

LAW OF THE SEA  
BULLETIN

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OFFICE FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

QUESTIONNAIRE ON THE LAW OF THE SEA BULLETIN

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

A. Recent national legislations received from Governments

1. CHILE

[Original: Spanish]

Law No. 18.565 amending the Civil Code with regard to  
maritime space

Article 1. - The Civil Code is amended as follows:

1. Article 593 is replaced by the following:

"Article 593. - The adjacent sea up to a distance of 12 nautical miles measured from the respective baselines shall constitute the territorial sea and property of the nation. For purposes relating to the prevention and punishment of violations of its customs, tax, immigration and health laws and regulations, however, the State shall have jurisdiction over the maritime space referred to as the contiguous zone, which shall extend up to a distance of 24 nautical miles, measured in the same manner.

"The waters situated within the baselines of the territorial sea shall be part of the State's internal waters."

2. Insert the following as article 596:

"Article 596. - The adjacent sea extending up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and beyond the latter shall be designated the exclusive economic zone. In that zone, the State shall have sovereign rights for the purpose of exploring, 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.

"The State shall have exclusive sovereign rights over the continental shelf for the purpose of conserving, exploring and exploiting its natural resources.

"Moreover, the State shall have all other jurisdiction and rights provided for in international law with regard to the exclusive economic zone and the continental shelf."

3. Replace article 611 by the following:

"Article 611. - Marine hunting and fishing shall be governed by the provisions of this Code and, in the first instance, by the special legislation in effect for the purpose."

Article 2. - The maritime boundaries referred to in articles 593 and 596 of the Civil Code shall not affect existing maritime limits.

2. GABON

[Original: French]

Act No. 9/84 establishing an exclusive economic zone  
of 200 nautical miles

ARTICLE 1

A maritime zone, called the exclusive economic zone, shall be established, situated beyond Gabonese territorial waters and adjacent thereto.

ARTICLE 2

The exclusive economic zone shall extend for a distance of 200 nautical miles, calculated from the straight baselines and normal baselines that serve to measure the breadth of the territorial sea.

ARTICLE 3

Within its exclusive economic zone, the Gabonese State shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed, its subsoil and superjacent waters.

The sovereignty of the Gabonese State shall be asserted through its right to undertake the economic exploitation and exploration of this zone, for example for the production of energy from the water, currents and winds.

ARTICLE 4

In this zone, the Gabonese State shall have the exclusive right to construct, use and exploit and to authorize and regulate the construction, operation and use of artificial islands, installations and structures for the purposes provided for in article 3 above and other economic purposes.

ARTICLE 6

All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

ARTICLE 7

The Gabonese State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

ARTICLE 8

The Gabonese State shall have exclusive competence within its exclusive economic zone with respect to marine scientific research and the preservation of the marine environment.

#### ARTICLE 9

In the exclusive economic zone, priority fishing rights shall be reserved for vessels flying the Gabonese flag or operated by Gabonese nationals or by legal entities under Gabonese law.

#### ARTICLE 10

The Gabonese State shall determine the allowable catch of the living resources in its exclusive economic zone and shall ensure through proper conservation and management measures that its resources are not overexploited.

#### ARTICLE 11

Where the outer limits of the exclusive economic zone as determined in accordance with the provisions of article 2 above encroach on the exclusive economic zone of a bordering or neighbouring State, joint limits shall be established by agreement with the State in question or in accordance with the generally recognized principles of international law on delimitation.

#### ARTICLE 12

Beyond the outer limit of the territorial sea, the establishment of the exclusive economic zone shall not affect the freedoms of navigation, of overflight and of the laying of submarine cables and pipelines, or the use of the sea for other internationally authorized purposes related to the exercise of such freedoms.

#### ARTICLE 13

In exercising the freedoms referred to in article 12 above, foreign States and their nationals shall take into account the sovereign rights of the Gabonese State and respect its laws and regulations in accordance with international law.

#### ARTICLE 14

Any foreign vessel exercising the freedoms referred to in article 12 above shall be prohibited from engaging in the exclusive economic zone in any fishing activity, including the stowage of fishing equipment and gear, research and any pollution or endangerment of the marine environment harmful to the resources of the zone or to the economic interests of the Gabonese State.

#### ARTICLE 15

Over an area described as the contiguous zone, situated beyond the territorial sea and adjacent to it and extending up to a distance of 24 nautical miles calculated from the straight baselines and the normal baselines which serve to measure the breadth of the territorial sea, the Gabonese State shall exercise the control necessary to:

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

ARTICLE 16

The provisions of this Act shall not be an obstacle to the principles of international co-operation to which the Gabonese State subscribes and which have been embodied in agreements with other States, without prejudice to its sovereign rights and to respect for its legitimate interests.

ARTICLE 17

This Act, which supersedes all previous conflicting provisions, shall be registered, issued in accordance with emergency procedures and implemented as a law of the State.

3. TRINIDAD AND TOBAGO

[Original: English]

Act No. 24 of 1986

Archipelagic Waters and Exclusive Economic Zone Act, 1986

An Act to declare the Republic of Trinidad and Tobago an archipelagic State, and to define the new areas of marine space appertaining to Trinidad and Tobago in the exclusive economic zone, and in the archipelagic waters, and the nature and extent of the jurisdiction to be exercised by it in each of these areas and to make provision for matters connected therewith in accordance with the United Nations Convention on the Law of the Sea, done in Montego Bay, Jamaica on 10th December, 1982.

[Assented to 11th November, 1986]

Enactment

Enacted by the Parliament of Trinidad and Tobago as follows:

Short title

1. This Act may be cited as the Archipelagic Waters and Exclusive Economic Zone Act, 1986.

PART I

PRELIMINARY

Interpretation

2. In this Act:

"allowable catch" means the amount of living resources determined by the Minister to whom responsibility for fisheries is assigned in accordance with relevant environmental and economic factors;

"archipelagic State" means the political entity of Trinidad and Tobago comprising that group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that they form an intrinsic geographical and economic entity;

"archipelagic waters" means the waters enclosed by the archipelagic baselines as drawn in accordance with section 6;

"conservation and management" includes all methods and measures which are:

- (a) Required to rebuild, restore or maintain, or which are useful in rebuilding, restoring or maintaining any living resource or the marine environment; and

(b) Designed to ensure that:

- (i) a supply of food and other products may be taken, and that recreational benefits may be obtained on a continuing basis;
- (ii) irreversible or long-term adverse effects on fishery resources or the marine environment are avoided; and
- (iii) there will be a multiplicity of options available with respect to the use of such resources;

"contiguous zone" means that area contiguous to the territorial sea which does not extend beyond 24 nautical miles from the archipelagic baselines from which the breadth of the territorial sea is measured;

"continental shelf" shall have the meaning assigned to it in the Continental Shelf Act;

"Convention" means the United Nations Convention on the Law of the Sea, done at Montego Bay, Jamaica, on 10th December, 1982;

"fish" includes oysters, crabs, shrimps, turtles, turtle eggs, coral and any species of other marine fauna;

"fishery" means any one or more stocks of fish, which can be treated as a unit for the purpose of conservation and management, and which are identified on the basis of geographical, scientific, technical, recreational and economical characteristics, and includes any fishing for any such stocks;

"fishing craft" means a vessel, aircraft, hovercraft or other craft or whatever size and however propelled that is capable of being used for fishing and is operated for financial reward or other material gain, scientific research or processing, storage or carriage of fish and includes any vessel used in support of or ancillary to fishing operations, but does not include a vessel transporting fish or fish products as part of its general cargo;

"foreign fishing craft" means a fishing craft flying the flag of a foreign State or registered in a foreign State;

"foreign ship" means a vessel in which less than 51 per cent of the ownership is vested in nationals of Trinidad and Tobago;

"master" means any person having command of a ship;

"Minister" means the Minister to whom responsibility for the subject of External Affairs is assigned;

"nautical mile" means 1,852 metres;

"territorial sea" shall have the meaning assigned to it in the Territorial Sea Act.

PART II

ARCHIPELAGIC STATE

Declaration of Trinidad and Tobago as an archipelagic State

3. The Republic of Trinidad and Tobago is declared an archipelagic State.

Archipelagic waters

4. The archipelagic waters of Trinidad and Tobago shall include any areas of the sea that are enclosed by the archipelagic baselines drawn in accordance with section 6.

Legal status of archipelagic waters, airspace, bed and subsoil

5. The sovereignty of Trinidad and Tobago as an archipelagic State extends to:

(a) The archipelagic waters regardless of their depth or distance from the coast; and

(b) The airspace over the archipelagic waters as well as their bed and subsoil and the resources both living and non-living contained therein.

Archipelagic baselines

6. (1) The archipelagic baselines of Trinidad and Tobago shall consist of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago.

(2) The baselines drawn in accordance with this section shall be shown on charts of a scale or scales adequate for ascertaining their position, or alternatively lists of geographical co-ordinates of points specifying the geodetic datum may be substituted.

(3) The Minister shall give due publicity to such charts or lists of geographical co-ordinates by Notice in the Gazette, and shall cause a copy of each such chart or lists of geographical co-ordinates to be deposited with the Secretary-General of the United Nations.

Measurement of territorial sea, contiguous zone, exclusive economic zone and continental shelf

7. The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with section 6.

Internal waters

8. Trinidad and Tobago may draw closing lines within its archipelagic waters for the delimitation of the internal waters as defined in the Territorial Sea Act.

#### Existing agreements

9. (1) Without prejudice to section 5, Trinidad and Tobago shall respect existing agreements and other treaties with other States affecting areas falling within the archipelagic waters.

(2) The extent and the areas to which the existing agreements apply shall, at the request of any of the States concerned, be regulated by bilateral agreements between them.

#### Submarine cables

10. Trinidad and Tobago shall respect existing submarine cables laid by other States and passing through its waters without entering upon its territory and shall permit the maintenance and replacement of such cables upon receiving due notice of their location and the intention to repair or replace them.

#### Right of innocent passage

11. (1) Without prejudice to section 8 ships of all States enjoy the right of innocent passage in the archipelagic waters of Trinidad and Tobago.

(2) For the purpose of this section passage means navigation through the archipelagic waters of Trinidad and Tobago for the purpose of:

(a) Crossing those waters without entering the internal waters or calling at a roadstead or port facility outside internal waters; or

(b) Proceeding to or from internal waters or a call at such roadstead or port facility.

(3) Such passage shall be continuous and expeditious and includes stopping and anchoring but only in so far as they are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircrafts in danger or distress.

#### Meaning of innocent passage

12. (1) Passage is innocent so long as it is not prejudicial to the peace, good order or security of Trinidad and Tobago and is in conformity with the provisions of the Convention and such other relevant rules of international law.

(2) The passage of a foreign ship shall be considered prejudicial to the peace, good order or security of Trinidad and Tobago where it engages in the archipelagic waters, in the following activities:

(a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Trinidad and Tobago or any violation of the principles of international law embodied in the Charter of the United Nations;

(b) Any exercise or practice with weapons of any kind;

- (c) Any act aimed at collecting information to the prejudice of the defence or security of Trinidad and Tobago;
- (d) Any act of propaganda aimed at affecting the defence or security of Trinidad and Tobago;
- (e) The launching, landing or taking on board of any aircraft;
- (f) The launching, landing or taking on board of any military device;
- (g) The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of Trinidad and Tobago;
- (h) Any act of wilful and serious pollution contrary to the Convention;
- (i) Any fishing activities without the consent of the Minister;
- (j) The carrying out of research or survey activities without the consent of the Minister;
- (k) Any act aimed at interfering with any systems of communication or any other facilities or installation of Trinidad and Tobago;
- (l) Any other activity not having a direct bearing on passage.

#### Suspension of innocent passage

13. (1) The President may by Proclamation suspend, temporarily, in specified areas of the archipelagic waters, the innocent passage of foreign ships, where such suspension is essential for the protection of its security.
- (2) Such suspension shall take effect only after due publication.
- (3) Failure to comply with a proclamation made under this section is an offence.

### PART III

#### EXCLUSIVE ECONOMIC ZONE

##### Establishment of exclusive economic zone

14. The exclusive economic zone of Trinidad and Tobago (hereinafter referred to as "the exclusive economic zone") comprises all areas of sea, having as their innermost limits the outermost limits of the territorial sea, and as their outermost limits a line drawn seaward from the baseline from which the territorial sea is measured every point of which is at a distance of 200 nautical miles from the nearest point of the baselines from which the breadth of the territorial sea is measured.

##### Delimitation of exclusive economic zone between States with opposite or adjacent coasts

15. Where the distance between Trinidad and Tobago and opposite or adjacent States is less than 400 nautical miles, the boundary of the exclusive economic zone shall be determined by agreement between Trinidad and Tobago and the States concerned on the basis of international law in order to achieve an equitable solution.

Minister may reduce outer limits of exclusive economic zone

16. The Minister may by Order, and for the purpose of implementing an international agreement or the award of an international body declare that the outer limits of the exclusive economic zone extend to such line, any point of which may be at a distance of less than 200 nautical miles from the nearest point of the archipelagic baseline, as specified in such Order.

