

*Bulletin No. 78*

# *Law of the Sea*



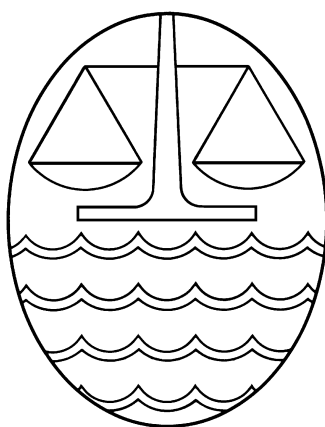
*Division for Ocean Affairs  
and the Law of the Sea  
Office of Legal Affairs*



**United Nations**

Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs

# ***Law of the Sea***



*Bulletin No. 78*



United Nations  
New York, 2012

## NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

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

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

## CONTENTS

	<u>Page</u>
I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.....	1
Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the Implementation of Part XI of the Convention and of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks .....	1
1. Table recapitulating the status of the Convention and of the related Agreements, as at 31 March 2012.....	1
2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 March 2012 .....	9
(a) The Convention.....	9
(b) Agreement relating to the Implementation of Part XI of the Convention .....	11
(c) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.....	13
II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA .....	14
A. United Nations General Assembly resolutions of interest .....	14
1. General Assembly resolution 66/231 of 24 December 2011: Oceans and the Law of the Sea ..	14
2. General Assembly resolution 66/68 of 6 December 2011: Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments .....	14
B. National Legislation.....	15
Cyprus: The Regulation of the Innocent Passage of Ships in the Territorial Waters Law, 2011 .....	15
C. Multilateral Treaties.....	21
International Convention on Arrest of Ships: Final Act of the United Nations International Maritime Organization Diplomatic Conference on Arrest of Ships, 1 December 2011 .....	21

## CONTENTS (continued)

III. COMMUNICATIONS BY STATES.....	32
1. United Arab Emirates: Note verbale dated 17 November 2011 from the Ministry of Foreign Affairs addressed to the Secretariat of the United Nations concerning Article 5 of the Delimitation Agreement of Land and Maritime Boundaries between the Kingdom of Saudi Arabia and the United Arab Emirates .....	32
2. Pakistan: Note verbale dated 6 December 2011 addressed to the Secretary-General of the United Nations in respect of India's Notifications specifying list of geographical coordinates of base points defining Baseline System of India to measure its maritime boundaries .....	33
3. Saudi Arabia and Kuwait: Joint note verbale dated 15 December 2011 addressed to the Secretary-General of the United Nations in respect of the Islamic Republic of Iran .....	34
4. France: Note verbale dated 23 December 2011 in respect of the list of geographical coordinates deposited by Comoros .....	35
5. Iran (Islamic Republic of): Note verbale dated 25 January 2012 addressed to the Secretary-General of the United Nations in reference to the joint communication by Saudi Arabia and Kuwait .....	36
6. Belize: Letter dated 26 January 2012 addressed to the Secretary-General of the United Nations from the Minister of Foreign Affairs and Foreign Trade regarding the Treaty on Maritime Delimitation between Honduras and Mexico .....	37
7. Timor-Leste: Note verbale of 6 February 2012 addressed to Secretary-General of the United Nations concerning the deposit of the list of geological coordinates of points of the Indonesian Archipelagic Baselines .....	38
IV. OTHER INFORMATION RELEVANT TO THE LAW OF THE SEA .....	39
A. Relevant Resolutions of the Security Council of the United Nations .....	39
1. Resolution 2020 (2011), adopted by the Security Council at its 6663 <sup>rd</sup> meeting, on 22 November 2011 .....	39
2. Resolution 2039 (2012), adopted by the Security Council at its 6727 <sup>th</sup> meeting, on 29 February 2012.....	47
B. List of experts for the purposes of article 2 of Annexes V, VII and VIII to the Convention .....	50
1. List of conciliators and arbitrators nominated under article 2 of annexes V and VII to the Convention (as of 26 March 2012).....	50
2. List of experts for the purposes of article 2 of Annex VIII (Special Arbitration) to the Convention .....	55

## CONTENTS (continued)

(a) List of experts in the field of navigation, including pollution from vessels and by dumping, maintained by the International Maritime Organization (as of 16 February 2012) .....	55
(b) List of experts in the field of fisheries, maintained by the Food and Agriculture Organization (as of 12 March 2012) .....	66
C. Recent Judgements, Awards, and Orders.....	71
International Tribunal for the Law of the Sea: Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal, 14 March 2012.....	71



I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the Implementation of Part XI of the Convention and of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks<sup>1</sup>

1. *Table recapitulating the status of the Convention and of the related Agreements, as at 31 March 2012*

This consolidated table, prepared by the Division for Ocean Affairs and the Law of the Sea, Office of the Legal Affairs, provides unofficial, quick reference information related to the participation in UNCLOS and the two implementing Agreements. For official information on the status of these treaties, please refer to the publication entitled “*Multilateral Treaties deposited with the Secretary-General*” (<http://untreaty.un.org/>). The symbol “□” indicates that a declaration or statement was made at the time of signature; at the time of ratification/accession or anytime thereafter or declarations confirmed upon succession. A double icon (□□) indicates that two declarations were made by the State. The abbreviation (fc) indicates a formal confirmation; (a) an accession; (s) a succession; (ds) a definitive signature; (p) the consent to be bound; (sp) a simplified procedure. Names of States in *italics* indicate non-members of the United Nations; **shaded rows** indicate landlocked States.

State or entity	UNCLOS (Entry into force: 16/11/1994)			Agreement on Part XI (Entry into force: 28/07/1996)		UN Fish Stocks Agreement (Entry into force: 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
<b>TOTALS</b>	157	162	72	79	141	59	78	33
Afghanistan	18/03/83							
Albania		23/06/03(a)			23/06/03(p)			
Algeria	10/12/82□	11/06/96	□	29/07/94	11/06/96(p)			
Andorra								
Angola	10/12/82□	05/12/90	□		07/09/10(a)			
Antigua and Barbuda	07/02/83	02/02/89						
Argentina	05/10/84□	01/12/95	□	29/07/94	01/12/95	04/12/95		
Armenia		09/12/02(a)			09/12/02(a)			
Australia	10/12/82	05/10/94	□	29/07/94	05/10/94	04/12/95	23/12/99	
Austria	10/12/82	14/07/95	□	29/07/94	14/07/95	27/06/96	19/12/03	□
Azerbaijan								
Bahamas	10/12/82	29/07/83		29/07/94	28/07/95(sp)		16/01/97(a)	
Bahrain	10/12/82	30/05/85						

<sup>1</sup> Source: Chapter XXI.6 of the publication entitled “*Multilateral Treaties Deposited with the Secretary-General*” at <http://treaties.un.org/>.



