified in accordance with the constitutional norms of the Contracting Parties. The instruments of ratification will be exchanged at Rome as soon as possible.
2. This Agreement enters into force on the day following the exchange of instruments of ratification.

DONE at Tirana on 18 December 1992 in two original copies in the Albanian and Italian languages, both texts having equal value.

2. Regional treaties and declarations

(a) Convention for the Conservation of Southern Bluefin Tuna, 10 May 1993

[Original: English and Japanese]

The Parties to this Convention:

Considering their mutual interest in southern bluefin tuna;

Recalling that Australia, Japan and New Zealand have already taken certain measures for the conservation and management of southern bluefin tuna;

Paying due regard to the rights and obligations of the Parties under relevant principles of international law;

Noting the adoption of the United Nations Convention on the Law of the Sea in 1982;

Noting that States have established exclusive economic or fishery zones within which they exercise, in accordance with international law, sovereign rights or jurisdiction for the purpose of exploring and exploiting, conserving and managing the living resources;

Recognizing that southern bluefin tuna is a highly migratory species which migrates through such zones;

Noting that the coastal States through whose exclusive economic or fishery zones southern bluefin tuna migrate exercise sovereign rights within such zones for the purpose of exploring and exploiting, conserving and managing the living resources including southern bluefin tuna;

Acknowledging the importance of scientific research for the conservation and management of southern bluefin tuna and the importance of collecting scientific information relating to southern bluefin tuna and ecologically related species;

Recognizing that it is essential that they cooperate to ensure the conservation and optimum utilization of southern bluefin tuna;

Have agreed as follows:

Article 1

This Convention shall apply to southern bluefin tuna (Thunnus maccoyii).

Article 2

For the purposes of this Convention:

(a) "Ecologically related species" means living marine species which are associated with southern bluefin tuna, including but not restricted to both predators and prey of southern bluefin tuna;

(b) "Fishing" means:

- (i) The catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or
- (ii) Any operation at sea in preparation for or in direct support of any activity described in subparagraph (i) above.

Article 3

The objective of this Convention is to ensure, through appropriate management, the conservation and optimum utilization of southern bluefin tuna.

Article 4

Nothing in this Convention nor any measures adopted pursuant to it shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party or its positions or views with respect to the law of the sea.

Article 5

1. Each Party shall take all action necessary to ensure the enforcement of this Convention and compliance with measures which become binding under paragraph 7 of article 8.
2. The Parties shall expeditiously provide to the Commission for the Conservation of Southern Bluefin Tuna scientific information, fishing catch and effort statistics and other data relevant to the conservation of southern bluefin tuna and, as appropriate, ecologically related species.
3. The Parties shall cooperate in collection and direct exchange, when appropriate, of fisheries data, biological samples and other information relevant for scientific research on southern bluefin tuna and ecologically related species.
4. The Parties shall cooperate in the exchange of information regarding any fishing for southern bluefin tuna by nationals, residents and vessels of any State or entity not party to this Convention.

Article 6

1. The Parties hereby establish and agree to maintain the Commission for the Conservation of Southern Bluefin Tuna (hereinafter referred to as "the Commission").
2. Each Party shall be represented on the Commission by not more than three delegates who may be accompanied by experts and advisers.
3. The Commission shall hold an annual meeting before 1 August each year or at such other time as it may determine.
4. At each annual meeting the Commission shall elect from among the delegates a Chair and a Vice-Chair. The Chair and the Vice-Chair shall be elected from different Parties and shall remain in office until the election of their successors at the next annual meeting. A delegate, when acting as Chair, shall not vote.
5. Special meetings of the Commission shall be convened by the Chair at the request of a Party supported by at least two other Parties.

6. A special meeting may consider any matter of relevance to this Convention.
7. Two thirds of the Parties shall constitute a quorum.
8. The rules of procedure of the Commission and other internal administrative regulations as may be necessary to carry out its functions shall be decided upon at the first meeting of the Commission and may be amended by the Commission as occasion may require.
9. The Commission shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.
10. The Commission shall determine the location of its headquarters at such time as a secretariat is established pursuant to paragraph 1 of article 10.
11. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

Article 7

Each Party shall have one vote in the Commission. Decisions of the Commission shall be taken by a unanimous vote of the Parties present at the Commission meeting.

Article 8

1. The Commission shall collect and accumulate the information described below:
 - (a) Scientific information, statistical data and other information relating to southern bluefin tuna and ecologically related species;
 - (b) Information relating to laws, regulations and administrative measures on southern bluefin tuna fisheries;
 - (c) Any other information relating to southern bluefin tuna.
2. The Commission shall consider the matters described below:
 - (a) Interpretation or implementation of this Convention and measures adopted pursuant to it;
 - (b) Regulatory measures for conservation, management and optimum utilization of southern bluefin tuna;
 - (c) Matters which shall be reported by the Scientific Committee prescribed in article 9;
 - (d) Matters which may be entrusted to the Scientific Committee prescribed in article 9;
 - (e) Matters which may be entrusted to the secretariat prescribed in article 10;
 - (f) Other activities necessary to carry out the provisions of this Convention.