Outer limits of exclusive economic zone to be shown on charts

17. The Minister:

(a) Shall cause the outer limits of the exclusive economic zone and any lines of delimitation drawn to be shown on charts of a scale or scales adequate for determining them; or

(b) May substitute therefor lists of geographical co-ordinates of points specifying the geodetic datum;

(c) Give due publicity to such charts or lists of geographical co-ordinates by Notice in the Gazette, and

(d) Shall cause a copy of each such chart or lists of geographical co-ordinates to be deposited with the Secretary-General of the United Nations.

Vested rights of Trinidad and Tobago over sea-bed and submarine areas

18. The establishment of the exclusive economic zone shall not affect the vested rights of Trinidad and Tobago over the sea-bed and submarine areas of the territorial sea and continental shelf as set out in the Territorial Sea Act and the Continental Shelf Act.

Sovereign rights and jurisdiction of Trinidad and Tobago  
in exclusive economic zone

19. Trinidad and Tobago in the exclusive economic zone has:

(a) Sovereign rights over:

(i) the exploration and exploitation, conservation and management of the living and non-living natural resources of the waters superjacent to the sea-bed and of the sea-bed and its subsoil;

(ii) the production of energy from the water, currents and winds; and

(b) Jurisdiction over:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research; and

(iii) the protection and preservation of the marine environment.

Other States in the exclusive economic zone

20. Subject to any other law in force every State enjoys in the economic zone, the freedom of:

- (a) Navigation;
- (b) Overflight;
- (c) Laying of submarine cables and pipelines on the continental shelf subject to the jurisdiction of Trinidad and Tobago over such cables and pipelines and the right of Trinidad and Tobago to establish conditions for their laying.

Conservation and management of living resources

21. The Minister to whom responsibility for fisheries is assigned shall ensure, through proper conservation and management, that the living resources in the exclusive economic zone are not endangered by overexploitation, and may from time to time by Notice in the Gazette:

- (a) Determine the allowable catch in respect of every fishery within the exclusive economic zone;
- (b) Determine the proportion of the allowable catch to be harvested by citizens of Trinidad and Tobago in the exclusive economic zone;
- (c) Prescribe on the basis of agreements or other arrangements for the remaining proportion of the allowable catch which other States or the nationals of such States are permitted to harvest in the exclusive economic zone.

Certain activities of a State, etc.,  
prohibited without consent

22. No State, international organization, nor person, shall without the consent in writing of the President signified by Notice engage within the exclusive economic zone in any of the following activities:

- (a) The exploration and exploitation, conservation and management of living and non-living natural resources;
- (b) The production of energy from water, currents and winds;
- (c) The establishment and use of artificial islands, installations and structures;
- (d) Marine scientific research;
- (e) The protection and preservation of the marine environment; and
- (f) Any other such activity.

Right of citizen or body corporate to fish  
in exclusive economic zone

23. The provisions of section 22 in relation to the activity of fishing shall not apply to the right of a citizen of Trinidad and Tobago or a body incorporated in Trinidad and Tobago in which at least 51 per cent of the shares are owned by citizens of Trinidad and Tobago.

President may withhold consent to marine scientific research project of a State

24. The President may withhold his consent to the conduct of a marine scientific research project of another State or international organization in the exclusive economic zone where the project proposal:

(a) Is of direct significance for the exploration and exploitation of living and non-living natural resources;

(b) Involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;

(c) Involves the construction, operation or use of artificial islands, installations and structures;

(d) Contains information regarding the nature and objectives of the project which is inaccurate;

(e) Is made by a researching State or competent international organization which has outstanding obligations to Trinidad and Tobago from a prior research project;

(f) Will result in activities that unjustifiably interfere with activities undertaken by Trinidad and Tobago in accordance with its sovereign rights and jurisdiction.

Trinidad and Tobago to authorize fishing by agreement or treaty

25. Trinidad and Tobago may by agreement or treaty, authorize any State, international organization or person to fish within the exclusive economic zone, the territorial sea and the archipelagic waters.

Licences for foreign fishing craft and crew to fish in exclusive economic zone, territorial sea, and archipelagic waters

26. (1) No foreign fishing craft nor the master and members of the crew of a foreign fishing craft may engage in fishing in the exclusive economic zone, the territorial sea and the archipelagic waters without a licence issued by the Minister to whom responsibility for fisheries is assigned.

(2) The Minister to whom responsibility for fisheries is assigned may, on payment of the prescribed fees, issue licences in respect of:

(a) A foreign fishing craft; and

(b) The master and members of the crew of a foreign fishing craft.

(3) A licence issued in respect of a foreign fishing craft shall state the craft's specifications and operating conditions.

(4) A licence issued in respect of the master and members of the crew of a foreign fishing craft shall state their:

- (a) Names and addresses;
- (b) Ages;
- (c) Fisherman registration numbers;
- (d) Identification numbers; and
- (f) Experience in fishing activities.

Foreign fishing craft not to exceed  
prescribed allowable catch

27. The Minister to whom responsibility for fisheries is assigned shall ensure that:

(a) The total catch of all foreign fishing craft does not exceed the total allowable catch prescribed for all such craft; and

(b) The total catch by all foreign fishing craft of any one State does not exceed the apportionment prescribed for that State.

Surveillance in the exclusive economic zone, the territorial  
sea and the archipelagic waters

28. (1) The persons referred to in subsection (2) are empowered in the exercise of their official functions to:

- (a) Stop and board, inspect, seize and detain a foreign fishing craft,
- (b) Seize any fish and equipment found on board the foreign fishing craft, and
- (c) Arrest the master and crew of any foreign fishing craft,

in the exclusive economic zone, the territorial sea and the archipelagic waters, and may also institute such criminal proceedings against them, as may be necessary to ensure compliance with the Act and the Regulations.

(2) The persons to whom subsection (1) applies are:

- (a) Members of the Trinidad and Tobago Coast Guard;
- (b) Members of the Police Service;
- (c) Fisheries Officers of the Ministry responsible for fisheries;
- (d) Customs Officers;
- (e) The Harbour Master; and
- (f) Any other person authorized in writing by the Minister.

#### Exemption

29. (1) The provisions of section 26 shall not apply to a foreign fishing craft or to the master and members of the crew of such craft:

(a) In which at least 51 per cent of the ownership thereof is vested in citizens of Trinidad and Tobago; or

(b) Owned by a company incorporated in Trinidad and Tobago in which at least 51 per cent of the shares is vested in citizens of Trinidad and Tobago.

(2) The Minister to whom responsibility for fisheries is assigned may issue a Certificate of Exemption to every such foreign fishing craft referred to in subsection (1).

(3) The Certificate of Exemption shall be carried out on board the foreign fishing craft, and shall be tendered for inspection at the request of any one or all of the persons referred to in section 28.

#### Offences

30. (1) Any foreign fishing craft and the master and members of the crew of a foreign fishing craft who, in breach of section 26:

(a) Fish in the exclusive economic zone, the territorial sea or the archipelagic waters without a licence;

(b) Fail to comply with the terms of a licence; or

(c) Obstruct a person empowered to undertake surveillance in the exclusive economic zone, the territorial sea or the archipelagic waters in the performance of his duties,

is guilty of an offence and liable on summary conviction in the case of an offence in the exclusive economic zone to a fine of fifty thousand dollars and in the case of an offence in the territorial sea and the archipelagic waters to a fine of ten thousand dollars and imprisonment for six months and in addition in all cases to suspension or cancellation of the licence, forfeiture of the craft, equipment and all the fish found on board.

(2) Any foreign ship and the master and members of its crew that pass through the archipelagic waters of Trinidad and Tobago contrary to section 11 or 13 is guilty of an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for six months.

(3) Any offence under the provisions of this Act or Regulations which is committed within the exclusive economic zone shall be deemed to have been committed in Trinidad and Tobago.

#### Release of arrested crafts and their crews

31. A foreign fishing craft which is seized and detained and the master and crew of which are arrested under section 28 shall be promptly released upon the posting of the prescribed bond in the sum of one hundred thousand dollars or other surety.

### Regulations

32. The President may make Regulations for implementing the provisions of this Act for anything that is required or authorized to be prescribed by or under this Act and in particular for the:

(a) Protection and preservation of the marine environment, and the prevention, reduction and control of pollution of that environment arising from:

- (i) land-based sources including rivers, estuaries, pipelines and outfall structures;
- (ii) sea-bed activities under the jurisdiction of Trinidad and Tobago and artificial islands, installations and structures under its jurisdiction;
- (iii) dumping;
- (iv) vessels; and
- (v) the atmosphere;

(b) Marine scientific research within the exclusive economic zone;

(c) Construction operation and use of:

- (i) artificial islands;
- (ii) installations and structures for economic purposes;
- (iii) installations and structures which may interfere with the exercise of the rights of Trinidad and Tobago,

within the exclusive economic zone;

(d) Exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds;

(e) Administration of the Act;

(f) Licensing of the master and members of the crew of a foreign fishing craft, fishing craft and equipment;

(g) Payment of licence fees;

(h) Determination of the species of fish which may be caught;

(i) Fixing of quotas of catch of fish, whether in relation to particular stocks or groups of stocks or catch per craft over a period of time or to the catch by foreign States or the citizens of such States during a specified period;

(j) Regulating seasons and areas of fishing;

(k) The types, sizes and amount of gear and the types, sizes and number of fishing crafts that may be used for fishing;

(l) Fixing of the age and size of fish and other species that may be caught;

(m) The specifying of information required of fishing craft, including catch, and effort statistics and craft position reports;

(n) Conduct and regulation under the authorization and control of the Government of specified fisheries research programmes including the sampling of catches, dispositions of samples and reporting of associated scientific data;

(o) The placing of observers or trainees, by the Government, on board crafts involved in fisheries research programmes;

(p) Landing of all or any part of the catch by such craft in the ports of Trinidad and Tobago;

(q) Terms and conditions relating to joint ventures or other mutually agreed arrangements;

(r) Requirements for the training of personnel and the transfer of technology and research methodology related to the conservation and management of the living and non-living marine resources;

(s) The designation of archipelagic sea-lanes passage.

Passed in the House of Representatives this 18th day of August, 1986.

4. UNITED KINGDOM

[Original: English]

Declaration on the Conservation of Fish Stocks and on Maritime  
Jurisdiction around the Falkland Islands of 29 October 1986\*

In order to create the necessary conditions for ensuring conservation of the fish stocks around the Falkland Islands, the British Government hereby declares that:

The Falkland Islands are entitled under international law to fishery limits of a maximum of 200 nautical miles from the baselines from which the breadth of the territorial sea of the Falkland Islands is measured.

The maximum extent of these limits is also subject to the need for a boundary with Argentina in areas where arcs of 200 nautical miles from Argentina and the Falkland Islands overlap. In the absence of any agreement, the British Government hereby declares that:

The boundary is that prescribed by the rules of international law concerning the delimitation of maritime jurisdiction.

This Declaration of limits is effective immediately.

Within these limits, legislative measures will be taken shortly in the Falkland Islands to ensure the conservation and management of living resources in accordance with international law. Such measures will be intended to ensure conservation of the stocks on an interim basis pending internationally agreed arrangements for the South West Atlantic Fishery as a whole, and taking into account the best scientific evidence.

These measures will apply to a zone known as the Falkland Islands Interim Conservation and Management Zone (FICZ). The limits of the FICZ will be defined in the legislation and the effective date of the measures will be made known well in advance.

Approaches will be made as a matter of urgency to the States fishing around the Falklands, as well as to the Commission of the European Communities, about arrangements for the next fishing season, commencing 1 February 1987.

The British Government has also given consideration to the related question of the continental shelf around the Falkland Islands in the light of the present state of international law, according to which rights to the continental shelf are inherent. The British Government hereby declares for the avoidance of doubt that:

The continental shelf around the Falkland Islands extends to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea of the Falkland Islands is measured or to such other limit as is prescribed by the rules of international law, including those concerning the delimitation of maritime jurisdiction between neighbours.

It will be for the authorities in the Falkland Islands to take legislative measures in order to implement this Declaration.

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\* Previously circulated as General Assembly document A/41/777 of 29 October 1986.

Proclamation No. 4 of 1986

Interim Fishery Conservation and Management Zone

IN THE NAME OF HER MAJESTY ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith,

BY HIS EXCELLENCY GORDON WESLEY JEWKES ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Falkland Islands,

WHEREAS the Falkland Islands are entitled under international law to a fishery limit of a maximum of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured subject to the boundary with a neighbouring State prescribed by the rules of international law concerning the delimitation of maritime jurisdiction,

AND WHEREAS there is a need to conserve the living resources and to regulate on an interim basis fishing in the seas around the Falkland Islands,

NOW THEREFORE I, GORDON WESLEY JEWKES, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do HEREBY PROCLAIM as follows:

1. There is established for the Falkland Islands an interim fishery conservation and management zone, hereinafter referred to as "the zone".
2. The zone will have as its inner boundary the outer limits of the territorial sea of the Falkland Islands and has as its seaward boundary the line formed by the circumference of a circle which has a radius of 150 nautical miles and its centre at latitude 51° 40' S, longitude 59° 30' W, except that between the points on that circumference situated at latitude 52° 30' S, longitude 63° 19.25' W and latitude 54° 08.68' S, longitude 60° 00' W the seaward boundary shall be a rhumb line.
3. The seaward boundary of the zone may be varied by means of a further Proclamation for the purpose of implementing any agreement or arrangement with another State or States or an international organization, or otherwise.
4. Her Majesty will exercise the same jurisdiction in respect of the conservation of living resources and the management of fisheries in the zone as she has in respect of those matters in the territorial waters of the Falkland Islands subject to such provision as may hereafter be made by law for the conservation of living resources and management of fisheries within the said zone.
5. This Proclamation will become effective on the twenty-ninth of October 1986.