State or entity	UNCLOS (Entry into force: 16/11/1994)			Agreement on Part XI (Entry into force: 28/07/1996)		UN Fish Stocks Agreement (Entry into force: 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Bangladesh	10/12/82	27/07/01			27/07/01(a)	04/12/95		
Barbados	10/12/82	12/10/93		15/11/94	28/07/95(sp)		22/09/00(a)	
Belarus	10/12/82	30/08/06			30/08/06(a)			
Belgium	05/12/84	13/11/98		29/07/94	13/11/98(p)	03/10/96	19/12/03	
Belize	10/12/82	13/08/83			21/10/94(ds)	04/12/95	14/07/05	
Benin	30/08/83	16/10/97			16/10/97(p)			
Bhutan	10/12/82							
Bolivia (Plurinational State of)	27/11/84	28/04/95			28/04/95(p)			
Bosnia and Herzegovina		12/01/94(s)						
Botswana	05/12/84	02/05/90			31/01/05(a)			
Brazil	10/12/82	22/12/88		29/07/94	25/10/07	04/12/95	08/03/00	
Brunei Darussalam	05/12/84	05/11/96			05/11/96(p)			
Bulgaria	10/12/82	15/05/96			15/05/96(a)		13/12/06(a)	
Burkina Faso	10/12/82	25/01/05		30/11/94	25/01/05(p)	15/10/96		
Burundi	10/12/82							
Cambodia	01/07/83							
Cameroon	10/12/82	19/11/85		24/05/95	28/08/02			
Canada	10/12/82	07/11/03		29/07/94	07/11/03	04/12/95	03/08/99	
Cape Verde	10/12/82	10/08/87		29/07/94	23/04/08			
Central African Republic	04/12/84							
Chad	10/12/82	14/08/09			14/08/09(p)			
Chile	10/12/82	25/08/97			25/08/97(a)			
China	10/12/82	07/06/96		29/07/94	07/06/96(p)	06/11/96		
Colombia	10/12/82							
Comoros	06/12/84	21/06/94						
Congo	10/12/82	09/07/08			09/07/08(p)			
Cook Islands	10/12/82	15/02/95			15/02/95(a)		01/04/99(a)	
Costa Rica	10/12/82	21/09/92			20/09/01(a)		18/06/01(a)	
Côte d'Ivoire	10/12/82	26/03/84		25/11/94	28/07/95(sp)	24/01/96		
Croatia		05/04/95(s)			05/04/95(p)			
Cuba	10/12/82	15/08/84			17/10/02(a)			
Cyprus	10/12/82	12/12/88		01/11/94	27/07/95		25/09/02(a)	

State or entity	UNCLOS (Entry into force: 16/11/1994)			Agreement on Part XI (Entry into force: 28/07/1996)		UN Fish Stocks Agreement (Entry into force: 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Czech Republic	22/02/93	21/06/96		16/11/94	21/06/96		19/03/07(a)	
Democratic People's Republic of Korea	10/12/82							
Democratic Republic of the Congo	22/08/83	17/02/89						
Denmark	10/12/82	16/11/04		29/07/94	16/11/04	27/06/96	19/12/03	
Djibouti	10/12/82	08/10/91						
Dominica	28/03/83	24/10/91						
Dominican Republic	10/12/82	10/07/09			10/07/09(p)			
Ecuador								
Egypt	10/12/82	26/08/83		22/03/95		05/12/95		
El Salvador	05/12/84							
Equatorial Guinea	30/01/84	21/07/97			21/07/97(p)			
Eritrea								
Estonia		26/08/05(a)			26/08/05(a)		07/08/06(a)	
Ethiopia	10/12/82							
European Union	07/12/84	01/04/98(fc)		29/07/94	01/04/98(tc)	27/06/96	19/12/03	
Fiji	10/12/82	10/12/82		29/07/94	28/07/95	04/12/95	12/12/96	
Finland	10/12/82	21/06/96		29/07/94	21/06/96	27/06/96	19/12/03	
France	10/12/82	11/04/96		29/07/94	11/04/96	04/12/96	19/12/03	
Gabon	10/12/82	11/03/98		04/04/95	11/03/98(p)	07/10/96		
Gambia	10/12/82	22/05/84						
Georgia		21/03/96(a)			21/03/96(p)			
Germany		14/10/94(a)		29/07/94	14/10/94	28/08/96	19/12/03	
Ghana	10/12/82	7/06/83						
Greece	10/12/82	21/07/95		29/07/94	21/07/95	27/06/96	19/12/03	
Grenada	10/12/82	25/04/91		14/11/94	28/07/95(sp)			
Guatemala	08/07/83	11/02/97			11/02/97(p)			
Guinea	04/10/84	06/09/85		26/08/94	28/07/95(sp)		16/09/05(a)	
Guinea-Bissau	10/12/82	25/08/86				04/12/95		
Guyana	10/12/82	16/11/93			25/09/08(a)			
Haiti	10/12/82	31/07/96		/	31/07/96(p)			
Holy See								

State or entity	UNCLOS (Entry into force: 16/11/1994)			Agreement on Part XI (Entry into force: 28/07/1996)		UN Fish Stocks Agreement (Entry into force: 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Honduras	10/12/82	05/10/93			28/07/03(a)			
Hungary	10/12/82	05/02/02			05/02/02(a)		16/05/08(a)	
Iceland	10/12/82	21/06/85		29/07/94	28/07/95(sp)	04/12/95	14/02/97	
India	10/12/82	29/06/95		29/07/94	29/06/95		19/08/03(a)	
Indonesia	10/12/82	03/02/86		29/07/94	02/06/00	04/12/95	28/09/09	
Iran (Islamic Republic of)	10/12/82						17/04/98(a)	
Iraq	10/12/82	30/07/85						
Ireland	10/12/82	21/06/96		29/07/94	21/06/96	27/06/96	19/12/03	
Israel						04/12/95		
Italy	07/12/84	13/01/95		29/07/94	13/01/95	27/06/96	19/12/03	
Jamaica	10/12/82	21/03/83		29/07/94	28/07/95(sp)	04/12/95		
Japan	07/02/83	20/06/96		29/07/94	20/06/96	19/11/96	07/08/06	
Jordan		27/11/95(a)			27/11/95(p)			
Kazakhstan								
Kenya	10/12/82	02/03/89			29/07/94(ds)		13/07/04(a)	
Kiribati		24/02/03(a)			24/02/03(p)		15/09/05(a)	
Kuwait	10/12/82	02/05/86			02/08/02(a)			
Kyrgyzstan								
Lao People's Democratic Republic	10/12/82	05/06/98		27/10/94	05/06/98(p)			
Latvia		23/12/04(a)			23/12/04(a)		05/02/07(a)	
Lebanon	07/12/84	05/01/95			05/01/95(p)			
Lesotho	10/12/82	31/05/07			31/05/07(p)			
Liberia	10/12/82	25/09/08			25/09/08(p)		16/09/05(a)	
Libya	03/12/84							
Liechtenstein	30/11/84							
Lithuania		12/11/03(a)			12/11/03(a)		01/03/07(a)	
Luxembourg	05/12/84	05/10/00		29/07/94	05/10/00	27/06/96	19/12/03	
Madagascar	25/02/83	22/08/01			22/08/01(p)			
Malawi	07/12/84	28/09/10			28/09/10(p)			
Malaysia	10/12/82	14/10/96		02/08/94	14/10/96(p)			
Maldives	10/12/82	07/09/00		10/10/94	07/09/00(p)	08/10/96	30/12/98	

