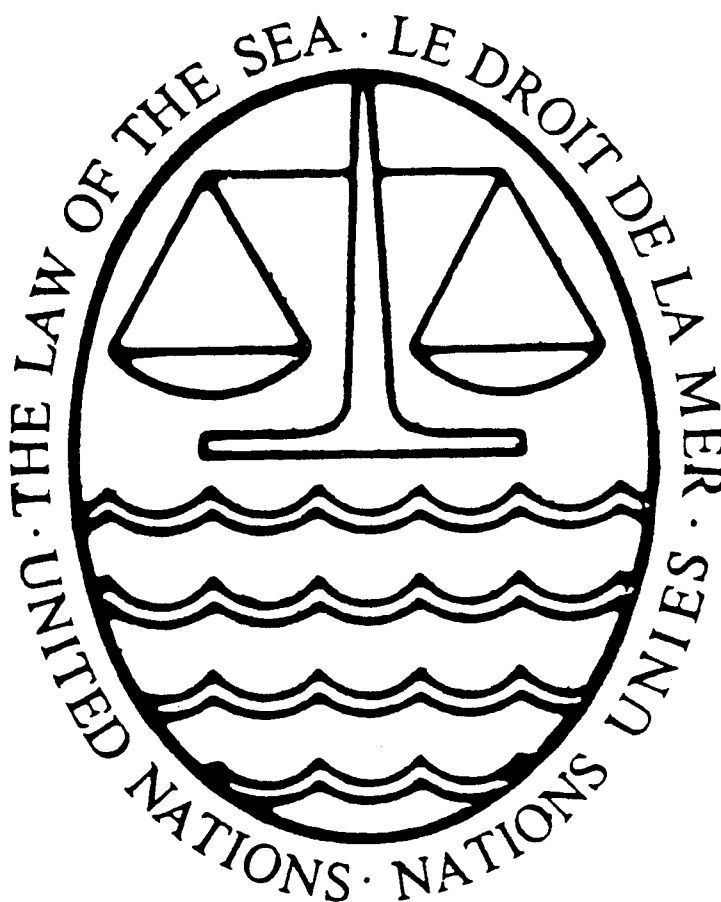


LAW OF THE SEA
BULLETIN

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No. 7

APRIL 1986



OFFICE OF THE SPECIAL REPRESENTATIVE
OF THE SECRETARY-GENERAL FOR THE LAW OF THE SEA

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

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

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

A. Table of signatures and ratifications as at 30 April 1986

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Afghanistan		18/3/83	
Albania			
Algeria <u>b/</u>	x	x	
Angola <u>b/</u>	x	x	
Antigua and Barbuda		7/2/83	
Argentina <u>b/</u>		5/10/84	
Australia	x	x	
Austria	x	x	
Bahamas	x	x	29/7/83
Bahrain	x	x	30/5/85
Bangladesh	x	x	
Barbados	x	x	
Belgium <u>b/</u>	x	5/12/84	
Belize	x	x	13/8/83
Benin	x	30/8/83	
Bhutan	x	x	
Bolivia <u>b/</u>		27/11/84	
Botswana	x	5/12/84	
Brazil <u>b/</u>	x	x	
Brunei Darussalam <u>c/</u>		5/12/84	
Bulgaria	x	x	
Burkina Faso <u>d/</u>	x	x	
Burma	x	x	
Burundi	x	x	
Byelorussian SSR <u>b/</u>	x	x	
Cameroon	x	x	19/11/85
Canada	x	x	
Cape Verde <u>b/</u>	x	x	
Central African Republic		4/12/84	
Chad	x	x	
Chile <u>b/</u>	x	x	
China	x	x	
Colombia	x	x	
Comoros		6/12/84	
Congo	x	x	

/...

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Costa Rica <u>b/</u>	x	x	
Côte d'Ivoire	x	x	26/3/84
Cuba <u>b/</u> <u>e/</u>	x	x	15/8/84
Cyprus	x	x	
Czechoslovakia	x	x	
Democratic Kampuchea		1/7/83	
Democratic People's Rep. of Korea	x	x	
Democratic Yemen	x	x	
Denmark	x	x	
Djibouti	x	x	
Dominica		28/3/83	
Dominican Republic	x	x	
Ecuador	x		
Egypt <u>e/</u>	x	x	26/8/83
El Salvador		5/12/84	
Equatorial Guinea	x	30/1/84	
Ethiopia	x	x	
Fiji	x	x	10/12/82
Finland <u>b/</u>	x	x	
France <u>b/</u>	x	x	
Gabon	x	x	
Gambia	x	x	22/5/84
German Democratic Republic <u>b/</u>	x	x	
Germany, Federal Republic of	x		
Ghana	x	x	7/6/83
Greece <u>b/</u>	x	x	
Grenada	x	x	
Guatemala		8/7/83	
Guinea <u>b/</u>		4/10/84	6/9/85
Guinea-Bissau	x	x	
Guyana	x	x	
Haiti	x	x	
Holy See	x		
Honduras	x	x	
Hungary	x	x	

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STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Iceland <u>e/</u>	x	x	21/6/85
India	x	x	
Indonesia	x	x	3/2/86
Iran (Islamic Republic of) <u>b/</u>	x	x	
Iraq <u>b/</u>	x	x	30/7/85
Ireland	x	x	
Israel	x		
Italy <u>b/</u>	x	7/12/84	
Jamaica	x	x	21/3/83
Japan	x	7/2/83	
Jordan	x		
Kenya	x	x	
Kiribati			
Kuwait	x	x	
Lao People's Democratic Republic	x	x	
Lebanon		7/12/84	
Lesotho	x	x	
Liberia	x	x	
Libyan Arab Jamahiriya	x	3/12/84	
Liechtenstein		30/11/84	
Luxembourg <u>b/</u>	x	5/12/84	
Madagascar		25/2/83	
Malawi		7/12/84	
Malaysia	x	x	
Maldives	x	x	
Mali <u>b/</u>		19/10/83	16/7/85
Malta	x	x	
Mauritania	x	x	
Mauritius	x	x	
Mexico	x	x	18/3/83
Monaco	x	x	
Mongolia	x	x	
Morocco	x	x	
Mozambique	x	x	
Nauru	x	x	

/...

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Nepal	x	x	
Netherlands	x	x	
New Zealand	x	x	
Nicaragua <u>b/</u>		9/12/84	
Niger	x	x	
Nigeria	x	x	
Norway	x	x	
Oman <u>b/</u>	x	1/7/83	
Pakistan	x	x	
Panama	x	x	
Papua New Guinea	x	x	
Paraguay	x	x	
Peru	x		
Philippines <u>b/ e/</u>	x	x	8/5/84
Poland	x	x	
Portugal	x	x	
Qatar <u>b/</u>		27/11/84	
Republic of Korea	x	14/3/83	
Romania <u>b/</u>	x	x	
Rwanda	x	x	
St. Christopher and Nevis <u>f/</u>		7/12/84	
Saint Lucia	x	x	27/3/85
St. Vincent and the Grenadines	x	x	
Samoa	x	28/9/84	
San Marino			
Sao Tome and Principe <u>b/</u>		13/7/83	
Saudi Arabia		7/12/84	
Senegal	x	x	25/10/84
Seychelles	x	x	
Sierra Leone	x	x	
Singapore	x	x	
Solomon Islands	x	x	
Somalia	x	x	
South Africa <u>b/</u>		5/12/84	
Spain <u>b/</u>	x	4/12/84	

/...

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Sri Lanka	x	x	
Sudan <u>b/</u>	x	x	23/1/85
Suriname	x	x	
Swaziland		18/1/84	
Sweden <u>b/</u>	x	x	
Switzerland	x	17/10/84	
Syrian Arab Republic			
Thailand	x	x	
Togo	x	x	16/4/85
Tonga			
Trinidad and Tobago	x	x	25/4/86
Tunisia <u>e/</u>	x	x	24/4/85
Turkey			
Tuvalu	x	x	
Uganda	x	x	
Ukrainian SSR <u>b/</u>	x	x	
Union of Soviet Socialist Reps. <u>b/</u>	x	x	
United Arab Emirates	x	x	
United Kingdom	x		
United Republic of Tanzania <u>e/</u>	x	x	30/9/85
United States of America	x		
Uruguay <u>b/</u>	x	x	
Vanuatu	x	x	
Venezuela	x		
Viet Nam	x	x	
Yemen <u>b/</u>	x	x	
Yugoslavia	x	x	
Zaire	x	22/8/83	
Zambia	x	x	7/3/83
Zimbabwe	x	x	
TOTAL FOR STATES	140	155	26

/...

OTHERS (Art. 305(1)(b),(c),(d),(e) and (f))	OTHER ENTITIES THAT HAVE SIGNED THE FINAL ACT OF THE CONFERENCE		
	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Cook Islands	x	x	
European Economic Community <u>b/</u>	x	7/12/84	
Namibia (United Nations Council for)	x	x	18/4/83
Niue		5/12/84	
Trust Territory of the Pacific Islands	x		
West Indies Associated States			
TOTAL FOR STATES AND OTHERS	144	159	27

OTHER ENTITIES THAT HAVE SIGNED THE FINAL ACT OF THE CONFERENCE

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

Notes

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

b/ Made a declaration at the time of signing the Convention.

c/ Became a member of the United Nations on 18 September 1984.

d/ Formerly Upper Volta.

e/ Made a declaration at the time of ratifying the Convention.

f/ Became a member of the United Nations on 23 September 1983.

/...

B. Declaration made upon ratification of the Convention

UNITED REPUBLIC OF TANZANIA

[Original: English]

In accordance with article 287 of the United Nations Convention on the Law of the Sea, the United Republic of Tanzania declares that it chooses the International Tribunal for the Law of the Sea for the settlement of disputes concerning the interpretation or application of the Convention.

C. Objection to declaration

OBJECTION BY BULGARIA TO THE UNDERSTANDING RECORDED UPON SIGNATURE
BY THE PHILIPPINES AND CONFIRMED UPON RATIFICATION

The Secretary-General received from the Government of Bulgaria, on 17 September 1985, the following objection concerning the understanding recorded by the Philippines:

[Original: English]

The People's Republic of Bulgaria is seriously concerned by the actions of a number of States which, upon signature or ratification of the United Nations Convention on the Law of the Sea, have made reservations conflicting with the Convention itself or have enacted national legislation which excludes or modifies the legal effect of the provisions of this Convention in their application to those States. Such actions contravene article 310 of the United Nations Convention on the Law of the Sea and are at variance with the norms of customary international law and with the explicit provision of article 18 of the Vienna Convention on the Law of Treaties.

Such a tendency undermines the purport and meaning of the Convention on the Law of the Sea, which establishes a universal and uniform régime for the use of the oceans and seas and their resources. In the note verbale of the Ministry for Foreign Affairs of the People's Republic of Bulgaria to the Embassy of the Philippines in Belgrade, a copy of which is enclosed herewith (see annex), the Bulgarian Government has rejected as devoid of legal force the statement made by the Philippines upon signature, and confirmed upon ratification, of the Convention.

The People's Republic of Bulgaria will oppose in the future as well any attempts aimed at unilaterally modifying the legal régime, established by the United Nations Convention on the Law of the Sea.

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ANNEX

Note verbale dated 3 May 1985 from the Ministry for Foreign
Affairs of the People's Republic of Bulgaria addressed to
the Embassy of the Philippines in Belgrade

The Ministry for Foreign Affairs of the People's Republic of Bulgaria presents its compliments to the Embassy of the Philippines in Belgrade and, in reference to depositary notification C.N.104.1984.TREATIES-3 of 22 May 1984, [circulated] by the United Nations Secretariat, concerning the ratification by the Government of the Philippines of the United Nations Convention on the Law of the Sea, has the honour to communicate the following:

The People's Republic of Bulgaria considers that paragraphs 6 and 7 of the statement made by the Philippines upon signature, and confirmed upon ratification, of the United Nations Convention on the Law of the Sea, in essence contain reservations and exceptions to the Convention, which are inadmissible under article 309 of the Convention. At the same time, this statement is incompatible with article 310 of the Convention under which States may make declarations and statements only "provided that such declarations and statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State".

Paragraph 6 of the statement of the Philippines affirms that "the concept of archipelagic waters is similar to the concept of internal waters under the Constitution of the Philippines, and removes straits connecting these waters with the economic zone or high sea from the rights of foreign vessels to transit passage for international navigation". Such a concept of the legal status of archipelagic waters is in contravention of part IV of the United Nations Convention on the Law of the Sea. The statement repeatedly emphasizes, inter alia, that, despite its ratification of the Convention, the Philippines will continue to be guided in matters relating to the law of the sea by its domestic legislation, which equates the legal status of archipelagic waters with that of internal waters. Thus, the Philippines not only has failed to harmonize its legislation with the Convention, but also is refusing to fulfil one of its fundamental obligations under the Convention, namely to respect the régime of archipelagic waters, which provides that foreign vessels enjoy the right of archipelagic passage through, and foreign aircraft the right of overflight over, such waters.

Proceeding from the foregoing, the People's Republic of Bulgaria can not recognize as lawful the statement of the Philippines and considers it to be devoid of legal effect due to its discrepancy with the provisions of the United Nations Convention on the Law of the Sea. Bulgarian ships and aircraft will respect the régime of archipelagic passage and overflight as set forth in part IV of the Convention.

The Ministry for Foreign Affairs of the People's Republic of Bulgaria avails itself of this opportunity to renew to the Embassy of the Philippines in Belgrade the assurances of its highest consideration.

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

A. Recent national legislation received from Governments

1. FEDERAL REPUBLIC OF GERMANY

[Original: English]

The Permanent Mission of the Federal Republic of Germany to the United Nations sent to the Special Representative of the Secretary-General for the Law of the Sea a note dated 11 October 1985, which reads as follows:

I have the honour to inform you of the Federal Government's Decree promulgated on 12 November 1984 (Federal Law Gazette I, p. 1366) on the Extension of the Territorial Sea of the Federal Republic of Germany in the North Sea for Preventing Tanker Casualties in the German Bight. This Decree and the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways of 9 January 1985 (Federal Law Gazette I, p. 38) entered into force on 16 March 1985.

The Decree of 12 November 1984 was published as notice No. 85-574 in the supplement to issue No. 4/1985 of the "Information for Mariners". The Sixth Ordinance of 9 January 1985 was published as notice No. 85-1224 in the supplement to issue No. 10/1985 of the "Information for Mariners". Copies of the two notices, including unofficial translations, as well as of Maritime Chart No. 50 are enclosed for reference (see annexes I to III).

The earlier notice, No. 70-1184, of the "Information for Mariners" dated 28 January 1970, concerning the baselines of the territorial sea in the North Sea has become obsolete to the extent that it refers to a uniform breadth of the territorial sea of three nautical miles. Apart from that, however, notice No. 70-1184 contains basic information on the Maritime Charts of the Federal Republic of Germany which continues to be of interest. Thus, it is pointed out that in the absence of up-to-date corrections the charts are not suitable for navigational purposes.

Notice No. 78-3240, by which the straight baselines in the Baltic Sea were published in issue No. 32 of the "Information for Mariners", continues in full force and effect.

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ANNEX I

Notice 85-574 on the extension of the territorial
sea in the North Sea: additional provisions to
the 1972 Collision Regulations

1. This is to give notice of the Federal Government's Decree promulgated on 12 November 1984 (Federal Law Gazette I, p. 1366) on the "Extension of the Territorial Sea of the Federal Republic of Germany in the North Sea for Preventing Tanker Casualties in the German Bight", the English translation of which reads as follows:

"The territorial sea of the Federal Republic of Germany shall be extended in the North Sea to enable appropriate action to be taken against the risk of tanker casualties and of pollution by oil of the sea and the coast of the German Bight. The outer limits of the extension area of the territorial sea of the Federal Republic of Germany shall be defined as follows (co-ordinates given as per European Datum (ED)):

"To the west, a line formed by the meridian in longitude 7°24'36" E bounded, on one end, by the point of intersection of this meridian with the current 3-mile limit of the territorial sea of the Federal Republic of Germany, which is situated to the north-west of Langeoog in latitude 57°47'38" N and, on the other end, by the northernmost point of the Deep-Water Anchorage with co-ordinates 54°08'11" N 7°24'36" E.

"To the north, a tangent from the last-mentioned point to a point on the current circular limit of the territorial sea to the north-west of Heligoland with co-ordinates 54°14'26" N 7°49'50" E; hence the current northern limit of the island's territorial sea up to a point to the north-east of Heligoland with co-ordinates 54°13'36" N 7°58'57" E, where the tangent from a point on the current limit of the territorial sea off the Elbe Estuary with co-ordinates 54°01'11" N 8°18'40" E touches the current circular limit of the territorial sea to the north-east of Heligoland.

"The last mentioned tangent forms the eastern limit of the extension area of the territorial sea."

The above Decree shall enter into force on 16 March 1985.

2. Upon the entry into force of the Decree, all legislation of the Federal Republic of Germany, including the Penal Code and the Water Management Acts of both the Federation and the Länder involved, shall be applied in the extension area in the same way as they have been hitherto applied in the 3-mile zone.

Concurrently with the extension of the territorial sea, the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways of 9 January 1985 (Federal Law Gazette I, p. 38) shall enter into force. Under this Ordinance, only some provisions of the Traffic Regulations for Navigable Waterways shall become

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applicable to vessels navigating in the area of extension of the territorial sea, i.e., in the area lying between the previous and the new seaward boundary of the territorial sea. However, the Traffic Regulations for Navigable Waterways shall continue to apply without restrictions in the traditional territorial sea (the 3-mile zone) around the Isle of Heligoland.

Only the following provisions of the Traffic Regulations for Navigable Waterways shall, in addition to the 1972 Collision Regulations, apply to the area of extension of the territorial sea:*

Section 3	(General principles of conduct in traffic)
Section 4	(Responsibility)
Section 7 (1)	(Vessels in public service)
Section 14	(Signals for vessels carrying certain dangerous goods)
Section 32 (5)	(Anchoring in roadsteads)
Section 55	(Competences of river and shipping police authorities)
Section 56	(<u>Ad hoc</u> orders by shipping police authorities)
Section 58	(Reports to Shipping Police authorities)
Section 59	(Exemption clause)
Section 60	(Issue by shipping police authorities of notices and statutory ordinances)
Section 61	(Administrative offences [Provisions on administrative fines])

In addition to the above, a new provision (sect. 24 (a)) obliging vessels navigating in the area in question to avoid impeding the safe passage of vessels constrained by their draught shall apply. The English translation of this provision reads as follows:

"Section 24 (a) - Obligation of vessels navigating in the area of extension of the territorial sea in the German Bight to avoid impeding the safe passage of vessels constrained by their draught.

"In derogation of the provisions of rule 18 (d) of the Collision Regulations any vessel, other than a vessel not under command, navigating in the area of extension of the territorial sea in the German Bight shall, irrespective of the circumstances of the case, avoid impeding the safe passage of a vessel constrained by her draught and shall take avoiding action in ample time. This provision shall apply, in particular, to any vessel approaching a vessel constrained by her draught so as to involve risk of collision."

This provision is to emphasize that, in derogation of rule 18 (d) of the 1972 Collision Regulations, the safe passage of a vessel constrained by her draught (exhibiting the signals in rule 28 of the Collision Regulations) navigating in the area of extension of the territorial sea in the German Bight must not be impeded,

* An unofficial English translation of the following provisions will be published together with the forthcoming Repeat Notice.

irrespective of the circumstances of the case. To that extent, Clarifications 3 and 7 of the Guidance for the Uniform Application of Certain Rules of the 1972 Collision Regulations (MSC/Circ.320) shall not apply in that area; this means that no vessel constrained by her draught will be deemed a give-way vessel.

The entry into force on 16 March 1985 of the extension of the territorial sea and of the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways will again be announced by a Repeat Notice.

ANNEX II

Notice 85-1224 on the German Bight - extension of
the territorial sea: additional provisions to
the 1972 Collision Regulations

Imminent entry into force, deep-water anchorage, mandatory
reporting scheme: Joint Notice by the Waterways and
Shipping Directorates, North and North-West

Notice 85-574 published in the supplement to issue No. 4/1985 of the Notices to Mariners refers.

The Federal Government's Decree promulgated on 12 November 1984 (Federal Law Gazette I, p. 1366) on the "Extension of the Territorial Sea of the Federal Republic of Germany in the North Sea for Preventing Tanker Casualties in the German Bight" will enter into force on 16 March 1985 at 0000 standard time (15 March 1985 at 2300 UTC).

At the same time, the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways (Seeschiffahrtstrassen-Ordnung) of 9 January 1985 (Federal Law Gazette I, p. 38) will enter into force. In the area of extension of the territorial sea, the following provisions of the Traffic Regulations for Navigable Waterways will apply, in addition to the 1972 Collision Regulations: sections 3, 4, 7 (1), 14, 24 (a), 32 (5), 55, 56, 58, 59, 60 and 61.

The unofficial English translation of these sections, except for section 24 (a), may be found in the annex to this notice (see appendix).

Special attention is again drawn to the new section 24 (a) obliging vessels, other than vessels not under command, navigating in the area of extension of the territorial sea to avoid impeding the safe passage of vessels constrained by their draught. The English translation of this provision reads as follows:

"Section 24 (a) - Obligation of vessels navigating in the area of extension of the territorial sea in the German Bight to avoid impeding the safe passage of vessels constrained by their draught.

"In derogation of the provisions of rule 18 (d) of the Collision Regulations, any vessel, other than a vessel not under command, navigating in the area of extension of the territorial sea in the German Bight shall, irrespective of the circumstances of the case, avoid impeding the safe passage of a vessel constrained by her draught and shall take avoiding action in ample time. This provision shall apply, in particular, to any vessel approaching a vessel constrained by her draught so as to involve risk of collision."

The chartlet illustrating the area of extension of the territorial sea, which was printed in the supplement to issue No. 4/1985 of the Notices to Mariners, shows two anchorages off the Weser Estuary; however, these were relocated some time ago. The chartlet attached to this notice gives a correct picture of the situation.

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In implementation of the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways (hereinafter referred to as "the Regulations"), a joint notice relating to anchorages (sect. 2 of the Regulations) and to reports to shipping police authorities (sect. 58 of the Regulations) has been issued by the Waterways and Shipping Directorates North and North-West; the English translation of this joint notice reads as follows:

- 1 Anchorage
(Item 3 of sect. 2 (1) of the Regulations refers).

The Deep-Water Anchorage is delineated by a line joining the following positions:

54°08'11" N 07°24'36" E (TW 11 Buoy)
Jade

54°00'27" N 07°24'36" E (DB 16 Buoy)
Reede

54°01'39" N 07°33'04" E (DB 18 Buoy)
Jade

- 2 Mandatory reporting scheme
(sect. 58 (1), (2) and (4) of the Regulations refers).

- 2.1 Vessels under the terms of section 58 (1) of the Regulations shall comprise vessels, including towing and pushing units, exceeding a length of 50 metres.

- 2.2 River and shipping police authorities under the terms of section 58 (4) of the Regulations shall comprise the Waterways and Shipping Offices of Wilhelmshaven and Cuxhaven.

- 2.2.1 Reports under the provisions of section 58 (1) of the Regulations shall be made by those vessels proceeding in an easterly direction before and when entering the area of extension of the territorial sea, respectively, by those vessels en route from a northerly direction when passing the reporting positions specified in item 2.2.2 below. Reports shall be forwarded to Traffic Control Centre, Wilhelmshaven (Revierzentrale Wilhelmshaven) via "Deutsche Bucht Revier Radio" on VHF channel 80.

- 2.2.2 Reporting positions.

- 2.2.2.1 Reports under the provisions of item 1 of section 58 (1) of the Regulations (including the vessel's name, position, dimensions and port of destination) shall be made as follows:

/...

- Vessels proceeding in the traffic separation scheme "Deutsche Bucht Lightvessel Western Approach" in an easterly direction shall make their reports when passing the "TW 7" lightbuoy.
- Vessels proceeding in the traffic separation scheme "Off Terschelling and in the German Bight" in an easterly direction shall make their reports when passing the "DB 13" lightbuoy.
- Vessels approaching a position between light vessel DEUTSCHE BUCHT and Helgoland shall make their reports when passing the parallel in latitude 54°20'00" N.

Such reports shall include the information required under the provisions of item 2 of section 58 (1) of the Regulations.

2.2.2.2 Reports under the provisions of item 2 of section 58 (1) of the Regulations (including the vessel's name, position, speed and time of passage) shall be made as follows:

- Vessels proceeding in the traffic separation scheme "Deutsche Bucht Lightvessel Western Approach" in an easterly direction shall make their reports when passing the "TW 9" lightbuoy.
- Vessels proceeding in the traffic separation scheme "Off Terschelling and in the German Bight" in an easterly direction shall make their reports when passing the "DB 17" lightbuoy.

This joint notice will also enter into force on 16 March 1985 at 0000 standard time (15 March 1985 at 2300 UTC).