3. For the conservation, management and optimum utilization of southern bluefin tuna:
 - (a) The Commission shall decide upon a total allowable catch and its allocation among the Parties unless the Commission decides upon other appropriate measures on the basis of the report and recommendations of the Scientific Committee referred to in paragraph 2 (c) and (d) of article 9; and
 - (b) The Commission may, if necessary, decide upon other additional measures.
4. In deciding upon allocations among the Parties under paragraph 3 above, the Commission shall consider:
 - (a) Relevant scientific evidence;
 - (b) The need for orderly and sustainable development of southern bluefin tuna fisheries;
 - (c) The interests of Parties through whose exclusive economic or fishery zones southern bluefin tuna migrate;
 - (d) The interests of Parties whose vessels engage in fishing for southern bluefin tuna, including those which have historically engaged in such fishing and those which have southern bluefin tuna fisheries under development;
 - (e) The contribution of each Party to conservation and enhancement of, and scientific research on, southern bluefin tuna;
 - (f) Any other factors which the Commission deems appropriate.
5. The Commission may decide upon recommendations to the Parties in order to further the attainment of the objective of this Convention.
6. In deciding upon measures under paragraph 3 above and recommendations under paragraph 5 above, the Commission shall take full account of the report and recommendations of the Scientific Committee under paragraph 2 (c) and (d) of article 9.
7. All measures decided upon under paragraph 3 above shall be binding on the Parties.
8. The Commission shall notify all Parties promptly of measures and recommendations decided upon by the Commission.
9. The Commission shall develop, at the earliest possible time and consistent with international law, systems to monitor all fishing activities related to southern bluefin tuna in order to enhance scientific knowledge necessary for conservation and management of southern bluefin tuna and in order to achieve effective implementation of this Convention and measures adopted pursuant to it.
10. The Commission may establish such subsidiary bodies as it considers desirable for the exercise of its duties and functions.

Article 9

- 1. The Parties hereby establish the Scientific Committee as an advisory body to the Commission.**
- 2. The Scientific Committee shall:**
 - (a) Assess and analyse the status and trends of the population of southern bluefin tuna;**
 - (b) Coordinate research and studies of southern bluefin tuna;**
 - (c) Report to the Commission its findings or conclusions, including consensus, majority and minority views, on the status of the southern bluefin tuna stock and, where appropriate, of ecologically related species;**
 - (d) Make recommendations, as appropriate, to the Commission by consensus on matters concerning the conservation, management and optimum utilization of southern bluefin tuna;**
 - (e) Consider any matter referred to it by the Commission.**
- 3. A meeting of the Scientific Committee shall be held prior to the annual meeting of the Commission. A special meeting of the Scientific Committee shall be called at any time at the request of a Party provided that such request is supported by at least two other Parties.**
- 4. The Scientific Committee shall adopt and amend as necessary its rules of procedure. The rules and any amendments thereto shall be approved by the Commission.**
- 5. (a) Each Party shall be a member of the Scientific Committee and shall appoint to the Committee a representative with suitable scientific qualifications who may be accompanied by alternates, experts and advisers.**
 - (b) The Scientific Committee shall elect a Chair and a Vice-Chair. The Chair and the Vice-Chair shall be elected from different Parties.**

Article 10

- 1. The Commission may establish a secretariat consisting of an Executive Secretary to be appointed by the Commission and appropriate staff on conditions as may be determined by the Commission. The staff shall be appointed by the Executive Secretary.**
- 2. Until such time as a secretariat is established, the Chair of the Commission shall nominate from within his or her Government an official to act as Secretary to the Commission to perform the secretariat functions set out in paragraph 3 below for a term of one year. At each annual meeting of the Commission, the Chair shall advise the Parties of the name and address of the Secretary.**
- 3. The secretariat functions shall be prescribed by the Commission, and shall include the following:**
 - (a) Receiving and transmitting the Commission's official communications;**
 - (b) Facilitating the collection of data necessary to accomplish the objective of this Convention;**
 - (c) Preparing administrative and other reports for the Commission and the Scientific Committee.**

Article 11

1. The Commission shall decide upon an annual budget.
2. The contributions to the annual budget from each Party shall be calculated on the following basis:
 - (a) 30% of the budget shall be divided equally among all the Parties; and
 - (b) 70% of the budget shall be divided in proportion to the nominal catches of southern bluefin tuna among all the Parties.
3. Notwithstanding the provisions of article 7, any Party that has not paid its contributions for two consecutive years shall not enjoy the right to participate in the decision-making process in the Commission until it has fulfilled its obligations, unless the Commission decides otherwise.
4. The Commission shall decide upon, and amend as occasion may require, financial regulations for the conduct of the Commission and for the exercise of its functions.
5. Each Party shall meet its own expenses arising from attendance at meetings of the Commission and of the Scientific Committee.

Article 12

The Commission shall collaborate with other intergovernmental organizations which have related objectives, *inter alia*, to obtain the best available information including scientific information to further the attainment of the objective of this Convention and shall seek to avoid duplication with respect to their work. The Commission may make arrangements with such intergovernmental organizations to these ends.

Article 13

With a view to furthering the attainment of the objective of this Convention, the Parties shall cooperate with each other to encourage accession by any State to this Convention where the Commission considers this to be desirable.

Article 14

1. The Commission may invite any State or entity not party to this Convention, whose nationals, residents or fishing vessels harvest southern bluefin tuna, and any coastal State through whose exclusive economic or fishery zone southern bluefin tuna migrate, to send observers to meetings of the Commission and of the Scientific Committee.
2. The Commission may invite intergovernmental or, on request, non-governmental organizations having special competence concerning southern bluefin tuna to send observers to meetings of the Commission.