State or entity	UNCLOS (Entry into force: 16/11/1994)			Agreement on Part XI (Entry into force: 28/07/1996)		UN Fish Stocks Agreement (Entry into force: 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Mali	19/10/83	16/07/85						
Malta	10/12/82	20/05/93		29/07/94	26/06/96		11/11/01(a)	
Marshall Islands		09/08/91(a)				04/12/95	19/03/03	
Mauritania	10/12/82	17/07/96		02/08/94	17/07/96(p)	21/12/95		
Mauritius	10/12/82	04/11/94			04/11/94(p)		25/03/97(a)	
Mexico	10/12/82	18/03/83			10/04/03(a)			
Micronesia (Federated States of)		29/04/91(a)		10/08/94	06/09/95	04/12/95	23/05/97	
Monaco	10/12/82	20/03/96		30/11/94	20/03/96(p)		09/06/99(a)	
Mongolia	10/12/82	13/08/96		17/08/94	13/08/96(p)			
Montenegro		23/10/06(d)			23/10/06(d)			
Morocco	10/12/82	31/05/07		19/10/94	31/05/07	04/12/95		
Mozambique	10/12/82	13/03/97			13/03/97(a)		10/12/08(a)	
Myanmar	10/12/82	21/05/96			21/05/96(a)			
Namibia	10/12/82	18/04/83		29/07/94	28/07/95(sp)	19/04/96	08/04/98	
Nauru	10/12/82	23/01/96			23/01/96(p)		10/01/97(a)	
Nepal	10/12/82	02/11/98			02/11/98(p)			
Netherlands	10/12/82	28/06/96		29/07/94	28/06/96	28/06/96	19/12/03	
New Zealand	10/12/82	19/07/96		29/07/94	19/07/96	04/12/95	18/04/01	
Nicaragua	09/12/84	03/05/00			03/05/00(p)			
Niger	10/12/82							
Nigeria	10/12/82	14/08/86		25/10/94	28/07/95(sp)		02/11/09(a)	
Niue	05/12/84	11/10/06			11/10/06(p)	04/12/95	11/10/06	
Norway	10/12/82	24/06/96			24/06/96(a)	04/12/95	30/12/96	
Oman	01/07/83	17/08/89			26/02/97(a)		14/05/08(a)	
Pakistan	10/12/82	26/02/97		10/08/94	26/02/97(p)	15/02/96		
Palau		30/09/96(a)			30/09/96(p)		26/03/08(a)	
Panama	10/12/82	01/07/96			01/07/96(p)		16/12/08(a)	
Papua New Guinea	10/12/82	14/01/97			14/01/97(p)	04/12/95	04/06/99	
Paraguay	10/12/82	26/09/86		29/07/94	10/07/95			
Peru								
Philippines	10/12/82	08/05/84		15/11/94	23/07/97	30/08/96		
Poland	10/12/82	13/11/98		29/07/94	13/11/98(p)		14/03/06(a)	

State or entity	UNCLOS (Entry into force: 16/11/1994)			Agreement on Part XI (Entry into force: 28/07/1996)		UN Fish Stocks Agreement (Entry into force: 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Portugal	10/12/82	03/11/97		29/07/94	03/11/97	27/06/96	19/12/03	
Qatar	27/11/84	09/12/02			09/12/02(p)			
Republic of Korea	14/03/83	29/01/96		07/11/94	29/01/96	26/11/96	01/02/08	
Republic of Moldova		06/02/07(a)			06/02/07(p)			
Romania	10/12/82	17/12/96			17/12/96(a)		16/07/07(a)	
Russian Federation	10/12/82	12/03/97			12/03/97(a)	04/12/95	04/08/97	
Rwanda	10/12/82							
Saint Kitts and Nevis	07/12/84	07/01/93						
Saint Lucia	10/12/82	27/03/85				12/12/95	09/08/96	
Saint Vincent and the Grenadines	10/12/82	01/10/93					29/10/10(a)	
Samoa	28/09/84	14/08/95		07/07/95	14/08/95(p)	04/12/95	25/10/96	
San Marino								
Sao Tome and Principe	13/07/83	03/11/87						
Saudi Arabia	07/12/84	24/04/96			24/04/96(p)			
Senegal	10/12/82	25/10/84		09/08/94	25/07/95	04/12/95	30/01/97	
Serbia	<sup>2</sup>	12/03/01(s)		12/05/95	28/07/95(sp) <sup>2</sup>			
Seychelles	10/12/82	16/09/91		29/07/94	15/12/94	04/12/96	20/03/98	
Sierra Leone	10/12/82	12/12/94			12/12/94(p)			
Singapore	10/12/82	17/11/94			17/11/94(p)			
Slovakia	28/05/93	08/05/96		14/11/94	08/05/96		06/11/08(a)	
Slovenia		16/06/95(s)		19/01/95	16/06/95		15/06/06(a)	
Solomon Islands	10/12/82	23/06/97			23/06/97(p)		13/02/97(a)	
Somalia	10/12/82	24/07/89						
South Africa	05/12/84	23/12/97		03/10/94	23/12/97		14/08/03(a)	
Spain	04/12/84	15/01/97		29/07/94	15/01/97	03/12/96	19/12/03	
Sri Lanka	10/12/82	19/07/94		29/07/94	28/07/95(sp)	09/10/96	24/10/96	
Sudan	10/12/82	23/01/85		29/07/94				

<sup>2</sup> For further details, see Chapter XXI.6 of the publication entitled “Multilateral Treaties deposited with the Secretary-General”

State or entity	UNCLOS (Entry into force: 16/11/1994)			Agreement on Part XI (Entry into force: 28/07/1996)		UN Fish Stocks Agreement (Entry into force: 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
South Sudan								
Suriname	10/12/82	09/07/98			09/07/98(p)			
Swaziland	18/01/84			12/10/94				
Sweden	10/12/82 <sup>1</sup>	25/06/96		29/07/94	25/06/96	27/06/96	19/12/03	
Switzerland	17/10/84	01/05/09		26/10/94	01/05/09			
Syrian Arab Republic								
Tajikistan								
Thailand	10/12/82	15/05/11			15/05/11(a)			
The former Yugoslav Republic of Macedonia		19/08/94 (s)			19/08/94(p)			
Timor-Leste								
Togo	10/12/82	16/04/85		03/08/94	28/07/95(sp)			
Tonga		02/08/95(a)			2/08/95(p)	04/12/95	31/07/96	
Trinidad and Tobago	10/12/82	25/04/86		10/10/94	28/07/95(sp)		13/09/06(a)	
Tunisia	10/12/82	24/04/85		15/05/95	24/05/02			
Turkey								
Turkmenistan								
Tuvalu	10/12/82	09/12/02			09/12/02(p)		02/02/09(a)	
Uganda	10/12/82	09/11/90		09/08/94	28/07/95(sp)	10/10/96		
Ukraine	10/12/82 <sup>1</sup>	26/07/99		28/02/95	26/07/99	04/12/95	27/02/03	
United Arab Emirates	10/12/82							
United Kingdom of Great Britain and Northern Ireland		25/07/97(a)		29/07/94	25/07/97	04/12/95	10/12/01 19/12/03 <sup>2</sup>	
United Republic of Tanzania	10/12/82	30/09/85		07/10/94	25/06/98			
United States of America				29/07/94		04/12/95	21/08/96	
Uruguay	10/12/82 <sup>1</sup>	10/12/92		29/07/94	07/08/07	16/01/96 <sup>1</sup>	10/09/99	
Uzbekistan								