Mariners are requested to observe strictly the provisions of the above notice.

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Appendix

Annex to Notice 85-1224

Extracts from the Traffic Regulations for Navigable Waterways
(Seeschiffahrtstrassen-Ordnung)

The following provisions of the Traffic Regulations for Navigable Waterways (Seeschiffahrtstrassen-Ordnung), hereinafter referred to as "these Regulations", are applicable to ships navigating in the area of extension of the territorial sea of the Federal Republic of Germany as described in Notice 85-574.

Section 3

General principles of conduct in traffic

- (1) The conduct of any person participating in marine traffic shall be such as to ensure the safety and easy flow of traffic and to ensure further that no other person will be exposed to any damage or danger or, beyond the inevitable necessity of the prevailing circumstances, be impeded or molested. Any precaution that may be required by the ordinary practice of seamen or by the special circumstances of the case shall be taken.
- (2) Having due regard to any special circumstances prevailing, any action that may be necessary shall be taken to avoid immediate danger, even if such action implies a departure from the provisions of these Regulations.
- (3) No person unable safely to navigate a vessel as a result of physical or mental disablement, or under the influence of alcoholic beverages or other intoxicants, may navigate a vessel.

Section 4

Responsibility

- (1) The person in charge of a vessel as well as any other person responsible for a vessel's safety shall comply with the provision of these Regulations on the conduct in traffic and on the fitting of vessels with appliances for exhibiting visual signals and for making sound signals.
- (2) A sea pilot shall also be deemed to be responsible; he shall provide advice to the person in charge of a vessel so as to enable him or her to comply with the provisions of these Regulations.
- (3) Notwithstanding the provisions of paragraph (1), the person in charge of a towing or pushing unit shall be responsible for the safe navigation of such unit. The person in charge of the towing or pushing vessel shall be

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deemed to be the person in charge of the entire unit; however, the persons in charge of the vessels involved may, prior to setting out on a voyage, designate the person in charge of a vessel other than the pushing or towing vessel to be the person in charge of the towing or pushing unit.

- (4) In the event that the person in charge of a vessel has not been identified and several persons are legally entitled to be in charge of such vessel, these persons shall, prior to setting out on a voyage, designate the responsible person in charge.
- (5) Nothing in this section shall affect the responsibility of any other person as may arise from the provisions of these Regulations or from any other relevant provision.

Section 7 (1)

Vessels in public service

Any vessel in public service shall be exempt from the provisions of these Regulations to the extent that this is imperative for the exercise of official functions, due regard being had to public safety and order. In the event that the safety and easy flow of traffic is affected through the exercise of Police functions, the signal described under item 1 of annex II.1 (a continuous, quick-flashing blue light) shall be exhibited.

Section 14

Signals for vessels carrying certain dangerous goods

- (1) Vessels carrying certain dangerous goods (e.g. gases, chemicals, oil and oil products in bulk) shall, in addition to the signals prescribed by the International Regulations for Preventing Collisions at Sea, exhibit the signals described under item 6 of annex II.1 (by day, Flag "B" of the International Code of Signals; by night, an all-round red light). These signals shall also be exhibited by vessels anchoring or having moored. The first and second sentences of this paragraph shall not apply to warships.
- (2) Paragraph (1) shall also apply to tankers which, after having discharged certain dangerous goods, have not yet been cleaned and gas-freed, unless such tankers have been completely inerted.

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Section 32 (5)

Anchoring in roadsteads

No vessel may anchor in a roadstead unless, with regard to the purpose of such roadstead, she is permitted to lie there.

Applicable conditions and requirements shall be made known by the competent river and shipping police authority.

Sections 55 and 56 are addressed to national shipping police authorities.

Section 58

Reports to shipping police authorities

- (1) Reports shall be made by any vessel, towing and pushing unit exceeding the sizes and dimensions made known by the competent river and shipping police authority as follows:
 1. In good time before entering any one of the navigable waterways made known by river and shipping police authorities, the name, the position, the dimensions and the port of destination shall be given;
 2. When passing the positions made known, the name, the position, the speed and the time of passage shall be given.

A report as prescribed by the first sentence of this paragraph shall also be made when a voyage is interrupted or resumed, as the case may be.

- (2) A report shall be made by any vessel under the terms of section 30 (1) 24 hours before entering any one of the following navigable waterways but, at any rate, not later than upon leaving her last port of departure: Ems River, Jade River, Weser River, Hunte River, Elbe River, Kiel Canal and Kiel Fjord. Any such vessel shall also comply with the provisions of item 2 of the first sentence as well as with those of the second sentence of paragraph (1).
- (3) Any report under the terms of the first sentence of paragraph (2) shall comprise the following information:
 1. The name and call sign of the vessel;
 2. The estimated time of arrival at the first reporting position made known (the day being given in two digits, the hour being expressed in local time and given in four digits);
 3. The nationality of the vessel;

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4. The length and draught of the vessel;
 5. The port of departure and the port of destination;
 6. The kinds of cargo and a description of the dangerous goods listed in annex III, as well as the quantities in question;
 7. When chemicals or liquefied gases are carried in bulk, an indication whether the vessel in question carries a Certificate of Fitness under the provisions of, respectively, the IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk or the IMO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
 8. A declaration whether there are any deficiencies in respect of the vessel or her cargo;
 9. The owner or owner's representative.
- (4) Reports under the provisions of paragraphs (1) and (2) shall be forwarded by the person in charge of the vessel in question, her owner or a representative of either one to the river and shipping police authority competent for the navigable waterway in question. Reports under the provisions of the first sentence of paragraph (2) shall be made in writing.

Section 59

Exemption clause

River and shipping police authorities may grant exemptions from any one or several of the provisions of these Regulations on a case-by-case basis.

Section 60

Issue by shipping police authorities of notices and statutory ordinances

- (1) The Waterways and Shipping Directorates North and North-West are herewith authorized to issue such Notices under the provisions of these Regulations as may be necessary for the prevention of dangers to the safety and easy flow of traffic. Such Notices shall be published in the Federal Register (Bundesanzeiger).
- (2) The Waterways and Shipping Directorates North and North-West are herewith authorized to issue statutory ordinances on the delineation of military and civil Exercise Areas and Prohibited Areas as well as on the conduct of vessels thereby necessitated.

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- (3) The Waterways and Shipping Directorates North and North-West are herewith authorized to issue, by way of statutory ordinances, temporary orders as may become necessary on special occasions to ensure the safety and easy flow of traffic on a given navigable waterway. Such orders may, in particular, be occasioned by works undertaken on the waterway, by public events, or by temporarily prevailing fairway conditions. The provisions of the first sentence of this paragraph shall also apply to such temporary orders as may be necessary for taking measures within the scope of shipping police authorities for trial purposes or for such time until an amendment to these Regulations takes effect. No such order shall remain in force for more than three years.

Section 61 (Extracts)

Administrative Offences

(Provisions on administrative fines)

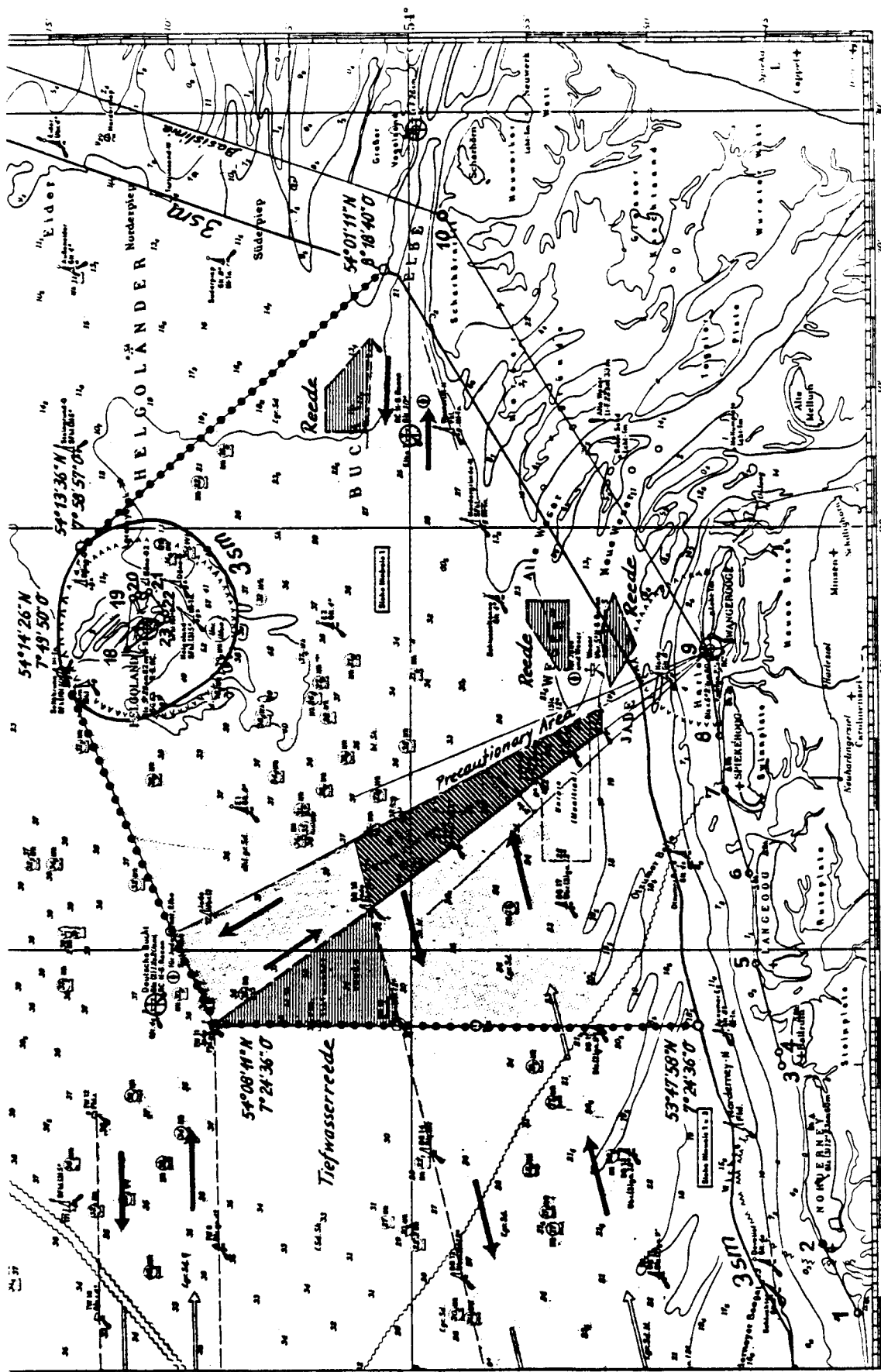
- (1) An administrative offence shall be deemed to have been committed under the terms of item 2 of section 15 (1) of the Maritime Navigation (Federal Competences) Act or under the terms of Section 7 (1) of the Inland Navigation (Federal Competences) Act by any person who, wilfully or by negligence,
1. Contravenes any one or several of the provisions of section 3 (1) on the general principles of conduct in traffic or, in contravention of the provisions of section 3 (3), navigates a vessel although being unable to safely navigate such vessel;
 2. Contravenes the provisions of section 4 (2) on the obligation of sea pilots to provide advice to the person in charge of a vessel or the provisions of section 4 (4) on the designation of the responsible person in charge;
 - ...
 8. Acts in contravention of ... [the relevant provisions of sect. 14 on the exhibition of signals for vessels carrying certain dangerous goods] ...;
 - ...
 15. Acts in contravention of ... [the relevant provisions of sect. 32 (5) on anchoring in roadsteads] ...;
 - ...
 37. Does not comply with an enforceable ad hoc order issued by a Shipping Police authority under the terms of section 56 (1);
 - ...

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40. In contravention of section 58, does not make a report as required by that section or, while making such report, fails to do so in good time or to comply with each and all of the provisions and requirements applicable.
- (2) In cases related to item 15 above, an administrative offence shall be deemed to have been committed also under the terms of item 2 of section 50 (1) of the Federal Waterways Act by any person who, wilfully or by negligence, acts in contravention of a regulation issued by a river police authority.
 - (3) The competence for prosecuting administrative offences under the terms of paragraph (1) above is herewith conferred upon the Waterways and Shipping Directorates.
 - (4) The competence for prosecuting administrative offences under the provisions of statutory ordinances issued under the terms of section 60 (2) and (3) is herewith conferred upon the Waterways and Shipping Directorates.
 - (5) The competence for prosecuting administrative offences under the terms of item 1 of section 15 (1) of the Maritime Navigation (Federal Competences) Act is herewith conferred upon the Waterways and Shipping Directorates.
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ANNEX III

Maritime Chart No. 50



 Bereich der Erweiterung des Küstenmeeres der Bundesrepublik Deutschland in der Nordsee
 Area of Extension of the Territorial Sea of the Federal Republic of Germany

2. GUINEA-BISSAU

[Original: French]

Act No. 2/85 of 17 May 1985

In view of the need to establish straight baselines in accordance with the Convention on the Law of the Sea of 10 December 1982;

At the proposal of the Council of Ministers and in exercise of the functions and powers conferred on it under article 56, item 8, of the Constitution, the People's National Assembly approves, and I promulgate, the following Act:

Article 1

In the Republic of Guinea-Bissau, the straight baselines for measuring the breadth of the territorial sea shall be defined by the points whose geographical co-ordinates are given in the following table:

<u>Point</u>	<u>North latitude</u>	<u>West longitude</u>
1	12°20'20"	16°43'05"
2	11°38'12"	16°35'12"
3	11°16'18"	16°28'53"
4	11°01'34"	16°11'04"
5	10°51'25"	15°43'35"
6	10°50'00"	15°10'30"

Article 2

Any legal provisions which are at variance with this Act shall be revoked.

Article 3

This Act shall enter into force immediately.

Act No. 3/85 of 17 May 1985

Considering that the Award made by the Arbitral Tribunal in The Hague on 14 February 1985 delimited the maritime boundary between the Republic of Guinea-Bissau and the Republic of Guinea;

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Considering that the decision made by this high court of arbitration brought an end, through the peaceful settlement adopted, to the maritime boundary dispute between the two neighbouring countries;

Considering further that the two fraternal peoples thereby achieved a historic result, which is important in the development of the good and close relations of friendship and co-operation which have always existed between their two countries;

At the proposal of the Council of Ministers and in exercise of the functions and powers conferred on it under article 56, item 8, of the Constitution, the People's National Assembly approves, and I promulgate, the following Act:

Article 1

The line delimiting the maritime areas appertaining to the Republic of Guinea-Bissau and the Republic of Guinea, respectively:

(a) Begins at the intersection of the Cajet thalweg and the meridian longitude 15°06'30" West;

(b) Connects, by means of loxodromes, the following points:

<u>Point</u>	<u>North latitude</u>	<u>West longitude</u>
A	10°50'00"	15°09'00"
B	10°40'00"	15°20'30"
C	10°40'00"	15°34'15"

(c) Follows a loxodrome on a bearing of 236° from point C above to the outer 200-mile limit.

Article 2

The territorial sea shall extend, within the national maritime frontiers, for a distance of 12 nautical miles measured from the straight baselines established by Act No. 2/85.

Article 3

1. The exclusive economic zone shall extend, within the national maritime frontiers, for a distance of 200 nautical miles measured from the straight baselines established by the above-mentioned Act.

2. The State of Guinea-Bissau shall have the exclusive right to explore and exploit the living and natural resources of the sea and the continental shelf, slopes and sea-bed within the exclusive economic zone.

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Article 4

Fishing within the exclusive economic zone by any foreign vessel or ship not authorized by the Government of the Republic of Guinea-Bissau is expressly prohibited.

Article 5

Violations of article 4 shall be punished under the terms of the law.

Article 6

Any legislation which is at variance with this Act shall be revoked.

Article 7

This Act shall enter into force immediately.

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3. INDONESIA

[Original: English]

Act No. 5 of 1983 on the Indonesian exclusive economic zone,
18 October 1983

Chapter I

General provision

Article 1

For the purposes of this Act,

- a. "Living natural resources" means all species of animals and plants, including their divisions, found on the sea-bed and in the water area of the Indonesian exclusive economic zone;
- b. "Non-living natural resources" means natural substances being non-living natural resources, found on the sea-bed and in the subsoil thereof as well as in the water area of the Indonesian exclusive economic zone;
- c. "Scientific research" means any activity in connection with the research on any maritime aspects on the water surface, in the water column, on the sea-bed and in the subsoil thereof the sea floor in the Indonesian exclusive economic zone;
- d. "Conservation of natural resources" means all efforts aimed at protecting and preserving the natural resources in the Indonesian exclusive economic zone;
- e. "Marine environmental protection and conservation" means any effort aimed at preserving and maintaining the whole of the marine ecosystem within the Indonesian exclusive economic zone.

Chapter II

Indonesia's exclusive economic zone

Article 2

The Indonesian exclusive economic zone is the outer strip bordering the Indonesian territorial sea as determined by the law applicable to the Indonesian waters, covering the sea-bed, the subsoil thereof and the water above it with an outermost limit of 200 (two hundred) nautical miles, measured from the baseline of the Indonesian territorial sea.

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Article 3

- (1) In the event that the Indonesian exclusive economic zone overlaps the exclusive economic zone of another State whose coastline is opposite or adjacent to that of Indonesia, then the boundary line between the exclusive economic zone of Indonesia and that of the other State shall be established by agreement between the Republic of Indonesia and the State concerned.
- (2) So long as such agreement as referred to in paragraph (1) does not exist, and no special conditions need to be considered, the boundary line between the exclusive economic zone of Indonesia and that of the other State shall be the median line or a line that is equidistant from the baselines of Indonesian territorial sea or the outermost points of Indonesia and the baselines of the territorial sea or outermost points of the other State, except if an agreement has been reached with the said State on a provisional arrangement of the boundaries of the Indonesian exclusive economic zone.

Chapter III

Sovereign rights, other rights, jurisdiction and duties

Article 4

- (1) Within the Indonesian Exclusive Economic Zone, the Republic of Indonesia shall have and exercise:
 - a. Its sovereign rights to conduct the exploration, exploitation, management and conservation of the living and non-living resources on the sea-bed and in the subsoil thereof, as well as the water above it, including other activities for the purpose of economic exploration and exploitation of said zone, such as the generation of power by means of water, current and wind;
 - b. Its jurisdiction in connection with:
 1. The construction and use of artificial islands, installations and other structures;
 2. Marine scientific research;
 3. The protection and conservation of the marine environment;
 - c. Other rights and duties, based on the applicable provisions of the Convention on the Law of the Sea.
- (2) As far as it concerns the sea-bed and the subsoil thereof, the sovereign rights and other rights, jurisdiction and duties of Indonesia as referred

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to in paragraph (1), shall be exercised in accordance with the legislative provisions on the Indonesian continental shelf, agreements concluded between the Republic of Indonesia and neighbouring States and the rules of international law in force.

- (3) Within the Indonesian exclusive economic zone, the freedom of international navigation and overflight, as well as the freedom of laying submarine cables and pipelines, shall be respected in accordance with the principles of the international law of the sea.

Chapter IV

Activities within the Indonesian exclusive economic zone

Article 5

- (1) Without prejudice to the provision in article 4, paragraph (2), the exploration and/or exploitation of natural resources or any other activities for the purpose of the economic exploration or exploitation of said natural resources, such as generation of power by means of water, current or wind within the Indonesian exclusive economic zone, may only be conducted on the permission of the Government of the Republic of Indonesia, or on the basis of an international agreement concluded with the Government of the Republic of Indonesia. Such activity has to be carried out under the conditions of such permit or such international agreement.
- (2) Without prejudice to the provision in paragraph (1), any exploration and/or exploitation of the living natural resources shall comply with the provisions on management and conservation as stipulated by the Government of the Republic of Indonesia.
- (3) Without prejudice to the provision in article 4, paragraph (2), any exploration and/or exploitation of the living resources in a certain area within the Indonesian exclusive economic zone, conducted by any person, a corporate body or Government of a foreign State, may be permitted provided that the catch as allowed by the Government of the Republic of Indonesia of the species in question is in excess of Indonesia's capacity to harvest the allowable catch.

Article 6

Whoever constructs and/or uses any artificial island or installations or other structures within the Indonesian exclusive economic zone, may do so based on the permission of the Government of the Republic of Indonesia. Such activities have to be carried out under the conditions of such permit.

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Article 7

Whoever intends to conduct any scientific research activity in the Indonesian exclusive economic zone has to ensure that such activity shall obtain the prior consent of, and such activity shall be carried out under the conditions as determined by, the Government of the Republic of Indonesia.

Article 8

- (1) Whoever conducts any activity within the Indonesian Exclusive Economic Zone has the duty to take steps towards preventing, minimizing, controlling and surmounting the pollution of the environment.
- (2) Discharge of waste in the Indonesian exclusive economic zone may be effected only after having obtained the permission of the Government of the Republic of Indonesia.

Chapter V

Indemnity

Article 9

Whoever conducts any activity in violation of the provisions of the statutory regulations of the Republic of Indonesia and international law in relation to artificial islands, installations or other structures within the Indonesian exclusive economic zone and causes loss shall be liable for such loss and shall pay indemnity to the owner of such artificial islands, installations and/or other structures.

Article 10

Without prejudice to the provision in article 7, whoever conducts any activity within the Indonesian exclusive economic zone in violation of the provisions of the statutory regulations of the Republic of Indonesia and the rules of international law, as applicable to the field of marine scientific research, and causes loss shall be held responsible for such loss and shall pay indemnity to the Republic of Indonesia.

Article 11

- (1) Without prejudice to the provision in article 8 and with due observance to a fixed maximum of indemnity, whoever causes pollution of the marine environment and/or damage to the natural resources within the Indonesian exclusive economic zone shall be held fully responsible for such pollution or damage and shall pay immediately a reasonable amount of the rehabilitation costs for the marine environment and/or natural resource.

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- (2) Exempted from the full responsibility as provided for in paragraph (1) are those who can prove that such pollution of the marine environment and/or damage to the natural resources was the result of:
 - a. A natural calamity, being beyond one's power;
 - b. A damage which wholly or partly was caused by an act or negligence of a third party.
- (3) The form, type and size of the loss resulting from the pollution of the marine environment and/or damage to the natural resources shall be fixed on the basis of the outcome of an ecological investigation.

Article 12

The regulation pertaining to the limit of maximum indemnity, method of ecological investigation and claim for damages, as referred to in article 11, shall be dealt with by statutory regulations as referred to in article 20.

Chapter VI

Law enforcement

Article 13

In exercising the sovereign rights and other rights, jurisdiction and duties, as specified in article 4, paragraph (1), the competent law-enforcement agency of the Republic of Indonesia may take law-enforcement measures in accordance with Act No. 8 of 1981 on the Code of Criminal Procedure with the following exceptions:

- (a) In the case of any ship and/or persons deemed to have committed an offence within the Indonesian exclusive economic zone, such measures shall include the detention of the ship until the handing over of such ship and/or persons at the port, where the said case can be further prosecuted.
- (b) The handing over of such ship and/or persons shall take place as soon as possible, not exceeding a period of 7 (seven) days, except in case of a force majeure.
- (c) For the purpose of detention, the criminal act as referred to in article 16 and article 17, shall come under the category of criminal acts as referred to in article 21, paragraph (4), letter b, Act No. 8 of 1981 on the Code of Criminal Procedure.

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Article 14

- (1) The law-enforcement agency in the field of investigation within the Indonesian exclusive economic zone is a Navy Officer of the Indonesian Armed Forces, so assigned by the Commander-in-Chief of the Armed Forces of the Republic of Indonesia.
- (2) The plaintiff is the public prosecutor attached to the court of first instance as referred to in paragraph (3).
- (3) The court of justice authorized to try offences arising from violation of the provisions of this Act is the court of first instance whose jurisdiction covers the port where the detention of such ship and/or persons as referred to in article 13, letter a, has taken place.

Article 15

- (1) Any request for the release of such ship and/or persons arrested on the ground of being accused of having committed a violation of this act or any legislative provision issued on the basis of this act may be filed at any time prior to the verdict of the competent court of first instance.
- (2) Any request for such release as provided for in paragraph (1) may be complied with after the claimant has handed over a reasonable amount of bail as fixed by the competent court of first instance.

Chapter VII

Penal provisions

Article 16

- (1) Whoever commits a violation of the provisions in article 5, paragraph (1), article 6 or article 7 shall be punished by a fine to a maximum of Rp 225,000,000 (two hundred and twenty-five million rupiahs).
- (2) The court in its verdict may decide to confiscate the products of activity, the ship and/or the equipment used in committing the criminal act as referred in paragraph (1).
- (3) Whoever deliberately commits an act causing damage to the life environment or the pollution of the life environment within the Indonesian exclusive economic zone shall be threatened with punishment in accordance with the legislative provisions applicable to the field of life environment.