Given under my hand and the Public Seal of the Falkland Islands at Government House, Stanley, Falkland Islands, this twenty-ninth day of October in the year of Our Lord One Thousand Nine Hundred and Eighty-Six.

Falkland Islands

The Fisheries (Conservation and Management) Ordinance 1986

Arrangement of sections

Section

1. Citation and commencement
2. Interpretation
3. Fishing waters
4. Fishing prohibited without a licence
5. Notification of fish on board by fishing boats entering fishing waters
6. Stowage of gear
7. Trans-shipment and export of fish prohibited without a licence
8. Manner of exercising of licensing powers
9. Director of Fisheries and Fisheries Protection Officers
10. General powers of Fisheries Protection Officers
11. Release of boat or thing if no proceedings instituted
12. Security for release of fishing boat
13. Indemnity
14. Obstruction of Fisheries Protection Officers
15. Offences, penalties and proceedings
16. Jurisdiction of Summary and Magistrates Court
17. Forfeiture of licence
18. Administrative penalties for minor offences
19. Detention or forfeiture of fishing boat on failure to pay or secure fine
20. Regulations
21. Restriction of application of Fisheries Ordinance Cap 27 and saving

AN ORDINANCE

to make provision for the regulation, conservation and management of the fisheries of the Falkland Islands and matters incidental thereto.

BE IT ENACTED by the Legislature of the Colony of the Falkland Islands as follows:

Citation and commencement

1. This Ordinance may be cited as the Fisheries (Conservation and Management) Ordinance 1986 and shall come into force on such day as the Governor shall appoint by Order published in the Gazette and the Governor may appoint different days for the coming into force of different provisions.

Interpretation

2. In this Ordinance unless the context otherwise requires:

"Director of Fisheries" means the Director of Fisheries appointed under section 9 (1);

"export licence" means a licence so described provided for in section 7;

"fish" means any marine animal not being a mammal or bird, whether fresh or cured including shellfish and any part of such animal and includes salmon, migratory trout and fish meal;

"shellfish" includes crustaceans and molluscs of any kind, and includes any (or any part of any) brood, ware, half-ware or spat of shellfish and any spawn of shellfish, and the shell, or any part of the shell, of a shellfish;

"Fisheries Protection Officer" means the Director of Fisheries and any of the Fisheries Protection Officers provided for in section 9 (3) and (4) or any person authorized by a Fisheries Protection Officer for the purposes of this Ordinance;

"fishing" means:

(a) The catching or taking of fish;

(b) Any other activity which can reasonably be expected to result in the catching or taking of fish; or

(c) Any operations at sea in support of, or in preparation for, any activity described in (a) and (b);

"fishing boat" means any vessel of whatever size, and in whatever way propelled, which is for the time being employed in fishing operations or for the processing, storage or carriage of fish or of any operations (including trans-shipment of fish) ancillary thereto;

"fishing licence" means a licence provided for under section 4;

"fishing waters" means the fishing waters of the Falkland Islands provided for in section 3;

"Interim Fishery Conservation and Management Zone" means the zone of that name established by and described in the proclamation by the Governor on the twenty-ninth day of October 1986;

"internal waters" means those seawaters on the landward side of the baselines from which the territorial sea is measured;

"master" includes, in relation to a fishing boat, the person for the time being in command or in charge of the boat or in charge of the fishing operations on board the boat;

"trans-shipment licence" means a licence so described provided for in section 7;

"trans-shipment of fish" includes the passing of fish from one fishing boat to another whether or not the fish has first been taken on board the boat from which the fish is passed.

#### Fishing waters

3. The fishing waters of the Falkland Islands comprise:

- (a) The internal waters;
- (b) The territorial sea;
- (c) The Interim Fishery Conservation and Management Zone; and
- (d) Any other marine waters over which exclusive rights of fishing or fisheries management are claimed by proclamation, law or convention for the time being in force in the Falkland Islands.

#### Fishing prohibited without a licence

4. (1) Fishing by a fishing boat in the fishing waters is prohibited unless authorized by a licence granted under this Ordinance.

(2) Where any fishing boat is used in contravention of subsection (1) the master, the owner and the charterer shall each be guilty of an offence.

PENALTY: £100,000.

(3) A fee may be charged for a licence.

(4) A fishing licence shall be granted to the master, owner or charterer in respect of a specified fishing boat and may authorize fishing generally or may confer limited authority by reference to, in particular:

- (a) The area within which fishing is authorized;
- (b) The period, times or particular voyages during which fishing is authorized;

(c) The descriptions, quantities, sizes and presentation of fish which may be taken; or

(d) The method of fishing.

(5) A fishing licence may authorize fishing either unconditionally or subject to such conditions as appear to the Director of Fisheries to be necessary or expedient for the regulation of sea fishing, the conservation or management of fisheries in the fishing waters or for the economic benefit of the Falkland Islands and in particular a licence may contain (without prejudice to the generality of the foregoing) conditions as to:

(a) The landing of fish taken under the authority of the licence;

(b) The use to which the fish taken may be put;

(c) The marking of the licensed fishing boat including the display of its assigned international radio call sign;

(d) The records of fishing operations which shall be kept on board the licensed fishing boat;

(e) The navigation equipment and charts to be carried on board the licensed fishing boat; and

(f) The place or places where the licensed fishing boat may carry out trans-shipment of fish;

and if a licence condition is broken the master, the owner and the charterer of the fishing boat concerned in such breach shall each be guilty of an offence.

PENALTY: £20,000.

(6) It shall be an offence for a master to allow to remain on board a fishing boat within the fishing waters fish which has not been taken under the authority of and in accordance with a fishing licence.

Provided that it shall be a defence to a prosecution for an offence arising under this subsection if the person charged satisfies the court that the fish was not taken, caught or captured in the fishing waters.

PENALTY: £75,000.

(7) The Director of Fisheries, in granting a fishing licence, may require the master, the owner and the charterer of the fishing boat specified in the licence to provide him with such statistical information (including information in relation to any period before the commencement of this Ordinance) as he may direct, and a person who fails without reasonable excuse to comply with such a requirement or provides information which he knows to be false or recklessly furnishes information which is false shall be guilty of an offence.

PENALTY: £15,000.

(8) A fishing licence may be:

(a) Varied from time to time, and

(b) Revoked or suspended,

if this appears to the Director of Fisheries to be necessary or expedient for the regulation of sea fishing, the conservation or management of fisheries in the fishing waters or for the economic benefit of the Falkland Islands.

(9) No exercise by the Director of Fisheries of the power contained in subsection (8) shall be liable to be challenged, reviewed, quashed or called in question in any court on the ground that the conditions for the exercise of the power by him had not arisen or had ceased.

(10) If a fishing licence is varied, revoked or suspended the Director of Fisheries may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any fee charged for the licence.

Notification of fish on board by fishing boats entering  
fishing waters

5. (1) The master of a fishing boat that has fish on board shall

(a) Prior to entry of the boat into the fishing waters, or

(b) Prior to the boat leaving an area of the fishing waters in which the master, owner or charterer of that boat is licensed to fish,

notify a Fisheries Protection Officer of the amounts, descriptions, sizes and presentation of fish on board the boat.

PENALTY: £50,000.

(2) The giving of a notification under subsection (1) shall not of itself constitute a defence to a prosecution for an offence under section 4 (6).

Stowage of gear

6. (1) At any time when a fishing boat is in any area of the fishing waters and either:

(a) It is prohibited by section 4 from fishing in that area; or

(b) It is permitted by fishing licence to fish only for certain descriptions of fish in that area;

then its fishing gear, or so much of the gear as is not required for permitted fishing, shall be stowed in such manner that it is not readily available for use for fishing or in such manner as may be prescribed.

(2) If this section is contravened in the case of any fishing boat:

(a) The master of the boat shall be liable on conviction to a fine; and

(b) The court may on convicting him order the forfeiture of any fish or fishing gear found in the boat or taken or used by any person from the boat.

PENALTY: £100,000.

Trans-shipment and export of fish prohibited without a licence

7. (1) Within the fishing waters the trans-shipment from a fishing boat or the receiving of fish by a fishing boat from another fishing boat or the transport from the territorial seas or internal waters by any fishing boat of fish trans-shipped from any other fishing boat is prohibited unless authorized by a trans-shipment licence or export licence granted under this section.

(2) Where any fishing boat is used in contravention of a prohibition imposed by this section the master, the owner and the charterer shall each be guilty of an offence.

Provided that it shall be a defence to a prosecution for an offence arising under this subsection if the person charged satisfies the court that the fish was not taken, caught or captured in the fishing waters.

PENALTY: £50,000.

(3) A fee may be charged for a trans-shipment licence or an export licence.

(4) A trans-shipment licence or an export licence shall be granted to the owner or charterer in respect of a specified fishing boat and may authorize the trans-shipment or transport of fish generally or may confer limited authority by reference to, in particular:

(a) The area within which the fish is to be trans-shipped;

(b) The periods or times during which the fish is to be trans-shipped or transported;

(c) The number of trans-shipments that may be undertaken;

(d) The descriptions and quantities of fish that may be transported out of the fishing waters; or

(e) The number of times that the fishing boat specified in the licence may transport fish out of the fishing waters.

(5) A trans-shipment licence or an export licence may authorize the trans-shipment, receiving or export of fish either unconditionally or subject to such conditions as appear to the Director of Fisheries to be necessary or expedient for the regulation of the trans-shipment or export of fish, or the economic benefit of the Falkland Islands including conditions as to the treatment on board a fishing boat receiving fish of the fish received by it and different conditions may be so imposed with respect to different fishing boats or fishing boats of different descriptions.

(6) If a condition under subsection (5) is broken the master, the owner and the charterer of the fishing boat shall each be guilty of an offence.

PENALTY: £20,000.

(7) The Director of Fisheries may require the master, the owner and the charterer of the fishing boat named in a trans-shipment licence or an export licence and any agent named in the licence to provide him with such statistical information as he may direct, and any person who fails without reasonable excuse to comply with such a requirement shall be guilty of an offence.

PENALTY: £15,000.

(8) Any person who:

(a) For the purpose of obtaining a trans-shipment licence or an export licence; or

(b) In purported compliance with subsection (7),

provides information which he knows to be false or recklessly furnishes information which is false shall be guilty of an offence.

PENALTY: £20,000.

(9) A trans-shipment licence or an export licence:

(a) May be varied from time to time, and

(b) May be revoked or suspended,

if it appears to the Director of Fisheries to be necessary or expedient for the regulation of trans-shipment or export or for the economic benefit of the Falkland Islands.

(10) No exercise by the Director of Fisheries of the power contained in subsection (9) shall be liable to be challenged, reviewed, quashed or called in question in any court on the ground that the conditions for the exercise of the power by him had not arisen or had ceased.

(11) If a trans-shipment licence or an export licence is varied, revoked or suspended the Director of Fisheries may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any fee charged for the licence.

#### Manner of exercise of licensing powers

8. The licensing powers conferred by this Ordinance may be exercised so as to limit the number of fishing boats, or of any description of boat (including boats or any description of boats registered in a specified country) engaged in fishing, trans-shipping or transporting fish to such an extent as appears to the Director of Fisheries necessary or expedient for the regulation of fishing, trans-shipment and export, the conservation or management of fisheries or for the economic benefit of the Falkland Islands.

#### Director of Fisheries and Fisheries Protection Officers

9. (1) This Ordinance and regulations made hereunder shall be administered by the Director of Fisheries appointed by the Governor who shall be responsible for:

- (a) The conservation of fish stocks;
- (b) The assessment of fish stocks and the collection of statistics;
- (c) The development and management of fisheries;
- (d) The monitoring, control and surveillance of fishing operations;
- (e) The regulation of the conduct of fishing operations and operations ancillary thereto;
- (f) The issue, variation, suspension and revocation of licences for fishing, trans-shipment, export and ancillary operations;
- (g) The collection of fees in respect of licences;
- (h) The making of such reports to the Governor as the latter, acting in his discretion, may require;
- (i) Other matters referred to in this Ordinance.

(2) In the performance of his duties under this Ordinance the Director of Fisheries shall be subject to the direction of the Governor acting in his discretion.

(3) This Ordinance and regulations made hereunder shall be enforced by Fisheries Protection Officers acting subject to the direction of the Director of Fisheries, and for that purpose Fisheries Protection Officers shall have the powers set out in section 10.