<sup>2</sup> For further details, see Chapter XXI.7 of the publication entitled “Multilateral Treaties deposited with the Secretary-General”

State or entity	UNCLOS (Entry into force: 16/11/1994)			Agreement on Part XI (Entry into force: 28/07/1996)		UN Fish Stocks Agreement (Entry into force: 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Vanuatu	10/12/82	10/08/99		29/07/94	10/08/99(p)	23/07/96		
Venezuela (Bolivian Republic of)								
Viet Nam	10/12/82	25/07/94			27/04/06(a)			
Yemen	10/12/82	21/07/87						
Zambia	10/12/82	07/03/83		13/10/94	28/07/95(sp)			
Zimbabwe	10/12/82	24/02/93		28/10/94	28/07/95(sp)			
<b>TOTALS</b>	157 (□34)	162	72	79	141	59(5)	78	33

2. *Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 March 2012*

(a) The Convention

- |   |   |
|---|---|
| 1. Fiji (10 December 1982)                | 46. Micronesia (Federated States of)          |
| 2. Zambia (7 March 1983)                  | (29 April 1991)                               |
| 3. Mexico (18 March 1983)                 | 47. Marshall Islands (9 August 1991)          |
| 4. Jamaica (21 March 1983)                | 48. Seychelles (16 September 1991)            |
| 5. Namibia (18 April 1983)                | 49. Djibouti (8 October 1991)                 |
| 6. Ghana (7 June 1983)                    | 50. Dominica (24 October 1991)                |
| 7. Bahamas (29 July 1983)                 | 51. Costa Rica (21 September 1992)            |
| 8. Belize (13 August 1983)                | 52. Uruguay (10 December 1992)                |
| 9. Egypt (26 August 1983)                 | 53. Saint Kitts and Nevis (7 January 1993)    |
| 10. Côte d'Ivoire (26 March 1984)         | 54. Zimbabwe (24 February 1993)               |
| 11. Philippines (8 May 1984)              | 55. Malta (20 May 1993)                       |
| 12. Gambia (22 May 1984)                  | 56. Saint Vincent and the Grenadines          |
| 13. Cuba (15 August 1984)                 | (1 October 1993)                              |
| 14. Senegal (25 October 1984)             | 57. Honduras (5 October 1993)                 |
| 15. Sudan (23 January 1985)               | 58. Barbados (12 October 1993)                |
| 16. Saint Lucia (27 March 1985)           | 59. Guyana (16 November 1993)                 |
| 17. Togo (16 April 1985)                  | 60. Bosnia and Herzegovina                    |
| 18. Tunisia (24 April 1985)               | (12 January 1994)                             |
| 19. Bahrain (30 May 1985)                 | 61. Comoros (21 June 1994)                    |
| 20. Iceland (21 June 1985)                | 62. Sri Lanka (19 July 1994)                  |
| 21. Mali (16 July 1985)                   | 63. Viet Nam (25 July 1994)                   |
| 22. Iraq (30 July 1985)                   | 64. The former Yugoslav Republic of Macedonia |
| 23. Guinea (6 September 1985)             | (19 August 1994)                              |
| 24. United Republic of Tanzania           | 65. Australia (5 October 1994)                |
| (30 September 1985)                       | 66. Germany (14 October 1994)                 |
| 25. Cameroon (19 November 1985)           | 67. Mauritius (4 November 1994)               |
| 26. Indonesia (3 February 1986)           | 68. Singapore (17 November 1994)              |
| 27. Trinidad and Tobago (25 April 1986)   | 69. Sierra Leone (12 December 1994)           |
| 28. Kuwait (2 May 1986)                   | 70. Lebanon (5 January 1995)                  |
| 29. Nigeria (14 August 1986)              | 71. Italy (13 January 1995)                   |
| 30. Guinea-Bissau (25 August 1986)        | 72. Cook Islands (15 February 1995)           |
| 31. Paraguay (26 September 1986)          | 73. Croatia (5 April 1995)                    |
| 32. Yemen (21 July 1987)                  | 74. Bolivia (Plurinational State of)          |
| 33. Cape Verde (10 August 1987)           | (28 April 1995)                               |
| 34. São Tomé and Príncipe                 | 75. Slovenia (16 June 1995)                   |
| (3 November 1987)                         | 76. India (29 June 1995)                      |
| 35. Cyprus (12 December 1988)             | 77. Austria (14 July 1995)                    |
| 36. Brazil (22 December 1988)             | 78. Greece (21 July 1995)                     |
| 37. Antigua and Barbuda (2 February 1989) | 79. Tonga (2 August 1995)                     |
| 38. Democratic Republic of the Congo      | 80. Samoa (14 August 1995)                    |
| (17 February 1989)                        | 81. Jordan (27 November 1995)                 |
| 39. Kenya (2 March 1989)                  | 82. Argentina (1 December 1995)               |
| 40. Somalia (24 July 1989)                | 83. Nauru (23 January 1996)                   |
| 41. Oman (17 August 1989)                 | 84. Republic of Korea (29 January 1996)       |
| 42. Botswana (2 May 1990)                 | 85. Monaco (20 March 1996)                    |
| 43. Uganda (9 November 1990)              | 86. Georgia (21 March 1996)                   |
| 44. Angola (5 December 1990)              | 87. France (11 April 1996)                    |
| 45. Grenada (25 April 1991)               | 88. Saudi Arabia (24 April 1996)              |
|   | 89. Slovakia (8 May 1996)                     |



90. Bulgaria (15 May 1996)
91. Myanmar (21 May 1996)
92. China (7 June 1996)
93. Algeria (11 June 1996)
94. Japan (20 June 1996)
95. Czech Republic (21 June 1996)
96. Finland (21 June 1996)
97. Ireland (21 June 1996)
98. Norway (24 June 1996)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatemala (11 February 1997)
113. Pakistan (26 February 1997)
114. Russian Federation (12 March 1997)
115. Mozambique (13 March 1997)
116. Solomon Islands (23 June 1997)
117. Equatorial Guinea (21 July 1997)
118. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
119. Chile (25 August 1997)
120. Benin (16 October 1997)
121. Portugal (3 November 1997)
122. South Africa (23 December 1997)
123. Gabon (11 March 1998)
124. European Union (1 April 1998)
125. Lao People's Democratic Republic (5 June 1998)
126. Suriname (9 July 1998)
127. Nepal (2 November 1998)
128. Belgium (13 November 1998)
129. Poland (13 November 1998)
130. Ukraine (26 July 1999)
131. Vanuatu (10 August 1999)
132. Nicaragua (3 May 2000)
133. Maldives (7 September 2000)
134. Luxembourg (5 October 2000)
135. Serbia (12 March 2001)
136. Bangladesh (27 July 2001)
137. Madagascar (22 August 2001)
138. Hungary (5 February 2002)
139. Armenia (9 December 2002)
140. Qatar (9 December 2002)
141. Tuvalu (9 December 2002)
142. Kiribati (24 February 2003)
143. Albania (23 June 2003)
144. Canada (7 November 2003)
145. Lithuania (12 November 2003)
146. Denmark (16 November 2004)
147. Latvia (23 December 2004)
148. Burkina Faso (25 January 2005)
149. Estonia (26 August 2005)
150. Belarus (30 August 2006)
151. Niue (11 October 2006)
152. Montenegro (23 October 2006)
153. Republic of Moldova (6 February 2007)
154. Lesotho (31 May 2007)
155. Morocco (31 May 2007)
156. Congo (9 July 2008)
157. Liberia (25 September 2008)
158. Switzerland (1 May 2009)
159. Dominican Republic (10 July 2009)
160. Chad (14 August 2009)
161. Malawi (28 September 2010)
162. Thailand (15 May 2011)