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Article 17

Whoever damages or destroys the evidences used in committing a criminal act referred to in article 16, paragraph (1), with the purpose of avoiding the confiscation of said evidences during the investigation, shall be punished by a fine to a maximum of Rp 75,000,000 (seventy-five million rupiahs).

Article 18

The criminal act referred to in article 16 and article 17 shall be regarded as a crime.

Chapter VIII

Transitional provision

Article 19

Any provisions on the exploration and/or exploitation of the living resources enacted before the promulgation of this act shall remain in force until changes are made by virtue of legislative provisions issued on the basis of this Act.

Chapter IX

Closing provisions

Article 20

- (1) Other statutory regulations shall be adopted to implement further the provisions of this Act.
- (2) The government regulation in implementing the provisions of this Act may stipulate a maximum fine of Rp 75,000,000 (seventy-five million rupiahs) against any violation of its provisions.

Article 21

This Act shall come into force as from the date of its promulgation. In order that everybody may have knowledge of it, the promulgation of this act is hereby ordered through its placing in the State Gazette of the Republic of Indonesia.

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 1983, No. 44.

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ANNEX

Elucidation of Act No. 5 of 1983

I. GENERAL

The Government of the Republic of Indonesia has long since felt the great importance of the exclusive economic zone to support the realization of the Archipelagic Outlook in the framework of improving the welfare of the Indonesian nation, by way of utilizing all natural resources, both living and non-living, found within its exclusive economic zone.

Based on what is mentioned above and in order to safeguard the national interest, particularly in the matter of satisfying the need of the Indonesian people for animal protein and in regard to the utilization of non-living resources, protection and conservation of the marine environment and marine scientific research, the Government of the Republic of Indonesia issued a government announcement on 21 March 1980 on the Indonesian exclusive economic zone.

International law on the exclusive economic zone has been developed by the international community through the Third United Nations Conference on the Law of the Sea and State practice, and is aimed at protecting the interests of the coastal State against the danger of exhausting the natural resources adjacent to its coast by fishery activities on the basis of the régime of the high seas.

Besides, the exclusive economic zone also serves to protect the interests of coastal States in the field of the conservation of the marine environment and the conduct of marine scientific research in the framework of supporting the utilization of natural resources within the exclusive economic zone.

The United Nations Convention on the Law of the Sea has provided the Republic of Indonesia in its capacity as a coastal State with the sovereign right to explore and exploit the natural resources found within the exclusive economic zone and the jurisdiction relating to the exercise of such sovereign right.

On the other hand, Indonesia has the duty to respect the right of other States in its exclusive economic zone, such as the freedom of navigation and overflight, as well as the freedom of the laying of submarine cables and pipelines within the exclusive economic zone.

With special reference to the utilization of the living resources found within the Indonesian exclusive economic zone, any other State may, in accordance with the United Nations Convention on the Law of the Sea, take part in utilizing the living resources, so long as Indonesia has not yet fully utilized all of these living resources.

Besides announcing the above-mentioned principles and basic policies, which are primarily directed towards the outside world, it was found necessary also that said principles and basic policies be laid down in an Act so as to provide a solid

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basis for the exercise of the sovereign right, other rights, jurisdiction and duties within the exclusive economic zone, so that, in this way, legal security may be established as well.

It was in this connection that the Act on the Indonesian Exclusive Economic Zone was drawn up, which stipulates the sovereign right, other rights, jurisdiction and duties of the Republic of Indonesia within its exclusive economic zone.

This Act only provides the basic rules, while further implementation of the provisions of this act shall be laid down in other statutory regulations.

II. ARTICLE BY ARTICLE

Article 1

The term "living resources" in this act means the same as is meant by the term "fishery resources" in the provisions of the statutory regulations on fishery.

Article 2

This article clarifies and confirms the geographical definition of the Indonesian exclusive economic zone as contained in the announcement of the Government of the Republic of Indonesia dated 21 March 1980 on the Indonesian exclusive economic zone.

Article 3

Paragraph (1)

Sufficiently clear.

Paragraph (2)

This paragraph provides that the principles of equidistance is applied to determine the boundaries between the exclusive economic zone of Indonesia and a neighbouring State, except in case of special circumstances necessitating consideration, so as not to prejudice the national interest.

Such special circumstances, for example, may include the presence of an island belonging to another country, located at a distance less than 200 (two hundred) sea miles from the baseline from which the breadth of the Indonesian exclusive economic zone is measured.

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Article 4

Paragraph (1)

The expression "Indonesian sovereign right" is not the same as or cannot be equalized with the full sovereignty as possessed and exercised by Indonesia over its territorial sea, interislands waters and inland waterways.

Based on what is mentioned above, so the sanctions imposed in the Indonesian exclusive economic zone differ from those imposed upon the waters falling under the sovereignty of the Republic of Indonesia.

Other rights, based on international law, include the right of the Republic of Indonesia to enforce the law upon and undertake a hot pursuit of any foreign ships committing a violation of the provision of Indonesia's statutory regulations in the exclusive economic zone.

Another duty, based on international law, is the duty of the Republic of Indonesia to respect the rights of other States, such as the freedoms of navigation and overflight, as well as the freedom for the laying of submarine cables and pipelines.

Paragraph (2)

This paragraph stipulates that, as far as it concerns the living and non-living resources found on the sea-bed and in the subsoil thereof, within the boundaries of the Indonesian exclusive economic zone, the Indonesian sovereign right shall be exercised and shall be based on Indonesia's statutory regulations as applicable to the continental shelf régime, as well as international agreements on the continental shelf determining the boundaries between the continental shelves of Indonesia and neighbouring States whose coasts are opposite or adjacent to those of the Republic of Indonesia.

Paragraph (3)

In accordance with the applicable principles of international law, such as those originating from the practice of States and laid down in the United Nations Convention on the Law of the Sea as adopted at the Third United Nations Conference on the Law of the Sea, within the exclusive economic zone, any State, whether coastal or landlocked, shall enjoy the freedom of international navigation and overflight as well as the freedom of the laying of submarine cables and pipelines and using the sea pursuant to said freedoms, such as the operation of ships and aircraft and the maintenance of submarine cables and pipelines.

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Article 5

Paragraph (1)

Any exploratory or exploitative activity of the natural resources or any other activity for the purpose of economic exploration and/or exploitation, such as the generation of power from water, current and wind, conducted within the Indonesian exclusive economic zone by any Indonesian national or corporate body shall be based on a permit granted by the Government of the Republic of Indonesia.

Activities as meant above conducted by a foreign State, foreigner or foreign corporate body shall be based on an international agreement concluded between the Government of the Republic of Indonesia and the foreign State concerned.

The terms and conditions of such international treaty or agreement have to state the rights and duties to be observed by those conducting exploratory or exploitation activities within the said zone, such as the duty to pay levies to the Government of the Republic of Indonesia.

Paragraph (2)

Living resources basically have the quality to recover, but not in the sense of being unlimited. Therefore, with the presence of such quality, the Government of the Republic of Indonesia, in the management and conservation of the living resources, has decided upon the degree of utilization in the Indonesian exclusive economic zone, in part or in whole.

Paragraph (3)

Within the framework of conserving the living resources, Indonesia has the duty to guarantee the maximum sustainable yield of the living resources within the Indonesian exclusive economic zone.

With due observance to said maximum sustainable yield, Indonesia also has the duty to fix the maximum quantity of allowable catch of the living resources.

In the event that the Indonesian fisheries industry is not yet fully capable of utilizing said maximum quantity of allowable catch, then the difference between the allowable catch and the Indonesian harvesting capacity may be utilized by another State with the permission of the Government of the Republic of Indonesia on the basis of an international agreement.

Suppose the allowable catch is fixed at 1,000 (one thousand) tons, while Indonesia's harvest capacity has reached only 600 (six hundred) tons, another State may participate in utilizing the remaining 400 (four hundred) tons, with the permission of the Government of the Republic of Indonesia on the basis of an international agreement.

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The reference to article 4, paragraph (2), is meant to clarify that sedentary species found on the sea-bed within the exclusive economic zone are subject to the continental shelf régime (art. 1, letter b, Act No. 1 of 1973, on the Indonesian Continental Shelf). Therefore, they are not subject to the provision under this paragraph.

Article 6

In accordance with article 4, paragraph (1), the Republic of Indonesia has the exclusive right to develop, license and arrange the development, operation and use of artificial islands, installations and other structures.

Besides, Indonesia has exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction relating to the implementation of legislative provisions in the fields of customs, taxation, health, safety and immigration.

Although Indonesia has exclusive jurisdiction over such artificial islands, installations and structures, nevertheless they do not have the status of islands in the sense of State territories, and therefore do not have a territorial sea of their own, and their presence does not affect the boundaries of the Indonesian territorial sea, exclusive economic zone or continental shelf.

Article 7

Any marine scientific research within the Indonesian exclusive economic zone may only be carried out after the request for such research has been approved previously by the Government of the Republic of Indonesia.

In the event that in 4 (four) months following receipt of such request, the Government of the Republic of Indonesia fails to state:

- (a) its objection against such request, or
- (b) that the information provided by the applicant is not consistent with the reality or is incomplete, or
- (c) that the applicant has not fulfilled his duty in the matter of an earlier research project,

then the marine scientific research project may be implemented within 6 (six) months following receipt of a research application by the Government of the Republic of Indonesia.

Article 8

Paragraph (1)

The authority to protect and conserve the natural resources within the Indonesian exclusive economic zone is based internationally on the practice of States that has now been embodied in the United Nations Convention on the Law of the Sea, whereas from the national point of view, its basis is to be found in Act No. 4 of 1982 on the Basic Provisions pertaining to Life Environmental Management.

Paragraph (2)

Dumping in the sea may cause pollution of the marine environment, and for that reason it was deemed necessary to arrange the site, manner and frequency of dumping as well as the type, content and volume of the materials to be dumped under licence. Such dumping covers the dumping of rubbish and other materials that may cause pollution of the marine environment. Ordinary disposal of refuse by ships during their voyage does not need a permit.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Paragraph (1)

The duty to bear strict liability and to pay indemnity for the rehabilitation of the marine environment and/or natural resources is the consequence of the duty to maintain environmental harmony and equilibrium.

Therefore, such duty shall rest upon whomsoever commits an act or fails to prevent the commission of the act or allows the occurrence of the pollution of the marine environment and/or damage to the natural resource.

"Strict liability" implies that said liability takes effect as from the very moment that pollution of the marine environment and/or damage to the natural resource occurs, and, that the production of evidence in terms of procedure is no longer necessary.

Paragraph (2)

Sufficiently clear.

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Paragraph (3)

The form, type and size of loss caused by the pollution of the marine environment and/or damage to the natural resources shall determine the amount of indemnity. Ecological investigation on the form, type and size of such loss shall be conducted by a team comprising members representing the Government, the sufferers and the offenders. Such special team is meant to be set up for each case.

Article 12

Sufficiently clear.

Article 13

Any ship and/or persons being suspected of having committed a criminal act based on sufficient preliminary evidences at sea, particularly in case of a foreign ship and/or foreigners, further investigation may be conducted by way of arresting the ships and/or persons concerned.

Any ship and/or persons having Indonesian nationality can be given an ad hoc order to proceed to a port or base appointed by the investigator at sea for further prosecution.

Such an above-mentioned arrest cannot always conform to the time limit of arrest, i.e., one day, as fixed in Act No. 8 of 1981 on the Code of Criminal Procedure.

Therefore, for an arrest at sea, a reasonable period of time is needed so as to enable the law-enforcement agency at sea to escort such ship and/or persons to any port or base.

A period of time of seven days is considered to be the maximum time required to haul or tow such ship from the farthest point within the Indonesian exclusive economic zone to any port or base.

The provision on detention for reasons of a criminal act according to this Act has not yet been dealt with in Act No. 8 of 1981, whereas the detention of such criminal act is a means to enable further prosecution of the case.

In this connection, although the criminal punishment that can be imposed is in the form of a fine, nevertheless, for its being qualified as a crime, such criminal act should come under the category of criminals acts as referred to in article 21, paragraph (4), letter b, Act No. 8 of 1981 on the Code of Criminal Procedure.

Article 14

Paragraph (1)

The Navy Officer of the Indonesian Armed Forces, who may be appointed as investigator, is, for instance, the ship's captain, Navy District Commander, Base Commander and Navy Station Commander. The appointment of a Navy Officer of the Indonesian Armed Forces as the investigating agency within the Indonesian exclusive economic zone is in conformity with the provision of Article 30, paragraph (20), Act No. 20 of 1982 on the Basic Provisions of Defence and Security of the Republic of Indonesia, and article 17, Government Regulation No. 27 of 1983, concerning the Execution of Act No. 8 of 1981 on the Code of Criminal Procedure.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 15

Paragraph (1)

The request for the release of a ship and/or person arrested for being suspected of having committed an offence can be filed, based on conventional practice, by the legation of the State of the foreign ship concerned, the owner or the captain or whomsoever having any work or business relation with the ship or person concerned, based on legal evidences.

Paragraph (2)

The fixing of the amount of bail is based on the value of the ship, its equipment and the proceeds of its activities, increased by the maximum amount of fine.

Article 16

Paragraph (1)

Sufficiently clear.

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Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

SUPPLEMENTARY STATE GAZETTE OF THE REPUBLIC OF INDONESIA, No. 3260.

4. MADAGASCAR

[Original: French]

Ordinance No. 85-013 determining the limits of the maritime zones
(territorial sea, continental shelf and exclusive economic zone)
of the Democratic Republic of Madagascar, 16 September 1985

(as amended and ratified by Law No. 85-013 of 11 December 1985)

Article 1

The territorial sea of the Democratic Republic of Madagascar in which the State shall exercise its sovereignty shall extend to a limit of 12 nautical miles measured from the baselines.

Article 2

The baseline from which the breadth of the territorial sea is measured shall be determined by decree.

Article 3

The Democratic Republic of Madagascar establishes a contiguous zone of 24 nautical miles measured from the baselines and can take within this limit all necessary measures to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations, and punish infringement of such laws and regulations.

Article 4

The exclusive economic zone of the Democratic Republic of Madagascar shall extend to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Should the distance between the baseline of the Democratic Republic of Madagascar and those of one or several adjacent States be less than 400 nautical miles, the respective exclusive economic zones shall be delimited by agreement with the State or States concerned.

Article 5

The exclusive economic zone shall comprise the sea-bed and its subsoil and the superjacent waters within the limits defined in article 4.

Within this zone, the Democratic Republic of Madagascar shall exercise:

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- (1) Sovereign and exclusive 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 sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- (2) Jurisdiction with regard to: the establishment and use of artificial islands, installations and structures; marine scientific research; and the protection and preservation of the marine environment.

Article 6

No exploration or exploitation of the zone defined in article 4 may be undertaken by nationals of a third State without authorization by the Government of the Democratic Republic of Madagascar.

Article 7

The continental shelf of the Democratic Republic of Madagascar shall comprise the sea-bed and its subsoil beyond the territorial sea to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, or to the limit determined by agreement with adjacent States, or else to 100 nautical miles from the 2,500-metre isobath.

Article 8

The internal maritime waters of the Democratic Republic of Madagascar where the State shall exercise its sovereignty shall be comprised between the following limits:

On the seaward side, the straight baseline used to calculate the breadth of the territorial sea as defined by decree No. 63-131 of 27 February 1963;

On land, the high-water mark.

Article 9

Within the meaning of this Ordinance, the high-water mark shall mean the furthest point reached by the sea at the highest tides, barring exceptional storms, both along the coasts and in bays, roadsteads, ports and harbours, as well as in canals, channels, salines, lagoons and ponds communicating with the sea, and, in the case of rivers, the transversal limit of the sea.

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Article 10

At the mouths of rivers, the limit of the sea is constituted by a fictitious line forming the prolongation of the coastline on either side of the river mouth, except in the case of the rivers designated in the next article.

Article 11

In certain estuaries and rivers used for navigation by sea-going vessels, the limit of the sea shall be moved upstream as far as the first natural or artificial obstacle to the passage of such vessels. The limit for each river is indicated in the table below.

<u>Name of river</u>	<u>Designation of limits</u>	<u>Co-ordinate of the Laborde grid</u>
Ambazoana	Ambatoharanana Bridge RIGN No. 11 Ambanja Bridge	X = 644,200 Y = 1 393,500 X = 618,200 Y = 1 376
Djangoa	Ambanja Road Bridge Maromandia	X = 605,800 Y = 1 365,400
Andranomalaza	Maromandia Ferry Maromandia Road Befotaka Ferry	X = 578 Y = 1 318,500 X = 572,400 Y = 1 283,500
Laloza	Port of Antsohihy	X = 566,200 Y = 1 245,500
Mahajamba	Junction of the Mahajamba and Mahajambakely Rivers	X = 472,500 Y = 1 163,400
Andranoboka	Village of Andranoboka	X = 448 Y = 1 163
Estuary of the Betsiboka	West of Marovoay	X = 418 Y = 1 107
Namakia	Village of Namakia	X = 335,800 Y = 1 130,200
Andemaka	Village of Andemaka	X = 322 Y = 1 144
Mahavavy	Manakara Bridge on the Mahavavy River	X = 341,500 Y = 1 128
Andasibe-Mahombo	Village of Ankasakasa	X = 232 Y = 1 080
Sambao	Junction of the Sambao and Koja Rivers	X = 199 Y = 1 050
Manongoza	Besalampy Bridge	X = 193 Y = 1 037,800
Ranobe	Village of Berevo on the Ranobe River	X = 170 Y = 985

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<u>Name of river</u>	<u>Designation of limits</u>	<u>Co-ordinate of the Laborde grid</u>
Soaninana	Village of Soatanana	X = 189 Y = 814
Tsiribihina	Belo on the Tsiribihina	X = 202 Y = 709
Antanambalana	Village of Ambinanitelo	X = 734 Y = 1 170

Article 12

In the rivers and streams enumerated in article 11, the limit of the sea shall be the higher of the following lines:

- (a) The line reached by the highest regular tide;
- (b) The line reached by the highest periodic and seasonal tides.

Article 13

The geometric pitch zone as determined in article 4 C - 36 of Ordinance No. 60-099 of 21 September 1960 shall not apply along the rivers and streams enumerated in article 11 above or to the waters referred to in article 9 above.

Article 14

All provisions contrary to those of this Ordinance, and in particular those of Ordinance No. 73-060 of 28 September 1973 determining the limits of the territorial sea and continental shelf of the Malagasy Republic, shall be abrogated.

Article 15

This Ordinance shall be published in the Official Journal of the Republic.

It shall be carried out as a State law.

OFFICIAL JOURNAL OF THE DEMOCRATIC REPUBLIC OF MADAGASCAR, No. 1720 OF
21 DECEMBER 1985.

5. MEXICO

[Original: Spanish]

Explanatory memorandum from the President of the Republic

The executive branch, of which I am the head, aware of the deep and fundamental transformation that the international régime of the sea underwent in the 1970s during the Third United Nations Conference on the Law of the Sea, and realizing the urgent and unpostponable need to bring our internal positive law into line with this new international legal order, above all in order to be able to derive maximum and immediate benefit from the many advantages that our country can obtain from it, has prepared the draft Federal Act relating to the Sea which is now being submitted to the Congress of the Union.

The important feature of this draft Act is that it helps to organize the legislation in force on the subject, since, in the manner of a framework law, it codifies and develops in one integral body of law the principal national rules in force that are applicable to our maritime zones and the new international rules on the subject, bringing the former up to date and into line with the latter. This is simply a logical consequence of the outstanding role that Mexico has always played in the development of the law of the sea. Mexico played a very active part in the lengthy work of the aforementioned Conference, which lasted almost 15 years from the preparatory phase until its culmination. This was a world event without precedent in the history of international relations, for it constituted an international legislative forum that was virtually universal in scope, since almost all States participated in it, including States that are not members of the United Nations itself. The task of the Conference was nothing less than to prepare the most extensive and ambitious treaty yet negotiated, the aim being to regulate human conduct regarding more than two thirds of the Earth's surface. In the course of its work, the Conference, which ended in December 1982, produced genuine practical results, especially for the developing countries. The most important of those results was undoubtedly the already recognized right of every coastal State to establish a 200-mile exclusive economic zone, which is in itself the keystone of the new international régime of the sea.

Mexico likewise played a central role in the difficult process of establishing this institution, as is shown by the fact that it was one of the first to take advantage of its results by establishing on 6 February 1976 its own exclusive economic zone through the addition of an eighth paragraph to article 27 of the Political Constitution of the United Mexican States, thus becoming a true pioneer State in this area. Since then the international community has been watching Mexico to see how the internationally accepted rules are applied in real life. That has involved overcoming innumerable obstacles. First, it was necessary to acquire a genuine national awareness of the sea's significance for our country, not so much on account of its vast dimensions but rather on account of the great riches it contains. The frame of reference provided by the National Development Plan, which recognizes that the sea constitutes an important resource for the attainment of the lofty objectives of the nation, is of fundamental importance in that regard.

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Second, it was necessary to tackle the serious problem of the foreign interests which existed at that time as regards fishing in waters that had previously formed part of the high seas but which, as a result of the development of the new legal order, had come under our national jurisdiction. That new order provided Mexico with the rule-making ability it needed to get rid of those interests within a legal framework. Well-planned diplomatic efforts made it possible to conclude with the States concerned bilateral agreements which quickly transformed the "exclusivity" of the 200-mile zone into something more than a mere idea. Our country has gradually been able to end foreign fishing in its waters. Consequently, it now rests with our nation as a whole to make an increasing effort to exploit our marine resources rationally and to the full. But if this is to be permanent, the effort must form part of an intelligent and comprehensive plan regarding the sea that does not return us to the status quo ante, since the new law of the sea tolerates no wastage of resources in a world distressingly short of food. It therefore provides that coastal States shall give foreigners access to their surpluses, even if this is done in exchange for compensation or a real economic benefit.

The aforementioned Conference produced the United Nations Convention on the Law of the Sea, adopted on 30 April 1982 and opened for signature in Montego Bay, Jamaica, on 10 December of the same year. However, the régime of the sea agreed upon therein provides only a general framework or outline which the international community has adopted for itself, on which States must base their policies with a view to achieving the dual goal of ensuring that the seas serve mankind while simultaneously taking care to preserve their ecological equilibrium. In effect, the rules set forth in the Convention are general ones; their real content will be derived from State practice. That practice should be based on the national legislation adopted by each country, which will constitute the real applied law of the sea. Furthermore, many of the provisions of the Convention, precisely because of their general nature, are not automatically enforceable, but have to be embodied in national legislation if they are to be fully implemented. In addition, many of the articles of the Convention require States to adopt internal legislation in order to put them into effect, in order to comply with them and above all in order to ensure that the rights deriving therefrom can be enforced effectively vis-à-vis third parties. As can be seen, national legislation thus becomes the basic tool of a country's policy regarding the sea. The purpose of the draft Act derives from all these ideas.

This is exactly the right time to proceed with the task of putting our national legislative system on the subject in order within the framework of our conception - already defined - of what its policy with regard to the sea ought to be. This could not be done earlier because the international law of the sea suffered from serious shortcomings and gaps and, above all, from the lack of an underlying philosophy concerning man's position regarding the exploitation of the seas. Fortunately, the situation is now quite different. The fact that a new international régime has now been negotiated signifies many things for the future but, above all it constitutes a challenge. Each State depends on the way in which the others apply and implement the agreements achieved. Thus, the legislation adopted will blaze the trail to be followed by international practice. Precisely for that reason, this draft Act will mean that Mexico will once again be a pioneer

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whose conduct will help to guide international practice, especially by reason of its strict adherence to the spirit and letter of the new international rules. This has been a basic policy followed in drawing up the draft, since it was felt that such adherence would always constitute the best defence against any external challenge to the full enjoyment and exercise of our country's rights.

In addition to the aforementioned reasons there is yet another fundamental consideration, which makes it clear that the legislation now being introduced is no mere aspiration but rather an imperative. The Mexican exclusive economic zone was established in the firm conviction that the Conference would shortly produce a convention endorsed by a reasonable majority of States. That prediction came true and was even surpassed some years later. In establishing the zone, the Government of Mexico was not irresponsibly leading the country to act unilaterally in the absence of a convention on the subject. Even at that stage, when the Convention was still nothing more than a draft, an overwhelming majority of States held that since the provisions of the draft Convention - with the exception of a number concerning the international sea-bed - had been the subject of an international consensus at the Conference, they reflected the legal will of the international community and that consequently there could be no turning back with regard to the rights and obligations agreed on by States in the negotiating stage.