(4) The following persons shall be Fisheries Protection Officers, that is to say every person appointed in that behalf by the Governor, every member of the Falkland Islands Police Force, commissioned officers of any of Her Majesty's ships and persons in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force or of the Falkland Islands Government.

#### General Powers of Fisheries Protection Officers

10. (1) For the purpose of enforcing this Ordinance or of any regulation made hereunder a Fisheries Protection Officer or any person authorized by him may exercise the following powers with respect to any fishing boat within the fishing waters:

- (a) He may stop the boat;
- (b) He may require the master to cease fishing and take back on board the boat's fishing gear;
- (c) He may require the master to facilitate the boarding of the boat by all appropriate means;
- (d) He may go on board the boat and take with him such other persons as he may require to assist him in the exercise of his powers;

(e) He may require the master, the crew or any of them to produce and he may examine and take copies of any certificate of registry, licence, official logbook, official paper, article of agreement, record of fish caught, and any other document relating to the boat or to the crew or any member thereof, or to any person on board the boat, which is in their respective possession or control on board the boat;

(f) He may muster the crew of the boat;

(g) He may require the master to appear and to give any explanation concerning the boat and any crew, or any person on board the boat, and any document mentioned in paragraph (e);

(h) He may make any search, examination or enquiry which he considers necessary to find out whether any provision of this Ordinance or any regulation made hereunder has been contravened;

(i) He may take or require the master to take the boat to any place, port or harbour in the Falkland Islands for the purpose of the carrying out of any search, examination or enquiry;

(j) In the case of any person who appears to him to have committed any offence against this Ordinance or any regulation made hereunder, he may, without summons, warrant or other process, take the suspected offender and take or require the master of the boat to take the boat in respect of which it appears to him there has been an offence together with the crew thereof to a port or harbour in the Falkland Islands, and bring him or them before a competent court and detain him and them and the boat in the Falkland Islands until the alleged offence has been adjudicated upon;

(k) He may, having regard to the safety of the boat, take steps to immobilize any fishing boat seized, taken or detained in accordance with this section for the purpose of preventing the boat being taken by any person prior to the release of the boat under section 12 or by the court;

(l) In the case of any offence against section 4 (2) or (5) or section 7 (2) or (6), he may seize any boat (together with its equipment, stores and cargo) which he believes has been used in the commission of such offence or in respect of which he believes such offence has been committed;

(m) He may seize any fishing gear, instruments or appliances which he believes have been used in the commission of such offence;

(n) He may seize any fish which he believes have been taken or fish products produced in the commission of such offence;

(o) He may seize or take copies of any documents which he believes are relevant to any such offence.

(2) In exercising the powers referred to in subsection (1) a Fisheries Protection Officer may use such force as may be reasonably necessary.

(3) The powers contained in this section may be exercised in respect of a fishing boat irrespective of whether the boat is at the time of such exercise engaged in fishing or any activities in any way related to fishing.

Release of boat or thing if no proceedings instituted

11. Where a fishing boat or any other thing has been taken, seized or detained in accordance with section 10 the Director of Fisheries shall on demand release the boat or other thing to the master, owner, charterer or agent of the owner or charterer if no proceedings are instituted within 14 days of the arrival of the boat or thing in a port or harbour.

Security for release of fishing boat

12. (1) Where a fishing boat is taken, seized or detained under this Ordinance or any regulation made hereunder and an information or charge is laid against the master, the owner or the charterer of the boat in respect of the offence for which the boat has been detained, the master, the owner or the charterer or the agent of the owner or charterer of the boat may at any time before the determination of the information or charge apply to the court by which the information or charge will be determined for the release of the boat on the provision of security in accordance with this section.

(2) On hearing the application the court shall either:

(a) Being satisfied that adequate security has been given to the Crown in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Crown may recover under section 16 (2), order the release of the fishing boat; or

(b) Order the release of the fishing boat on the execution by any suitable person or persons approved by the court for the purpose of a bond in favour of Her Majesty the Queen in the prescribed form and condition in accordance with subsection (4) in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Crown may recover under section 16 (2).

(3) Notwithstanding subsection (2) the court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if:

(a) The defendant is found not guilty of the information or charge; or

(b) The defendant on being convicted of the information or charge pays in full within 14 days after he is convicted the amount of the fine imposed by the court, and the amount of all costs and expenses due by him to the Crown under section 16 (2),

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full, in any court of competent jurisdiction, as a debt due to Her Majesty the Queen jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section "fishing boat" includes all equipment on board or used by the boat, and also includes all fish that has been seized from the boat under this Ordinance or any regulation made hereunder and is detained on board the boat in the custody of the Crown.

#### Indemnity

13. No civil or criminal action shall lie against a Fisheries Protection Officer in respect of any act done or omitted to be done by him in good faith in the purported exercise of his powers under this Ordinance or any regulations made hereunder if there shall have been reasonable cause for such action or omission.

#### Obstruction of Fisheries Protection Officers

14. If any person obstructs a Fisheries Protection officer when acting in the exercise of his powers under this Ordinance or any regulations made hereunder, or refuses or neglects to comply with any order, requisition or direction lawfully made or given by, or to answer any question reasonably asked by, a Fisheries Protection Officer in pursuance of this Ordinance, or prevents or attempts to prevent another person from complying with such orders, requisitions or directions or from answering such questions, such person shall be guilty of an offence.

PENALTY: £50,000.

#### Offences, penalties and proceedings

15. (1) Any person who contravenes any provision of this Ordinance or any regulation made hereunder where no offence is specifically provided commits an offence.

(2) Any person who commits an offence against this Ordinance or any regulation made hereunder, for which no other penalty is specifically provided, shall be liable to a fine not exceeding £20,000.

(3) Where a person is convicted of any offence against this Ordinance or any regulation made hereunder the court may, in addition to any other penalty it may impose, order that any fishing gear, instruments or appliances used in the commission of such offence, and any fish on board a fishing boat shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Governor, acting in his discretion, may direct.

(4) For the purposes of any proceedings under this Ordinance any fish found on board a fishing boat shall be presumed to have been caught

(a) Within the fishing waters and

(b) Within the vicinity of the boat at the time the fish was so found where the licence to fish, specifying the boat, restricts fishing to a particular area

unless the contrary is proved.

(5) An attempt to commit an offence under this Ordinance shall itself constitute an offence and may be dealt with in like manner as if the attempted offence had been committed.

(6) Any master who trans-ships, receives on board a fishing boat, transports or in any other manner deals with fish caught or trans-shipped in contravention of this Ordinance shall be guilty of an offence.

(7) Any person who aids, abets, counsels or procures an offence under this Ordinance or conspires to commit such an offence shall be guilty of the offence so aided, abetted, counselled or procured or conspired to be committed.

(8) Notwithstanding any law providing for the limitation of time within which proceedings may be commenced any proceeding in respect of an offence against this Ordinance or any regulation made hereunder may be commenced at any time after the commission of the offence.

(9) Subject to the powers of the Attorney-General provided for in the Constitution all prosecutions and proceedings in respect of offences under this Ordinance or any regulation made hereunder may be commenced and taken in the name of the Director of Fisheries and he or any Fisheries Protection Officer may conduct such prosecutions and proceedings before the court.

(10) A certificate purporting to be signed by the Director of Fisheries or any officer authorized by him for that purpose to the effect that on a date specified in the certificate:

(a) A fishing boat specified in that certificate was not licensed under this Ordinance; or

(b) The defendant or any other named person was not the holder of a licence under this Ordinance;

shall in the absence of proof to the contrary be sufficient evidence of the matter stated in the certificate.

#### Jurisdiction of Summary and Magistrates Court

16. (1) All penalties, offences and proceedings under this Ordinance or any regulation made hereunder may be recovered, prosecuted and taken before the Summary Court or the Magistrates Court.

(2) In respect of offences charged under this Ordinance or any regulation made hereunder, and notwithstanding the provisions of the Administration of Justice Ordinance Cap 3, the Summary Court and the Magistrates Court are hereby given extended jurisdiction to impose any fine provided for under this Ordinance or any regulation made hereunder and may award to the Crown such costs and expenses (including expenses incurred in exercise of the power under section 10 (1), (j) and (k)) incurred in relation to the prosecution of such charges as may appear to it to be proper.

### Forfeiture of licence

17. (1) Every person who is convicted of an offence against this Ordinance or any regulation made hereunder and is again convicted of an offence against this Ordinance or any regulation made hereunder shall, in addition to any other penalty, forfeit any licence granted under this Ordinance and any fees paid for that licence and shall be incapable, for a period of three years from the day of conviction, of holding any such licence under this Ordinance.

(2) Notwithstanding subsection (1) the Governor may in the circumstances of any particular case and upon application being made to him by the person concerned within 30 days from the date of conviction or such extended period as the Governor may allow direct that the provisions of that subsection are not to apply to any particular licence otherwise forfeit.

### Administrative penalties for minor offences

18. (1) Where the Governor has reasonable cause to believe that:

(a) An offence against this Ordinance or any regulation made hereunder has been committed by any person in respect of any fishing boat;

(b) The offence is of a minor nature;

(c) Having regard to the previous conduct of the boat and the person concerned it would be appropriate to impose a penalty under this section;

he may cause a notice in writing in accordance with subsection (2) in the prescribed form to be served on that person.

(2) A notice under subsection (1) shall specify:

(a) The date and nature of the offence;

(b) A summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against him); and

(c) Any other matters (not being previous convictions) that the Governor considers relevant to the imposition of a penalty;

and shall be endorsed with a statement setting out the provisions of this section.

(3) Any person on whom a notice under subsection (1) is served may, within 28 days after such service, by notice in writing in the prescribed form served on the Governor require that proceedings in respect of the alleged offence shall be dealt with by the court, in which case the following shall apply:

(a) No further proceedings shall be taken under this section by the Governor; and

(b) Nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence, or the conviction of the person of the offence by the court, or the imposition of any penalty or forfeiture under this Ordinance upon such conviction.

(4) Any person on whom a notice under subsection (1) is served who does not require that proceedings in respect of the alleged offence shall be dealt with by the court may by notice in writing served on the Governor:

(a) Admit the offence; and

(b) Make submission to the Governor as to the matters he wishes the Governor to take into account in imposing any penalty under this section.

(5) Where a person on whom a notice under subsection (1) is served does not within 28 days after the notice is served on him:

(a) Require that proceedings in respect of the alleged offence shall be dealt with by the court; or

(b) Admit the offence;

he shall on the expiration of that period be deemed to have admitted the offence.

(6) Where under this section a person admits or is deemed to have admitted an offence the Governor may, after taking into account any submissions made by that person under subsection (4), impose a monetary penalty on that person in respect of the offence not exceeding one third of the maximum monetary penalty to which the person would be liable if he were convicted of the offence by the court.

(7) Where the Governor imposes a penalty on a person under this section in respect of an offence the Governor shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on the person.

(8) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within 28 days after the notice of the penalty is served on him in accordance with subsection (7).

(9) Without prejudice to the requirement of subsection (8), a penalty imposed under this section shall be recoverable by the Crown from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction for an offence.

(10) Notwithstanding any other provision of this Ordinance or of any other enactment, where an offence has been admitted or is deemed to have been admitted under this section no information or charge may be laid in respect of the offence against any person by whom it is admitted or is deemed to have been admitted.

(11) Nothing in this section shall apply:

(a) In respect of any offence or alleged offence under section 4 (2); or

(b) In respect of any offence or alleged offence in respect of which any information or charge has already been laid.

Detention or forfeiture of fishing boat on failure  
to pay or secure fine

19. (1) If any fine or amount of costs is adjudged to be due by the master, owner or charterer of any fishing boat in respect of a contravention of any provision of this Ordinance or any regulation made hereunder, the court may, if no security or it considers that insufficient security has been given to the Crown, order that in default of payment forthwith the defendant shall give security for payment of the amount due, and if such security to the satisfaction of the court is not given, the court may order the detention of the fishing boat concerned with the contravention, and such fishing boat may accordingly be detained in the Falkland Islands until the amount due is paid or until sufficient security shall be given to the satisfaction of the court.

(2) If a fine is not paid or security given within 30 days of the date of the order of the court, or such longer period as the court may determine, the court may order that in the case of any offence against section 4 (2) or (5) or section 7 (2) or (5) any boat and its equipment used in the commission of such offence shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Governor, acting in his discretion, may direct.

Regulations

20. (1) The Governor may by Order in Council make regulations for the better carrying into effect of the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing such regulations may provide for:

- (a) Anything which is to be, or may be, prescribed under this Ordinance;
- (b) The forms to be used for the purposes of this Ordinance;
- (c) The persons to whom and the manner in which applications may be made;
- (d) The procedures to be followed by applicants for licences;
- (e) Terms and conditions that shall apply to licences issued under this Ordinance;
- (f) The fees to be paid in respect of licences;
- (g) The equipment to be carried on board fishing boats;
- (h) The reports to be made for the purposes of this Ordinance;
- (i) The designation by applicants for licences and licensees of authorized agents in the Falkland Islands in respect of fishing boat operations and otherwise for the purposes of this Ordinance;
- (j) The provisions by applicants for licences or licensees of bonds or other forms of security for securing their compliance with the obligations under the terms and conditions of their licences or their compliance with the provisions of this Ordinance;

(k) The placing of Fisheries Protection Officers and official observers on fishing boats and the terms for their presence thereon;

(1) A penalty not exceeding fifty thousand pounds for contravention of any of such regulations.