## (b) Agreement relating to the Implementation of Part XI of the Convention

1. Kenya (29 July 1994)
2. The former Yugoslav Republic of Macedonia (19 August 1994)
3. Australia (5 October 1994)
4. Germany (14 October 1994)
5. Belize (21 October 1994)
6. Mauritius (4 November 1994)
7. Singapore (17 November 1994)
8. Sierra Leone (12 December 1994)
9. Seychelles (15 December 1994)
10. Lebanon (5 January 1995)
11. Italy (13 January 1995)
12. Cook Islands (15 February 1995)
13. Croatia (5 April 1995)
14. Bolivia (Plurinational State of) (28 April 1995)
15. Slovenia (16 June 1995)
16. India (29 June 1995)
17. Paraguay (10 July 1995)
18. Austria (14 July 1995)
19. Greece (21 July 1995)
20. Senegal (25 July 1995)
21. Cyprus (27 July 1995)
22. Bahamas (28 July 1995)
23. Barbados (28 July 1995)
24. Côte d'Ivoire (28 July 1995)
25. Fiji (28 July 1995)
26. Grenada (28 July 1995)
27. Guinea (28 July 1995)
28. Iceland (28 July 1995)
29. Jamaica (28 July 1995)
30. Namibia (28 July 1995)
31. Nigeria (28 July 1995)
32. Sri Lanka (28 July 1995)
33. Togo (28 July 1995)
34. Trinidad and Tobago (28 July 1995)
35. Uganda (28 July 1995)
36. Serbia (28 July 1995)
37. Zambia (28 July 1995)
38. Zimbabwe (28 July 1995)
39. Tonga (2 August 1995)
40. Samoa (14 August 1995)
41. Micronesia (Federated States of) (6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)
47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)
53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (30 September 1996)
69. Malaysia (14 October 1996)
70. Brunei Darussalam (5 November 1996)
71. Romania (17 December 1996)
72. Papua New Guinea (14 January 1997)
73. Spain (15 January 1997)
74. Guatemala (11 February 1997)
75. Oman (26 February 1997)
76. Pakistan (26 February 1997)
77. Russian Federation (12 March 1997)
78. Mozambique (13 March 1997)
79. Solomon Islands (23 June 1997)
80. Equatorial Guinea (21 July 1997)
81. Philippines (23 July 1997)
82. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
83. Chile (25 August 1997)
84. Benin (16 October 1997)
85. Portugal (3 November 1997)
86. South Africa (23 December 1997)
87. Gabon (11 March 1998)
88. European Union (1 April 1998)
89. Lao People's Democratic Republic (5 June 1998)
90. United Republic of Tanzania (25 June 1998)
91. Suriname (9 July 1998)
92. Nepal (2 November 1998)
93. Belgium (13 November 1998)
94. Poland (13 November 1998)
95. Ukraine (26 July 1999)
96. Vanuatu (10 August 1999)
97. Nicaragua (3 May 2000)
98. Indonesia (2 June 2000)
99. Maldives (7 September 2000)
100. Luxembourg (5 October 2000)
101. Bangladesh (27 July 2001)
102. Madagascar (22 August 2001)
103. Costa Rica (20 September 2001)
104. Hungary (5 February 2002)
105. Tunisia (24 May 2002)

106. Cameroon (28 August 2002)
107. Kuwait (2 August 2002)
108. Cuba (17 October 2002)
109. Armenia (9 December 2002)
110. Qatar (9 December 2002)
111. Tuvalu (9 December 2002)
112. Kiribati (24 February 2003)
113. Mexico (10 April 2003)
114. Albania (23 June 2003)
115. Honduras (28 July 2003)
116. Canada (7 November 2003)
117. Lithuania (12 November 2003)
118. Denmark (16 November 2004)
119. Latvia (23 December 2004)
120. Botswana (31 January 2005)
121. Burkina Faso (25 January 2005)
122. Estonia (26 August 2005)
123. Viet Nam (27 April 2006)
124. Belarus (30 August 2006)
125. Niue (11 October 2006)
126. Montenegro (23 October 2006)
127. Republic of Moldova (6 February 2007)
128. Lesotho (31 May 2007)
129. Morocco (31 May 2007)
130. Uruguay (7 August 2007)
131. Brazil (25 October 2007)
132. Cape Verde (23 April 2008)
133. Congo (9 July 2008)
134. Liberia (25 September 2008)
135. Guyana (25 September 2008)
136. Switzerland (1 May 2009)
137. Dominican Republic (10 July 2009)
138. Chad (14 August 2009)
139. Angola (7 September 2010)
140. Malawi (28 September 2010)
141. Thailand (15 May 2011)

(c) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)
3. United States of America (21 August 1996)
4. Sri Lanka (24 October 1996)
5. Samoa (25 October 1996)
6. Fiji (12 December 1996)
7. Norway (30 December 1996)
8. Nauru (10 January 1997)
9. Bahamas (16 January 1997)
10. Senegal (30 January 1997)
11. Solomon Islands (13 February 1997)
12. Iceland (14 February 1997)
13. Mauritius (25 March 1997)
14. Micronesia (Federated States of)  
(23 May 1997)
15. Russian Federation (4 August 1997)
16. Seychelles (20 March 1998)
17. Namibia (8 April 1998)
18. Iran (Islamic Republic of) (17 April 1998)
19. Maldives (30 December 1998)
20. Cook Islands (1 April 1999)
21. Papua New Guinea (4 June 1999)
22. Monaco (9 June 1999)
23. Canada (3 August 1999)
24. Uruguay (10 September 1999)
25. Australia (23 December 1999)
26. Brazil (8 March 2000)
27. Barbados (22 September 2000)
28. New Zealand (18 April 2001)
29. Costa Rica (18 June 2001)
30. Malta (11 November 2001)
31. United Kingdom of Great Britain and  
Northern Ireland (10 December 2001),  
(19 December 2003)
32. Cyprus (25 September 2002)
33. Ukraine (27 February 2003)
34. Marshall Islands (19 March 2003)
35. South Africa (14 August 2003)
36. India (19 August 2003)
37. European Union (19 December 2003)
38. Austria (19 December 2003)
39. Belgium (19 December 2003)
40. Denmark (19 December 2003)
41. Finland (19 December 2003)
42. France (19 December 2003)
43. Germany (19 December 2003)
44. Greece (19 December 2003)
45. Ireland (19 December 2003)
46. Italy (19 December 2003)
47. Luxembourg (19 December 2003)
48. Netherlands (19 December 2003)
49. Portugal (19 December 2003)
50. Spain (19 December 2003)
51. Sweden (19 December 2003)
52. Kenya (13 July 2004)
53. Belize (14 July 2005)
54. Kiribati (15 September 2005)
55. Guinea (16 September 2005)
56. Liberia (16 September 2005)
57. Poland (14 March 2006)
58. Slovenia (15 June 2006)
59. Estonia (7 August 2006)
60. Japan (7 August 2006)
61. Trinidad and Tobago (13 September 2006)
62. Niue (11 October 2006)
63. Bulgaria (13 December 2006)
64. Latvia (5 February 2007)
65. Lithuania (1 March 2007)
66. Czech Republic (19 March 2007)
67. Romania (16 July 2007)
68. Republic of Korea (1 February 2008)
69. Palau (26 March 2008)
70. Oman (14 May 2008)
71. Hungary (16 May 2008)
72. Slovakia (6 November 2008)
73. Mozambique (10 December 2008)
74. Panama (16 December 2008)
75. Tuvalu (2 February 2009)
76. Indonesia (28 September 2009)
77. Nigeria (2 November 2009)
78. Saint Vincent and the Grenadines  
(29 October 2010)