That view was substantiated by the undeniable fact that an appreciable number of States - including Mexico, by means of the aforementioned addition to the Constitution and the 1976 bilateral agreements - had already put into practice some of the most important provisions of the Convention, both unilaterally and through innumerable international agreements, without waiting for an international convention that was completely and unquestionably in force. Consequently, at that stage the draft Convention provided a sound basis, since it constituted written evidence of the international practice of States. Subsequent developments have merely confirmed the validity of the agreements reached at the Conference. In effect, as already stated, the Convention was adopted on 30 April 1982, with 130 States voting in favour, 17 abstaining and only 4 voting against it. On 10 December 1982, 117 of those States, including Mexico, signed the Convention. As of 10 December 1984, when the period in which the Convention could be signed came to an end, an unprecedented number of States - 133 to be precise - had signed it. However, the Convention cannot enter into force until 12 months after the date of deposit of the sixtieth instrument of ratification or accession. The practical history of multilateral treaties shows that this is the slowest part of the process of concluding an agreement of this kind, since States normally take a long time before assuming international legal commitments.

In the case of this Convention, the situation is much more difficult, not only because of its extremely important subject-matter, but because it is the most voluminous Convention ever concluded in the history of international relations. All this is complicated still further by the dissident position of a small number of Western industrialized Powers that have refused even to sign the Convention. Although this position will, as time passes, become isolated, outmoded and eventually limited to a couple of States, which, in the last resort, will have no choice but to give in, it will constitute for a substantial period of time an important obstacle to the ratification process. Almost three years have passed since the Convention was opened for signature, but only 24 of the more than

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150 States that participated in the Conference have ratified it, and Mexico is one of them. Even according to the most optimistic forecast, the Convention cannot be expected to enter into force for another three or four years. It is therefore necessary to determine what situation is to prevail during this distressingly prolonged period. No matter how long that period may last, however, none of the rights embodied in the Convention can be lost by the time it finally enters into force. The problem lies in the possibility that questions may be raised regarding the exercise of those rights during the transitional period.

One of the first acts of my Government was to submit the Convention, on 14 December 1982, to the Senate of the Republic for its approval. It was naturally easy for Mexico to join in accepting the Convention - becoming the second country to do so - because it had been a strong advocate of many of its central provisions. Mexico was fully cognizant of the provisions of the Convention, for it had played an important part in its elaboration. In addition, as an instrument dealing with the rights of sovereignty over our natural resources, its elaboration throughout the Conference was always at the centre of national political debate.

Once the Convention had obtained the approval of the Senate on 29 December 1982, the decrees of approval and promulgation were published in the Diario Oficial on 18 February and 1 June 1983, respectively. The executive branch of which I am the head deposited, with the Secretary-General of the United Nations, the Mexican Government's instrument of ratification on 18 March 1983, a date which marks the conclusion of another chapter in the long struggle of the people of Mexico for sovereignty over their natural resources.

As a treaty entered into by the President of the Republic with the approval of the Senate, its effects on our domestic legislation and its status, under article 133 of the Constitution, as the supreme law throughout the Union, together with the Constitution, must be considered. Nevertheless, the fact that the treaty is a multilateral Convention that has not yet entered into force at the international level has legal significance that cannot be underestimated. It may be argued that this is a purely academic question concerning the merely internal application of the Convention and the Mexican State in relation to its own citizens, in the sense that, the constitutionally required legislative actions having been completed, the Convention now has to be observed at the internal level. It should not be forgotten, however, that the central effect of the Convention, as far as our country is concerned, is to reaffirm Mexico's sovereignty, the rights inherent therein and its jurisdiction over its seas and resources. For that reason, the obligations to respect our country's rights under the Convention lie primarily with all the other States of the international community and, specifically, the foreign individuals and bodies corporate interested in carrying out activities precisely on behalf of the small number of developed States that have up to now rejected the Convention. In the long period during which the Convention is not expected to enter into force, and perhaps even after that, those foreign interests will undoubtedly attempt to question, as they have already done, the legal validity of acts undertaken by the Mexican State on the basis of its rights under the Convention. They will question our authority to exercise those rights in the absence of an appropriate legislative instrument, whether domestic or international. That will in no way impair those rights, but will provoke conflicts that will affect national interests and, in the final analysis, could impede the full enjoyment by Mexico of permanent sovereignty over its natural resources.

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For all the above reasons and arguments, it would be intolerable for our country to be passive and simply wait for the Convention to enter into force. Because of the role given to our sea and marine resources in the National Development Plan, such an attitude would be truly incongruous. The country therefore urgently needs the essential legal authority to exercise its rights relating to the sea, in order to counter primarily foreign interests. The sole method of achieving this objective is the adoption of domestic legislation that would of course incorporate, in the nation's positive law, the norms of the new international legal order in that field.

In all cases, the governing norms have been those of the Convention. In the case of codified national legislation, many of its provisions have been simply incorporated in the draft Act when no adjustments were necessary in order to bring them into line with those of international law, as reflected in the Convention.

The draft consists of 65 articles and four transitional provisions and is divided into two titles. The first includes general provisions on the scope of the Act, rules applicable to marine installations, the conservation and utilization of living and non-living natural resources, the economic development of the sea, the protection and preservation of the marine environment, and marine scientific research. The second refers to the more specific régime applicable to the various Mexican maritime zones, in other words, the territorial sea, the internal maritime waters, the contiguous zone, the exclusive economic zone and the continental shelf or island shelves, including for each of these a definition, a description of the powers, rights, jurisdiction and competence exercised by the nation, a delimitation of the zones in terms of breadth, inner and outer limits, and the adjacent zones of neighbouring States, and the rules governing navigation and overflight.

The draft Act should be regarded as a body of regulations relating to the Political Constitution of the United Mexican States and covering the provisions whose subject-matter is dealt with in the draft, namely, the fourth, fifth, sixth and eighth paragraphs of article 27 of the Constitution. The draft should also be regarded as being federal in scope and belonging to the public domain within the framework of the national system of democratic planning.

The draft Act introduces, in national legislation, an important body of provisions, which had not been available before and which are derived from the international law of the sea.

This is the first time that our national legislation is regulating the right of innocent passage enjoyed by foreign vessels in our territorial sea; the aim is to ensure that in the exercise of that right, the requirements of international law are respected. Worse still, apart from the fact that our national legislation was silent on the matter, there was a provision of the General Communications Act (art. 189) stipulating the freedom of navigation of foreign vessels in our territorial sea, which would mean that our country was not requiring such navigation, instead of being free, to be carried out peacefully and in accordance with our laws and regulations.

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The draft Act also sets forth regulations to ensure national jurisdiction over our artificial islands, installations and marine structures, which are so necessary now for the exploitation of our natural resources.

It establishes, also for the first time, a set of general rules that will make it possible to regulate development of uses of the sea other than exploitation of conventional living and non-living resources - for example, utilization of minerals dissolved in the water, production of hydraulic or thermal energy from water, currents or winds, harnessing of solar energy at sea, development of the coastal area, marine farming, establishment of national marine parks, promotion of leisure and tourism, and establishment of fishing communities - on the basis of the direct impact they have on matters relating to the law of the sea.

The draft Act provides the internal maritime waters with a legal régime of their own that is separate from that applicable to other maritime zones under national jurisdiction. Previously under Mexican legislation, the régime applied to them was the one applied to the territorial sea, which was not entirely appropriate since the limitation on our sovereignty that exists in the territorial sea, because of the right of innocent passage given to foreign vessels, does not exist in internal maritime waters.

In accordance with international law, the draft creates a new maritime zone under national jurisdiction, i.e., the contiguous zone, which has a breadth of 12 nautical miles and runs all along the outer limit of our territorial sea; the aim is to protect the territorial sea and Mexican territory in general. Within that zone our country has the right to exercise a series of special powers relating to customs, fiscal, immigration and health matters. Mexico had had similar zones in the past. In 1969, the General National Property Act established a contiguous zone extending three miles beyond what was then our territorial sea. When the Act was amended later that year, the territorial sea was widened to 12 miles so the contiguous zone disappeared; the proposal now is to re-establish it, but this time it will extend up to 24 miles off the coast.

Another of the victories achieved with the Convention is the right to regulate foreign scientific research in our maritime zones; very often when resources have been quantified, such research leads to pressure for access to the exploitation of those resources. Since our national legislation was silent on this point, the respective provisions agreed upon at the Conference were previously applied only administratively by our Government. The draft Act introduces into our legal order general regulations to cover such questions, which are very closely related to the protection of our natural resources.

The idea of an exclusive economic zone has traditionally been related to our rights over the living resources of that zone. Only now are people becoming aware of other resources, not connected with fishing, such as minerals. Incomparable deposits of polymetallic nodules have already been identified on the floor of our zone, particularly in the Gulf of California and around Revillagigedo and Clarión Islands. The draft Act proposes a legal régime for the exploitation and conservation of such resources.

The concern of the executive branch of which I am the head to see to the ecological preservation of the marine environment is fully illustrated by the useful inclusion of a legal régime on the subject in the draft Act. In this respect, it is more a question of our obligation vis-à-vis ourselves to protect the quality of the environment that we will leave to future generations, than of rights vis-à-vis potential foreign polluters. It is on this basis that the text of the draft Act sets forth regulations in that area.

Our national legislation does not have rules defining the outer limit of our continental shelf; this was merely the logical result of the vagueness that existed in international law on the subject. Based on the Convention, the draft Act now provides the criteria for defining the limit of that underwater zone of ours, which is so rich in resources - hydrocarbons in particular.

Naturally, in many cases the rules set forth in the draft Act call for implementing regulations. Accordingly, the executive branch of which I am the head is preparing draft regulations for the Federal Act relating to the Sea so that, if this sovereign body sees fit to approve the Act, they may be duly issued.

I must state that, as may be seen from all the above arguments, and in pursuance of article 10 of the Planning Act, this draft Act is closely related to the National Development Plan and its direct objective is to put into effect a variety of basic principles of the Plan.

The section of the Plan dealing with multilateral relations within the framework of the United Nations provides that Mexico will fight for the effective implementation of the new legal order of the sea; clearly that will be the immediate effect of the new Act being proposed.

There is also a close and visible link between the draft Act and those paragraphs of the Plan relating to natural resources, development of the merchant navy, promotion of greater involvement of the coastal regions of the country in the process of national development, preservation of the environment, enhancement of the development potential of natural resources, expansion of productive fishing capacity, prevention of pollution of the water and contamination of fish and marine resources, energy and mining strategies, technological and scientific development and, lastly, action to involve the various regions of the country in the process of national development.

For the above reasons, and on the basis of article 71 (I) of the Political Constitution of the United Mexican States, I submit the following draft Act, through you, to the distinguished Congress of the Union.

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DECREE

The Congress of the United Mexican States decrees:

FEDERAL ACT RELATING TO THE SEA*

TITLE I

General provisions

CHAPTER I

Scope of application of the Act

Article 1

This Act establishes regulations relating to the fourth, fifth, sixth and eighth paragraphs of article 27 of the Political Constitution of the United Mexican States in respect of Mexican maritime zones.

Article 2

This Act is federal in scope; it governs the maritime zones which form part of the national territory and, where applicable, the maritime zones beyond such territory where the Nation exercises sovereign rights, jurisdiction and other rights. Its provisions belong to the public domain, in the framework of the national democratic planning system.

Article 3

The Mexican maritime zones are:

- (a) The territorial sea;
- (b) The internal maritime waters;
- (c) The contiguous zone;
- (d) The exclusive economic zone;
- (e) The continental shelf and island shelves;
- (f) Any other zone permitted by international law.

* The Federal Act relating to the Sea was published in the Diario Oficial de la Federación on 8 January 1986. The list of errata published in the Diario Oficial de la Federación on 9 January 1986 is incorporated in this text.

Article 4

In the zones listed in the preceding article, the Nation shall exercise the powers, rights, jurisdiction and competence vested in it by this Act, in accordance with the Political Constitution of the United Mexican States and with international law.

Article 5

Foreign States and their nationals, when carrying out activities in the maritime zones listed in article 3, shall respect the provisions established for each zone by this Act, with the attendant rights and obligations.

Article 6

The sovereignty of the Nation and its sovereign rights, jurisdiction and competence within the limits of the relevant maritime zones, in accordance with this Act, shall be exercised pursuant to the provisions of the Political Constitution of the United Mexican States, international law and applicable national legislation, in respect of:

- I. Marine works, artificial islands, installations and structures;
- II. The régime applicable to living marine resources, including their conservation and utilization;
- III. The régime applicable to non-living marine resources, including their conservation and utilization;
- IV. Economic development of the sea, including the utilization of minerals dissolved in its waters, the production of electrical and thermal energy from its waters and from currents and winds, the harnessing of solar energy at sea, the development of the coastal zone, marine aquaculture, the establishment of national marine parks, the promotion of recreation and tourism and the establishment of fishing communities;
- V. Protection and preservation of the marine environment, including the prevention of pollution;
- VI. Marine scientific research activities.

Article 7

The Federal Executive Power shall be responsible for applying this Act through the various branches of the Federal Public Administration, which, in accordance with its Organic Law and other prevailing legal provisions, are competent national authorities on the basis of the powers conferred upon each of them.

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Article 8

The Federal Executive Power may negotiate agreements with neighbouring States on the delimitation, in accordance with international law, of the dividing lines between the Mexican maritime zones and the corresponding adjacent zones under the national maritime jurisdiction of the respective States, in cases where such zones overlap.

Article 9

The Mexican maritime zones shall not extend beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of a neighbouring State is measured, unless otherwise agreed with that State.

The Federal Executive Power shall not recognize the unilateral extension of the maritime zones of a neighbouring State beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the Mexican territorial sea is measured. In such cases, the Federal Executive Power shall seek negotiation with the neighbouring State in question, with a view to working out a mutually acceptable solution.

Article 10

The enjoyment of the rights that this Act grants to foreign ships shall depend upon reciprocal treatment of national ships by the flag State, subject to the provisions of the Political Constitution of the United Mexican States and international law.

Article 11

The Federal Executive Power shall ensure that maritime relations with other States are based on the principle of international reciprocity, as it applies both to Mexican maritime zones and to those established by such other States, in respect of any activity carried out by them or by their nationals strictly in accordance with international law.

Article 12

The Nation shall recognize acts of delimitation of the maritime zones of other States strictly in accordance with the rules of international law and on the basis of reciprocity.

Article 13

The Federal Executive Power shall ensure that the competent national authorities observe the applicable international rules that recognize the right of land-locked countries to fly a flag.

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CHAPTER II

Marine installations

Article 14

Artificial islands, installations and structures shall have no territorial sea of their own, and their presence shall not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 15

The Nation shall have exclusive jurisdiction over artificial islands, installations and structures in the exclusive economic zone and on the continental shelf and island shelves, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

Article 16

The Nation shall have the exclusive right in the Mexican maritime zones to construct and to authorize and regulate the construction, operation and use of artificial islands, installations and structures, in accordance with this Act, the General National Property Act, the Public Works Act and other applicable provisions in force.

Article 17

The construction, installation, conservation, maintenance, repair and demolition of immovable property used for the exploration, location, drilling, extraction and development of marine resources, or for public service or common use in the Mexican maritime zones, shall be carried out with due regard for the prevailing legal provisions on the subject.

CHAPTER III

Resources and economic development of the sea

Article 18

This Act shall be applied in strict observance of the legislation concerning fishing, the provisions emanating from such legislation and other applicable provisions relating to measures for the conservation and utilization by nationals or foreigners of the living resources in the Mexican maritime zones.

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Article 19

The exploration, exploitation, processing, development, refining, transportation, storage, distribution and sale of submarine hydrocarbons and minerals in the Mexican maritime zones shall be governed by the regulatory norms of article 27 of the Constitution, under the category of petroleum and mineral materials and the respective regulations, and by the applicable provisions of this Act.

Article 20

Any activity that involves the exploitation, use and economic development of the Mexican maritime zones, other than those provided for in the two preceding articles of this title, shall be governed by the regulatory provisions of the fourth, fifth and sixth paragraphs of article 27 of the Political Constitution of the United Mexican States, and by this Act and other applicable laws and regulations.

CHAPTER IV

Protection and preservation of the marine environment
and marine scientific research

Article 21

In the exercise of the powers, rights, jurisdiction and competence of the Nation within the Mexican maritime zones, the following shall be applied in order to prevent, reduce and control pollution of the marine environment: the Federal Environmental Protection Act, the General Health Act and their respective regulations, the Federal Water Act and other applicable laws and regulations in force or to be adopted, including the present Act, its regulations and the relevant rules of international law.

Article 22

In the conduct of scientific research activities in the Mexican maritime zones, the following principles shall be applied:

- I. They shall be carried out exclusively for peaceful purposes;
- II. They shall be carried out with appropriate scientific methods and means which are compatible with this Act, other applicable provisions and international law;
- III. They shall not interfere unjustifiably with other lawful uses of the sea that are compatible with this Act and with international law;

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- IV. All laws and regulations relevant to the protection and preservation of the marine environment shall be respected;
- V. The activities shall not constitute a legal basis for any claim to any part of the marine environment or its resources;
- VI. Where in accordance with this Act foreigners are allowed to carry out such activities, the greatest possible degree of national participation shall be ensured;
- VII. In the case referred to in the preceding subparagraph, the Nation shall ensure that it will receive the results of the research and, if it so requests, the necessary assistance for the interpretation and evaluation thereof.

TITLE II

Mexican maritime zones

CHAPTER I

Territorial sea

Article 23

The Nation shall exercise sovereignty over a belt of sea, described as the territorial sea, adjacent both to the coasts of the Nation's mainland and islands, and to the internal maritime waters.

Article 24

The Nation's sovereignty shall extend to the airspace over the territorial sea as well as to its bed and subsoil.

Article 25

The breadth of the Mexican territorial sea shall be 12 nautical miles (22,224 metres), measured in accordance with the provisions of this Act and its regulations.

Article 26

The limits of the territorial sea shall be measured from baselines, either normal or straight, or a combination of the two, established in accordance with the provisions of the regulations of this Act.

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Article 27

The outer limit of the territorial sea shall be the line every point of which is at a distance of 12 nautical miles (22,224 metres) from the nearest point of the lines that constitute its inner limit, determined in accordance with article 26 of this Act and with the relevant provisions of its regulations.

Article 28

Any slave who enters the territorial sea in a foreign vessel shall, by this act alone, gain his freedom and enjoy the protection afforded by the laws, under the terms of article 2 of the Political Constitution of the United Mexican States.

Article 29

Ships of all States, whether coastal or land-locked, shall enjoy the right of innocent passage through the Mexican territorial sea.

Article 30

If a foreign warship does not comply with the provisions of this Act, its regulations and other national legal provisions concerning passage through the territorial sea, and disregards any request for compliance therewith that is made to it, it may be required to leave the Mexican territorial sea immediately.

Article 31

The Federal Executive Power shall hold the flag State responsible for any loss or damage to the Nation resulting from the non-compliance by a warship, or other government ship operated for non-commercial purposes, with the national laws and regulations concerning passage through the territorial sea or with the provisions of this Act, its regulations and other applicable rules of international law.

Article 32

With such exceptions as are contained in the provisions of this title, nothing in this Act shall affect the immunities of foreign warships and other government ships operated for non-commercial purposes, inasmuch as they are subject to the jurisdiction of the flag State alone, or affect the immunities, granted on the basis of reciprocity, of government ships operated for commercial purposes.

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Article 33

Overflight of foreign aircraft over the territorial sea shall be subject to national legislation, in accordance with the international obligations of the United Mexican States in that regard, and their inspection, monitoring and control shall remain under the exclusive jurisdiction and competence of the Federal Executive Power according to the terms of the General Communications Act and other prevailing legal provisions.

CHAPTER II

Internal maritime waters

Article 34

The Nation shall exercise sovereignty in the areas of the sea known as internal maritime waters, extending from the coasts of the Nation's mainland and islands to the Mexican territorial sea.

Article 35

The sovereignty of the Nation shall extend to the airspace over the internal maritime waters, as well as to the bed and subsoil thereof.

Article 36

Internal maritime waters are considered to be those enclosed between the coast and the baselines, normal or straight, from which the territorial sea is measured, in accordance with the relevant provisions of the regulations of this Act; they include:

- I. The northern part of the Gulf of California;
- II. The waters of internal bays;
- III. The waters of ports;
- IV. The internal waters of reefs;
- V. The waters of the mouths or deltas of rivers, lagoons and estuaries permanently or intermittently connected with the sea.

Article 37

The inner limit of the internal maritime waters shall coincide with the low-water line along the coast, where this line is not taken as a basis for measuring the territorial sea in accordance with the provisions of the regulations of this Act, as marked on large-scale charts officially recognized by the United Mexican States.

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Article 38

For the purposes of the inner limit of the internal maritime waters, the low-water line shall be the line of greatest ebb and flow reached by the maritime waters at a given time along the coasts of the Nation's mainland and islands.

Article 39

The outer limit of the internal maritime waters shall coincide exactly with the baselines from which the territorial sea is measured, as marked on large-scale charts officially recognized by the United Mexican States.

Article 40

The delimitation of internal maritime waters in zones adjacent to maritime zones under the national jurisdiction of neighbouring States shall be considered to be included in the established or agreed delimitation for the dividing line between the Mexican territorial sea and the territorial sea or other maritime zones under the national jurisdiction of such neighbouring States, in accordance with articles 8 and 9 of this Act and the relevant provisions of its regulations.

Article 41

Foreign ships navigating in the internal maritime waters shall be required, ipso facto, to comply with this Act, its regulations and other applicable legal provisions of the Republic.

CHAPTER III

Contiguous zone

Article 42

The Nation shall have, in a zone contiguous to its territorial sea, described as the contiguous zone, competence to exercise the control necessary:

- I. To prevent infringement of the applicable rules of this Act, its regulations and the customs, fiscal, immigration or sanitary laws and regulations within the territory, internal maritime waters or territorial sea of Mexico; and
- II. To punish infringement of the said applicable rules of this Act, its regulations and the said laws and regulations committed within the territory, internal maritime waters or territorial sea of Mexico.

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Article 43

The contiguous zone of Mexico shall extend 24 nautical miles (44,448 metres) from the baselines from which, in accordance with article 26 of this Act and the relevant provisions of its regulations, the breadth of the Mexican territorial sea is measured.

Article 44

The inner limit of the contiguous zone shall coincide exactly with the outer limit of the territorial sea, as established in accordance with article 27 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 45

The outer limit of the Mexican contiguous zone shall be the line every point of which is at a distance of 24 nautical miles (44,448 metres) from the nearest point on the baselines of the territorial sea, as established in article 26 of this Act.

CHAPTER IV

Exclusive economic zone

Article 46

In an exclusive economic zone situated beyond and adjacent to the territorial sea, the Nation shall exercise:

- I. Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living and whether renewable or non-renewable, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- II. Jurisdiction as provided for in the relevant provisions of this Act, its regulations and international law, with regard to:
 1. The establishment and use of artificial islands, installations and structures;
 2. Marine scientific research;
 3. The protection and preservation of the marine environment;

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III. Other rights and duties provided for in this Act, its regulations and international law.

Article 47

In exercising the rights and jurisdiction and performing the duties of the Nation in the exclusive economic zone, the Federal Executive Power shall ensure that Mexico has due regard to the rights and duties of other States and acts in a manner compatible with international law.

Article 48

In the exclusive economic zone, the Federal Executive Power shall respect the enjoyment, on the part of foreign States, of the freedoms of navigation, overflight and the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with international law.

Article 49

The Federal Executive Power shall ensure that, in exercising their rights and performing their duties in the Mexican exclusive economic zone, foreign States have due regard to the rights, jurisdiction and duties of the Nation and comply with this Act, its regulations and other national regulations adopted in accordance with the Constitution and applicable rules of international law.

Article 50

The Mexican exclusive economic zone shall extend 200 nautical miles (370,400 metres) from the baselines from which, in accordance with article 26 of this Act, the breadth of the territorial sea is measured.

Article 51

Islands shall have an exclusive economic zone; however, rocks that cannot sustain human habitation or economic life of their own shall not.

Article 52

The inner limit of the exclusive economic zone shall coincide exactly with the outer limit of the territorial sea, as established in accordance with article 26 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

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Article 53

The outer limit of the Mexican exclusive economic zone shall be the line every point of which is at a distance of 200 nautical miles (370,400 metres) from the nearest point on the baselines of the territorial sea, as established in article 26 of this Act.

Article 54

Accordingly, the outer limit of the exclusive economic zone shall comprise a series of arcs uniting the points whose geographical co-ordinates were published in a decree in the Diario Oficial de la Federación of 7 June 1976, as marked on the charts officially recognized by the United Mexican States.

Article 55

The Federal Executive Power shall ensure, subject to the relevant provisions of this Act, its regulations and international law, respect for the freedoms of navigation and overflight in the Mexican exclusive economic zone on the part of ships and aircraft of all States, whether coastal or land-locked.

Article 56

The Federal Executive Power shall take proper management and conservation measures so that the living resources are not endangered by over-exploitation; it shall determine the allowable catch of living resources in the exclusive economic zone and, without prejudice to the above, shall promote the optimum utilization of such resources. Where the Nation's ships do not have the capacity to harvest the entire allowable catch of a species, the Federal Executive Power shall give foreign ships access to the surplus of the allowable catch, having regard to the national interest and under the terms of Mexican fishing law.