(3) Regulations made under this section may make different provisions for different parts of the fishing waters.

Restriction on the application of Fisheries Ordinance  
Cap 27 and saving

21. (1) The Fisheries Ordinance Cap 27 shall not apply to fishing in the fishing waters.

(2) Notwithstanding subsection (1) regulations made under the Fisheries Ordinance Cap 27 shall remain in force until revoked.

5. UNITED STATES OF AMERICA

[Original: English]

R.M.S. Titanic Maritime Memorial Act of 1986

An Act

To encourage international efforts to designate the shipwreck of the R.M.S. Titanic as an international maritime memorial and to provide for reasonable research, exploration, and, if appropriate, salvage activities with respect to the shipwreck.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1

Short title

This Act may be cited as the "R.M.S. Titanic Maritime Memorial Act of 1986".

Section 2

Findings and purposes

(a) Findings. The Congress finds that:

- (1) The R.M.S. Titanic, the ocean liner which sank on her maiden voyage after striking an iceberg on 14 April 1912, should be designated as an international maritime memorial to the men, women, and children who perished aboard her;
- (2) The recent discovery of the R.M.S. Titanic, lying more than 12,000 feet beneath the ocean surface, demonstrates the practical applications of ocean science and engineering;
- (3) The R.M.S. Titanic, well preserved in the cold, oxygen-poor waters of the deep North Atlantic Ocean, is of major national and international cultural and historical significance, and merits appropriate international protection; and
- (4) The R.M.S. Titanic represents a special opportunity for deep ocean scientific research and exploration.

(b) Purpose. The Congress declares that the purposes of this Act are:

- (1) To encourage international efforts to designate the R.M.S. Titanic as an international maritime memorial to those who lost their lives aboard her in 1912;

- (2) To direct the United States to enter into negotiations with other interested nations to establish an international agreement which will provide for the designation of the R.M.S. Titanic as an international maritime memorial, and protect the scientific, cultural, and historical significance of the R.M.S. Titanic;
- (3) To encourage, in those negotiations or in other fora, the development and implementation of international guidelines for conducting research on, exploration of, and if appropriate, salvage of the R.M.S. Titanic; and
- (4) To express the sense of the United States Congress that, pending such international agreement or guidelines, no person should physically alter, disturb, or salvage the R.M.S. Titanic in any research or exploratory activities which are conducted.

### Section 3

#### Definitions

For the purpose of this Act, the term:

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration (NOAA);

(b) "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign Government or any entity of any such Government;

(c) "R.M.S. Titanic" means the shipwrecked vessel R.M.S. Titanic, her cargo or other contents, including those items which are scattered on the ocean floor, in her vicinity; and

(d) "Secretary" means the Secretary of State.

### Section 4

#### Commendation

The Congress of the United States highly commends the members of the joint international expedition which discovered the R.M.S. Titanic.

### Section 5

#### International guidelines

(a) The Administrator is directed to enter into consultations with the United Kingdom, France, Canada, and other interested nations to develop international guidelines for research on, exploration of, and if appropriate, salvage of the R.M.S. Titanic which:

(1) Are consistent with its national and international scientific, cultural, and historical significance and the purposes of this Act; and

(2) Promote the safety of individuals involved in such operations.

(b) In carrying out subsection (a), the Administrator shall consult with the Secretary and shall promote full participation by other interested Federal agencies, academic and research institutions, and members of the public.

## Section 6

### International agreement

(a) The Secretary is directed to enter into negotiations with the United Kingdom, France, Canada, and other interested nations to develop an international agreement which provides for:

(1) The designation of the R.M.S. Titanic as an international maritime memorial; and

(2) Research on, exploration of, and if appropriate, salvage of the R.M.S. Titanic consistent with the international guidelines developed pursuant to section 5 and the purposes of this Act.

(b) In carrying out the requirements of subsection (a), the Secretary shall consult with the Administrator, who shall provide research and technical assistance to the Secretary.

(c) The Secretary and the Administrator shall report semi-annually to the Committee on Merchant Marine and Fisheries and the Committee on Foreign Affairs in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate on the progress of the negotiations and consultations.

(d) Upon adoption of an international agreement as described in subsection (a), the Secretary shall provide notification of the agreement and recommendations for legislation to implement the agreement to the Committee on Merchant Marine and Fisheries and the Committee on Foreign Affairs in the House of Representatives and to the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation in the Senate.

## Section 7

### Sense of Congress regarding conduct of future activities

It is the sense of Congress that research and limited exploration activities concerning the R.M.S. Titanic should continue for the purpose of enhancing public knowledge of its scientific, cultural, and historical significance: Provided, that, pending adoption of the international agreement described in section 6 (a) or implementation of the international guidelines described in section 5, no person should conduct any such research or exploration activity which would physically alter, disturb, or salvage the R.M.S. Titanic.

Section 8

Disclaimer of extraterritorial sovereignty

By enactment of this Act, the United States does not assert sovereignty, or sovereign or exclusive rights or jurisdiction over, or the ownership of, any marine areas or the R.M.S. Titanic.

Approved 21 October 1986.

B. Notes by Governments

1. ARGENTINA

[Original: Spanish]

Transcription of a press communiqué issued by the Argentine Government in response to the announcement by the United Kingdom Government of the establishment of a fishing zone around the Malvinas Islands, and submitted in a letter dated 30 October 1986 by the Permanent Representative of Argentina\*

"In a statement issued today, 30 October, the British Government arrogated to itself the right to control the exploitation of the fishing resources in a zone up to 200 nautical miles around the Malvinas Islands and to exercise jurisdiction over the continental shelf of those islands.

"This new British claim is juridically and politically inadmissible because it encroaches on waters over which the Argentine Republic exercises rights of sovereignty and jurisdiction.

"The conservation of fishing resources invoked in the British statement is actually a pretext being used to justify the action it has taken, as is evidenced by its claim to appropriate not only the waters and its resources but the marine soil and subsoil.

"Argentina has emphatically rejected the so-called 150-mile 'protective zone' around the Malvinas unilaterally imposed by the United Kingdom in 1982, which has been the cause of repeated incidents provoked by British military units and denounced each time by the Argentine Government to the international community.

"The emergence of the new British initiative is all the more serious because the United Kingdom Government is unilaterally claiming the exercise of rights in an even more extensive area which overlaps and interferes with peacefully acknowledged Argentine rights and jurisdiction.

"By introducing this serious element of conflict in the dispute over sovereignty concerning the islands, the United Kingdom has at the same time acted in flagrant violation of the resolutions of the United Nations General Assembly which recommended, in urging a settlement of the dispute, that the parties should not introduce unilateral modifications in the situation.

"The British decision will cause serious tensions and conflicts, with consequences as yet unforeseeable which may even affect the interests of third States.

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\* Previously circulated as General Assembly and Security Council document A/41/784-S/18438 of 5 November 1986.

"Regrettably, this is one more demonstration of the unwillingness of the United Kingdom to negotiate and of its clear intention to continue to obstruct the holding of talks for the solution of the sovereignty dispute concerning the islands, which have repeatedly been supported by the international community.

"The British statement, moreover, constitutes a real challenge to that community and to the United Nations, whose General Assembly, on 27 October of this year, paradoxically with the United Kingdom voting in favour, adopted a resolution declaring the South Atlantic to be a zone of peace and co-operation.

"It is unjustifiable conduct for a State, only hours after the adoption of that resolution, to take measures which aggravate the tensions and conflicts in the area and will provoke other greater tensions which may constitute a genuine threat to the maintenance of international peace and security.

"The United Kingdom Government, in seeking to expand its colonial rule by adding new areas and resources, is once again acting in disregard of the wishes of the international community, which calls for the total elimination of colonialism from the world.

"The constitutional Government of Argentina has been especially careful not to adopt any provision that may affect the resumption of negotiations recommended by the United Nations. On the contrary, it has repeatedly expressed its willingness to negotiate with the United Kingdom in order to reach a solution of all the problems between the two countries stemming essentially from the sovereignty dispute concerning the Malvinas, South Georgia and South Sandwich Islands, with an open-ended agenda and including the aforementioned sovereignty dispute.

"Without implying any change in that position, the Argentine Government intends to assert its legitimate rights both in the zone and in the appropriate international forums, and it will not accept the arbitrary claim of the United Kingdom to exercise powers that are within the province of Argentina and to take away areas and resources that are part of its national patrimony. We are convinced that the Argentine position will be properly understood and supported by the international community as a whole."

[Original: Spanish]

Letter dated 3 November 1986 from the Permanent Representative of  
Argentina to the United Nations addressed to the Secretary-General\*

On instructions from my Government, I have the honour to refer to the letter dated 29 October 1986 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland (A/41/777) and to the British Government's "Declaration on south-west Atlantic fisheries" annexed thereto.

In respect of the Declaration, the Argentine Government issued a communiqué on 29 October, which was circulated as document A/41/784-S/18438, stating the Argentine position and rejecting that Declaration. At the same time, my Government transmitted to the United Kingdom, through the Embassy of the Federative Republic of Brazil at Buenos Aires, a note of protest, the text of which is annexed hereto.

In the aforementioned Declaration, the British Government unjustifiably arrogated to itself the right to control the exploitation of the fishing resources in a zone up to 200 nautical miles around the Malvinas Islands and to exercise jurisdiction over the continental shelf of those islands. By this claim, the United Kingdom seeks to consolidate and at the same time expand its illegitimate colonial occupation of the Malvinas Islands, extending it to maritime space over which the Argentine Republic has peacefully exercised its rights as a coastal State for many years. The British action therefore constitutes another violation of Argentine territorial integrity.

The United Kingdom is by its action creating a new, grave source of tension and conflicts in the area, which will affect the security of the region and the interests of third States.

The British Declaration also constitutes a challenge to the international community and to the United Nations, whose General Assembly on 27 October adopted resolution 41/11 by an overwhelming majority, declaring the South Atlantic a "Zone of Peace and Co-operation". It is unjustifiable for the United Kingdom, which voted in favour of this resolution, to take a measure a few hours later which contradicts it in letter and in spirit.

The British Declaration marks a clear step backwards in the elimination of colonialism, a fundamental goal of the United Nations, and constitutes a flagrant violation of express recommendations by the General Assembly on the Malvinas question which urge the parties involved to refrain from introducing unilateral modifications in the situation while the Malvinas dispute is in process of resolution.

It is an obvious manifestation of the British Government's negative position and lack of will to implement the numerous resolutions of the General Assembly urging the initiation of negotiations on the Malvinas question.

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\* Previously circulated as General Assembly and Security Council document A/41/788-S/18441 of 3 November 1986.

By attempting to control the exploitation of fishing resources in a zone of up to 200 nautical miles and to exercise jurisdiction over the continental shelf around the Malvinas Islands, the British measure proves that the dispute over sovereignty is the core of the Malvinas question, and that only by dealing with it and solving it peacefully, through bilateral negotiations, can a permanent settlement of this question and all the related problems be reached.

The British Government supports its unilateral Declaration with inadmissible arguments which tend to hide its real purposes. In fact, the pretext of concern for the conservation of marine resources is no more than a cover for its unilateral move to improve its position in the controversy over sovereignty. It is clear, moreover, that the underlying purpose of British advocacy of a multilateral settlement to the problem of the resources in the waters surrounding the Malvinas Islands is once again to circumvent the recommendations of the United Nations, which persistently urges Argentina and the United Kingdom to solve the Malvinas problem through bilateral negotiations.

I wish to point out that the conservation and rational exploitation of the fishing resources in the South Atlantic are matters of permanent concern to my country; also of concern, in fulfilment of these purposes, is the exercise of its authority as a coastal State.

Argentina has therefore supported and co-operated fully with the technical survey on this question which was undertaken by the Food and Agriculture Organization of the United Nations (FAO) as a result of the decision adopted at its twenty-third Conference, and will soon be made available.

Likewise, the Argentine Republic has signed fishing agreements with interested States, such as the Soviet Union and Bulgaria, framed in accordance with international law and in particular with the international law of the sea, the purposes of which are the conservation and best possible utilization of the living resources of the sea. These agreements do not affect the status of the sovereignty dispute between Argentina and the United Kingdom regarding the question of the Malvinas Islands, which are recognized by the United Nations.

Argentina does not believe that unilateral measures, such as those just taken by the United Kingdom, which - as already stated - imply a step backward in the elimination of colonialism and represent a source of danger to peace and security in the region, are an appropriate means of arriving at a solution to the question of the Malvinas Islands.

On the contrary, my Government is convinced that the only appropriate course is to engage, with the good offices of the Secretary-General, in bilateral negotiations on all problems, but principally the problem of sovereignty over the islands, and it reiterates its firm determination to resume such negotiations.