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

A. United Nations General Assembly resolutions of interest

1. *General Assembly resolution 66/231 of 24 December 2011  
Oceans and the Law of the Sea*

[...]

Note: The text of this resolution is available through the Official Document System of the United Nations (<http://documnets.un.org>) as well as on the web site entitled “Oceans and Law of the Sea” prepared and maintained by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations ([www.un.org/Depts/los](http://www.un.org/Depts/los)).

2. *General Assembly resolution 66/68 of 6 December 2011  
Sustainable fisheries, including through the 1995 Agreement for the  
Implementation of the Provisions of the United Nations Convention on the  
Law of the Sea of 10 December 1982 relating to the Conservation and Management  
of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments*

[...]

Note: The text of this resolution is available through the Official Document System of the United Nations (<http://documnets.un.org>) as well as on the web site entitled “Oceans and Law of the Sea” prepared and maintained by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations ([www.un.org/Depts/los](http://www.un.org/Depts/los)).

B. National LegislationCyprusThe Regulation of the Innocent Passage of Ships  
in the Territorial Waters Law, 2011<sup>1</sup>**Number 28(I) of 2011****A LAW TO PROVIDE FOR THE REGULATION OF THE INNOCENT PASSAGE  
OF SHIPS IN THE TERRITORIAL WATERS OF THE REPUBLIC**

- Preamble. For the purposes of implementation of the Territorial Sea Law and the relevant provisions of the United Nations Convention on the Law of the Sea ( Ratification )  
45 of 1964. Law,  
203 of 1988. The House of Representatives enacts as follows :
- Short title. **1.** This Law may be cited as the Regulation of the Innocent Passage of Ships in the Territorial Waters Law, 2011.
- Interpretation. **2.** (1) In this Law, unless the context otherwise requires—  
“Convention” means the United Nations Convention on the Law of the Sea, as ratified by the United Nations Convention on the Law of the Sea (Ratification) Law;  
“Republic” means the Republic of Cyprus; and  
“ territorial waters” or “ territorial sea ” means such part of the sea adjacent to the coast of the Republic, as is considered part of its territory and is subject to the sovereignty of the Republic and extending to a breadth up to a limit of twelve nautical miles from the baselines.  
(2) Any other terms contained in this Law and not otherwise defined in subsection (1) of this section, shall have the meaning assigned to them by the Convention.

<sup>1</sup> English translation of Law No. 28(I) of 2011 enacted in Greek.

Transmitted through note verbale dated 30 March 2012 from the Permanent Mission of the Republic of Cyprus to the United Nations requesting the Secretary-General to assist in giving due publicity in accordance with article 21, paragraph 3 of the United Nations Convention of the Law of the Sea. Text as contained in “*Publication of the Office of the Law Commissioner*”, (ISBN 978-9963-664-40-5). The original authentic text of the Law is published in the Official Gazette of the Republic of Cyprus.

**PART I**  
**RULES APPLICABLE TO ALL SHIPS**

Meaning of passage.

- 3. (1)** Passage means navigation through the territorial waters for the purpose of:
- (a) traversing that waters without entering internal waters or calling at a roadstead or port facility outside internal waters; or
  - (b) proceeding to or from internal waters or a call at such roadstead or port facility.

- (2) Passage shall be continuous and expeditious:

Provided that, passage includes stopping and anchoring, but only in so far as the same 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 aircraft in danger or distress:

Provided further that if, upon the application of the method of straight baselines, sea areas have been rendered internal waters, which prior to such drawing were not considered as internal waters, then the right of innocent passage is also recognised for these areas.

Meaning of innocent passage.

- 4. (1)** Passage is innocent so long as it is not prejudicial to the peace, good order or security of the Republic. Such passage shall take place in conformity with the Convention and with other rules of international law.

- (2) Passage of a foreign ship shall not be considered innocent, if it engages in any of the following activities:

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the Republic or in any other manner in 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 the Republic;
- (d) any act of propaganda aimed at affecting the defence or security of the Republic;
- (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 the Republic;
- (h) any act of wilful and serious pollution contrary to the Convention;
- (i) any fishing activities;
- (j) the carrying out of research or survey activities;
- (k) any act aimed at interfering with any systems of communication or any other facilities or installations of the Republic; and
- (l) any other activity not having a direct bearing on passage.

- Submarines and other underwater vehicles.
5. In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.
- Regulations.
6. (1) The Council of Ministers may make regulations, in conformity with the provisions of the Convention and other rules of international law, relating to innocent passage through the territorial waters of the Republic, in respect of all or any of the following activities:
- (a) the safety of navigation and the regulation of maritime traffic;
  - (b) the protection of navigational aids and facilities and other facilities or installations;
  - (c) the protection of cables and pipelines;
  - (d) the conservation of the living resources of the sea;
  - (e) the prevention of infringement of the fisheries laws and regulations of the Republic ;
  - (f) the preservation of the environment of the Republic and the prevention, reduction and control of pollution thereof;
  - (g) marine scientific research and hydrographic surveys;
  - (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the Republic .
- (2) Regulations made under subsection (1) of this section, shall not apply to the design, construction, manning or equipment of foreign ships, unless they are giving effect to generally accepted international rules and standards.
- (3) Foreign ships exercising the right of innocent passage through the territorial waters shall comply with this Law and the Regulations made thereunder and all generally accepted international regulations relating to the prevention of collisions at sea.
- Sea lanes and traffic separation schemes in the territorial waters.
7. (1) The Republic may, where necessary, having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial waters to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships.
- (2) In particular, tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to confine their passage to such sea lanes.
- (3) In the designation of sea lanes and the prescription of traffic separation schemes under this section, the Republic shall take into account -
- (a) the recommendations of the competent International Organizations;
  - (b) any channels customarily used for international navigation;
  - (c) the special characteristics of particular ships and channels; and
  - (d) the density of traffic.
- (4) The Republic shall clearly indicate such sea lanes and traffic separation schemes on charts to which due publicity shall be given:



131(I) of 2004 98(I) of 2010.	<p>Provided that the Republic shall exercise the competencies referred to in subsections (1) to (4) of this section, subject to the provisions of the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Law.</p>
Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances.	<p><b>8.</b> Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial waters, carry documents and observe special precautionary measures established for such ships by international agreements.</p>
Duties of the Republic.	<p><b>9.</b> (1) The authorities of the Republic shall not hamper the innocent passage of foreign ships through the territorial waters except in accordance with the provisions of this Law and the Convention. In particular, in the application of the Convention or of any laws or regulations adopted in conformity with the Convention, the Republic shall not:</p> <ul style="list-style-type: none"> <li>(a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage;</li> <li>(b) discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.</li> </ul> <p>(2) The authorities of the Republic shall give appropriate publicity to any danger to navigation, of which it has knowledge, within its territorial waters:</p> <p>Provided that the Republic shall exercise the competencies referred to in subsections (1) to (2) of this section, subject to the provisions of the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Law.</p>
Rights of protection of the Republic.	<p><b>10.</b> (1) The Republic may take the necessary steps in its territorial waters to prevent passage which is not innocent.</p> <p>(2) In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the Republic also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.</p> <p>(3) The Republic may suspend temporarily in specified areas of its territorial waters the innocent passage of foreign ships, if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published.</p>
Charges which may be levied upon foreign ships.	<p><b>11.</b> (1) Subject to the provisions of subsection (2) of this section, no charge may be levied by the Republic upon foreign ships by reason only of their passage through its territorial waters.</p> <p>(2) Charges may be levied by the Republic upon a foreign ship passing through its territorial waters as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.</p>

## PART II

### RULES APPLICABLE TO MERCHANT SHIPS AND GOVERNMENT SHIPS OPERATED FOR COMMERCIAL PURPOSES

Criminal jurisdiction on board a Foreign ship.

**12. (1)** The criminal jurisdiction of the Republic should not be exercised on board a foreign ship passing through the territorial waters to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:

- (a) if the consequences of the crime extend to the Republic;
- (b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial waters;
- (c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or
- (d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

(2) The provisions of subsection (1) of this section do not affect the right of the Republic to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial waters after leaving internal waters.

(3) In the cases provided for in subsections (1) and (2) of this section, the Republic shall, if the master so requests, notify a diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew:

Provided that, in cases of emergency this notification may be communicated while the measures are being taken.

(4) In considering whether or in what manner an arrest should be made, the authorities of the Republic shall have due regard to the interests of navigation.

(5) Except as provided in Part XII of the Convention or with respect to violations of laws and regulations adopted in accordance with Part V of the Convention, the Republic may not take any steps on board a foreign ship passing through the territorial waters to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial waters, if the ship, proceeding from a foreign port, is only passing through the territorial waters without entering internal waters.

Civil jurisdiction in relation to foreign ships.

**13. (1)** The Republic should not stop or divert a foreign ship passing through the territorial waters for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

(2) The Republic may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the territorial waters of the Republic.

(3) Subsection (2) of this section is without prejudice to the right of the Republic, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial waters, or passing through the territorial waters after leaving internal waters.

### PART III

#### **RULES APPLICABLE TO WARSHIPS AND OTHER GOVERNMENT SHIPS OPERATED FOR NON - COMMERCIAL PURPOSES**

- |  |   |
|--|---|
| Warships.  | <p><b>14.</b> For the purposes of this Law:</p> <p>"warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.</p> |
| Non-compliance by warships with the laws and regulations of the Republic.  | <p><b>15.</b> If any warship does not comply with the laws and regulations of the Republic concerning passage through the territorial waters and disregards any request for compliance therewith which is made to it, the Republic may require it to leave the territorial waters immediately.</p>  |
| Responsibility of the flag State for damage caused by a warship or other government ship operated for non-commercial purposes. | <p><b>16.</b> The flag State shall bear international responsibility for any loss or damage to the Republic resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the Republic concerning passage through the territorial waters or with the provisions of the Convention.</p>  |
| Immunities of warships and other government ships operated for non-commercial purposes.  | <p><b>17.</b> With such exceptions as are contained in PART I and in sections 15 and 16, nothing in the Convention affects the immunities of warships and other government ships operated for non-commercial purposes.</p>  |

C. Multilateral Treaties

International Convention on Arrest of Ships: Final Act of the  
United Nations International Maritime Organization Diplomatic  
Conference on Arrest of Ships, 1 December 2011

FINAL ACT OF THE UNITED NATIONS/INTERNATIONAL MARITIME  
ORGANIZATION DIPLOMATIC CONFERENCE ON ARREST OF SHIPS

1. The General Assembly of the United Nations, by resolution 52/182 of 18 December 1997, endorsed the convening of a Diplomatic Conference in order to consider and adopt a convention on arrest of ships.
  2. The United Nations/International Maritime Organization Diplomatic Conference on Arrest of Ships was convened at Geneva from 1 to 12 March 1999.
  3. Representatives from the following States participated in the Conference: Algeria, Angola, Argentina, Australia, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Kenya, Latvia, Lebanon, Liberia, Lithuania, Madagascar, Malta, Marshall Islands, Mauritania, Mexico, Monaco, Morocco, Mozambique, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, and Yemen.
  4. Hong Kong Special Administrative Region of China and Macao, associate members of the International Maritime Organization, were represented by observers.
  5. The following intergovernmental organizations were represented by an observer: Arab Labour Organization, Organization of African Unity, Organization of American States, Organization of the Islamic Conference, Intergovernmental Organization for International Carriage by Rail.
  6. The following non-governmental organizations were represented by an observer: general category: International Chamber of Commerce, International Confederation of Free Trade Unions, World Federation of United Nations Associations; special category: International Ship Suppliers Association, International Association of Ports and Harbours, Latin American Association of Navigational Law and Law of the Sea, International Chamber of Shipping, Comité Maritime International, Institute of International Container Lessors, Ibero-American Institute of Maritime Law, International Group of P&I Clubs, International Union for Conservation of Nature and Natural Resources.
  7. The Conference elected the following officers:
- |                  |  |
|------------------|--|
| President:       | Mr. Zhu Zengjie (China)                        |
| Vice-Presidents: | Mrs. Ida Barinova (Russian Federation)         |
|                  | Mr. Marc Gauthier (Canada)                     |
|                  | Mr. Mykola Maimeskul (Ukraine)                 |
|                  | Mr. Mahmoud Bahey Eldin Ibrahim Nasrah (Egypt) |
|                  | Mr. Eladio Peñaloza (Panama)                   |
|                  | Mr. Luigi Rovelli (Italy)                      |
|                  | Mr. Lalchand K. Sheri (Singapore)              |

Rapporteur-General: Mr. Walter de Sa'Leitao (Brazil)

8. The Conference established a Main Committee, a Drafting Committee and a Credentials Committee.

Main Committee

Chairman: Mr. K.J. Gombrii (Norway)

Members: open-ended

Drafting Committee

Chairman: Mr. Malcolm J. Williams, Jr. (United States of America)

Core members: Algeria, Argentina, Belgium, China, Côte d'Ivoire, Croatia, Denmark, Egypt, France, Gambia, Germany, Ghana, Lithuania, Mexico, Russian Federation, Spain, Sri Lanka, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Credentials Committee

Chairman: Ms. Sama Payman (Australia)

Members: Australia, Benin, Brazil, China, Haiti, Mozambique, Philippines, Russian Federation, United States of America.