Article 15

1. The Parties agree to invite the attention of any State or entity not party to this Convention to any matter relating to the fishing activities of its nationals, residents or vessels which could affect the attainment of the objective of this Convention.

2. Each Party shall encourage its nationals not to associate with the southern bluefin tuna fishery of any State or entity not party to this Convention, where such association could affect adversely the attainment of the objective of this Convention.
3. Each Party shall take appropriate measures aimed at preventing vessels registered under its laws and regulations from transferring their registration for the purpose of avoiding compliance with the provisions of this Convention or measures adopted pursuant to it.
4. The Parties shall cooperate in taking appropriate action, consistent with international law and their respective domestic laws, to deter fishing activities for southern bluefin tuna by nationals, residents or vessels of any State or entity not party to this Convention where such activity could affect adversely the attainment of the objective of this Convention.

Article 16

1. If any dispute arises between two or more of the Parties concerning the interpretation or implementation of this Convention, those Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
2. Any dispute of this character not so resolved shall, with the consent in each case of all parties to the dispute, be referred for settlement to the International Court of Justice or to arbitration; but failure to reach agreement on reference to the International Court of Justice or to arbitration shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 above.
3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the annex to this Convention. The annex forms an integral part of this Convention.

Article 17

1. This Convention shall be open for signature by Australia, Japan and New Zealand.
2. This Convention is subject to ratification, acceptance or approval by these three States in accordance with their respective internal legal procedures, and will enter into force on the date of deposit of the third instrument of ratification, acceptance or approval.

Article 18

After the entry into force of this Convention, any other State, whose vessels engage in fishing for southern bluefin tuna, or any other coastal State through whose exclusive economic or fishery zone southern bluefin tuna migrate, may accede to it. This Convention shall become effective for any such other State on the date of deposit of that State's instrument of accession.

Article 19

Reservations may not be made with respect to any of the provisions of this Convention.

Article 20

Any Party may withdraw from this Convention twelve months after the date on which it formally notifies the Depositary of its intention to withdraw.

Article 21

1. Any Party may at any time propose an amendment to this Convention.
2. If one third of the Parties request a meeting to discuss a proposed amendment the Depositary shall call such a meeting.
3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all the Parties.

Article 22

1. The original of this Convention shall be deposited with the Government of Australia, which shall be the Depositary. The Depositary shall transmit certified copies thereof to all other Signatories and acceding States.
2. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Canberra on the tenth day of May 1993, in a single original, in the English and Japanese languages, each text being equally authentic.

ANNEX FOR AN ARBITRAL TRIBUNAL

1. The arbitral tribunal referred to in paragraph 3 of article 16 shall be composed of three arbitrators who shall be appointed as follows:
 - (a) The party commencing proceedings shall communicate the name of an arbitrator to the other party which, in turn, within a period of forty days following such notification, shall communicate the name of the second arbitrator. The parties shall, within a period of sixty days following the appointment of the second arbitrator, appoint the third arbitrator, who shall not be a national of either party and shall not be of the same nationality as either of the first two arbitrators. The third arbitrator shall preside over the tribunal.
 - (b) If the second arbitrator has not been appointed within the prescribed period, or if the parties have not reached agreement within the prescribed period on the appointment of the third arbitrator, that arbitrator shall be appointed, at the request of either party, by the Secretary-General of the Permanent Court of Arbitration, from among persons of international standing not having the nationality of a State which is a Party to this Convention.
2. The arbitral tribunal shall decide where its headquarters will be located and shall adopt its own rules of procedure.
3. The award of the arbitral tribunal shall be made by a majority of its members, who may not abstain from voting.
4. Any Party which is not a party to the dispute may intervene in the proceedings with the consent of the arbitral tribunal.

- 5. The award of the arbitral tribunal shall be final and binding on all parties to the dispute and on any party which intervenes in the proceedings and shall be complied with without delay. The arbitral tribunal shall interpret the award at the request of one of the parties to the dispute or of any intervening party.**
- 6. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares.**

(b) Agreement on cooperation in research, conservation and management of marine mammals in the North Atlantic, 9 April 1992

The Parties,

In pursuance of the objectives laid down in the Memorandum of Understanding, signed at Tromsø on 19 April 1990, on cooperation between countries bordering the North Atlantic Ocean in research, conservation and management of marine mammals;

Having regard to their common concerns for the rational management, conservation and optimum utilization of the living resources of the sea in accordance with generally accepted principles of international law as reflected in the 1982 United Nations Convention on the Law of the Sea;

Desiring to enhance their cooperation in research on marine mammals and their role in the ecosystem, including, where appropriate, multi-species approaches, and on the effects of marine pollution and other human activities;

Bearing in mind the need to develop management procedures which take into account the relationship between marine mammals and other marine living resources;

Recalling the general principles of conservation and sustainable use of natural resources as reflected in the report of the World Commission on Environment and Development;

Convinced that regional bodies in the North Atlantic can ensure effective conservation, sustainable marine resource utilization and development with due regard to the needs of coastal communities and indigenous people;

Have agreed as follows:

Article 1

There is hereby established an international organization that shall be known as the North Atlantic Marine Mammal Commission.

Article 2

The objective of the Commission shall be to contribute through regional consultation and cooperation to the conservation, rational management and study of marine mammals in the North Atlantic.