I would request that this note and the annex to it be circulated as an official document of the General Assembly under agenda item 28, and of the Security Council, and that it be brought to the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Annex

Note dated 31 October 1986, sent by the Ministry of Foreign Relations and Worship of the Argentine Republic to the United Kingdom of Great Britain and Northern Ireland through the Embassy of Brazil in Buenos Aires, regarding the Declaration by the Secretary of State for Foreign Affairs of Great Britain in the House of Commons on 29 October

The Ministry of Foreign Affairs and Worship presents its compliments to the Embassy of the Federative Republic of Brazil and has the honour to request it to transmit to the Government of the United Kingdom of Great Britain and Northern Ireland the following text:

"The Argentine Government formally rejects the 'Declaration on south-west Atlantic fisheries' issued by the British Government on 29 October 1986.

"It rejects in particular the claim of the British Government to arrogate to itself the right to control the conservation and exploitation of the fishing resources of a zone up to 200 nautical miles around the Malvinas Islands and to exercise jurisdiction over the continental shelf of those islands.

"The Argentine Government has stated its position on this new British claim in an official communiqué published on 29 October last, the text of which is attached as an integral part of this communication (document A/41/784).

"At the same time, the Argentine Republic reaffirms its sovereignty over the Malvinas Islands, the South Georgia and the South Sandwich Islands, and its rights of sovereignty and jurisdiction over the surrounding maritime waters, sea-bed and marine sub-soil, rights which it will continue to exercise in its capacity as a coastal State in accordance with international law. The Argentine Government denies any alleged right of the British Government to exercise sovereign and/or jurisdictional authority in the said areas, and once again rejects the British position in this respect.

"By once again opting for unilateral action, by maintaining its persistent refusal to resume the negotiations recommended by the General Assembly of the United Nations on the question of the Malvinas, the British Government has chosen to introduce a new factor of tension into the area which will have unforeseeable consequences. Responsibility for this situation will fall inexorably on the British Government.

"Only the comprehensive negotiations urged by these resolutions will make it possible to reach a solution to the problems pending between the two countries, including the sovereignty dispute which is their common origin."

The Ministry of Foreign Affairs and Worship takes this opportunity to convey to the Embassy of the Federative Republic of Brazil renewed assurances of its highest consideration.

[Original: Spanish]

Declaration dated 17 November 1986 by the Argentine Government  
annexed to a letter dated 17 November 1986 from the  
Permanent Representative of Argentina\*

THE ARGENTINE GOVERNMENT CONFIRMING:

Its vocation for peace,

Its respect for international law,

Its support of United Nations efforts to achieve the peaceful settlement of disputes between nations,

Its determination to contribute actively to the conservation of natural resources and to the preservation of the marine environment,

TAKING INTO ACCOUNT:

That the need to strengthen peace among nations calls for imagination, effort and willingness,

That the declaration of 29 October 1986, made by the Government of the United Kingdom of Great Britain and Northern Ireland, whereby it claims to exercise sovereign rights over maritime spaces - as a consequence of its occupation of the territory of the Malvinas Islands - shows that the core of the dispute with the Argentine Republic is, precisely, sovereignty over the Malvinas Islands,

That the United Kingdom declaration therefore demonstrates that no partial aspect can be settled while the problem of substance that separates the two countries is ignored,

That solving the problems of conserving resources and preserving the marine environment is a legitimate concern of all nations, which Argentina shares,

That the need to conserve natural resources and preserve the marine environment must not be used as a way of creating precedents in relation to the dispute over sovereignty,

That, despite the reiterated appeals of the international community to renew global negotiations between Argentina and the United Kingdom, without excluding any issue, these negotiations have not yet started,

That the absence of negotiations not only keeps the dispute alive but also creates growing sources of tension and conflict, as is confirmed by the United Kingdom declaration of 29 October 1986,

That the Argentine Government has repeatedly expressed its willingness to initiate these negotiations, in accordance with the resolutions of the General Assembly of the United Nations, negotiations for which no previous legal requirement exists, seeing that the parties did not at the time formally declare hostilities,

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\* Previously circulated as General Assembly and Security Council document A/41/845-S/18460 of 17 November 1986.

That to attain the goal of peace, respect for international law, international co-operation, the conservation of resources and the preservation of the environment, it is necessary to take steps which, over and above international legal obligations, are designed to create a climate of confidence conducive to the start of negotiations,

Therefore,

EXPRESSES ITS WILLINGNESS TO:

1. Initiate global negotiations with the United Kingdom in accordance with resolution 40/21 of the General Assembly of the United Nations;
2. Initiate, as a previous and preparatory step towards these negotiations, an open dialogue with the United Kingdom in order to create the conditions of confidence necessary for approaching the negotiations successfully and determining the timetable for them;
3. Facilitate the start of negotiations by means of a declaration which, at the appropriate time, although not legally necessary, would establish the formal end of hostilities, as part of a process for eliminating the sequels of the conflict and which should put an end to the so-called 150-mile military "protection zone";
4. Settle, as it has always maintained, in the framework of global negotiations pursuant to resolution 40/21 of the General Assembly of the United Nations, all problems that exist between the two parties besides the dispute over sovereignty, namely, the elimination of the effects of the conflict, trade, consular and diplomatic relations, transport and communications and, in so far as pertinent, matters pertaining to the conservation of fishing resources, all this to be done with the assistance of the Secretary-General of the United Nations;
5. Analyse, within the framework of talks and subsequent negotiation, all possible formulas for settling the dispute which provide, in particular, for the creation of confidence-building measures for the inhabitants of the Malvinas Islands, with the assistance of the Secretary-General of the United Nations.

Implementation of this proposal is contingent solely on the will of the United Kingdom of Great Britain and Northern Ireland.

The Argentine Government firmly believes that, when the General Assembly of the United Nations takes up the question of the Malvinas on 24 November 1986, both parties could demonstrate to the world that reason, imagination and willingness can build peace.

[Original: Spanish]

Letter dated 4 November 1986 from the Director-General of FAO addressed to the Permanent Representative of Argentina to FAO, submitted as annex to a letter dated 20 November 1986 by the Permanent Representative of Argentina\*

I have the honour to refer to your letter of 9 October on the conservation of the fishery resources of the South West Atlantic and to the conversation we had in my office on 10 October.

I would like to confirm that the purpose of the study that FAO is carrying out on that topic is the one which the late Jean Carroz, Assistant Director-General of the Fisheries Department, indicated orally when he addressed Committee I of the FAO Conference on 21 November 1985. For your information I am attaching the relevant portion of Mr. Carroz's statement.

I intend to make arrangements for your letter and this reply to be distributed to the States members of the Organization that are participating in the FAO study on the fishery resources of the South West Atlantic. From our conversation in my office on 10 October, I conclude that this will be a satisfactory response to the request by the Argentine authorities.

I shall also send copies of our correspondence to the Secretary-General of the United Nations in order to bring the matter to his attention for whatever purposes he deems appropriate.

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\* Previously circulated as General Assembly and Security Council document A/41/863-S/18468 of 21 November 1986.

Excerpt from the statement made on 21 November 1985 by the Assistant Director-General of the FAO Fisheries Department at the twelfth meeting of Committee I, at the twenty-third session of the FAO Conference, submitted as appendix to a letter dated 20 November 1986 by the Permanent Representative of Argentina\*

With the support of some delegations who spoke in plenary last week, the Director-General has agreed that FAO will carry out, within the limits of its competence and mandate as a specialized technical agency, an assessment of the state of fish stocks in the South West Atlantic, including migratory stocks on the Patagonia shelf.

Its report will also cover as far as possible the impact of fishing on the ecosystem of the area. Indeed, we have been following developments closely since 1983, and the document on the state of world fishery resources submitted to our Committee on Fisheries in April of this year draws attention to the seriousness of the situation. There are indications that the level of fishing efforts in the area might increase significantly in the forthcoming fishing season.

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\* Previously circulated as General Assembly and Security Council document A/41/863-S/18468 of 21 November 1986.

[Original: Spanish]

Press release issued by the Argentine Government  
on 3 January 1987 at Buenos Aires, submitted as  
annex to a letter dated 6 January 1987 by the  
Permanent Representative of Argentina\*

Today, 3 January, on the day that marks the completion of 154 years of unlawful British occupation of the Malvinas Islands, the Argentine people and Government once again reaffirm Argentina's sovereign rights over the Malvinas Islands, South Georgia and the South Sandwich Islands, as well as their unswerving determination to recover the islands in question through peaceful negotiation.

This determination on the part of Argentina to employ peaceful means is strongly supported by a growing majority vote by the international community, which has reiterated its request to Argentina and the United Kingdom of Great Britain and Northern Ireland to settle, through negotiation, all their pending problems, including all aspects of the future of the Malvinas Islands.

That mandate from the international community is of particular importance owing to the specific situation that resulted from the British declaration of 29 October 1986, in which the United Kingdom attempts to arrogate to itself rights over maritime areas over which Argentina exercises sovereign rights and jurisdiction. That claim was categorically rejected by the Argentine Government.

It is therefore imperative, both in the interest of the parties to the dispute and in the interest of any third State that may be affected, to opt definitively for the peaceful negotiated solution so insistently recommended by the international community, which would be in accordance with the Argentine Government's wishes. In the Argentine Republic there is a sincere national awareness and sentiment in support of negotiation and a settlement; however, at the same time there is a firm belief that a just and definitive solution to the Malvinas problem is essential.

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\* Previously circulated as General Assembly document A/42/76 of 7 January 1987.

[Original: Spanish]

Press communiqué issued by the Ministry for Foreign Affairs and  
Worship of the Argentine Republic on 30 January 1987, submitted  
as annex I to a letter dated 3 February 1987 by the  
Permanent Representative of Argentina\*

As is common knowledge, on 29 October 1986, the Government of the United Kingdom declared a zone of 200 miles around the Malvinas Islands, within which it established a so-called interim zone for conservation and fisheries management. It thus made the fishing zone in question coincide with the so-called military "zone of protection" of 150 miles, that was declared by the United Kingdom following the 1982 war.

The Argentine Government denounced, by means of a communiqué on that same day and before international forums, those measures, which, in addition to constituting a further usurpation of Argentine territory, make the possibility of negotiation more remote, thus increasing tension in the area.

Three months after that decision, the Argentine Government wishes to reaffirm publicly its position, for the information of both national and international public opinion.

The Argentine Government is guided in its action by three principles.

First principle: negotiated settlement of disputes.

The Argentine Government has reiterated and reiterates its complete willingness to negotiate, taking a broad approach including discussion of all topics that gave rise to the dispute between the two countries and that arose as a result of the dispute. This position has been supported by the great majority of the members of the international community, as demonstrated by the resolutions of the United Nations. Similarly, we have repeatedly proposed the commencement of talks and negotiations with an open-ended agenda and without any prior conditions. In that connection, attention should be drawn, in particular, to the communiqué issued by the Argentine Government on 17 November 1986.

We remain willing to take up negotiations and once again call on the United Kingdom Government to take the path of negotiation, which, we know, will be complex and arduous but which, we emphasize, is the only desirable way of settling the dispute.

Second principle: firmness in laying claim to Argentina's inalienable rights, through the exercise of maritime jurisdiction.

Argentina's negotiating position must not be interpreted as weakness or acceptance of the status quo. In keeping with this approach, Argentina has signed, and will continue to sign, fishing agreements with third States that will take effect at the beginning of the fishing season, in a few weeks. Under the agreements in question, quotas for the fishing season, the number of vessels authorized to fish and the areas in which fishing will be permitted have been determined.

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\* Previously circulated as General Assembly and Security Council document A/42/118-S/18659 of 3 February 1987.

In that connection, it should be emphasized:

(a) That the number of vessels of the two countries with which agreements have already been signed - the Soviet Union and Bulgaria - that are authorized to fish in the entire 200-mile area off the mainland and islands amounts to one quarter of the number prior to the signing of the agreements, which means that an ecological balance and Argentine economic interests will be protected. In any event, authorized fishing will take place south of parallel 46° 30'.

(b) That 10 per cent of the crews of the vessels in question will be Argentine.

(c) That, in order to ensure effective verification of fulfilment of the requirements relating to the quotas and zones allocated, during the entire time in which each vessel is active in the zone, it will be subject to inspection by two Argentine inspectors on board.

(d) That these agreements also entail the obligation to purchase products caught and processed by Argentine enterprises. In the case of the Soviet Union, the obligation represents 30 per cent of the value of the catch of vessels flying the Soviet flag, and in the case of Bulgaria 50 per cent of the value of the catch of vessels flying the Bulgarian flag. The impact that this will have in connection with the reactivation of Argentine fishing enterprises must be emphasized.

The fishing area will be inspected in accordance with the following regulations:

(a) The Ministry of Defence has instructed the Argentine Naval Prefecture to capture any vessel fishing without authorization within the Argentine 200-mile limit, and to capture any vessel that has done so.

(b) The instructions have been given in such a way as to avoid, on the Argentine side, any incidents in the zone.

Third principle: Prudence, which calls for retaining peace as a constant guide.