CHAPTER V

The continental shelf or island shelves

Article 57

The Nation shall exercise over the continental shelf and island shelves sovereign rights for the purpose of exploring them and exploiting their natural resources.

Article 58

The Nation's sovereign rights referred to in the preceding article shall be exclusive in the sense that if Mexico does not explore the continental shelf and island shelves or exploit their natural resources, no one may undertake these activities without the express consent of the competent national authorities.

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Article 59

The sovereign rights of the Nation referred to in article 57 shall not depend on occupation, effective or notional, of the continental shelf and island shelves.

Article 60

The rights of the Nation over the continental shelf and island shelves shall not affect the legal status of the superjacent waters or of the airspace above those waters.

Article 61

The exercise of the rights of the Nation over the continental shelf and island shelves must not infringe on, or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Act, its regulations and international law.

Article 62

The Mexican continental shelf and island shelves shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of national territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance, in accordance with the provisions of international law. The preceding definition includes the shelves of islands, keys and reefs that form part of national territory.

Article 63

Islands shall have an island shelf; however, rocks that cannot sustain human habitation or economic life of their own shall not.

Article 64

The inner limit of the Mexican continental shelf and island shelves shall coincide exactly with the outer limit of the subsoil of the territorial sea, as established in accordance with article 26 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

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Article 65

In places where the outer edge of the continental margin of the continental shelf and island shelves does not extend 200 nautical miles from the baselines from which the territorial sea is measured, the outer limit of these shelves shall coincide exactly with the outer limit of the subsoil of the exclusive economic zone, as established in accordance with the provisions of articles 53 and 54 of this Act, and as marked on charts officially recognized by the United Mexican States.

TRANSITIONAL PROVISIONS

Article 1

This Act shall enter into force on the date of its publication in the Diario Oficial de la Federación.

Article 2

This Act shall supersede the regulatory provisions of the eighth paragraph of article 27 of the Constitution, concerning the exclusive economic zone, published in the Diario Oficial de la Federación on 13 February 1976.

Article 3

This Act shall supersede all contrary legal provisions now in force. Matters not provided for in this Act that are related to activities in the maritime zones under national jurisdiction shall be governed by the prevailing national legislation where no contrary provisions exist.

Article 4

Violations of the provisions of this Act shall be punished by the competent national authorities in accordance with national ordinances applicable to the various matters.

6. NETHERLANDS

[Original: English]

Territorial sea of the Kingdom in the Netherlands Antilles
(Extension) Act (Rijkswet), 9 January 1985

Section 1

The territorial sea of the Kingdom in the Netherlands Antilles shall be extended to twelve nautical miles, in accordance with rules to be laid down by general administrative order.

Section 2

1. This Act shall enter into force on a date to be determined by us.
2. It may be cited as the Territorial Sea of the Kingdom in the Netherlands Antilles (Extension) Act.

Decree of 23 October 1985 governing the implementation of
section 1 of the Territorial Sea of the Kingdom in the
Netherlands Antilles (Extension) Act

Article 1

1. The territorial sea of the Kingdom in the Netherlands Antilles shall extend to the line every point of which is at a distance of twelve international nautical miles, being twenty-two kilometres and two hundred and twenty-four metres, measured seawards from the nearest point of the low-water line along the coast or from the baselines or closing lines referred to in articles 3 and 4, with the proviso that where naturally-formed low-tide elevations that are surrounded by water at high tide are situated within this distance, the measurement shall be made from the nearest point of the low-water line on that elevation.
2. The low-water line shall be the contour line at 0 metres or, where this does not exist, the coastline or edge of low-tide reefs, as marked on large-scale Dutch charts.

Article 2

The low-water line along the coast, together with the baselines referred to in articles 3 and 4 in so far as they are situated seaward of the low-water line, shall form the boundary between the internal waters and the territorial sea of the Kingdom in the Netherlands Antilles.

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Article 3

1. Straight baselines shall be drawn through the arcs of the great circles which connect the following points along the southern coast of the island of Aruba by the shortest distance:

<u>Situated at</u>		<u>North Latitude</u>	<u>West Longitude</u>
a. from	point A1	12°32'30"	70°03'41"
	A2	12°31'30"	70°02'55"
	A3	12°30'30"	70°01'59"
b. from	A4	12°29'08",5	70°00'28",5
	A5	12°28'58"	70°00'10",5
c. from	A6	12°27'00"	69°57'02",5
	A7	12°26'54",5	69°56'57",5
d. from	A8	12°26'25",5	69°56'01",5
	A9	12°26'03",5	69°55'10"
	A10	12°25'56"	69°54'50"
e. from	A11	12°25'34",5	69°54'10",5
	A12	12°25'04"	69°53'39"
	A13	12°25'02"	69°52'59"

2. The positions of points A1 to A13 are expressed in longitude and latitude according to South American Co-ordinates (Provisional South American Datum 1956).

Article 4

1. Closing lines shall be drawn between the natural entrance points of the bays named below:

		<u>North latitude</u>	<u>West longitude</u>
a. On the island of Aruba:			
(i) Boca di Pos di Noord	point 1	12°34'39",5	70°00'01",4
	2	12°34'37",0	69°59'58",0
(ii) Boca Mahos	1	12°33'22",9	69°58'21",1
	2	12°33'21",4	69°58'17",3
(iii) Bay, unnamed, 0.3 nautical miles southeast of (ii)	1	12°33'18",5	69°58'09",2
	2	12°33'14",5	69°58'05",0

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			<u>North latitude</u>	<u>West longitude</u>
(iia)	Bay, southeast of Andicuri	point 1	12°32'27",3	69°56'34",7
		2	12°32'24",7	69°56'30",7
(iv)	Daimari	1	12°32'05",4	69°56'12",7
		2	12°32'01",9	69°56'09",0
(v)	Dos Playa	1	12°30'38",2	69°54'57",5
		2	23°30'31",8	69°54'52",2
(vi)	Boca Druif	1	12°30'13",6	69°54'22",8
		2	12°30'10",9	69°54'18",4
(vii)	Boca Pries	1	12°30'09",0	69°54'17",1
		2	12°30'03",1	69°54'11",9
(viii)	Boca Grandi	1	12°26'41",7	69°52'07",9
		2	12°26'27",2	69°52'08",6
(ix)	Klein Lagoen	1	12°24'56",1	69°52'41",1
		2	12°24'54",3	69°52'50",3
b. On the islands of Bonaire and Klein Bonaire:				
(i)	Boca Onima	1	12°59'29",1	68°18'31",8
		2	12°15'27",5	68°18'27",9
(ii)	Lagun	1	12°11'09",7	68°12'27",9
		2	12°11'01",3	68°12'27",0
(iii)	Boca Washi Kemba	1	12°10'38",6	68°12'20",9
		2	12°10'35",4	68°12'20",4
(iv)	Lac	1	12°06'22",3	68°13'10",7
		2	12°06'14",5	68°13'18",9
c. On the island of Curaçao:				
(i)	Bartolbaai	1	12°20'11",7	69°03'31",9
		2	12°20'07",2	69°03'30",0
(ii)	Playa Grandi	1	12°19'07",6	69°03'05",1
		2	12°18'56",7	69°03'05",6
(iii)	Boca Ascensión	1	12°16'45",5	69°02'52",7
		2	12°16'37",4	69°02'50",2

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			<u>North latitude</u>	<u>West longitude</u>
(iv)	Boca Playa Canoa	point 1	12°10'45",0	68°51'56",0
		2	12°10'45",4	68°51'47",4
(v)	Bay near Landhuis Santa Catarina	1	12°09'39",9	68°49'39",4
		2	12°09'39",5	68°49'38",1
(vi)	St. Jorisbaai	1	12°08'00",7	68°48'14",8
		2	12°07'51",5	68°48'10",6
(vii)	Awa Di Oostpunt	1	12°02'46",3	68°44'07",9
		2	12°02'44",0	68°44'13",8
(viii)	Fujkbaai	1	12°03'07",1	68°49'44",5
		2	12°03'09",6	68°49'49",2
(ix)	Spaanse Haven	1	12°03'58",9	68°50'55",0
		2	12°03'59",2	68°51'08",0
(x)	Caracasbaai	1	12°04'13",0	68°51'34",9
		2	12°04'26",0	68°52'16",5
(xi)	St. Annabaai	1	12°06'25",3	68°56'01",5
		2	12°06'28",5	68°56'11",5
(xii)	Piscaderabaai	1	12°07'24",0	68°58'05",7
		2	12°07'33",2	68°58'08",3
(xiii)	Boca Grandi/ San Juan Baai	1	12°15'03",3	69°06'21",8
		2	12°15'12",3	69°06'27",9
(xiv)	Boca Sta. Maria	1	12°16'16",2	69°07'36",5
		2	12°16'17",4	69°07'37",7
d. On the island of Saba:				
(i)	Cove Baai and Spring Baai	1	17°38'34",3	63°13'07",1
		2	17°38'13",5	63°13'02",8
(ii)	Core Gut Baai	1	17°37'50",7	63°13'00",8
		2	17°37'43",6	63°13'06",0
(iii)	Fort Baai	1	17°36'53",8	63°15'08",3
		2	17°36'56",7	63°15'11",4
e. On the island of Saint Maarten:				
(i)	Groot Baai	1	18°00'16",2	63°02'39",8
		2	18°00'43",0	63°03'38",2

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			<u>North latitude</u>	<u>West longitude</u>
(ii)	Klein Baai	point 1	18°00'44",9	63°03'41",3
		2	18°00'57",1	63°04'12",8
(iii)	Simson Baai	1	18°01'36",9	63°05'50",8
		2	18°01'53",8	63°06'57",1

2. The positions of the points referred to in paragraph 1 above, under a, b and c, are expressed according to South American Co-ordinates (Provisional South American Datum 1956) and under d and e according to North American Datum 1927.

Article 5

1. Where a boundary between two States has been agreed that lies within twelve nautical miles of the baseline from which the territorial sea is measured, this boundary shall mark the outer limit of the territorial sea.
2. Where a boundary between two States has not yet been agreed, the limit of the territorial sea shall lie along the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured.

Article 6

This general administrative order shall enter into force on the first day of the second month following the date of its publication in the Bulletin of Acts, Orders and Decrees (Staatsblad).

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7. SENEGAL

[Original: French]

Act No. 85-14 delimiting the territorial sea, the contiguous zone and the continental shelf, 25 February 1985

Article 1

The breadth of the territorial sea is twelve (12) nautical miles, measured from baselines whose reference points are established by decree.

Article 2

A contiguous zone of twelve (12) nautical miles, measured from the outer limit of the territorial sea, is established.

Article 3

Senegal exercises sovereignty over the entire area of its territorial sea.

Article 4

In the contiguous zone, Senegal has the necessary authority to prevent violations of its customs, tax, health and immigration laws and regulations on its territory or in its territorial sea and to punish violations of those laws and regulations committed on its territory or in its territorial sea.

Article 5

The above provisions concerning the territorial sea shall be without prejudice to the right of innocent passage granted to all foreign ships in accordance with the United Nations Convention on the Law of the Sea, signed by Senegal on 10 December 1982 at Montego Bay, Jamaica.

Article 6

The continental shelf comprises the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

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Article 7

Senegal exercises sovereign and exclusive rights over the entire area of the continental shelf for the purpose of exploring it and exploiting its natural resources.

Article 8

All existing provisions that are contrary to this Act are hereby repealed, including, in particular, Act No. 76-54 of 9 April 1976 delimiting the territorial sea and the continental shelf.

This Act shall be enforced as a law of the State.

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8. UNITED STATES OF AMERICA

Note dated 13 January 1986 from the United States Mission
to the United Nations addressed to the Secretary-General
of the United Nations*

The Government of the United States wishes to provide the United Nations with the attached notices published in the Federal Register of the United States, which provide public notice of the issuance, by the National Oceanic and Atmospheric Administration, United States Department of Commerce, of four licences authorizing deep sea-bed hard mineral resource exploration in specified areas of the east-central Pacific Ocean (see annex). Included in the Federal Register notices are the geographical co-ordinates of the deep sea-bed areas within which deep sea-bed hard mineral exploration has been authorized.

These licences were issued pursuant to the Deep Sea-Bed Hard Mineral Resources Act, Public Law 96-283; 30 U.S.C. 1401 et seq. In accordance with section 102 (b) (2) of that Act, these licences are exclusive as against "any other United States citizen or any citizen, national or government agency of, or any legal entity organized or existing under the laws of, any reciprocating State". Reciprocating States are those States designated as such in accordance with section 118 of the Act.

The Government of the United States also calls attention to section 3 (a) of the Act, which states:

By the enactment of the Act, the United States:

- (1) Exercises jurisdiction over United States citizens and vessels, and foreign persons and vessels otherwise subject to its jurisdiction, in the exercise of the high seas freedom to engage in exploration for, and commercial recovery of, hard mineral resources of the deep sea-bed in accordance with generally accepted principles of international law recognized by the United States; but
- (2) Does not thereby assert sovereignty or sovereign or exclusive rights or jurisdiction over, or the ownership of, any areas or resources in the deep sea-bed.

In addition to confirming for the United Nations, and through it its Member States, the existence of licences for exploration of the hard mineral resources of the deep sea-bed, the Government of the United States takes this opportunity to state that, in view of the international legal obligation of all States to avoid unreasonable interference with the interests of other States in their exercise of the freedoms of the high seas, the Government of the United States stands ready to

* On the same subject matter, see also Bulletin No. 6, pp. 85-86.

consult on this subject with any other Government. The Government of the United States also notes that it has been informed by representatives of the recipients of United States licences that they also are prepared to discuss the subject of avoidance of interference of activities with any other entity engaged in such activities in the areas within which their deep sea-bed hard mineral exploration has been authorized.

The Government of the United States requests that this note, and the attached Federal Register notices, be circulated by the United Nations as part of the next Law of the Sea Bulletin prepared by the Office of the Special Representative of the Secretary-General for the Law of the Sea.

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ANNEX

Federal Register notices

DEEP SEA-BED MINING; ISSUANCE OF EXPLORATION LICENCE

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of issuance of exploration licence to Ocean Minerals Company subject to terms, conditions and restrictions.

Summary: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on 29 August 1984 issued to Ocean Minerals Company, 465 Bernardo Avenue, Mountain View, California 94043 a licence to engage in deep sea-bed mining exploration activities subject to terms, conditions and restrictions, for a site designated USA-1 which is located in the Clarion-Clipperton Fracture Zone of the Northeastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the licence at the address below.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: 7 September 1984

Peter L. TWEEDT
Director, Office of Ocean and Coastal
Resource Management

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DEEP SEA-BED MINING; NOTICE OF AVAILABILITY OF INFORMATION

- Agency: National Oceanic and Atmospheric Administration, Commerce.
- Action: Notice of location of Ocean Minerals Company and Kennecott Consortium deep sea-bed mining licence areas; correction to Ocean Minerals Company co-ordinates.
- Summary: In Federal Register document 84-31460, published 30 November 1984, at page number 47081, the National Oceanic and Atmospheric Administration (NOAA) issued notice of the co-ordinates of the area covered by a licence (designated as USA-1) issued to Ocean Minerals Company (OMCO) to conduct deep sea-bed mining exploration activities.

Turning Point 6 of Area 1 is corrected to read
11°40' N, 132°20' W.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: 2 January 1985

Peter L. TWEEDT
Director, Office of Ocean and Coastal
Resource Management

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DEEP SEA-BED MINING; ISSUANCE OF EXPLORATION LICENCE

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of issuance to Kennecott Consortium.

Summary: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on 29 October 1984 issued to Kennecott Consortium, 1515 Mineral Square, Salt Lake City, Utah, 84147 a licence to engage in deep sea-bed mining exploration activities subject to terms, conditions and restrictions, for a site designated USA-4 which is located in the Clarion-Clipperton Fracture Zone of the Northeastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the licence at the address below.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: 1 November 1984

Peter L. TWEEDT
Director, Office of Ocean and Coastal
Resource Management

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DEEP SEA-BED MINING; AVAILABILITY OF INFORMATION

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of location of Ocean Minerals Company and Kennecott Consortium deep sea-bed mining licence areas.

Summary: On 29 August 1984, the National Oceanic and Atmospheric Administration (NOAA) issued a licence (designated as USA-1) to Ocean Minerals Company (OMCO) to conduct deep sea-bed mining exploration activities in an area of 165,533 square kilometers in the Northeastern Equatorial Pacific Ocean within the sea-bed area generally known as the Clarion-Clipperton Fracture Zone. On 20 November 1984, OMCO formally withdrew its request for confidential treatment of the precise location of its licence areas and requested NOAA to apprise the public of this fact and to publish the co-ordinates as well.

On 29 October 1984, NOAA issued a licence (designated USA-4) to the Kennecott Consortium (KCON) to conduct deep sea-bed mining exploration activities in an area of 65,000 square kilometers in the Northeastern Equatorial Pacific Ocean within the sea-bed area generally known as the Clarion-Clipperton Fracture Zone. On 21 November 1984, KCON formally withdrew its request for confidential treatment of the precise location of its licence area and requested NOAA to apprise the public of this fact and to publish the co-ordinates as well.

In accordance with these requests and pursuant to 15 CFR 970.902 (d) (5), NOAA hereby is publishing the co-ordinates of the OMCO and KCON licence areas.

The OMCO licence applies to two areas, bounded by a line with the following turning points:

Area 1

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	13°40'N	128°35'W
2	11°40'N	128°35'W
3	11°40'N	131°15'W
4	11°30'N	131°15'W
5	11°30'N	132°00'W
6	11°40'N	132°20'W
7	11°40'N	133°50'W
8	12°50'N	133°50'W
9	12°50'N	132°15'W
10	13°20'N	132°15'W
11	13°20'N	130°00'W
12	13°40'N	130°00'W
1	13°40'N	128°35'W

/...

Area 2

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	11°50'N	145°00'W
2	11°50'N	143°15'W
3	10°45'N	143°15'W
4	10°45'N	142°15'W
5	9°45'N	142°15'W
6	9°45'N	142°45'W
7	9°15'N	142°45'W
8	9°15'N	143°45'W
9	10°00'N	143°45'W
10	10°00'N	144°00'W
11	9°45'N	144°00'W
12	9°45'N	144°45'W
13	9°30'N	144°45'W
14	9°30'N	145°00'W
1	11°50'N	145°00'W

The KCON licence area is bounded by a line with the following turning points:

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	14°20'N	128°00'W
2	14°20'N	126°15'W
3	13°45'N	126°15'W
4	13°45'N	125°20'W
5	12°15'N	125°20'W
6	12°15'N	127°00'W
7	11°40'N	127°00'W
8	11°40'N	127°43'W
9	12°00'N	127°43'W
10	12°00'N	128°00'W
1	14°20'N	128°00'W

Consistent with the disclosure policy stated in the Environmental Impact Statement (EIS) on the OMCO and KCON licence issuance, NOAA will send copies of this notice to the persons, organizations and agencies who were EIS recipients.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: 23 November 1984

James P. LAWLESS
Acting Director, Office of Ocean and
Coastal Resource Management

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DEEP SEA-BED MINING; ISSUANCE OF EXPLORATION LICENCE

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of issuance of exploration licence to Ocean Management Inc., subject to terms, conditions, and restrictions.

Summary: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on 29 August 1984 issued to Ocean Management, Inc., One New York Plaza, New York, N.Y. 10004, a licence to engage in deep sea-bed mining exploration activities subject to terms, conditions and restrictions, for a site designated USA-2, which is located in the Clarion-Clipperton Fracture Zone of the Northeastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the licence at the address below.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: 7 September 1984

Peter L. TWEEDT
Director, Office of Ocean and Coastal
Resource Management

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DEEP SEA-BED MINING; NOTICE OF AVAILABILITY OF INFORMATION

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of location of Ocean Management, Inc. deep sea-bed mining licence area.

Summary: On 29 August 1984, the National Oceanic and Atmospheric Administration (NOAA) issued a licence (designated as USA-2) to Ocean Management, Inc. (OMI) to conduct deep sea-bed mining exploration activities in an area of 136,000 square kilometers in the Northeastern Equatorial Pacific Ocean within the sea-bed area generally known as the Clarion-Clipperton Fracture Zone. OMI has now formally withdrawn its request for confidential treatment of the precise location of its licence area and requested NOAA to apprise the public of this fact and to publish the co-ordinates as well.

In accordance with this request and pursuant to 15 CFR 970.902 (d) (5), NOAA hereby is publishing the co-ordinates of the OMI licence area.

The OMI licence applies to an area bounded by a line with the following turning points:

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	15°25'N	134°00'W
2	14°00'N	134°00'W
3	14°00'N	133°50'W
4	11°30'N	133°50'W
5	11°30'N	136°00'W
6	10°50'N	136°00'W
7	10°50'N	137°50'W
8	12°30'N	137°50'W
9	12°30'N	136°00'W
10	15°25'N	136°00'W
1	15°25'N	134°00'W

Consistent with the disclosure policy stated in the Environmental Impact Statement (EIS) on the OMI licence issuance, NOAA will send copies of this notice to the persons, organizations and agencies who were EIS recipients.

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For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: 6 December 1984

Peter L. TWEEDT
Director, Office of Ocean and Coastal
Resource Management

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DEEP SEA-BED MINING; ISSUANCE OF EXPLORATION LICENCE

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of issuance of exploration licence to Ocean Mining Associates subject to terms, conditions and restrictions.

Summary: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on 29 August 1984 issued to Ocean Mining Associates, Box 2, Gloucester Point, Va. 23062, a licence to engage in deep sea-bed mining exploration activities subject to terms, conditions and restrictions, for a site designated USA-3, which is located in the Clarion-Clipperton Fracture Zone of the Northeastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the licence at the address below.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: 7 September 1984

Peter L. TWEEDT
Director, Office of Ocean and Coastal
Resource Management

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DEEP SEA-BED MINING; AVAILABILITY OF INFORMATION

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of location of Ocean Mining Associates deep sea-bed mining licence area.

Summary: On 29 August 1984, the National Oceanic and Atmospheric Administration (NOAA) issued a licence (designated as USA-3) to Ocean Mining Associates (OMA) to conduct deep sea-bed mining exploration activities in the Northeastern Equatorial Pacific Ocean within the sea-bed area generally known as the Clarion-Clipperton Fracture Zone. On 26 October 1984, OMA formally withdrew its request for confidential treatment of the precise location of its licence area and requested NOAA to apprise the public of this fact and to publish the co-ordinates as well. In accordance with this request and pursuant to 15 CFR 970.902 (d) (5), NOAA hereby is publishing the co-ordinates of the OMA licence area.

The OMA licence area is bounded by a line with the following turning points:

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	15°20'N	128°35'W
2	15°20'N	127°50'W
3	15°15'N	127°50'W
4	15°15'N	127°46'W
5	15°44'N	127°46'W
6	15°44'N	125°20'W
7	16°14'N	125°20'W
8	16°14'N	124°20'W
9	16°04'N	124°20'W
10	16°04'N	123°25'W
11	15°44'N	123°25'W
12	15°44'N	122°20'W
13	14°10'N	122°20'W
14	14°10'N	122°45'W
15	13°21'N	122°45'W
16	13°21'N	123°00'W
17	12°56'N	123°00'W
18	12°56'N	123°35'W
19	14°05'N	123°35'W
20	14°05'N	125°00'W
21	13°45'N	125°00'W
22	13°45'N	126°15'W
23	14°20'N	126°15'W
24	14°20'N	128°00'W
25	12°00'N	128°00'W
26	12°00'N	127°43'W
27	11°40'N	127°43'W
28	11°40'N	128°35'W
1	15°20'N	128°35'W

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This area (of approximately 156,000 square kilometres) includes most of the approximately 60,000-square kilometre area claimed by Deepsea Ventures, Inc., (predecessor to OMA and now its marine operating unit) on 15 November 1974. On that date, a notice of discovery and a claim of exclusive mining rights were filed with the Secretary of State and that fact was widely published by Deepsea Ventures.

Consistent with the disclosure policy stated in the Environmental Impact Statement (EIS) on the OMA licence issuance, NOAA will send copies of this notice to the persons, organizations and agencies who were EIS recipients.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: 7 November 1984

James P. BLIZZARD
Acting Director, Office of Ocean and
Coastal Resource Management

B. Treaties

UNITED NATIONS CONVENTION ON CONDITIONS FOR
REGISTRATION OF SHIPS*

Adopted by the United Nations Conference on Conditions
for Registration of Ships on 7 February 1986

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* United Nations Conference on Trade and Development document TD/RS/CONF/23
of 13 March 1986.