Article 3

The Commission shall consist of:

- (a) A Council;**
- (b) Management Committees;**
- (c) A Scientific Committee;**
- (d) A secretariat.**

Article 4

- 1. Each Party shall be a member of the Council.**
- 2. The functions of the Council shall be:**
 - (a) To provide a forum for the study, analysis and exchange of information among the Parties on matters concerning marine mammals in the North Atlantic;**
 - (b) To establish appropriate Management Committees and coordinate their activities;**
 - (c) To establish guidelines and objectives for the work of the Management Committees;**
 - (d) To establish working arrangements with the International Council for the Exploration of the Sea and other appropriate organizations;**
 - (e) To coordinate requests for scientific advice;**
 - (f) To establish cooperation with States not parties to this Agreement in order to further the objective set out in article 2.**
- 3. Decisions of the Council shall be taken by the unanimous vote of those members present and casting an affirmative vote.**

Article 5

- 1. Management Committees shall with respect to stocks of marine mammals within their respective mandates:**
 - (a) Propose to their members measures for conservation and management;**
 - (b) Make recommendations to the Council concerning scientific research.**
- 2. Decisions of Management Committees shall be taken by the unanimous vote of those members present and casting an affirmative vote.**

Article 6

- 1. The Scientific Committee shall consist of experts appointed by the Parties.**
- 2. Subject to the approval of the Council, the Scientific Committee may invite other experts to participate in the conduct of its work.**
- 3. The Scientific Committee shall provide scientific advice in response to requests from the Council, utilizing, to the extent possible, existing scientific information.**

Article 7

- 1. The Council shall establish a secretariat.**
- 2. The secretariat shall perform such functions as the Council may determine.**

Article 8

The Council may agree to admit observers to meetings of the Commission when such admission is consistent with the objective set out in article 2.

Article 9

This Agreement is without prejudice to obligations of the Parties under other international agreements.

Article 10

1. This Agreement shall be open for signature on 9 April 1992 by the Faroe Islands, Greenland, Iceland and Norway, and shall enter into force 90 days after signature.
2. It shall remain open for signature by other Parties with the consent of the existing Signatories.
3. Any Party may withdraw from this Agreement upon giving six months' notice.

DONE at Nuuk on 9 April 1992.

**(c) Lisbon declaration on implementation by local authorities of the
marine chapter of Agenda 21 of the United Nations
Conference on Environment and Development**

Representatives of local authorities attending the Conference organized by the Advisory Committee on Protection of the Sea and the Camara Municipal de Lisboa on "Implementation of the marine chapter of Agenda 21 of the United Nations Conference on Environment and Development by local authorities", held at Lisbon from 3 to 5 May 1993, adopted the following Recommendations.

The Conference,

Noting the goals set by the Rio Declaration on Environment and Development adopted by the United Nations Conference on Environment and Development on 14 June 1992,

Bearing in mind that up to 80 per cent of marine pollution derives from land-based sources, including atmospheric pollution,

Recognizing that 70 per cent of the earth's surface is covered by the oceans and all kinds of seas,

Noting that much of the world's population is situated on the coasts and river banks but that many of the pollutants entering the oceans and seas are generated by cities, agricultural, industrial and commercial practices,

Further recognizing that, although control of individual sources of pollution is important, it is necessary to develop a more integrated approach to control of marine pollution, based on coastal zone management,

Convinced of the vital role of local authorities in developing and implementing such a strategy, since control of many of the sources of land-based marine pollution falls within their jurisdiction and competencies,

Aware that the current summary of the state of the marine environment through reports presented to the Conference demonstrates the vital economic importance of the coastal zones and that the continued ability of coastal zones to support present and future development needs is dependent on the maintenance of marine ecosystems, many of which are under unacceptable and increasing threats,

Conscious that in many regions the marine resources on which development depends may already be irreversibly damaged or in the process thereof and that essential further development will be impossible if the current trends continue and harmful practices are not changed,

Noting that the causes of pollution damage arise from many land-based sources, including general coastal development, increased industrial operations, increased growth in urban lifestyles, agricultural practices, trade and commerce, including shipping, port operations and tourism,

Recognizing that these activities are central to human life and thus cannot be avoided. They are predicted to increase in intensity and, because they are already causing serious damage in many locations, will need to be technically modified and controlled if necessary development is to take place on a sustainable basis,

Conscious that the problems faced by developing countries in attaining this goal will require that these countries be given special assistance and support,

Taking account of the Curitiba Commitment to Sustainable Development adopted at Rio de Janeiro on 15 January 1992 by representatives of local government authorities,

Welcoming the technical assistance and cooperation available from or offered by both Governments and international organizations,

Appreciating the role which non-governmental organizations and especially the national and international local authority associations can play in implementing Chapter 17 of Agenda 21 and related chapters,

Noting the conclusions of the multidisciplinary study carried out by the team of experts of the Advisory Committee on Protection of the Sea,

Sensitive to the need to take cognizance of the principle of subsidiarity, which requires that actions best taken at the national or local level, should be taken at that level,

Agreed the following Conclusions and Recommendations:

GENERAL RECOMMENDATIONS

Commitment to take Scientific, Technical and Administrative Measures

Local authorities should:

- 1. Seek to implement integrated coastal zone management procedures and arrangements, pressing central Governments where necessary to facilitate such implementation;**
- 2. Endeavour to build the capacity for increased understanding of the issues involved using international sources of assistance where necessary in order to meet specified objectives in terms of protection of the coastal strip and the inshore waters in order to achieve sustainable development;**
- 3. Take, as appropriate, such practical steps to the above ends as:**
 - Developing an understanding of the relationship between sources of damage and sustained damage to ecosystems and the coastal zone in general, having regard to the capacity of the environment to absorb damage;**
 - Developing and implementing damage limitation and pollution abatement strategies for ecosystems and environmental protection;**
- 4. Compile, as soon as possible, inventories of all sources of industrial emissions to air, discharges to water, and other waste arisings, characterizing these in terms of relevant physico-chemical properties, and quantify these so that potential impact can be assessed, specific damage limitation and pollution abatement techniques can be identified, the extent of required implementation assessed and appropriate priorities allocated, taking into account the best international practice and seeking advice where appropriate;**
- 5. Prepare inventories and quantify the sources of environmental damage arising from urban living, such as sewage and domestic waste arisings; introduce, as appropriate, procedures for effluent treatment at progressive levels of intensity, and modify these as may be required with the passage of time; identify, similarly, domestic waste arisings in relation to components, and quantify these; and design and introduce procedures for safe disposal, recycling or destruction of these, fully integrating such procedures with**

sewage sludge disposal procedures, having regard to the best international practice, modified, where necessary, to take account of local conditions;

6. Identify marine ecosystems exhibiting high levels of biodiversity and productivity and other critical habitat areas, with a view to limiting their use through, inter alia, designating them as protected areas, special or particularly sensitive areas, as appropriate, according protection for this purpose to coral reefs, estuaries, temperate and tropical wetlands (including mangroves), seagrass beds and other spawning and nursery areas of living resources, amongst others;
7. Assess agricultural practice, particularly intensive practice, in relation to its impact on coastal ecosystems, and take appropriate steps to minimize the impact of animal waste products, excess use of fertilizer and pesticides, having regard to the best international practice;
8. Ensure, to the greatest extent possible, that port and shipping operations should adhere to the best international practice both in respect of shoreside and seaborne operations, and insist upon observance of the highest standards of navigational practice and procedure and arrangements for cargo and fuel handling;
9. Assess and quantify the impact of tourism, partly in conjunction with urban living issues, partly through consideration of specific tourist activities, making in both cases proper provision for seasonal variation in demand;
10. In assessing potential environmental and ecological impact, have regard to: acceptable water quality criteria and standards, and the available means of monitoring effluents. ambient conditions and any changes occurring in these over a period of time; internationally accepted criteria and standards for water quality and the monitoring of discharges being used as a reference against which local criteria can be established when using water quality as an indicator in this way, taking international advice where possible to ensure that standards are cost effective and are not disproportionate to the benefits sought;
11. In developing all damage limitation and pollution abatement strategies, ensure that, in general, they take account of all impacts, including impacts on artisanal fisheries and indigenous peoples, paying due regard to accidental inputs and adopting an integrated approach to ensure that controls in one area do not simply result in additional adverse impacts in another;
12. Take note of the fact that good housekeeping and avoidance of accidents provide a quick and relatively cost-effective means of limiting damage and may avoid the cost of introducing additional controls of operational discharges involving the use of relatively complicated technologies;
13. Ensure that steps taken towards improvements of ecosystems and environmental conditions in general are cost-effective and progressive in the light of demonstrated need and have clearly identifiable beneficial results, in order to ensure that the protective approach is not discredited and discounted as an imposition of unnecessary cost for no discernible improvement.

Commitment to take legal measures and to secure adequate financial support

Local authorities should:

1. Endeavour to ensure that, for the benefit of local communities, the national Governments sign, ratify, accede or otherwise adhere to all relevant global and regional treaties concerned with protection of the marine environment, including particularly and as appropriate the Regional Seas Conventions and Protocols of the United Nations Environment Programme and the Conventions, Protocols and Regulations of the International Maritime Organization;

2. Endeavour to ensure that their national Governments delegate to them, as appropriate, the legislative powers and financial resources necessary for them to take appropriate measures at the local level to combat the entry into the marine environment of pollutants deriving from land-based sources, taking cognizance of Chapter 28 of Agenda 21 of the United Nations Conference on Environment and Development and relevant sections of Chapter 17;
3. Ensure that the necessary legislation is adopted at local levels to control or prevent, reduce or eliminate all sources of marine pollution that degrade the marine environment, especially in coastal waters;
4. Take any other measures, including administrative measures, necessary for the above purposes;
5. In enacting by-laws and measures pursuant to recommendations 3 and 4 above, should make full use of all powers delegated to them and, in particular, provide for:
 - (i) The undertaking of environmental impact assessments, taking account of the guidelines of the United Nations Environment Programme on this subject, for all projects, developments, discharges and emissions which might adversely affect the marine environment;
 - (ii) Control of planning and development of domestic, industrial and other projects that might adversely affect the marine environment, including tourist developments, by means of permit or authorization systems;
 - (iii) Regulation and control, by means of permit or authorization systems, of all emissions or discharges from land-based sources which are likely adversely to affect the marine environment, prohibiting emission or discharge of blacklisted substances;
 - (iv) Similarly regulate and control all dumping in the sea of wastes derived from land-based sources;
 - (v) In the case of both (iii) and (iv) above, pay particular attention to the regulation of discharge or disposal of sewage effluents or sewage wastes;
 - (vi) Appropriate training and education in implementing regulations enacted under (i) to (v) above, bearing in mind the need to create public awareness of the value and benefit to the health and welfare of local communities of such measures;
 - (vii) The holding of public enquiries in the case of all major development projects which might adversely affect the marine environment;
 - (viii) Ensuring that breaches of regulations enacted are appropriately punished and that any financial penalties are adequate both to punish and to deter repetition of such offences within the framework of existing law, and encouraging the revision and reinforcement of the law and legal procedures where these are found to be inadequate;
 - (ix) Introduction of flexible procedures for reviewing, on a continuous basis, any measures and penalties laid down in order to ensure that they take account of advances in technology, changes in monetary values, and other relevant developments, at the same time encouraging central Governments also to take proper account of these matters and to make provision for them;
 - (x) Effective enforcement of the measures adopted through monitoring and inspection on a continuous basis, and review of the operation of planning requirements, emission, discharge and dumping controls and any standards set for the quality of receiving waters;