The constant goal of all action taken by the Argentine Government will be to avoid any possibility of incidents. This policy has been pursued, and will continue to be pursued, without prejudice to the execution of all Argentina's jurisdictional acts.

Therefore, negotiation, firmness and prudence are and will continue to be permanent guiding principles for the Argentine Government in its action.

[Original: Spanish]

Press communiqué issued on 31 January 1987 by the Ministry for Foreign Affairs and Worship of the Argentine Republic, submitted as annex II to a letter dated 3 February 1987 by the Permanent Representative of Argentina\*

The Ministry for Foreign Affairs and Worship and the Ministry of Defence believe - since there is a possibility of erroneous interpretations - that it should be explained that the Argentine patrolling of the South Atlantic will continue to be carried out over the same area and in the same manner as in the past two decades and that, on the basis of the principle of maintaining peace and avoiding incidents, the patrolling will not cover the so-called military exclusion zone of 150 miles around the Malvinas Islands imposed by the United Kingdom after the 1982 war and rejected by the Argentine Government.

It is therefore necessary to repeat that that decision does not represent recognition of the legitimacy of the military exclusion zone in question or recognition that the waters in question could constitute a fishing-management zone, such as the one declared by the United Kingdom on 29 October 1986, as indicated in the statement in the communiqué issued by the Ministry for Foreign Affairs yesterday.

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\* Previously circulated as General Assembly and Security Council document A/42/118-S/18659 of 3 February 1987.

## 2. SINGAPORE

[Original: English]

Note dated 5 December 1986 setting out the position of the Government of the Republic of Singapore on the Vietnamese claims concerning the so-called historical waters and the drawing of baselines\*

The Permanent Mission of the Republic of Singapore to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the following documents:

(a) The so-called "Agreement on the historical waters of the Socialist Republic of Viet Nam and the People's Republic of Kampuchea", signed on 7 July 1982;

(b) 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, annex);

(c) The statement dated 5 June 1984 by the Government of the Socialist Republic of Viet Nam on its airspace, which was circulated as an official document of the General Assembly (A/39/309, annex).

The Government of the Republic of Singapore is of the view that the baselines claimed by the Government of the Socialist Republic of Viet Nam in its statement of 12 November 1982 do not conform to the well-established rules of international law on the matter, as reflected in article 4 of the Geneva Convention on the Territorial Sea and the Contiguous Zone of 29 April 1958 and article 7 of the 1982 United Nations Convention on the Law of the Sea, of which Viet Nam is a signatory.

In so far as the statement of 5 June 1984 seeks to assert Vietnamese sovereignty over the airspace of the so-called "historical waters" in the Gulf of Thailand and over other waters on the basis of the baselines claimed in the statement of 12 November 1982, the Government of the Republic of Singapore, consistent with its position on the baselines as stated above, feels compelled to reject such claim to airspace sovereignty as being contrary to international law.

The Government of the Republic of Singapore therefore protests the claims made by the Government of the Socialist Republic of Viet Nam in the statements of 12 November 1982 and 5 June 1984 and reserves its rights and those of its nationals in relation to the sea areas in question and the airspace above them.

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\* Previously circulated as General Assembly document A/41/967 of 15 December 1986.

Furthermore, in regard to the "Agreement on the historical waters of the Socialist Republic of Viet Nam and the People's Republic of Kampuchea", the Government of the Republic of Singapore wishes to state 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, which is the sole legitimate Government of Kampuchea, overwhelmingly recognized as such in the United Nations, can represent Kampuchea. Therefore, any agreement or declaration that purports to be concluded or made by the so-called Government of the People's Republic of Kampuchea is devoid of any legal effect.

### 3. UNITED KINGDOM

[Original: English]

Letter dated 21 November 1986 from the Permanent Representative of the  
United Kingdom of Great Britain and Northern Ireland to the United  
Nations addressed to the Secretary-General\*

The Permanent Representative of Argentina to the United Nations addressed separate letters to the Secretary-General on 30 October (A/41/784-S/18438) and 3 November (A/41/788-S/18441) following my Government's declaration on south-west Atlantic fisheries. I have the honour, on instructions, to submit my Government's response to the points contained in these letters.

In replying, I should like to take this opportunity to clear up any confusion there may be about the nature and extent of the action taken by my Government. The Declaration of 29 October was to the effect that the Falkland Islands are entitled under international law to fishery limits of a maximum of 200 nautical miles measured from the baseline, subject to the need for a boundary where there is less than 400 miles between the Argentine and Falklands coasts.

The Declaration stated also that within the entitlement to fishing limits measures would be taken in the Falkland Islands to ensure the conservation and management of living resources in accordance with international law. Accordingly, and as envisaged in the Declaration, on 29 October the Governor of the Falkland Islands issued a proclamation declaring the Falkland Islands interim Conservation and Management Zone (FICZ). This extends 150 nautical miles from the centre of the Falkland Islands save in the south-west where the Zone stands back from the circumference of the circle and the boundary is made by a Rhumb Line. On 12 November, the Falkland Islands Legislative Council enacted a new fisheries conservation and management ordinance which makes provision for exercising fishery jurisdiction. The effect of the proclamation and the ordinance is that fishery jurisdiction will be exercised within the FICZ, but not outside it.

The Declaration of 29 October and the measures taken in the Falkland Islands scrupulously respect the rights which Argentina may legitimately claim under international law.

As the Declaration made clear, its purpose was to create the necessary conditions for ensuring conservation of fish stocks around the Falkland Islands. This was not, as the Argentine letters appear to allege, a pretext to bolster British sovereignty: the rights are ones which the Falkland Islands are entitled to under international law and that entitlement exists whether or not the rights are formerly asserted. It is rather the Argentine Government which has sought to use the fisheries issue to advance its sovereignty claim. In doing so, it has interfered with shipping more than 200 miles from Argentina but less than 200 miles from the Falkland Islands: in some cases strafing fishing vessels, one of which sank, with loss of life. Such action increased tension and uncertainty and undermined the search for a multilateral solution, a concept that commands widespread international respect outside Argentina. My Government has repeatedly stated that multilateral arrangements should be established that are without prejudice to respective positions on

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\* Previously circulated as General Assembly and Security Council document A/41/868-S/18473 of 21 November 1986.

sovereignty. By setting sovereignty aside, my Government sought a collaborative solution to the fisheries issues. By putting sovereignty centre stage Argentina has prevented such a solution. Argentina's failure to respond to my Government's proposals on fisheries and my Government's other initiatives aimed at restoring more normal relations is evidence that the Argentine Government puts its sovereignty claim before genuine dialogue and co-operation on fisheries or any other issues.

The Argentine Government has also claimed that the United Kingdom is intending to exercise rights beyond the Falkland Islands Protection Zone (FIPZ) and that will cause serious tension and conflicts, which in turn will lead to unforeseeable consequences. Neither my Government nor the Falkland Islands Government propose for the time being to exercise jurisdiction beyond the FICZ. The FICZ does not extend beyond the FIPZ, which was established to avoid the risk of misunderstanding or incident between British and Argentine forces. It is purely a defensive measure and has so far worked well in preventing misunderstandings and dangerous incidents. Unless Argentina has an interest in raising tension there is no reason why the FIPZ should not continue to fulfil the same pacific role. My Government has taken no action, now or in the past, which in any way undermines its commitment to peace and stability in the south-west Atlantic. My Government's support for the South Atlantic Zone of Peace is further proof of commitment to these goals.

The Argentine Government questions the United Kingdom's commitment to finding a multilateral solution to the problem of fisheries in the south-west Atlantic. My Government has pressed for 18 months for agreement on effective multilateral arrangements. It has supported the FAO study from the outset. Regrettably, Argentine actions in concluding bilateral fisheries agreements with the Soviet Union and Bulgaria effectively undermined the multilateral approach.

Realizing that no early multilateral agreement was possible and conscious of its responsibilities for conservation my Government was left with no option but to act in time to establish orderly conservation and management arrangements for the forthcoming season. However, it has stressed that these are interim measures. My Government still prefers, and will continue to work for, a multilateral solution. It has suggested that Britain and Argentina should review bilaterally how to co-operate to support conservation on a regional basis. It has also suggested to the Brazilian Government exploring the prospects for such a collaborative approach. There has been no positive Argentine response to either initiative.

Finally, my Government rejects the claim of the Argentine Republic, as contained in its note of 3 October annexed to its letter to the Secretary-General of 3 November (A/41/788-S/18441), to sovereignty over the Falkland Islands, the South Georgia and the South Sandwich Islands. The United Kingdom has and exercises sovereignty over these territories in accordance with international law; it is also in accordance with the wishes of the inhabitants. It is a matter of great regret to my Government that Argentina refuses to accept the fundamental right of the people of the Falkland Islands to self-determination.

I should be grateful if this letter could be given the same distribution as those from the Permanent Representative of Argentina.

4. VIET NAM

[Original: English]

Note from the Permanent Mission of the Socialist Republic  
of Viet Nam on reaffirming its indisputable sovereignty  
over the Truong Sa Archipelago

According to the depositary notification C.N.7.1983 TREATIES-1 of 23 February 1983 and C.N.104.1984 TREATIES-3 of 22 May 1984 of the Secretary-General, the Republic of Philippines, upon its signature and ratification of the 1982 United Nations Convention on the Law of the Sea, has claimed sovereignty over the islands called by the Philippines the Kalaysan. Also in accordance with the depositary notification of the Secretary-General C.N.171.1985 TREATIES-12 of 12 June 1985, the People's Republic of China has likewise claimed that the islands, called by the Philippines as the Kalaysan, constitute part of the Nansha Islands which are Chinese territory. The so-called "Kalaysan Islands" or "Nansha Islands" mentioned above are in fact the Truong Sa Archipelago which has always been under the sovereignty of the Socialist Republic of Viet Nam. The Socialist Republic of Viet Nam has so far published two White Books confirming the legality of its sovereignty over the Hoang Sa and Truong Sa Archipelago.

The Socialist Republic of Viet Nam once again reaffirms its indisputable sovereignty over the Truong Sa Archipelago and hence its determination to defend its territorial integrity.

The Socialist Republic of Viet Nam kindly requests the United Nations Secretary-General in his capacity as the depositor of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the Parties of the said Convention.

C. Treaties

Maritime Delimitation Agreement between the Government of  
His Most Serene Highness the Prince of Monaco and the  
Government of the French Republic

[Original: French]

SOVEREIGN ORDERS

Sovereign Order No. 8.403 of 30 September 1985 rendering enforceable  
in Monaco the Maritime Delimitation Agreement (annexed hereto)  
between the Government of His Most Serene Highness the Prince  
of Monaco and the Government of the French Republic  
signed at Paris on 16 February 1984

Maritime Delimitation Agreement  
between the Government of His Most Serene Highness  
the Prince of Monaco and the Government  
of the French Republic

The Government of His Most Serene Highness the Prince of Monaco and the  
Government of the French Republic,

CONSIDERING the special ties of friendship between the Principality of  
Monaco and France,

CONSIDERING the Franco-Monegasque Declaration dated 20 April 1967  
concerning the limits of the territorial waters of the Principality of Monaco,

NOTING that, following the extension to 12 nautical miles of the limits  
of the territorial waters of France and Monaco, it is necessary to proceed to  
a new delimitation of the said waters,

HAVE AGREED as follows:

Article 1

The limits of the territorial waters of the two States shall be  
constituted:

(1) In the west, by the loxodromic curve joining points B0 and B2, whose  
co-ordinates shall be as follows:

	<u>East longitude</u>	<u>North latitude</u>
B0	7° 25' 10.5"	43° 43' 32.9"
B2	7° 29' 48"	43° 31' 46"

(2) In the east, by two lines traced in the following manner:

The first shall be the loxodromic curve joining points A0 and A1, whose co-ordinates shall be as follows:

	<u>East longitude</u>	<u>North latitude</u>
AO	7° 26' 22.14"	43° 45' 01.49"
A1	7° 27' 12.6"	43° 44' 35.5"

The second shall be the loxodromic curve joining point A1 to a point A2 whose co-ordinates shall be as follows:

	<u>East longitude</u>	<u>North latitude</u>
A2	7° 31' 42"	43° 33' 09"

(3) Monegasque territorial waters shall extend to the same outer limit as French territorial waters. The outer limit of Monegasque territorial waters shall be the loxodromic curve joining points A2 and B2.

## Article 2

The limits of the maritime areas situated beyond the territorial sea of Monaco over which the Principality of Monaco exercises or shall exercise sovereign rights in accordance with international law shall be constituted:

(1) In the west, by the loxodromic curve joining point B2 to a point B3, whose co-ordinates shall be as follows:

	<u>East longitude</u>	<u>North latitude</u>
B3	7° 43' 26"	42° 56' 47"

(2) In the east, by the axis of the loxodromic curve joining point A2 to a point A3 whose co-ordinates shall be as follows:

	<u>East longitude</u>	<u>North latitude</u>
A3	7° 45' 25"	42° 57' 59"

(3) In the south, by the loxodromic curve joining points A3 and B3.

Point A3 and B3 are equidistant from the French (Corsica) and Monegasque coasts.