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The States Parties to this Convention,

Recognizing the need to promote the orderly expansion of world shipping as a whole,

Recalling General Assembly resolution 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade, which called, inter alia, in paragraph 128, for an increase in the participation by developing countries in world transport of international trade,

Recalling also that according to the 1958 Geneva Convention on the High Seas and the 1982 United Nations Convention on the Law of the Sea there must exist a genuine link between a ship and a flag State and conscious of the duties of the flag State to exercise effectively its jurisdiction and control over ships flying its flag in accordance with the principle of the genuine link,

Believing that to this end a flag State should have a competent and adequate national maritime administration,

Believing also that in order to exercise its control function effectively a flag State should ensure that those who are responsible for the management and operation of a ship on its register are readily identifiable and accountable,

Believing further that measures to make persons responsible for ships more readily identifiable and accountable could assist in the task of combating maritime fraud,

Reaffirming, without prejudice to this Convention, that each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory and for the right to fly its flag,

Prompted by the desire among sovereign States to resolve in a spirit of mutual understanding and co-operation all issues relating to the conditions for the grant of nationality to, and for the registration of, ships,

Considering that nothing in this Convention shall be deemed to prejudice any provisions in the national laws and regulations of the Contracting Parties to this Convention, which exceed the provisions contained herein,

Recognizing the competences of the specialized agencies and other institutions of the United Nations system as contained in their respective constitutional instruments, taking into account arrangements which may have been concluded between the United Nations and the agencies, and between individual agencies and institutions in specific fields,

Have agreed as follows:

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Article 1

OBJECTIVES

For the purpose of ensuring or, as the case may be, strengthening the genuine link between a State and ships flying its flag, and in order to exercise effectively its jurisdiction and control over such ships with regard to identification and accountability of shipowners and operators as well as with regard to administrative, technical, economic and social matters, a flag State shall apply the provisions contained in this Convention.

Article 2

DEFINITIONS

For the purposes of this Convention:

"Ship" means any self-propelled sea-going vessel used in the international seaborne trade for the transport of goods, passengers, or both with the exception of vessels of less than 500 gross registered tons;

"Flag State" means a State whose flag a ship flies and is entitled to fly;

"Owner" or "shipowner" means, unless clearly indicated otherwise, any natural or juridical person recorded in the register of ships of the State of registration as an owner of a ship;

"Operator" means the owner or bareboat charterer, or any other natural or juridical person to whom the responsibilities of the owner or bareboat charterer have been formally assigned;

"State of registration" means the State in whose register of ships a ship has been entered;

"Register of ships" means the official register or registers in which particulars referred to in article 11 of this Convention are recorded;

"National maritime administration" means any State authority or agency which is established by the State of registration in accordance with its legislation and which, pursuant to that legislation, is responsible, inter alia, for the implementation of international agreements concerning maritime transport and for the application of rules and standards concerning ships under its jurisdiction and control;

"Bareboat charter" means a contract for the lease of a ship, for a stipulated period of time, by virtue of which the lessee has complete possession and control of the ship, including the right to appoint the master and crew of the ship, for the duration of the lease;

"Labour-supplying country" means a country which provides seafarers for service on a ship flying the flag of another country.

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Article 3

SCOPE OF APPLICATION

This Convention shall apply to all ships as defined in article 2.

Article 4

GENERAL PROVISIONS

1. Every State, whether coastal or land-locked, has the right to sail ships flying its flag on the high seas.
2. Ships have the nationality of the State whose flag they are entitled to fly.
3. Ships shall sail under the flag of one State only.
4. No ships shall be entered in the registers of ships of two or more States at a time, subject to the provisions of paragraphs 4 and 5 of article 11 and to article 12.
5. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

Article 5

NATIONAL MARITIME ADMINISTRATION

1. The flag State shall have a competent and adequate national maritime administration, which shall be subject to its jurisdiction and control.
2. The flag State shall implement applicable international rules and standards concerning, in particular, the safety of ships and persons on board and the prevention of pollution of the marine environment.
3. The maritime administration of the flag State shall ensure:
 - (a) That ships flying the flag of such State comply with its laws and regulations concerning registration of ships and with applicable international rules and standards concerning, in particular, the safety of ships and persons on board and the prevention of pollution of the marine environment;
 - (b) That ships flying the flag of such State are periodically surveyed by its authorized surveyors in order to ensure compliance with applicable international rules and standards;

- (c) That ships flying the flag of such State carry on board documents, in particular, those evidencing the right to fly its flag and other valid relevant documents, including those required by international conventions to which the State of registration is a Party;
 - (d) That the owners of ships flying the flag of such State comply with the principles of registration of ships in accordance with the laws and regulations of such State and the provisions of this Convention.
4. The State of registration shall require all the appropriate information necessary for full identification and accountability concerning ships flying its flag.

Article 6

IDENTIFICATION AND ACCOUNTABILITY

1. The State of registration shall enter in its register of ships, inter alia, information concerning the ship and its owner or owners. Information concerning the operator, when the operator is not the owner, should be included in the register of ships or in the official record of operators to be maintained in the office of the Registrar or be readily accessible to him, in accordance with the laws and regulations of the State of registration. The State of registration shall issue documentation as evidence of the registration of the ship.
2. The State of registration shall take such measures as are necessary to ensure that the owner or owners, the operator or operators, or any other person or persons who can be held accountable for the management and operation of ships flying its flag can be easily identified by persons having a legitimate interest in obtaining such information.
3. Registers of ships should be available to those with a legitimate interest in obtaining information contained therein, in accordance with the laws and regulations of the flag State.
4. A State should ensure that ships flying its flag carry documentation including information about the identity of the owner or owners, the operator or operators or the person or persons accountable for the operation of such ships, and make available such information to port State authorities.
5. Log-books should be kept on all ships and retained for a reasonable period after the date of the last entry, notwithstanding any change in a ship's name, and should be available for inspection and copying by persons having a legitimate interest in obtaining such information, in accordance with the laws and regulations of the flag State. In the event of a ship being sold and its registration being changed to another State, log-books relating to the period before such sale should be retained and should be available for inspection and copying by persons having a legitimate interest in obtaining such information, in accordance with the laws and regulations of the former flag State.

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6. A State shall take necessary measures to ensure that ships it enters in its register of ships have owners or operators who are adequately identifiable for the purpose of ensuring their full accountability.
7. A State should ensure that direct contact between owners of ships flying its flag and its government authorities is not restricted.

Article 7

PARTICIPATION BY NATIONALS IN THE OWNERSHIP AND/OR MANNING OF SHIPS

With respect to the provisions concerning manning and ownership of ships as contained in paragraphs 1 and 2 of article 8 and paragraphs 1 to 3 of article 9, respectively, and without prejudice to the application of any other provisions of this Convention, a State of registration has to comply either with the provisions of paragraphs 1 and 2 of article 8 or with the provisions of paragraphs 1 to 3 of article 9, but may comply with both.

Article 8

OWNERSHIP OF SHIPS

1. Subject to the provisions of article 7, the flag State shall provide in its laws and regulations for the ownership of ships flying its flag.
2. Subject to the provisions of article 7, in such laws and regulations the flag State shall include appropriate provisions for participation by that State or its nationals as owners of ships flying its flag or in the ownership of such ships and for the level of such participation. These laws and regulations should be sufficient to permit the flag State to exercise effectively its jurisdiction and control over ships flying its flag.

Article 9

MANNING OF SHIPS

1. Subject to the provisions of article 7, a State of registration, when implementing this Convention, shall observe the principle that a satisfactory part of the complement consisting of officers and crew of ships flying its flag be nationals or persons domiciled or lawfully in permanent residence in that State.
2. Subject to the provisions of article 7 and in pursuance of the goal set out in paragraph 1 of this article, and in taking necessary measures to this end, the State of registration shall have regard to the following:

- (a) The availability of qualified seafarers within the State of registration;
 - (b) Multilateral or bilateral agreements or other types of arrangements valid and enforceable pursuant to the legislation of the State of registration;
 - (c) The sound and economically viable operation of its ships.
3. The State of registration should implement the provision of paragraph 1 of this article on a ship, company or fleet basis.
 4. The State of registration, in accordance with its laws and regulations, may allow persons of other nationalities to serve on board ships flying its flag in accordance with the relevant provisions of this Convention.
 5. In pursuance of the goal set out in paragraph 1 of this article, the State of registration should, in co-operation with shipowners, promote the education and training of its nationals or persons domiciled or lawfully in permanent residence within its territory.
 6. The State of registration shall ensure:
 - (a) That the manning of ships flying its flag is of such a level and competence as to ensure compliance with applicable international rules and standards, in particular those regarding safety at sea;
 - (b) That the terms and conditions of employment on board ships flying its flag are in conformity with applicable international rules and standards;
 - (c) That adequate legal procedures exist for the settlement of civil disputes between seafarers employed on ships flying its flag and their employers;
 - (d) That nationals and foreign seafarers have equal access to appropriate legal processes to secure their contractual rights in their relations with their employers.

Article 10

ROLE OF FLAG STATES IN RESPECT OF THE MANAGEMENT OF SHIPOWNING COMPANIES AND SHIPS

1. The State of registration, before entering a ship in its register of ships, shall ensure that the shipowning company or a subsidiary shipowning company is established and/or has its principal place of business within its territory in accordance with its laws and regulations.
2. Where the shipowning company or a subsidiary shipowning company or the principal place of business of the shipowning company is not established in the flag State, the latter shall ensure, before entering a ship in its register of ships, that there is a representative or management person who

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shall be a national of the flag State, or be domiciled therein. Such a representative or management person may be a natural or juridical person who is duly established or incorporated in the flag State, as the case may be, in accordance with its laws and regulations, and duly empowered to act on the shipowner's behalf and account. In particular, this representative or management person should be available for any legal process and to meet the shipowner's responsibilities in accordance with the laws and regulations of the State of registration.

3. The State of registration should ensure that the person or persons accountable for the management and operation of a ship flying its flag are in a position to meet the financial obligations that may arise from the operation of such a ship to cover risks which are normally insured in international maritime transportation in respect of damage to third parties. To this end the State of registration should ensure that ships flying its flag are in a position to provide at all times documents evidencing that an adequate guarantee, such as appropriate insurance or any other equivalent means, has been arranged. Furthermore, the State of registration should ensure that an appropriate mechanism, such as a maritime lien, mutual fund, wage insurance, social security scheme, or any governmental guarantee provided by an appropriate agency of the State of the accountable person, whether that person is an owner or operator, exists to cover wages and related monies owed to seafarers employed on ships flying its flag in the event of default of payment by their employers. The State of registration may also provide for any other appropriate mechanism to that effect in its laws and regulations.

Article 11

REGISTER OF SHIPS

1. A State of registration shall establish a register of ships flying its flag, which register shall be maintained in a manner determined by that State and in conformity with the relevant provisions of this Convention. Ships entitled by the laws and regulations of a State to fly its flag shall be entered in this register in the name of the owner or owners or, where national laws and regulations so provide, the bareboat charterer.
2. Such register shall, inter alia, record the following:
 - (a) The name of the ship and the previous name and registry if any;
 - (b) The place or port of registration or home port and the official number or mark of identification of the ship;
 - (c) The international call sign of the ship, if assigned;
 - (d) The name of the builders, place of build and year of building of the ship;
 - (e) The description of the main technical characteristics of the ship;
 - (f) The name, address and, as appropriate, the nationality of the owner or of each of the owners;

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and, unless recorded in another public document readily accessible to the Registrar in the flag State:

- (g) The date of deletion or suspension of the previous registration of the ship;
 - (h) The name, address and, as appropriate, the nationality of the bareboat charterer, where national laws and regulations provide for the registration of ships bareboat chartered-in;
 - (i) The particulars of any mortgages or other similar charges upon the ship as stipulated by national laws and regulations.
3. Furthermore, such register should also record:
- (a) If there is more than one owner, the proportion of the ship owned by each;
 - (b) The name, address and, as appropriate, the nationality of the operator, when the operator is not the owner or the bareboat charterer.
4. Before entering a ship in its register of ships a State should assure itself that the previous registration, if any, is deleted.
5. In the case of a ship bareboat chartered-in a State should assure itself that right to fly the flag of the former flag State is suspended. Such registration shall be effected on production of evidence, indicating suspension of previous registration as regards the nationality of the ship under the former flag State and indicating particulars of any registered encumbrances.

Article 12

BAREBOAT CHARTER

1. Subject to the provisions of article 11 and in accordance with its laws and regulations a State may grant registration and the right to fly its flag to a ship bareboat chartered-in by a charterer in that State, for the period of that charter.
2. When shipowners or charterers in States Parties to this Convention enter into such bareboat charter activities, the conditions of registration contained in this Convention should be fully complied with.
3. To achieve the goal of compliance and for the purpose of applying the requirements of this Convention in the case of a ship so bareboat chartered-in the charterer will be considered to be the owner. This Convention, however, does not have the effect of providing for any ownership rights in the chartered ship other than those stipulated in the particular bareboat charter contract.

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4. A State should ensure that a ship bareboat chartered-in and flying its flag, pursuant to paragraphs 1 to 3 of this article, will be subject to its full jurisdiction and control.
5. The State where the bareboat chartered-in ship is registered shall ensure that the former flag State is notified of the deletion of the registration of the bareboat chartered ship.
6. All terms and conditions, other than those specified in this article, relating to the relationship of the parties to a bareboat charter are left to the contractual disposal of those parties.

Article 13

JOINT VENTURES

1. Contracting Parties to this Convention, in conformity with their national policies, legislation and the conditions for registration of ships contained in this Convention, should promote joint ventures between shipowners of different countries, and should, to this end, adopt appropriate arrangements, inter alia, by safeguarding the contractual rights of the parties to joint ventures, to further the establishment of such joint ventures in order to develop the national shipping industry.
2. Regional and international financial institutions and aid agencies should be invited to contribute, as appropriate, to the establishment and/or strengthening of joint ventures in the shipping industry of developing countries, particularly in the least developed among them.

Article 14

MEASURES TO PROTECT THE INTERESTS OF LABOUR-SUPPLYING COUNTRIES

1. For the purpose of safeguarding the interests of labour-supplying countries and of minimizing labour displacement and consequent economic dislocation, if any, within these countries, particularly developing countries, as a result of the adoption of this Convention, urgency should be given to the implementation, inter alia, of the measures as contained in resolution 1 annexed to this Convention.
2. In order to create favourable conditions for any contract or arrangement that may be entered into by shipowners or operators and the trade unions of seamen or other representative seamen bodies, bilateral agreements may be concluded between flag States and labour-supplying countries concerning the employment of seafarers of those labour-supplying countries.

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Article 15

MEASURES TO MINIMIZE ADVERSE ECONOMIC EFFECTS

For the purpose of minimizing adverse economic effects that might occur within developing countries, in the process of adapting and implementing conditions to meet the requirements established by this Convention, urgency should be given to the implementation, inter alia, of the measures as contained in resolution 2 annexed to this Convention.

Article 16

DEPOSITARY

The Secretary-General of the United Nations shall be the depositary of this Convention.

Article 17

IMPLEMENTATION

1. Contracting Parties shall take any legislative or other measures necessary to implement this Convention.
2. Each Contracting Party shall, at appropriate times, communicate to the depositary the texts of any legislative or other measures which it has taken in order to implement this Convention.
3. The depositary shall transmit upon request to Contracting Parties the texts of the legislative or other measures which have been communicated to him pursuant to paragraph 2 of this article.

Article 18

SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. All States are entitled to become Contracting Parties to this Convention by:
 - (a) Signature not subject to ratification, acceptance or approval; or
 - (b) Signature subject to and followed by ratification, acceptance or approval; or
 - (c) Accession.
2. This Convention shall be open for signature from 1 May 1986 to and including 30 April 1987, at the Headquarters of the United Nations in New York and shall thereafter remain open for accession.

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3. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 19

ENTRY INTO FORCE

1. This Convention shall enter into force 12 months after the date on which not less than 40 States, the combined tonnage of which amounts to at least 25 per cent of world tonnage, have become Contracting Parties to it in accordance with article 18. For the purpose of this article the tonnage shall be deemed to be that contained in annex III to this Convention.
2. For each State which becomes a Contracting Party to this Convention after the conditions for entry into force under paragraph 1 of this article have been met, the Convention shall enter into force for that State 12 months after that State has become a Contracting Party.

Article 20

REVIEW AND AMENDMENTS

1. After the expiry of a period of eight years from the date of entry into force of this Convention, a Contracting Party may, by written communication addressed to the Secretary-General of the United Nations, propose specific amendments to this Convention and request the convening of a review conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all Contracting Parties. If, within 12 months from the date of the circulation of the communication, not less than two fifths of the Contracting Parties reply favourably to the request, the Secretary-General shall convene the Review Conference.
2. The Secretary-General of the United Nations shall circulate to all Contracting Parties the texts of any proposals for, or views regarding, amendments, at least six months before the opening date of the Review Conference.

Article 21

EFFECT OF AMENDMENTS

1. The decisions of a review conference regarding amendments shall be taken by consensus or, upon request, by a vote of a two-thirds majority of the Contracting Parties present and voting. Amendments adopted by such a conference shall be communicated by the Secretary-General of the United Nations to all the Contracting Parties for ratification, acceptance, or approval and to all the States signatories of the Convention for information.

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2. Ratification, acceptance or approval of amendments adopted by a review conference shall be effected by the deposit of a formal instrument to that effect with the depositary.
3. Any amendment adopted by a review conference shall enter into force only for those Contracting Parties which have ratified, accepted or approved it, on the first day of the month following one year after its ratification, acceptance or approval by two thirds of the Contracting Parties. For any State ratifying, accepting or approving an amendment after it has been ratified, accepted or approved by two thirds of the Contracting Parties, the amendment shall enter into force one year after its ratification, acceptance or approval by that State.
4. Any State which becomes a Contracting Party to this Convention after the entry into force of an amendment shall, failing an expression of a different intention by that State:
 - (a) Be considered as a Party to this Convention as amended; and
 - (b) Be considered as a Party to the unamended Convention in relation to any Contracting Party not bound by the amendment.

Article 22

DENUNCIATION

1. Any Contracting Party may denounce this Convention at any time by means of a notification in writing to this effect addressed to the depositary.
2. Such denunciation shall take effect on the expiration of one year after the notification is received by the depositary, unless a longer period has been specified in the notification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have affixed their signatures hereunder on the dates indicated.

DONE at Geneva on 7 February 1986 in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, all texts being equally authentic.

ANNEX I

Resolution 1

Measures to protect the interests of labour-supplying countries

The United Nations Conference on Conditions for Registration of Ships,

Having adopted the United Nations Convention on Conditions for Registration of Ships,

Recommends as follows:

1. Labour-supplying countries should regulate the activities of the agencies within their jurisdiction that supply seafarers for ships flying the flag of another country in order to ensure that the contractual terms offered by those agencies will prevent abuses and contribute to the welfare of seafarers. For the protection of their seafarers, labour-supplying countries may require, inter alia, suitable security of the type mentioned in article 10 from the owners or operators of ships employing such seafarers or from other appropriate bodies;
2. Labour-supplying developing countries may consult each other in order to harmonize as much as possible their policies concerning the conditions upon which they will supply labour in accordance with these principles and may, if necessary, harmonize their legislation in this respect;
3. The United Nations Conference on Trade and Development, the United Nations Development Programme and other appropriate international bodies should upon request provide assistance to labour-supplying developing countries for establishing appropriate legislation for registration of ships and attracting ships to their registers, taking into account this Convention;
4. The International Labour Organisation should upon request provide assistance to labour-supplying countries for the adoption of measures in order to minimize labour displacement and consequent economic dislocation, if any, within labour-supplying countries which might result from the adoption of this Convention;
5. Appropriate international organizations within the United Nations system should upon request provide assistance to labour-supplying countries for the education and training of their seafarers, including the provision of training and equipment facilities.

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ANNEX II

Resolution 2

Measures to minimize adverse economic effects

The United Nations Conference on Conditions for Registration of Ships,

Having adopted the United Nations Convention on Conditions for Registration of Ships,

Recommends as follows:

1. The United Nations Conference on Trade and Development, the United Nations Development Programme and the International Maritime Organization and other appropriate international bodies should provide, upon request, technical and financial assistance to those countries which may be affected by this Convention in order to formulate and implement modern and effective legislation for the development of their fleet in accordance with the provisions of this Convention;
2. The International Labour Organisation and other appropriate international organizations should also provide, upon request, assistance to those countries for the preparation and implementation of educational and training programmes for their seafarers as may be necessary;
3. The United Nations Development Programme, the World Bank and other appropriate international organizations should provide to those countries, upon request, technical and financial assistance for the implementation of alternative national development plans, programmes and projects to overcome economic dislocation which might result from the adoption of this Convention.

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ANNEX III

Merchant fleets of the world ships of 500 gross registered
tons and above as at 1 July 1985

	<u>Gross registered tons</u>
Albania	52 698
Algeria	1 332 863
Angola	71 581
Argentina	2 227 252
Australia	1 877 560
Austria	134 225
Bahamas	3 852 385
Bahrain	26 646
Bangladesh	300 151
Barbados	4 034
Belgium	2 247 571
Benin	2 999
Bolivia	14 913
Brazil	5 935 899
Bulgaria	1 191 419
Burma	94 380
Cameroon	67 057
Canada	841 048
Cape Verde	8 765
Chile	371 468
China	10 167 450
Colombia	357 668
Comoros	649
Costa Rica	12 616
Côte d'Ivoire	124 706
Cuba	784 664
Cyprus	8 134 083
Czechoslovakia	184 299
Democratic Kampuchea	998
Democratic Yemen	4 229
Denmark	4 677 360
Djibouti	2 066
Dominica	500
Dominican Republic	35 667
Ecuador	417 372
Egypt	835 995
Equatorial Guinea	6 412
Ethiopia	54 499
Faeroe Islands	39 333
Fiji	20 145
Finland	1 894 485

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	<u>Gross registered tons</u>
France	7 864 931
Gabon	92 687
Gambia	1 597
German Democratic Republic	1 235 840
Germany, Federal Republic of	5 717 767
Ghana	99 637
Greece	30 751 092
Guatemala	15 569
Guinea	598
Guyana	3 888
Honduras	301 786
Hungary	77 182
Iceland	69 460
India	6 324 145
Indonesia	1 604 427
Iran (Islamic Republic of)	2 172 401
Iraq	882 715
Ireland	161 304
Israel	541 035
Italy	8 530 108
Jamaica	7 473
Japan	37 189 376
Jordan	47 628
Kenya	1 168
Kiribati	1 480
Korea, Democratic People's Republic of	470 592
Korea, Republic of	6 621 898
Kuwait	2 311 813
Lebanon	461 525
Liberia	57 985 747
Libyan Arab Jamahiriya	832 450
Madagascar	63 115
Malaysia	1 708 599
Maldives	125 958
Malta	1 836 948
Mauritania	1 581
Mauritius	32 968
Mexico	1 282 048
Monaco	3 268
Morocco	377 702
Mozambique	17 013
Nauru	64 829
Netherlands	3 628 871
New Zealand	266 285
Nicaragua	15 869
Nigeria	396 525
Norway	14 567 326
Oman	10 939

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	<u>Gross registered tons</u>
Pakistan	429 973
Panama	39 366 187
Papua New Guinea	10 671
Paraguay	38 440
Peru	640 968
Philippines	4 462 291
Poland	2 966 534
Portugal	1 280 065
Qatar	339 725
Romania	2 769 937
Saint Vincent and the Grenadines	220 490
Samoa	25 644
Saudi Arabia	2 868 689
Senegal	19 426
Singapore	6 385 919
Solomon Islands	1 018
Somalia	22 802
South Africa	501 386
Spain	5 650 470
Sri Lanka	617 628
Sudan	92 700
Suriname	11 181
Sweden	2 951 227
Switzerland	341 972
Syrian Arab Republic	40 506
Tanzania, United Republic of	43 471
Thailand	550 585
Togo	52 677
Tonga	13 381
Trinidad and Tobago	9 370
Tunisia	274 170
Turkey	3 532 350
Uganda	3 394
Union of Soviet Socialist Republics	16 767 526
United Arab Emirates	805 318
United Kingdom of Great Britain and Northern Ireland ..	13 260 290
Bermuda	969 081
British Virgin Islands	1 939
Cayman Islands	313 755
Gibraltar	568 247
Hong Kong	6 820 100
Montserrat	711
Saint Helena	3 150
Turks and Caicos Islands	513
Total	21 937 786

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	<u>Gross registered tons</u>
United States of America	13 922 244
Uruguay	144 907
Vanuatu	132 979
Venezuela	900 305
Viet Nam	277 486
Yugoslavia	2 648 415
Zaire	70 127
Unallocated	4 201 669
	<hr/>
World total	<u>383 533 282</u>

Source: Compiled on the basis of data supplied by Lloyd's Shipping Information Services (London).

Notes: (i) Types of ship included:

- Oil tankers
- Oil/chemical tankers
- Chemical tankers
- Miscellaneous tankers (trading)
- Liquified gas carriers
- Bulk/oil carriers (including ore/oil)
- Ore and bulk carriers
- General cargo ships
- Container ships (fully cellular and lighter carriers)
- Vehicle carriers
- Ferries and passenger ships and passenger/cargo ships
- Livestock carriers

(ii) Excluding the reserve fleet of the United States of America and the United States and Canadian Great Lakes Fleets.