- (xi) **The taking into account of the role that non-governmental organizations can play in enforcement, by seeking to ensure that they are appropriately involved at relevant stages of the legislative and enforcement procedures;**
- 6. In developing further measures to prevent, control, and eliminate marine pollution from land-based sources, consider such possibilities as:**
- (i) **Creating property rights, for example in certain areas of environmentally sensitive land adjacent to coasts, for the purposes of preventing activities and developments that would impact adversely on adjoining sea areas or on marine living resources, to ensure their protection and the protection of the habitat from marine pollution and other disturbances;**
 - (ii) **Encouraging provision for public interest litigation, including enabling local authorities to institute proceedings on behalf of the public against those violating marine pollution controls, including claims for compensation for economic loss resulting from environmental damage, and non-governmental environmental organizations so to act;**
 - (iii) **Urging that legal advice and aid be made available for victims of marine pollution damage;**
 - (iv) **Introducing "economic" incentives to encourage conformity to local authority by-laws, such as so-called "tax holidays", prizes, levying of charges for or local taxes on use of the marine environment for emissions, discharges into and dumping in the marine environment;**
- 7. Have regard to the need for maximum transparency in decision-taking, bearing in mind the importance of this for the enhancement of both public awareness and public involvement in the decision-making processes, which can improve the quality of this process and ensure public acceptance of, cooperation and voluntary compliance with, and enforcement of any resultant regulations, thus reducing the economic costs of the latter and increasing their effectiveness;**
- 8. Consider establishing an appropriate planning and coordinating mechanism for integrated management and sustainable development of coastal and marine areas and their resources, providing, in particular, for consultation as appropriate with the academic and private sectors, non-governmental organizations, local communities, resource user groups and indigenous peoples;**
- 9. Endeavour to ensure availability of adequate financial funds for environmental protection and management of coastal zones, including technology transfer and capacity-building, through mobilization of local resources, allocations from national budgets and, where appropriate, seeking international assistance for specific projects;**
- 10. Consider adopting rules and other financial regulations for levying local dues and taxes on water use, solid waste management, access to beaches, tourist sites and natural amenities in order to establish funds for environmental purposes;**
- 11. Introduce economic incentives for adoption of low-waste and environmentally clean technologies;**
- 12. Adopt relevant fiscal regulations, based on national legislation, for introducing local taxes for construction and other development works;**
- 13. Adopt and enforce sanctions and monetary penalties for violation of local environmental regulations and require payment of compensation for damage to the marine environment, including clean-up costs, based on the polluter-pays principle;**

14. Ensure technology transfer for environmental protection and management through the competent national authorities, and where appropriate, international organizations;

15. Endeavour to ensure availability of adequate financial funds and special grants for capacity-building purposes, education, training of personnel and other support activities.

Commitment to cooperation and assistance

Local authorities should, within the context of the welcome collaboration being established between the International Union of Local Authorities, its European Section - the Council of European Municipalities and Regions - and the United Towns Organization:

(a) Cooperate and render assistance at the inter-municipal level, taking account of the following means:

- (i) Dissemination of information on best environmental practices based on case studies;**
- (ii) Development and maintenance of links among coastal cities for exchanges of information and experiences covering relevant problems, strategies and solutions;**
- (iii) Establishment of systematic information systems, on the lines of the Local Environmental Initiative Communications Network based on electronic mail transfers, as currently being tested in the Baltic Sea region through the International Council for Local Environmental Initiatives, which could be used for transmission of coastal news; calls for assistance; conveying examples of good environmental practice; providing calendars of events; accessing information on sources of funds and available technologies and arranging conferences on problem areas, taking account of the possibility of holding such meetings through use of computer and television link-ups;**
- (iv) Facilitation of exchanges of officials in order to enlarge their experience and provision of assistance by secondment of appropriately qualified municipal experts;**
- (v) Provision of training for officials and facilities therefor, bearing in mind the possibilities of inviting officials of other municipal authorities to attend in-house courses; arranging joint courses; seeking assistance from local government associations and institutes at the global, regional and national levels, taking into account in particular in this process the need also for training in integrated coastal and marine management and sustainable development for scientists, technologists, community-based managers, advisers, local leaders, indigenous peoples, fisher folk, women and youth, among others;**
- (vi) Encourage incorporation of management and development, as well as environmental protection concerns and local planning issues, in educational curricula and public awareness campaigns, having regard to traditional ecological knowledge and sociocultural values;**

(b) Make full use of the opportunities available for financial, administrative and other support from international and regional institutions:

- (i) For the above mentioned activities, as appropriate;**
- (ii) For environmental monitoring, compiling of inventories and any necessary scientific research and environmental impact assessment;**