## Article 3

(1) The co-ordinates of the points defining the aforementioned limits shall be computed in accordance with the compensated European geodesic system (Europe 50).

(2) The said limits are indicated on the map annexed to this Agreement.

Article 4

For the purpose of ensuring that this Agreement shall not interfere with the established fishing practices of the professional fishermen of the two countries, the Parties hereby agree, by way of neighbourly arrangement, to allow French and Monegasque coastal fishing vessels to continue their activities in the traditional fishing areas located within Monegasque territorial waters and the neighbouring French territorial waters.

These provisions shall not, however, constitute an obstacle to the establishment by each of the Parties, in its territorial waters, of one or more reserved or protected zones for marine flora and fauna. The nationals of each of the Parties shall enjoy the same rights and shall be subject to the same obligations in the said zones.

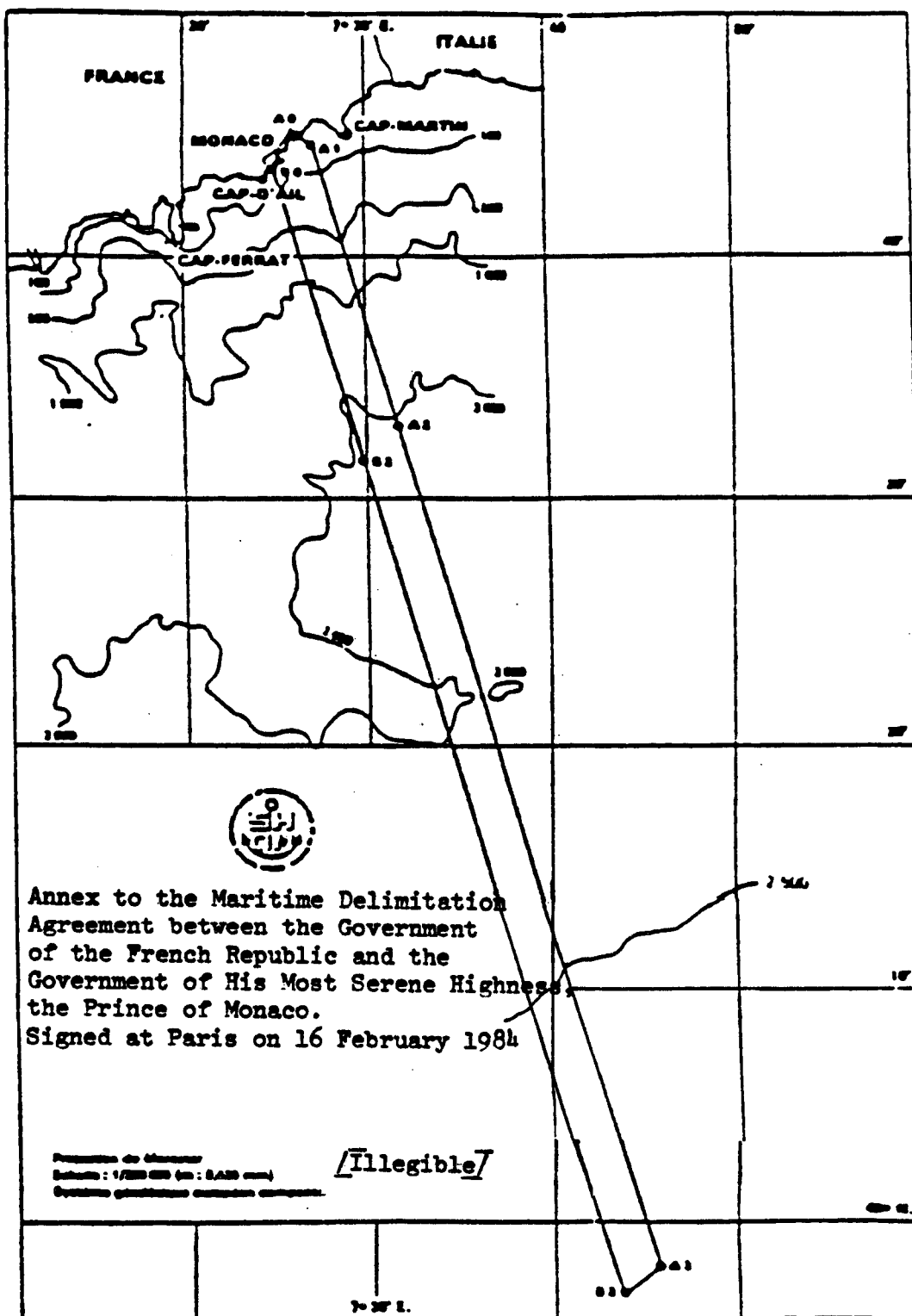
Article 5

Each of the Parties shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement. The Agreement shall enter into force on the date of the later notification.

The Franco-Monegasque Declaration of 20 April 1967 shall be repealed on that date.

In witness whereof the undersigned, duly authorized for this purpose, have signed this Agreement.

Done at Paris, in duplicate, on 16 February 1984.



## II. OTHER INFORMATION

### A. Symposium on Marine Co-operation in the Mediterranean Sea, Third Tunis Declaration, 28 November 1986\*

In line with its constant interest in problems concerning the sea and its awareness for the necessity of loyal and mutually advantageous co-operation in the Mediterranean, the Association for International Studies of Tunisia organized in Tunis, from the 26 to 28 November 1986 an international symposium on "Marine Co-operation in the Mediterranean" with the participation of experts, university people, researchers and diplomats.

In the wake of the United Nations Convention on the Law of the Sea, the Association has already organized from the 12 to 14 May 1982 a first symposium on the "Oceanic enterprise, world maritime stake and future of humanity" which led to the First Tunis Declaration.

In view of the positive outcome of this first international symposium, the Association organized from the 28 to 30 November 1984 a second symposium on "Means of Marine Co-operation" which gave rise to the Second Tunis Declaration.

The participants of the present symposium:

- Recall and reiterate the wishes and recommendations of the two Tunis Declarations;
- Are happy to benefit from the continued support of the Head of State and the Tunisian Government solemnly expressed by His Excellency the Minister of Foreign Affairs in his opening speech at the symposium and express their gratitude for this far-reaching encouragement;
- Wish to warmly thank the national, international, governmental and non-governmental organizations, especially the UNDP and the UNPE, for their moral and material support and their effective participation in the success of the present symposium.

The participants again hope that a "Mediterranean Day" will be celebrated each year by Mediterranean ports for a better understanding and co-operation between riverain States.

In view of the papers, reports and ideas exchanged during these three days and noting the present state of co-operation, the participants believe it to be necessary to develop this co-operation and strengthen its structures. Consequently, they

(1) Recommend that the Mediterranean be proclaimed a zone of peace and co-operation in the same spirit and with the same aims as those contained in the relevant resolutions of the United Nations General Assembly, especially as the year 1986 has been declared the "International Year of Peace" by the United Nations;

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\* English text provided by the Association for International Studies.

(2) Recommend to speed up the ratification process of the United Nations Convention on the Law of the Sea, in conformity with the General Assembly's recommendation in November 1986. The United Nations is requested to provide all the necessary assistance.

Those States which have not yet ratified or adhered to the Convention are requested to respect its provisions. As for the States which ratified the Convention, they are requested to speed up the harmonization process of their domestic legislations with the provisions of the Convention.

(3) Recall the principles and objectives of the 1976 Barcelona Convention and its Protocols and recommend the elaboration and adoption of new sub-regional protocols and agreements, especially for the protection of marine flora and fauna and the creation of a guarantee fund to redress damage from which the environment might suffer. Within this perspective, the participants recommend that the Association for International Studies contact the UNPE to undertake prior studies which are necessary to establish such a fund and hope that the developing countries in the region will make use of all the possibilities offered by the relevant international, regional and sub-regional organizations.

(4) Considering that the Mediterranean is a semi-closed sea with its limited resources, narrow sea space, the density of riverain populations and the intensity of maritime traffic, exhort the riverain States and all parties concerned to promote co-operation policies and appropriate legal frameworks on a national and international level; to work towards:

- The conservation of sea resources, their rational exploitation and to make fishing, one of the instruments of economic development;
- Preservation of the marine milieu;
- The development of scientific research in conformity with the United Nations Convention on the Law of the Sea and especially article 123.

(5) Recommend the ratification of international conventions on the preservation of the marine milieu in the Mediterranean, the safeguarding of human lives on the seas, working conditions on boats and conditions of maritime transport. As for those States which ratified these conventions, they are requested to speed up the harmonization process of their domestic legislation with the provisions of these conventions.

(6) Request the governments of riverain States of the Mediterranean to facilitate contacts and exchanges between scientists and to co-ordinate their activities, especially with reference to emergency plans.

Recommend the improvement of the international system of identification of scientific priorities in the Mediterranean so as to bear this in mind when undertaking scientific research with the participation of scientific institutions.

Recommend to rapidly develop education, training and further training programmes for instructors in marine sciences.

Request the Co-ordinator of the Action Plan for the Mediterranean to establish a scientific data bank so as to harmonize co-operation.

Recommend to strive for the establishment of a scientific co-operation network between riverain States for a better knowledge and a better exploitation of the marine cultural patrimony.

Recommend to undertake the necessary legal, scientific and technical measures for the development and conservation of this patrimony and to ensure its wide dissemination.

(7) Recommend that the States see to it that the best possible conditions are ensured to help joint enterprises to be successful in the management and exploitation of the sea's living resources and that the tecnologically developed States strengthen their support for the developing countries in the region.

(8) Recommend to ensure that all exploration and exploitation of sea-bed resources is undertaken only in conformity with the principles regulating the international zone defined by the Convention, in particular the principle of the common patrimony of mankind.

(9) Recommend to the Association for International Studies to take the necessary initiatives and contacts on a national and international level so as to set up a mechanism for study and thought for a greater knowledge of the Law of the Sea.

(10) Recommend to the Association, in co-operation with national and international, governmental and non-governmental organizations to follow up this symposium with a workshop in 1988 on a specific theme such as:

- Traffic and maritime security in the Mediterranean;
- Conservation and exploitation of resources in the Mediterranean.

Entrust the Steering Committee for the Association of International Studies with the transmission of this Declaration to the Secretary-General of the United Nations, the Secretary-General of the Arab League, Secretary-General of the OAU, the Secretary-General of the Islamic Conference Organization, the Director-General of the FAO, the UNDP Administrator, the Secretary-General of the UNPE, the Co-ordinator of the Action Plan for the Mediterranean, the Secretary-General of the IMO, the UNESCO Secretary-General, the Secretary-General of the Oceanographic Intergovernmental Commission to UNESCO, the Director-General of ALECSO, the EEC Commission and other international institutions and interested Governments.

Tunis, 28 November 1986

B. El Salvador and Honduras submit boundary dispute to  
the International Court of Justice

The following information is made available to the Press by the Registry of the International Court of Justice:

On 11 December 1986 the Government of the Republic of El Salvador and the Government of the Republic of Honduras notified, by means of a joint letter, a Special Agreement which was signed between them on 24 May 1986 and entered into force on 1 October 1986. This Special Agreement refers the following two matters to a Chamber to be constituted by the Court:

- The delimitation of parts of the land frontier between the two States and
- The determination of the legal situation in islands and maritime areas.

C. Entry into force of the South Pacific Nuclear-free Zone Treaty  
on 11 December 1986

Australian Prime Minister Bob Hawke signed in Canberra on 8 December an instrument of ratification of the "South Pacific Nuclear-free Zone Treaty", completing a sufficient number of ratifying countries to bring the Treaty into force on 11 December. Eight 1/ of the 13-member countries 2/ have ratified the Treaty and ten other countries have signed it.

Three protocols have also been negotiated with the Treaty. 3/ They were opened for signature on 1 December 1986 after amendments were adopted by the South Pacific Forum at its meeting held from 8 to 11 August 1986.

Protocol one establishes prohibitions on the manufacture, stationing, and testing of nuclear explosive devices within the treaty territories. It is open for signature by the three nuclear-weapon States with territories within the area of the South Pacific Nuclear-free Zone agreement -- France, the United Kingdom and the United States.

Under protocol two, member-nations may not contribute to any act in violation of the Treaty or its protocols by parties to them, and may not use or threaten to use any nuclear explosive devices against parties or against territories within the zone whose responsible States have become party to protocol one.

Under protocol three, nations may not undertake to test any nuclear explosive device anywhere in the zone. Protocols two and three are open for signature by the five nuclear-weapon States -- including France, the United States, the United Kingdom, the People's Republic of China and the Union of Soviet Socialist Republics.

On 15 December 1986, the Union of Soviet Socialist Republics signed protocols two and three and deposited a statement.

On 10 February 1987, China signed protocols two and three with reservations.

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1/ Fiji, Cook Islands, Niue, Tuvalu, Kiribati, Western Samoa, New Zealand and Australia.

2/ The five other States which have not ratified the Treaty but are members of the South Pacific Forum are Nauru, Papua New Guinea, Solomon Islands, Tonga and Vanuatu.

3/ For text of Treaty and Protocols see Bulletin No. 6 of October 1985, pp. 24-39.