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C. Statements by States

1. DECLARATION BY CHILE

[Original: Spanish]

Easter Island and Sala y Gomez Island:

Chile announces the extension of undersea sovereignty

Official Ministry of Foreign Affairs statement to the international community sets new sovereign limits of 350 miles on the continental shelf and establishes the legal basis for its decision.

The Government of Chile has notified the international community of its decision to extend its sovereignty over the continental shelves of Easter Island and Sala y Gomez Island to 350 nautical miles.

The Ministry of Foreign Affairs yesterday issued the following official statement on the subject:

"Whereas:

- "1. On 23 June 1947 the President of Chile, Gabriel González Videla, in his official statement on maritime jurisdiction, on behalf of his Government confirmed and proclaimed national sovereignty over the entire continental shelf adjacent to the continental and insular coasts of the national territory, at whatever depth they lie, claiming thereby, all the natural wealth existing on said shelf, in it and below it, whether known or undiscovered.
- "2. The third paragraph of item 3 of the declaration on the maritime zone, signed on 18 August 1952 at the first conference on the conservation and exploitation of maritime wealth of the South Pacific, between the Governments of Chile, Ecuador and Peru, proclaimed that: 'the exclusive jurisdiction and sovereignty over the maritime zone indicated (up to a distance of 200 nautical miles) also include exclusive sovereignty and jurisdiction over the soil and subsoil thereof'.
- "3. Article 77, paragraph 1, of the 1982 United Nations Convention on the Law of the Sea, to which our country is a signatory, states that the coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.
- "4. Article 76, paragraph 6 of the above-mentioned Convention stipulates that 'notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured'.

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- "5. Under the terms of article 121 of the aforementioned Convention on the Law of the Sea, 'the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory'.

"It is hereby stated:

- "(1) That the Government of Chile, holder of sovereignty over Easter Island and Sala y Gomez Island in the Pacific Ocean, declares and communicates to the international community that its sovereignty over their respective shelves extends up to a distance of 350 nautical miles, measured from the baselines from which their respective territorial seas are measured.
- "(2) That the Government of Chile reserves its right to make, at the appropriate time, any declarations which it deems relevant regarding Chilean sovereignty over its other oceanic possessions."

Santiago, 15 September 1985

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2. PROCLAMATION BY ECUADOR

[Original: Spanish]

"Leon Febres Cordero Ribadeneyra, Constitutional President of the Republic,
BEARING IN MIND:

"That on the sea-bed lying between the continental territorial sea of Ecuador
and the territorial sea which surrounds the Galápagos Islands, the Carnegie
Ridge lies at depths of less than 2,500 metres;

"That scientific research has revealed the presence of significant natural
resources existing in the sea-bed and subsoil of that marine area;

"That the international law of the sea recognizes that the coastal States have
the power to delineate the limits of their continental shelves up to a
distance of 100 miles from the 2,500 metre isobath;

"That the national Government has a duty to protect the sovereign rights of
the Ecuadorian State over the continental shelf and its resources,

"DECLARES:

"That, in addition to the continental and insular shelf within its territorial
sea of 200 miles, the sea-bed and subsoil located between Ecuador's
continental territorial sea and its insular territorial sea around the
Galápagos Islands, up to a distance of 100 miles measured from the 2,500 metre
isobath, also form part of the continental shelf of Ecuador. The Ecuadorian
authorities will therefore propose the appropriate legal reform to protect the
sovereign rights of the Republic with respect to the above-mentioned
continental shelf, consistent with further subsequent development of both
national legislation and the principles of the international law of the sea
accepted by Ecuador and the international community.

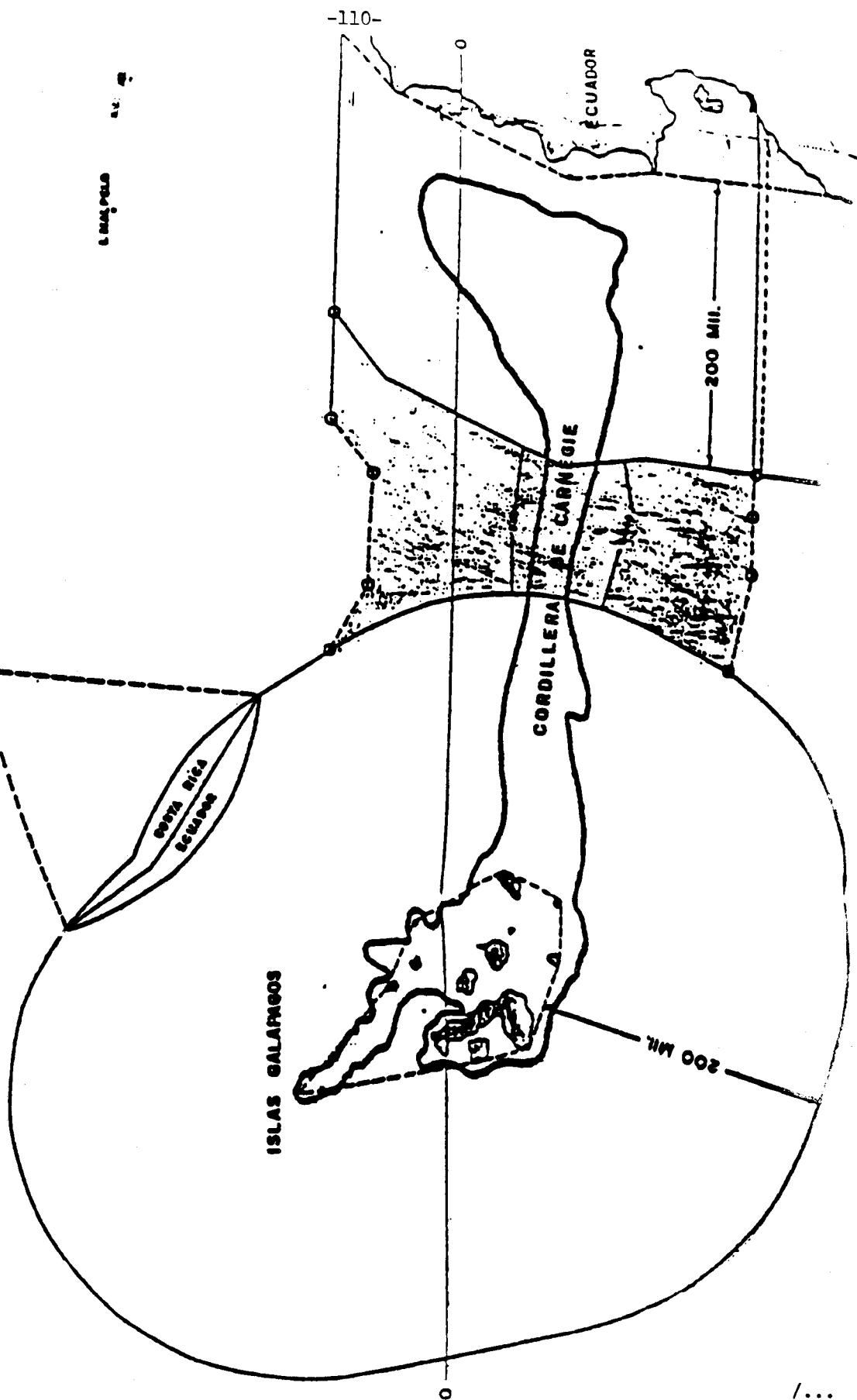
"Quito, 19 September 1985"

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3. STATEMENT BY THAILAND

[Original: Spanish]

The Permanent Mission of Thailand to the United Nations sent to the Secretary-General of the United Nations a note dated 9 December 1985, which reads as follows:

Statement by the Ministry of Foreign Affairs of Thailand on the
Vietnamese claims concerning the so-called historical waters
and the drawing of baselines

The Ministry of Foreign Affairs of Thailand refers to the following transaction and statements:

- (1) The so-called "Agreement of 7 July 1982 between the Government of the Socialist Republic of Viet Nam and the Government of the People's Republic of Kampuchea on the historical waters of Viet Nam and Kampuchea", which was announced on 8 July 1982 through the Viet Nam News Agency in Hanoi;
- (2) The statement of 12 November 1982 by the Government of the Socialist Republic of Viet Nam on the territorial sea baseline of Viet Nam, which was circulated as an official document of the General Assembly (A/37/697, dated 6 December 1982);*
- (3) The statement of 5 June 1984 by the Government of the Socialist Republic of Viet Nam on the airspace of Viet Nam, which was circulated as an official document of the General Assembly (A/39/309, dated 21 June 1984).

The Government of Thailand has carefully examined the claims thus asserted in the above-mentioned agreement and statements, and wishes to state its positions with respect thereto as follows:

Regarding the claims to the so-called "historical waters", which purport to appropriate and subject certain sea areas in the Gulf of Thailand and in the Gulf of Tonkin (Gulf of Bac Bo) to the régime of internal waters, the Government of Thailand is of the view that such claims cannot be justified on the basis of the applicable principles and rules of international law.

Regarding the statement defining the baselines for measuring the breadth of the territorial sea and other maritime zones of Viet Nam, the Government of Thailand considers that the drawing of the baselines of Viet Nam's territorial sea between points 0 and A7 is at variance with the well-established rules of international law, as codified in article 4 of the Convention on the Territorial

* For the text of the statement, see Bulletin No. 1, pp. 74-75.

Sea and Contiguous Zone of 29 April 1958, and confirmed once again in article 7 of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, to which Viet Nam is a signatory.

In so far as the Vietnamese statement on the airspace of Viet Nam seeks to assert Vietnamese sovereignty over the so-called "historical waters" both in the Gulf of Thailand and in the Gulf of Tonkin, as well as over the waters enclosed within the said baselines, the Government of Thailand, consistent with its positions as stated above, feels bound to reject such claim as being contrary to international law.

Accordingly, the Government of Thailand reserves all its rights under international law in relation to the sea areas in question and the airspace above them.

Incidentally, in regard to the so-called agreement on the historical waters of Viet Nam and Kampuchea, the Government of Thailand wishes to reiterate that the so-called Government of the People's Republic of Kampuchea does not represent, and cannot be considered to represent, Kampuchea in any manner whatsoever, as only the Coalition Government of Democratic Kampuchea under the Presidency of Samdech Norodom Sihanouk, which is the sole legitimate Government of Kampuchea overwhelmingly recognized in the United Nations, can represent Kampuchea. Therefore, any agreement or declaration which purports to be concluded or made by the so-called Government of the People's Republic of Kampuchea is utterly devoid of any legal effect.

22 November 1985

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D. Judicial decision

Application for Revision and Interpretation of the Judgment of
24 February 1982 in the case concerning the Continental Shelf
(Tunisia/Libyan Arab Jamahiriya), 10 December 1985

Judgment of the International Court of Justice

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

Today, 10 December 1985, the International Court of Justice gave its decision on the Application for Revision and Interpretation submitted by Tunisia against the Libyan Arab Jamahiriya concerning the Judgment delivered on 24 February 1982 in the case of the Continental Shelf (Tunisia/Libyan Arab Jamahiriya).

Unanimously

- The Court finds inadmissible the request for revision of the Judgment of 24 February 1982;
- Finds admissible the request for interpretation of the Judgment of 24 February 1982 as far as it relates to the first sector of the delimitation contemplated by that Judgment, states the interpretation which should be made in that respect, and states that the submission of Tunisia relating to that sector cannot be upheld;
- Finds that the request made by Tunisia for the correction of an error is without object, and that it is not therefore called upon to give a decision thereon;
- Finds admissible the request for interpretation of the Judgment of 24 February 1982 as far as it relates to the most westerly point of the Gulf of Gabes in the second sector of the delimitation contemplated by that Judgment, states the interpretation which should be made in that respect, and states that it cannot uphold the submission made by Tunisia relating to that sector;
- Finds that there is at the present time no cause for the Court to order an expert survey for the purpose of ascertaining the precise co-ordinates of the most westerly point of the Gulf of Gabes.

The full text of the operative part of the Judgment appears on pages 11 and 12 of this communiqué. [See p. 121 of the present Bulletin.]

* Communiqué No. 85/21 of 10 December 1985.

The International Court of Justice was composed as follows:
President Nagendra Singh; Vice-President de Lacharrière; Judges Lachs, Ruda, Elias, Oda, Ago, Sette-Camara, Schwebel, Mbaye, Bedjaoui, Ni; Judges ad hoc Mrs. Bastid and Jiménez de Aréchaga.

Judges Ruda, Oda and Schwebel, and Judge ad hoc Mrs. Bastid appended separate opinions to the Judgment.

In these opinions the Judges concerned state and explain the positions they adopted in regard to certain points dealt with in the Judgment. A brief summary of these opinions may be found in the annex hereto.

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

An analysis of the Judgment follows. This analysis, prepared by the Registry for the use of the press, in no way involves the responsibility of the Court. It cannot be quoted against the text of the Judgment, of which it does not constitute an interpretation.

For ease of reference, the analysis of the Judgment is preceded by the relevant extracts from the operative part of the Judgment of 24 February 1982.

Relevant extracts of the operative part of the Judgment
of 24 February 1982

It will be helpful to recall the operative part of the Judgment of 24 February 1982, to which the Court makes frequent reference in today's decision.

The Court states therein the principles and rules of international law applicable to the delimitation of the areas of continental shelf appertaining respectively to Tunisia and to the Libyan Arab Jamahiriya in the disputed region. It lists the relevant circumstances which should be taken into account in achieving an equitable delimitation, and specifies the practical method to be employed in the delimitation.

The delimitation derived from the method stated by the Court is divided into two sectors:

"In the first sector, namely in the sector closer to the coast of the Parties, the starting point for the line of delimitation is the point where the outer limit of the territorial sea of the Parties is intersected by a straight line drawn from the land frontier point of Ras Ajdir through the point 33°55' N, 12° E, which line runs at a bearing of approximately 26° east of north, corresponding to the angle followed by the north-western boundary of Libyan petroleum concessions numbers NC 76, 137, NC 41 and NC 53, which was aligned on the south-eastern boundary of Tunisian petroleum concession "Permis complémentaire offshore du Golfe de Gabès" (21 October 1966); from the

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intersection point so determined, the line of delimitation between the two continental shelves is to run north-east through the point 33°55' N, 12° E, thus on that same bearing, to the point of intersection with the parallel passing through the most westerly point of the Tunisian coastline between Ras Kaboudia and Ras Ajdir, that is to say, the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes;

"In the second sector, namely in the area which extends seawards beyond the parallel of the most westerly point of the Gulf of Gabes, the line of delimitation of the two continental shelves is to veer to the east in such a way as to take account of the Kerkennah Islands; that is to say, the delimitation line is to run parallel to a line drawn from the most westerly point of the Gulf of Gabes bisecting the angle formed by a line from that point to Ras Kaboudia and a line drawn from that same point along the seaward coast of the Kerkennah Islands, the bearing of the delimitation line parallel to such bisector being 52° to the meridian; the extension of this line northeastwards is a matter falling outside the jurisdiction of the Court in the present case, as it will depend on the delimitation to be agreed with third States."

In an annex to this communiqué is a reproduction of map No. 3, which was annexed to the 1982 Judgment, and which was produced for illustrative purposes only.

Analysis of the Judgment

In the application instituting proceedings, which it filed on 27 July 1984, Tunisia submitted to the Court several separate requests: a request for revision of the Judgment delivered by the Court on 24 February 1982 (hereinafter "the 1982 Judgment") submitted on the basis of Article 61 of the Statute of the Court; a request for interpretation of that Judgment submitted under Article 60 of the Statute; and a request for correction of an error. To these was later added a request for the Court to order an expert survey. The Court will deal with these requests in a single Judgment.

Question of the admissibility of the application for revision (paras. 11-40)

Under Article 61 of the Statute, proceedings for revision are opened by a judgment of the Court declaring the application admissible on the grounds contemplated by the Statute. Proceedings on the merits are only undertaken if the Court has found the application admissible. Accordingly, the Court must deal first with the admissibility of the application for revision of the 1982 Judgment submitted by Tunisia. The conditions of admissibility are set out in Article 61, paragraphs 1, 4 and 5 of which read as follows:

- "1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

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- "4. The application for revision must be made at latest within six months of the discovery of the new fact.
- "5. No application for revision may be made after the lapse of ten years from the date of the judgment."

The fact which, according to Tunisia, was unknown either to the Court or to itself before the delivery of the 1982 Judgment, was the text of the resolution of the Libyan Council of Ministers of 28 March 1968, which determined the "real course" of the north-western boundary of a petroleum concession, granted by Libya, known as Concession No. 137, to which reference is made in the Judgment, especially in the operative part.

Tunisia affirms that the real course of that boundary is very different from that resulting from the various descriptions given by Libya to the Court during the proceedings leading up to the 1982 Judgment. It also observes that the delimitation line passing through point 33°55' N, 12° E would allocate to Libya areas of continental shelf lying within the Tunisian permit of 1966, contrary to what has been clearly decided by the Court, whose entire decision, according to Tunisia, is based on the idea of alignment between the permits and concessions granted by the two Parties and on the resultant absence of any overlapping of claims up to 1974.

Without disputing the geographic facts as to the positions of the boundaries of the relevant concessions, as stated by Tunisia, Libya emphasizes that it did not present a misleading picture of its concessions. It refrained from making any statement as to the precise connection between Libyan Concession No. 137 and the Tunisian permit of 1966, and confined itself to indicating the existence of a boundary common to both these concessions, following a direction of approximately 26° from Ras Ajdir.

However, Libya disputes the admissibility of the application for revision, for reasons of fact and law. According to Libya, the application fails to comply with any of the conditions stated in Article 61 of the Statute, with the exception of the condition as to the 10-year limit laid down in paragraph 5. It contends:

- That the fact now relied on was known to Tunisia at the time when the 1982 Judgment was delivered, or at all events earlier than six months before the filing of the application,
- That if the fact were unknown to Tunisia, that ignorance was due to negligence on its part, and
- That Tunisia has failed to show that the fact discovered was "of such a nature as to be a decisive factor".

The Court recalls that everything known to the Court must be taken to be known also to the party seeking revision, and a party cannot claim to have been unaware of a fact regularly brought before it.

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The Court examines the question raised by Tunisia, on the basis of the idea that the fact supposedly unknown in 1982 related solely to the co-ordinates defining the boundary of Concession No. 137, since the existence of an overlap between the north-western edge of Libyan Concession No. 137 and the south-eastern edge of the Tunisian permit could hardly have escaped Tunisia. It notes that, according to Libya, the information supplied to the Court was accurate as far as it went, but the exact co-ordinates of Concession No. 137 were not supplied to the Court by either Party, so that Tunisia would not have been able to ascertain the exact location of the Libyan concession from the pleadings and other material then before the Court. The Court must, however, consider whether the circumstances were such that means were available to Tunisia to ascertain the exact co-ordinates of the concession from other sources; and indeed whether it was in Tunisia's own interests to do so. If such be the case, it does not appear to the Court that it is open to Tunisia to rely on those co-ordinates as a fact unknown to it within the meaning of Article 61, paragraph 1, of the Statute. Having considered the opportunities available to Tunisia to obtain this information, and arguing from these that the exact concession boundary co-ordinates were obtainable by Tunisia and that it was in its interests to obtain them, the Court concludes that one of the essential conditions of admissibility of a request for revision, laid down in Article 61, paragraph 1, of the Statute - ignorance of a new fact not due to negligence - is lacking.

The Court finds it useful to consider also whether the fact relating to the concession co-ordinates was "of such a nature as to be a decisive factor", as required by Article 61, paragraph 1. It points out that, according to Tunisia, the coincidence of the boundaries of the Libyan concessions and of the Tunisian Permit of 1966 is "an essential element [of] the delimitation ... and, in truth the ratio decidendi of the Judgment". The view of Tunisia as to the decisive character of that coincidence derives from its interpretation of the operative part of the 1982 Judgment. That operative clause, however, according to the Court, falls into two distinct parts. In the first part, the Court establishes the starting-point of the delimitation line, that point being at the intersection of the limit of the territorial sea of the Parties and a line which it calls the "determining line", drawn from the frontier point of Ras Ajdir through the point 33°55' N, 12° E. In the second part, the Court adds that the line runs at a specified approximate bearing, and that that bearing corresponds to the angle formed by the boundary of the concessions mentioned. It then defines the actual delimitation line as running from that intersection point north-east on that same bearing (approximately 26°) through the point 33°55' N, 12° E.

The Court finds that in the operative clause of the Judgment there is a single precise criterion for the drawing of the delimitation line, namely that it is to be drawn through two specifically defined points. The other considerations are not mentioned as part of the description of the delimitation line itself; they appear in the operative clause only as an explanation, not a definition, of the "determining line".

The Court then considers whether it would have arrived at another decision if it had known the precise co-ordinates of Concession No. 137. Here it makes three observations. First, the line resulting from the grant of petroleum concessions

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was by no means the sole consideration taken into account by the Court, and the method indicated by the Court for achieving an equitable delimitation derived in fact from a balance struck between a number of considerations.

Secondly, the argument of Tunisia that the fact that the Libyan concessions did not match the Tunisian boundary on the west would have induced the Court, had it been aware of it, to adopt a different approach, proceeds from a narrow interpretation of the term "aligned" employed in the operative clause of the 1982 Judgment. It is evident that by using that word, the Court did not mean that the boundaries of the relevant concessions formed a perfect match in the sense that there was neither any overlap nor any sea-bed area left open between the boundaries. Moreover, from what had been said during the proceedings, it knew that the Libyan boundary was a straight line (at a bearing of 26°) and the Tunisian boundary a stepped line, creating either open areas or areas of overlap. The Tunisian boundary followed a general direction of 26° from Ras Ajdir, and according to the Court, the boundary of the Libyan concession was aligned with that general direction.

Thirdly, what was significant for the Court in the "alignment" of the concession boundaries was not merely the fact that Libya had apparently limited its 1968 concession so as not to encroach on Tunisia's 1966 permit. It was the fact that both Parties had chosen to use as boundary of the permits or concessions granted by them a line corresponding roughly to a line drawn from Ras Ajdir at 26° to the meridian. Their choice was an indication that, at the time, a 26° line was considered equitable by both States.

From the foregoing it follows that the Court's reasoning in 1982 is wholly unaffected by the evidence now produced as to the boundaries of Concession No. 137. This does not mean that if the co-ordinates of Concession No. 137 had been clearly indicated to the Court, the 1982 Judgment would have been identicaly worded. Some additional details might have been given. But in order for an application for revision to be found admissible, it is not sufficient that the new fact relied on might, had it been known, have made it possible for the Court to be more specific in its decision; it must also have been a fact "of such a nature as to be a decisive factor". Yet far from constituting such a fact, the details of the correct co-ordinates of Concession No. 137 would not have changed the decision of the Court as to the first sector of the delimitation. Accordingly, the Court must conclude that the application by Tunisia for a revision of the 1982 Judgment is not admissible according to the terms of Article 61 of the Statute.

Request for interpretation in the first sector of the delimitation (paras. 41-50)

In the event that the Court does not find admissible its application for revision, Tunisia has submitted a subsidiary request for interpretation as regards the first sector of the delimitation line, based on Article 60 of the Statute. The Court first deals in this respect with a jurisdictional objection raised by Libya. The latter claims that, if explanations or clarifications are necessary, the Parties must go back together to the Court in accordance with article 3 of the

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special agreement on the basis of which the Court was originally seized.* The question therefore arises of the link between the procedure contemplated in article 3 of the special agreement, and the possibility of either of the Parties requesting interpretation unilaterally of a judgment under Article 60 of the Statute. Having examined the contentions of the Parties, the Court concludes that the existence of article 3 of the special agreement does not pose an obstacle to the request for interpretation submitted by Tunisia on the basis of Article 60 of the Statute.

The Court goes on to consider whether the Tunisian request fulfils the conditions for admissibility such that it can be met. It considers that a dispute indeed exists between the Parties as to the meaning and scope of the 1982 Judgment, since they do not agree as to whether the indication in the 1982 Judgment that the line should pass through the point 33°55' N, 12° E does or does not constitute a matter decided with binding force; Libya argues that it does; Tunisia that it does not. It therefore concludes that the Tunisian request for interpretation in relation to the first sector is admissible.

The Court goes on to specify the significance of the principle of res judicata in the present case. In particular, it observes that even though the Parties did not entrust it with the task of drawing the delimitation line itself, they undertook to apply the principles and rules indicated by the Court in its Judgment. As for the figures given by the Court, each element must be read in its context, to establish whether the Court intended it as a precise statement, or merely as an indication subject to variation.