(iii) For projects such as waste, waste-water and sludge treatment plants, sewage systems, reduction or control of atmospheric pollution in industrial plants and other sources, prevention of coastal erosion and countering the adverse environmental effects of tourism;

(c) For the purposes of inter-municipal cooperation and cooperation with intergovernmental organizations, take maximum advantage of and collaborate with local government associations, in particular the International Union of Local Authorities, its associated International Council for Local Environmental Initiatives and the national associations established in various countries;

(d) Make use, as required, of the advice and assistance available through the Advisory Committee on Protection of the Sea and its regional programmes, in giving effect to the recommendations made in this Declaration at the local level;

(e) In the case of developing countries and countries in Eastern and Central Europe, press at the international and regional level for concerned Governments and institutions to facilitate the transfer to them of funds and technology adequate to enable them to develop the capacity to study, monitor, regulate and enforce the measures necessary to prevent and control land-based marine pollution and promote also the training necessary for this purpose.

Addendum to the Lisbon Declaration on small island States

The above Declaration has special pertinence to islands, as featured in the separate programme area on sustainable development of small islands in the marine chapter of Agenda 21. This chapter called for a Global Conference on the Sustainable Development of Small Island Developing States, to be held in Barbados in April 1994, as one of the first steps in its implementation. In many archipelagic and small island States and many island territories of continental States, local authorities are responsible for individual islands or parts of islands. Because of their physical isolation and frequent distance from national Governments, the role and responsibility of such local authorities for island development and environmental management have increased. It is often through local authorities that island inhabitants are most directly involved in their own governance. Local authorities on small islands should thus take an active part in the Global Conference on the Sustainable Development of Small Island Developing States and its preparatory process, since they will need to be directly involved in the implementation of decisions taken.

(d) Note verbale dated 12 July 1994 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General 1/

[Original: Spanish]

The Permanent Mission of the Argentina to the United Nations has the honour to enclose herewith a copy of a declaration of principles, entitled "the Buenos Aires Declaration", for circulation as a document of the General Assembly. It was produced by a seminar on the "Adoption of an Effective Regime for the Conservation of the Living Resources in the Area Adjacent to the Exclusive Economic Zone", held in Buenos Aires from 7 to 9 June 1994. The seminar, organized by the Argentine Council for International Relations, was attended by experts in the law of the sea from Argentina, Canada, Chile, Iceland, Norway, Peru, the United States of America, the Food and Agriculture Organization of the United Nations (FAO) and national and international academic institutions.

ANNEX

Declaration of Buenos Aires adopted on 9 June 1994 by the International Seminar on the Adoption of an Effective Regime for the Conservation of Living Resources in the Area Adjacent to the Exclusive Economic Zone

Considering:

That the intensification of unrestricted fishing on the high seas is threatening the sustainability of fish populations and the very survival of certain species, which endangers the supply of fisheries products as a source of food for the world,

That, in conformity with the United Nations Convention on the Law of the Sea, which is shortly to enter into force on 16 November 1994, the freedom to fish on the high seas is not unrestricted, but is subject to the rights, interests and obligations of coastal States and other States fishing in this maritime space,

That the above-mentioned Convention needs to be supplemented by further provisions aimed at ensuring the conservation, management and exploitation of fish stocks and other living resources, while safeguarding the rights of coastal States and of the international community in the area adjacent to their respective exclusive economic zones,

That chapter 17 of Agenda 21, which was adopted by the United Nations Conference on Environment and Development, recommends the adoption of effective measures to ensure the conservation of straddling and highly migratory fish stocks in the high seas, in accordance with the provisions of the Convention on the Law of the Sea,

That the recommendations of the World Conference on Fisheries Management and Development convened in 1984 by the Food and Agriculture Organization of the United Nations and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of that Organization also examined this problem,

1/ A/49/254.

That at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks which is currently taking place, coastal States and States fishing on the high seas are seeking to reach agreement on an effective regime for the conservation of such species in the high seas,

The International Seminar convened from 7 to 9 June 1994 by the Argentine Council for International Relations to consider the "Adoption of an effective regime for the conservation of the living resources in the area adjacent to the exclusive economic zone":

Supports the efforts of the international community to establish an effective regime for the conservation and management of straddling and highly migratory fish species on the high seas;

Invites interested academic institutions and specialists in international law and the law of the sea to contribute to studies aimed at the adoption of an effective regime for the conservation and management of fisheries resources and other living resources in the area of the high seas adjacent to the exclusive economic zone;

Formulates the following basic principles:

1. The regime being drawn up at the Conference must ensure the adoption of effective conservation and management measures which would guarantee the conservation and replenishment of fish stocks at levels of maximum sustainable yield;
2. Although the conservation and management measures must be adapted to the particular characteristics of each region, it is essential to have a body of law of universal and mandatory application which affords sufficient protection to the rights of coastal States with respect to those species which migrate from the high seas to the respective exclusive economic zone and vice versa and provides for the preservation of marine ecosystems and the conservation and exploitation of the living resources located in the area adjacent to the above-mentioned exclusive economic zones;
3. In order to be effective, such measures must take account of the biological characteristics and the population dynamics of the fish, since their exploitation must be subject to measures for conservation and management which are consistent and compatible with those adopted by the coastal State within its exclusive economic zone, through the implementation of appropriate precautionary measures;
4. In the absence of any agreements on conservation and management measures, or where proper implementation of international norms is lacking, the measures in force within the exclusive economic zone of the coastal State should be applied on a provisional basis until such time as an agreement is reached;
5. The coastal State should take measures, in the exercise of its rights of sovereignty, to ensure the conservation of living resources within its exclusive economic zone and should take into account the interdependence of such resources;
6. The effectiveness of the regime depends on its incorporation into a binding instrument which provides for an effective system of monitoring and control to ensure compliance on the high seas;
7. The regime must include a system for the binding solution of disputes in order to guarantee respect for its norms as they apply on the high seas;