Tunisia states that, in the first sector, the object of its request for interpretation is "to obtain some clarifications, notably as regards the hierarchy to be established between the criteria adopted by the Court, having regard to the impossibility of simultaneously applying these criteria to determine the starting point of the delimitation line ...". It argues that the boundary to be taken into consideration for the establishment of a delimitation line can only be the south-eastern boundary of the Tunisian Permit of 1966. The Court has already explained, in connection with the request for revision, that the 1982 Judgment lays down for the purposes of the delimitation a single precise criterion for the drawing of the line, namely that it is to be a straight line drawn through two specifically defined points. The Tunisian request for interpretation is therefore founded upon a misreading of the purport of the relevant passage of the operative

* Article 3 of the special agreement is worded as follows:

"In case the agreement mentioned in Article 2 is not reached within a period of three months, renewable by mutual agreement from the date of delivery of the Court's judgment, the two Parties shall together go back to the Court and request any explanations or clarifications which would facilitate the task of the two delegations to arrive at the line separating the two areas of the continental shelf, and the two Parties shall comply with the judgment of the Court and with its explanations and clarifications."

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clause of the 1982 Judgment. The Court therefore finds that it cannot uphold Tunisia's submission concerning the interpretation of the Judgment in this respect, and that there is nothing to be added to what it has already said, in its reasoning on the admissibility of the request for revision, as to the meaning and scope of the 1982 Judgment (see paras. 32-39 of the Judgment).

Request for the correction of an error in the first sector of the delimitation (paras. 51 and 52)

As regards the Tunisian request for the correction of an error, submitted as a subsidiary request to replace the co-ordinates 33°55' N, 12° E with other co-ordinates, the Court considers that it is based upon the view expressed by Tunisia that the choice of this point by the Court resulted from the application of a criterion whereby the delimitation line was not to encroach upon the Tunisian Permit of 1966. However, this is not the case; the point in question was chosen as a convenient concrete means of defining the 26° line from Ras Ajdir. Accordingly, Tunisia's request in this regard appears to be based on a misreading, and has thus become without object. Thus no decision thereon is called for.

Request for interpretation in the second sector of the delimitation (paras. 53-63)

The Court now turns to the request made by Tunisia for an interpretation of the 1982 Judgment as it concerns the second sector of the delimitation. According to that Judgment, the delimitation line in the first sector was to be drawn "to the point of intersection with the parallel passing through the most westerly point of the Tunisian coastline between Ras Kaboudia and Ras Ajdir, that is to say, the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes". Beyond that parallel, the delimitation line was to reflect the radical change in direction of the Tunisian coastline marked by the Gulf of Gabes. No co-ordinates, even approximate, were indicated in the operative part of the Judgment to identify what in the Court's view was the most westerly point of the Gulf of Gabes. According to the Judgment, "the precise co-ordinates of this point will be for the experts to determine, but it appears to the Court that it will be approximately 34°10'30" north".

Tunisia maintains that the co-ordinate 34°10'30" N given in the Judgment is not binding on the Parties, since it is not repeated in the operative part. Libya, on the other hand, argues that since the Court had already made its own calculations, the exact plotting of the point by the experts involved a margin "perhaps of seconds" at most. That being so, the Court takes the view, for the purposes of the conditions of admissibility which it has initially to examine, that there is certainly a dispute between the Parties as to what in the 1982 Judgment has been decided with binding force. It also seems to it that the real purpose of Tunisia's request is to obtain a clarification by the Court of "the meaning and scope of what the Court has decided" on that question in the 1982 Judgment. It therefore finds admissible the Tunisian request for interpretation in respect of the second sector.

Tunisia attaches great importance to the fact that the parallel 34°10'30" indicated by the Court meets the coastline in the mouth of a wadi. While recognizing that there is a point in the region of this parallel where tidal waters

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extend as far as a more westerly longitude than any of the other points considered, Tunisia disregards this, and fixes the most westerly point on the shoreline of the Gulf of Gabes at 34°05'20" N (Carthage). Explaining its grounds for rejecting this, the Court says that by "the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes", it simply meant the point on the shoreline which is further to the west than any other point on the same shoreline, and has the advantage of being open to objective definition. As for the presence of a wadi at approximately the latitude referred to by the Court, the Court referred merely to the familiar concept of the "low-water mark". It did not intend to refer to the most westerly point on the baselines from which the breadth of the territorial sea was, or might be, measured; and the idea that it might have referred to such baselines to exclude from its definition of the "most westerly point" a point located in the mouth of a wadi must be regarded as untenable.

As to the significance to be attached to the Court's reference in the 1982 Judgment to the latitude 34°10'30" N, the Court explains that it took that latitude as a practical definition of the point in relation to which the bearing of the delimitation line was to change. The definition was not binding upon the Parties, and it is significant in that respect that the word "approximately" was used to describe the latitude, also that the operative part of the Judgment made no mention of it. Moreover, the task of determining the precise co-ordinates of the "most westerly point" was left to the experts. It follows that the Court cannot uphold Tunisia's submission that the most westerly point is situated at 34°05'20" N (Carthage). It expressly decided in 1982 that the precise co-ordinates were to be determined by the experts, and it would not be consistent with that decision for the Court to state that a specific co-ordinate constituted the most westerly point of the Gulf of Gabes.

That being so, the Court gives some indications for the experts, saying that they are to identify the most westerly point on the low-water mark by using the available maps, disregarding any straight baselines, and proceeding if necessary to a survey in loco, whether or not this point is situated in a channel or in the mouth of a wadi, and whether or not it can be considered as marking a change in direction of the coastline.

Request for an expert survey (paras. 64-68)

During the oral proceedings, Tunisia made a subsidiary submission for the ordering of an expert survey for the purpose of ascertaining the exact co-ordinates of the most westerly point of the Gulf of Gabes. The Court comments in this respect that it could only accede to the request of Tunisia if the determination of the co-ordinates of this point were required to enable it to give judgment on the matters submitted to it. However, the Court is seized of a request for interpretation of a previous judgment, and in 1982 it stipulated that it did not purport to determine these co-ordinates with accuracy, this task being left for the experts of the Parties. At that time, it refrained from appointing an expert itself, what was at issue being a necessary element in its decision as to the practical methods to be used. Its decision in this respect is covered by the force of res judicata. However, this does not prevent the Parties from returning to the Court to present a joint request that it should order an expert survey, but they

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would have to do so by means of an agreement. The Court concludes that there is no cause at present for it to order an expert survey for the purpose of ascertaining the exact co-ordinates of the most westerly point of the Gulf of Gabes.

For the future, the Court recalls that the Parties are obliged to conclude a treaty for the purpose of the delimitation. They must ensure that the 1982 Judgment is implemented so that the dispute is finally disposed of, and must consequently act in such a way that their experts engage in a sincere exercise to determine the co-ordinates of the most westerly point, in the light of the indications furnished in the Judgment.

Operative provisions of the Court's Judgment

THE COURT,

A. Unanimously,

Finds inadmissible the request submitted by the Republic of Tunisia for revision, under Article 61 of the Statute of the Court, of the Judgment given by the Court on 24 February 1982;

B. Unanimously,

(1) Finds admissible the request submitted by the Republic of Tunisia for interpretation, under Article 60 of the Statute of the Court, of the Judgment of 24 February 1982 as far as it relates to the first sector of the delimitation contemplated by that Judgment;

(2) Declares, by way of interpretation of the Judgment of 24 February 1982, that the meaning and scope of that part of the Judgment which relates to the first sector of the delimitation are to be understood according to paragraphs 32 to 39 of the present Judgment;

(3) Finds that the submission of the Republic of Tunisia of 14 June 1985 relating to the first sector of the delimitation, cannot be upheld;

C. Unanimously,

Finds that the request of the Republic of Tunisia for the correction of an error is without object and that the Court is therefore not called upon to give a decision thereon;

D. Unanimously,

(1) Finds admissible the request submitted by the Republic of Tunisia for interpretation, under Article 60 of the Statute of the Court, of the Judgment of 24 February 1982 as far as it relates to the "most westerly point of the Gulf of Gabes";

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(2) Declares, by way of interpretation of the Judgment of 24 February 1982,

- (a) That the reference in paragraph 124 of that Judgment to "approximately 34°10'30" north" is a general indication of the latitude of the point which appeared to the Court to be the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes, it being left to the experts of the Parties to determine the precise co-ordinates of that point; that the latitude of 34°10'30" was therefore not intended to be itself binding on the Parties but was employed for the purpose of clarifying what was decided with binding force in paragraph 133 C (3) of that Judgment;
 - (b) That the reference in paragraph 133 C (2) of that Judgment to "the most westerly point of the Tunisian coastline between Ras Kaboudia and Ras Ajdir, that is to say, the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes", and the similar reference in paragraph 133 C (3) are to be understood as meaning the point on that shoreline which is furthest to the west on the low-water mark; and
 - (c) That it will be for the experts of the Parties, making use of all available cartographic documents and, if necessary, carrying out an ad hoc survey in loco, to determine the precise co-ordinates of that point, whether or not it lies within a channel or the mouth of a wadi, and regardless of whether or not such point might be regarded by the experts as marking a change in direction of the coastline;
- (3) Finds that the submission of the Republic of Tunisia, "that the most westerly point of the Gulf of Gabes lies on latitude 34°05'20" N (Carthage)", cannot be upheld;

E. Unanimously,

Finds that, with respect to the submission of the Republic of Tunisia of 14 June 1985, there is at the present time no cause for the Court to order an expert survey for the purpose of ascertaining the precise co-ordinates of the most westerly point of the Gulf of Gabes.

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Annex 1 to Press Communiqué No. 85/21

Summary of the opinions appended to the Judgment of the Court

Separate opinion of Judge Ruda

Judge Ruda's separate opinion refers to the relationship between Article 60 of the Statute of the Court, which deals with the interpretation of previous Judgments and article 3 of the special agreement, empowering the Parties to ask from the Court "explanations or clarifications".

Judge Ruda thinks that, although Libya developed in the argument a jurisdictional objection, based on article 3, she later waived such objection. Judge Ruda, unlike the Court, also considers that that article established a special procedure to be observed before coming to the Court; "The purpose of article 3 is to oblige the Parties to make an effort to settle between themselves which are the points of difference, before coming to the Court; if such an effort fails, the Parties then could ask unilaterally for an interpretation under Article 60 of the Statute."

Separate opinion of Judge Oda

Judge Oda, as a dissenting judge in the original case in 1982, stated that if the Court had been more cautious in 1982 in its reference to the former Tunisian and Libyan concessions as far as they were to constitute an important factor in the Court's determination of the delimitation line, the present case would probably not have been presented. This seems to him an essential point which the Court in the present Judgment should have more candidly recognized.

With regard to the Tunisian application for revision of the delimitation line in its first sector, Judge Oda is of the view that the Court's intention was for a straight line to be drawn linking Ras Ajdir and the mid-ocean point 33°55' N and 12° E, and that this was not of a nature to be so affected by any newly discovered facts as to cause the Court to reconsider it. However forcefully that 1982 Judgment may be criticized, the cause and motive underlying that Judgment, which is final, are, in Judge Oda's view, not matters subject to revision under Article 61 of the Statute.

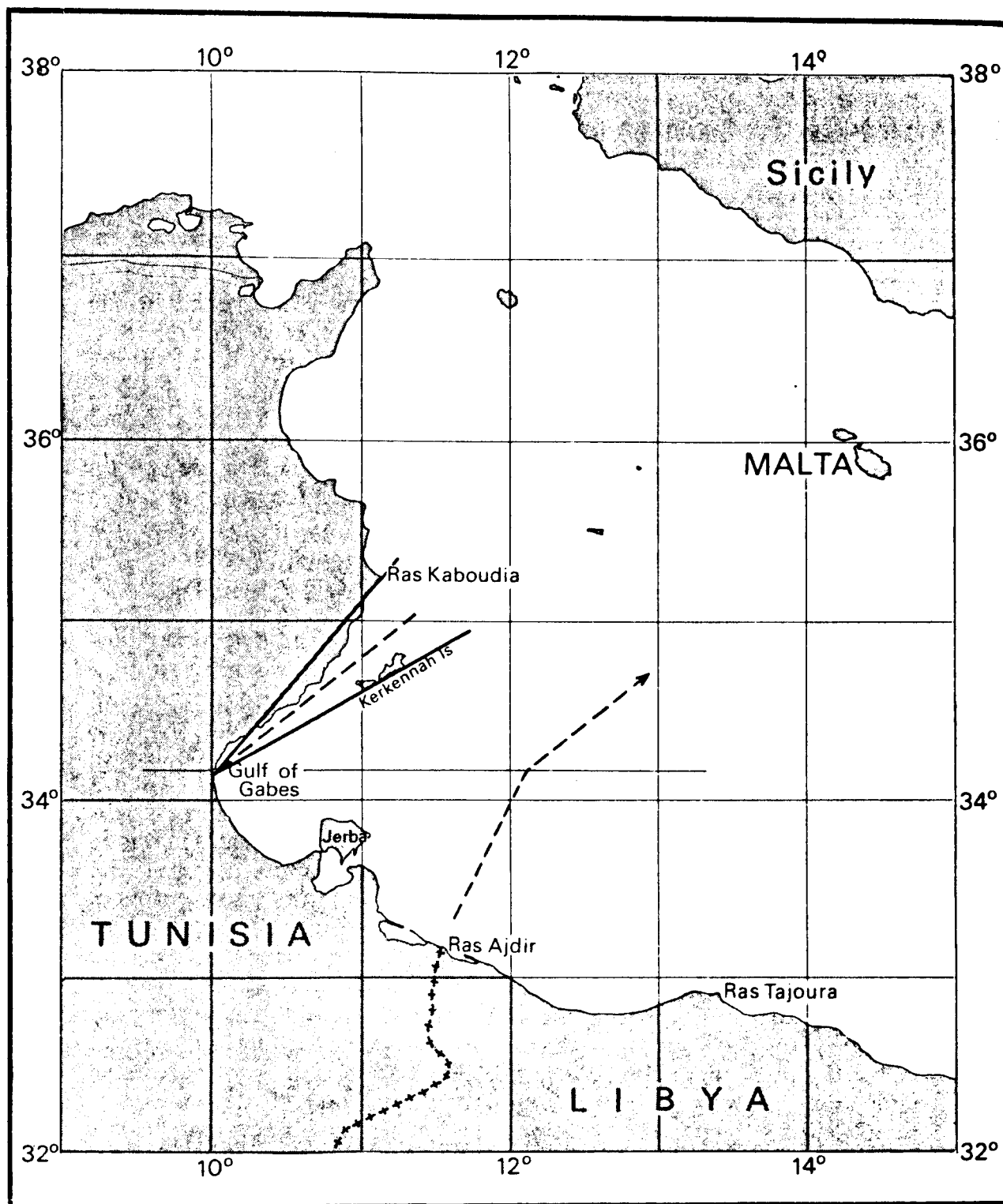
With regard to the Tunisian requests for interpretation concerning both the first and the second sectors of the delimitation line, Judge Oda is of the opinion that these requests should have been declared inadmissible, since they were simply disguised requests for revision. The first sector was, as indicated above, an unequivocal line connecting two clear points, and the veering-point of the delimitation line for its second sector was determined by the Court on the same latitude as a small nick on the Tunisian coast which the Court happened to pick as a turning-point on the coastline. However questionable these determinations by the Court might have been, they were so clear as to leave no room for interpretation.

Separate opinion of Judge Schwebel

Judge Schwebel expresses reservations as to the treatment of the question whether Members of the Court in 1982 had appreciated that there was, in 1974, a measure of overlapping between the petroleum concessions of the Parties within 50 miles of the coast. In his view, the 1982 Judgment would have been worded differently had that fact been really understood. He is however satisfied that such knowledge would not have changed the Court's decision on the first sector of the delimitation line, and remains largely in accord with the present Judgment.

Separate opinion of Mrs. Bastid, Judge ad hoc

In her separate opinion, Mrs. Suzanne Bastid, the Judge ad hoc chosen by Tunisia, dismisses the request for a revision on the ground that no new fact had emerged. She considers the requests for interpretation admissible. For the first sector, she criticizes the link established between the arguments on revision and those on interpretation. For the second sector, she considers it necessary to recall the meaning of the term "shoreline" (low-water mark) used in the operative part of the 1982 Judgment.



MAP No. 3

For illustrative purposes only, and without prejudice to the role of the experts in determining the delimitation line with exactness

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E. Recent United Nations resolutions of interest

1. GENERAL ASSEMBLY RESOLUTION 40/63 OF 25 FEBRUARY 1986
ON THE LAW OF THE SEA

The General Assembly,

Recalling its resolutions 37/66 of 3 December 1982, 38/59 A of 14 December 1983 and 39/73 of 13 December 1984, regarding the law of the sea,

Taking note of the increasing and overwhelming support for the United Nations Convention on the Law of the Sea, 1/ as evidenced, inter alia, by the one hundred and fifty-nine signatures as of 9 December 1984, the closing date for signature, and twenty-four of the sixty ratifications or accessions required for entry into force of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind,

Recalling that the Convention provides the régime to be applied to the Area and its resources,

Further recalling the Declaration adopted by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea on 30 August 1985, 2/

Seriously concerned at any attempt to undermine the Convention and the related resolutions of the Third United Nations Conference on the Law of the Sea, 3/

Recognizing that, as stated in the third preambular paragraph of the Convention, the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to refrain from any action to apply their provisions selectively, in a manner inconsistent with their object and purpose,

1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

2/ LOS/PCN/72; see also A/40/923, paras. 109-112, on the Declaration and the Chairman's statement at its adoption.

3/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I.

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Recognizing also the need for co-operation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea, 3/

Noting the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal régime established by the Convention,

Noting also that the Preparatory Commission has decided to hold its fourth regular session at Kingston from 17 March to 11 April 1986 and its summer meeting in 1986 at Geneva, Kingston or New York as it may decide, 4/

Taking note of activities carried out in 1985 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989, 5/ in accordance with the report of the Secretary-General 6/ as approved in General Assembly resolution 38/59 A,

Recognizing that the United Nations Convention on the Law of the Sea encompasses all uses and resources of the oceans and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

Recalling its approval of the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations,

Taking special note of the report of the Secretary-General prepared in response to paragraph 10 of General Assembly resolution 39/73, 7/

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. Expresses its satisfaction at the increasing number of ratifications deposited with the Secretary-General;

4/ See A/40/923, para. 108.

5/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 6A (A/37/6/Add.1), annex II.

6/ A/38/570 and Corr.1 and Add.1 and Add.1/Corr.1.

7/ A/40/923.

3. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal régime for the uses of the sea and its resources;

4. Calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith;

5. Takes note of the Declaration adopted by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea on 30 August 1985; 2/

6. Calls upon States to desist from taking actions which undermine the Convention or defeat its object and purpose;

7. Calls upon States to observe the provisions of the Convention when enacting their national legislation;

8. Calls for an early adoption of the rules for registration of pioneer investors in order to ensure the effective implementation of resolution II of the Third United Nations Conference on the Law of the Sea, including the registration of pioneer investors;

9. Expresses its appreciation for the effective execution by the Secretary-General of the central programme in law of the sea affairs under chapter 25 of the medium-term plan for the period 1984-1989;

10. Further expresses its appreciation for the report of the Secretary-General prepared in response to General Assembly resolution 39/73 and requests him to continue to carry out the activities outlined therein, as well as those aimed at the strengthening of the new legal régime of the sea, special emphasis being placed on the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea;

11. Approves the programme of meetings of the Preparatory Commission for 1986; 4/

12. Calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the new legal régime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom and invites the organs and organizations of the United Nations system to co-operate and lend assistance in these endeavours;

13. Requests the Secretary-General to report to the General Assembly at its forty-first session on developments relating to the Convention and on the implementation of the present resolution;

14. Decides to include in the provisional agenda of its forty-first session the item entitled "Law of the sea".

2. RESOLUTION A.584(14) OF THE ASSEMBLY OF THE INTERNATIONAL MARITIME ORGANIZATION OF 20 NOVEMBER 1985 ON MEASURES TO PREVENT UNLAWFUL ACTS WHICH THREATEN THE SAFETY OF SHIPS AND THE SECURITY OF THEIR PASSENGERS AND CREWS

(IMO document A.14/Res.584 of 16 January 1986)

THE ASSEMBLY,

RECALLING Article 1 and Article 15 (j) of the Convention on the International Maritime Organization concerning the purposes of the Organization and the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

NOTING with great concern the danger to passengers and crews resulting from the increasing number of incidents involving piracy, armed robbery and other unlawful acts against or on board ships, including small craft, both at anchor and underway,

RECALLING resolution A.545(13) which urged action to initiate a series of measures to combat acts of piracy and armed robbery against ships and small craft at sea,

RECOGNIZING the need for the organization to assist in the formulation of internationally agreed technical measures to improve security and reduce the risk to the lives of passengers and crews on board ships,

1. CALLS UPON all Governments, port authorities and administrations, shipowners, ship operators, shipmasters and crews to take, as soon as possible, steps to review and, as necessary, strengthen port and on-board security;
2. DIRECTS the Maritime Safety Committee, in co-operation with other committees, as required, to develop, on a priority basis, detailed and practical technical measures, including both shoreside and shipboard measures, which may be employed by Governments, port authorities and administrations, shipowners, ship operators, shipmasters and crews to ensure the security of passengers and crews on board ships;
3. INVITES the Maritime Safety Committee to take note of the work of the International Civil Aviation Organization in the development of standards and recommended practices for airport and aircraft security;
4. AUTHORIZES the Maritime Safety Committee to request the Secretary-General to issue a circular containing information on the measures developed by the Committee to Governments, organizations concerned and interested parties for their consideration and adoption.

3. ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1985/75 OF
26 JULY 1985 ON ECONOMIC AND TECHNICAL ASPECTS OF
MARINE AFFAIRS

(document E/1985/85/Add.1 of September 1985)

The Economic and Social Council,

Recalling its resolutions 1980/68 of 25 July 1980 on co-operation in the uses of the sea and coastal area development, and 1983/48 of 28 July 1983 on marine affairs, in response to which the Secretary-General has submitted to the Council, at its second regular session of 1985, a report on economic and technical trends and developments in marine affairs, 1/

Convinced that the resources of the ocean represent an important existing and potential contribution to the development process,

Noting that an increasing number of Member States, especially developing countries, have embarked on activities designed to make full, rational use of the resources of the ocean, in particular in the exclusive economic zones,

Noting also that, in accordance with the programme on economic and technical aspects of marine affairs contained in chapter 25 of the medium-term plan for the period 1984-1989, 2/ the Secretary-General has directed his efforts specifically towards assisting Member States in developing and managing ocean resources in their exclusive economic zones,

1. Endorses the efforts of the Secretary-General to make the programme on economic and technical aspects of marine affairs responsive to the growing needs of Member States;

2. Takes note of the report of the Secretary-General on economic and technical trends and developments in marine affairs;

3. Requests the Secretary-General to pursue, in close co-operation with all the competent organizations of the United Nations system, activities relating to the economic and technical aspects of marine affairs, and to report on new developments in this area to the Economic and Social Council at its second regular session of 1989;

1/ E/1985/79.

2/ See Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 6A (A/37/6/Add.1), annex II.

4. Further requests the Secretary-General, within the mandate and terms of reference of the United Nations regarding the economic and technical aspects of marine affairs, to submit to the Council at its second regular session of 1987 a report identifying specific and practical needs and problems encountered by countries, in particular developing countries, in the management of the exclusive economic zones and the development of resources therein, as well as the types of activities and approaches to their implementation required for countries, with the support of the United Nations, to respond most effectively to those needs and problems, and to transmit to the General Assembly at its forty-second session the conclusions and recommendations of Council.

52nd plenary meeting
26 July 1985

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* Bulletin No. 1 was issued in September 1983.

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Bulletin No. 3 was issued in March 1984.

Bulletin No. 4 was issued in February 1985.

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1. The Law of the Sea: Official text of the United Nations Convention on the Law of the Sea, with annexes and index - Final Act of the Third United Nations Conference on the Law of the Sea - Introductory material on the Convention and the Conference. Published in 1983. 224 pages. (English, French, Spanish.) Price \$12.95. Sales No. E.83.V.5.
2. Law of the Sea: A Select Bibliography. Published in February 1985. 91 pages. (English.) Price \$12.00. Sales No. E.85.V.2.
3. The Law of the Sea: Status of the United Nations Convention on the Law of the Sea. Published in September 1985. 46 pages. (Arabic, Chinese, English, French, Russian and Spanish.) Price \$8.00. Sales No. E.85.V.5.
4. The Law of the Sea: Master file containing references to official documents of the Third United Nations Conference on the Law of the Sea. Published in September 1985. 176 pages. (English, French, Spanish.) Price \$19.50. Sales No. E.85.V.9.
5. The Law of the Sea: Multilateral treaties relevant to the United Nations Convention on the Law of the Sea. Published in November 1985. 108 pages. (English, French, Spanish.) Price \$14.50. Sales No. E.85.V.11.
6. The Law of the Sea: Pollution by dumping - Legislative history of articles 1, paragraph 1 (5), 210 and 216 of the United Nations Convention on the Law of the Sea. Published in November 1985. 77 pages. (English, French, Spanish.) Price \$11.50. Sales No. E.85.V.12.