Looks forward to the achievement of positive results in the United Nations Conference on this subject, and

Formulates the wish that the commendable initiative of the Argentine Council for International Relations in convening an International Seminar will set a valuable precedent for the holding of other international events of a similar nature, which would make a significant contribution to the study and solution of the complex problems affecting the conservation and management of the fisheries resources, which are becoming increasingly indispensable as a source of food for the world.

III. OTHER INFORMATION

A. International Court of Justice

Cameroon brings a case against Nigeria 1/

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

On 29 March 1994 the Republic of Cameroon filed in the Registry of the Court an Application instituting proceedings against the Federal Republic of Nigeria in a dispute concerning the question of sovereignty over the peninsula of Bakassi, and requesting the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975.

As a basis for the jurisdiction of the Court, the Application refers to the declarations made by Cameroon and Nigeria under Article 36, paragraph 2, of the Statute of the Court, by which they accept that jurisdiction as compulsory.

In the Application Cameroon refers to "an aggression by the Federal Republic of Nigeria, whose troops are occupying several Cameroonian localities on the Bakassi peninsula", resulting "in great prejudice to the Republic of Cameroon", and requests the Court to adjudge and declare:

"(a) That sovereignty over the peninsula of Bakassi is Cameroonian, by virtue of international law, and that that peninsula is an integral part of the territory of Cameroon;

(b) That the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (uti possidetis juris);

(c) That by using force against the Republic of Cameroon, the Federal Republic of Nigeria has violated and is violating its obligations under international treaty law and customary law;

(d) That the Federal Republic of Nigeria, by militarily occupying the Cameroonian peninsula of Bakassi, has violated and is violating the obligations incumbent upon it by virtue of treaty law and customary law;

(e) That in view of these breaches of legal obligation, mentioned above, the Federal Republic of Nigeria has the express duty of putting an end to its military presence in Cameroonian territory, and effecting an immediate and unconditional withdrawal of its troops from the Cameroonian peninsula of Bakassi;

(e') That the internationally unlawful acts referred to under (a), (b), (c), (d) and (e) above involve the responsibility of the Federal Republic of Nigeria;

(e'') That, consequently, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] the precise assessment of the damage caused by the Federal Republic of Nigeria;

1/ International Court of Justice communiqué No. 94/12 of 30 March 1994.

(f) In order to prevent any dispute arising between the two States concerning their maritime boundary, the Republic of Cameroon requests the Court to proceed to prolong the course of its maritime boundary with the Federal Republic of Nigeria up to the limit of the maritime zones which international law places under their respective jurisdictions."

**B. Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs,
tentative schedule of meetings for 1994/1995 in relation to the entry
into force of the Convention**

- | | |
|---------------------------------|---|
| 16-18 November 1994 | <u>Kingston</u>
Assembly of the Authority
(first part) |
| 21-22 November 1994 | <u>New York</u>
Ad hoc meeting of States Parties concerning elections for the International
Tribunal for the Law of the Sea |
| 27 Feb. - 17 March 1995 | <u>Kingston</u>
Assembly of the Authority
(second part) |
| 27 March - 12 April 1995 | <u>New York</u>
Fifth session of the United Nations Conference on Straddling Fish Stocks and
Highly Migratory Fish Stocks. |
| 15-26 May 1995 | <u>New York</u>
Meeting of States Parties for the election of Members of the Tribunal.
While elections may be postponed, the other agenda items might warrant a
meeting. |
| 24 July - 4 August 1995 | <u>New York</u>
Sixth session of the United Nations Conference on Straddling Fish Stocks and
Highly Migratory Fish Stocks. |
| 7-18 August 1995 | <u>Kingston</u>
Assembly of the Authority
(third part) |

C. Note from the Editor

The Law of the Sea Bulletin is now in its 11th year of publication, with a circulation well into the thousands in 1994 and increasing every year.

With the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994, the Bulletin will continue to provide its readers with the cogent and timely information they have come to expect.

Vis-à-vis the growing demand for the Bulletin, the budget cuts that we have had to face within the Organization have unfortunately led us to a situation where we can no longer finance the Bulletin with the resources available. For this reason, the decision to charge for copies of the Bulletin as a means to cover production and distribution costs has been made. This new policy will begin with the first issue of 1995 (No. 27). Three issues will continue to be produced each year and will be available on a subscription basis for \$37.50. We expect that most of our readers will want to subscribe, and we are asking that you notify us of your intentions by filling in and returning the subscription form included in this issue. If you have questions about starting a subscription, please contact the United Nations Publications office at the address listed on the form, and they will be happy to help you.

While we regret the need to charge for the Bulletin, we feel that it is the best option for the long-term health of the publication, and the only feasible way to keep on providing the information that you, as the users, have valued over the past 11 years. There will also be benefits to this arrangement, as you will discover in January when the first issue of your subscription arrives.