9. The secretariat of the Conference included the following officers: Secretary-General of UNCTAD, Mr. Rubens Ricupero; Executive Secretary, Mr. Jean Gurunlian, Director, Division for Services Infrastructure for Development and Trade Efficiency, UNCTAD; Deputy Executive Secretary, Mrs. Rosalie Balkin, Director, Legal Affairs and External Relations Division, IMO; Mrs. Monica N. Mbanefo, Senior Deputy Director, IMO; Mr. Agustín Blanco-Bazán, Senior Legal Officer, IMO; Ms. Mahin Faghfour, Head, Legal Unit, SITE, UNCTAD; Mr. Carlos Moreno, Legal Officer, SITE, UNCTAD; Mr. Erik Chrispeels, Senior Legal Officer, UNCTAD; Mr. Awni Behnam, Secretary of the Conference, UNCTAD; Mr. Karma Tenzing, Deputy Secretary of the Conference, UNCTAD.

10. The Conference had before it, as a basis for its work, the draft articles for a convention on arrest of ships<sup>1</sup>, prepared by the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects, and the compilation of comments and proposals by Governments, and by intergovernmental and non-governmental organizations, on the draft convention on arrest of ships<sup>2</sup>. The Conference adopted its rules of procedure<sup>3</sup> and its agenda.<sup>4</sup>

11. On the basis of its deliberations as recorded in its report,<sup>5</sup> the Conference established the text of the INTERNATIONAL CONVENTION ON ARREST OF SHIPS, 1999.

12. The text of the Convention was adopted by the Conference on 12 March 1999. The Convention will be open for signature at United Nations Headquarters, New York, from 1 September 1999 to and including 31 August 2000.

<sup>1</sup> TD/B/IGE.1/5.

<sup>2</sup> A/CONF.188/3 and Add.1-3.

<sup>3</sup> A/CONF.188/2.

<sup>4</sup> A/CONF.188/1.

<sup>5</sup> A/CONF.188/5.

Done in Geneva, on this twelfth day of March, one thousand nine hundred and ninety-nine, in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, all texts being equally authentic. The original of the Final Act shall be deposited in the archives of the United Nations Secretariat.

Zhu Zengjie  
President of the Conference

R. Ricupero  
Secretary-General of UNCTAD

J. Gurunlian  
Executive Secretary of the Conference

R. Balkin  
Deputy Executive Secretary of the Conference

M. Faghfour  
Head, Legal Unit, SITE

E. Chrispeels  
Senior Legal Officer

A. Behnam  
Secretary of the Conference

IN WITNESS WHEREOF the undersigned representatives have signed this Final Act.

The States whose representatives signed the Final Act are: Algeria, Argentina, Australia, Belgium, Benin, Brazil, Cameroon, Canada, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guinea, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Italy, Japan, Latvia, Liberia, Lithuania, Madagascar, Malta, Marshall Islands, Mexico, Monaco, Mozambique, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Singapore, Slovenia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, and Viet Nam.

## INTERNATIONAL CONVENTION ON ARREST OF SHIPS, 1999

*The States Parties to this Convention,*

*Recognizing* the desirability of facilitating the harmonious and orderly development of world seaborne trade,

*Convinced* of the necessity for a legal instrument establishing international uniformity in the field of arrest of ships which takes account of recent developments in related fields,

*Have agreed* as follows:

### Article 1 Definitions

For the purposes of this Convention:

1. "Maritime Claim" means a claim arising out of one or more of the following:
  - (a) loss or damage caused by the operation of the ship;
  - (b) loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the ship;
  - (c) salvage operations or any salvage agreement, including, if applicable, special compensation relating to salvage operations in respect of a ship which by itself or its cargo threatened damage to the environment;
  - (d) damage or threat of damage caused by the ship to the environment, coastline or related interests; measures taken to prevent, minimize, or remove such damage; compensation for such damage; costs of reasonable measures of reinstatement of the environment actually undertaken or to be undertaken; loss incurred or likely to be incurred by third parties in connection with such damage; and damage, costs, or loss of a similar nature to those identified in this subparagraph (d);
  - (e) costs or expenses relating to the raising, removal, recovery, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship, and costs or expenses relating to the preservation of an abandoned ship and maintenance of its crew;
  - (f) any agreement relating to the use or hire of the ship, whether contained in a charter party or otherwise;
  - (g) any agreement relating to the carriage of goods or passengers on board the ship, whether contained in a charter party or otherwise;
  - (h) loss of or damage to or in connection with goods (including luggage) carried on board the ship;
  - (i) general average;
  - (j) towage;
  - (k) pilotage;
  - (l) goods, materials, provisions, bunkers, equipment (including containers) supplied or services rendered to the ship for its operation, management, preservation or maintenance;

- (m) construction, reconstruction, repair, converting or equipping of the ship;
  - (n) port, canal, dock, harbour and other waterway dues and charges;
  - (o) wages and other sums due to the master, officers and other members of the ship's complement in respect of their employment on the ship, including costs of repatriation and social insurance contributions payable on their behalf;
  - (p) disbursements incurred on behalf of the ship or its owners;
  - (q) insurance premiums (including mutual insurance calls) in respect of the ship, payable by or on behalf of the shipowner or demise charterer;
  - (r) any commissions, brokerages or agency fees payable in respect of the ship by or on behalf of the shipowner or demise charterer;
  - (s) any dispute as to ownership or possession of the ship;
  - (t) any dispute between co-owners of the ship as to the employment or earnings of the ship;
  - (u) a mortgage or a "hypothèque" or a charge of the same nature on the ship;
  - (v) any dispute arising out of a contract for the sale of the ship.
2. "Arrest" means any detention or restriction on removal of a ship by order of a Court to secure a maritime claim, but does not include the seizure of a ship in execution or satisfaction of a judgment or other enforceable instrument.
  3. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.
  4. "Claimant" means any person asserting a maritime claim.
  5. "Court" means any competent judicial authority of a State.

## Article 2

### Powers of arrest

1. A ship may be arrested or released from arrest only under the authority of a Court of the State Party in which the arrest is effected.
2. A ship may only be arrested in respect of a maritime claim but in respect of no other claim.
3. A ship may be arrested for the purpose of obtaining security notwithstanding that, by virtue of a jurisdiction clause or arbitration clause in any relevant contract, or otherwise, the maritime claim in respect of which the arrest is effected is to be adjudicated in a State other than the State where the arrest is effected, or is to be arbitrated, or is to be adjudicated subject to the law of another State.
4. Subject to the provisions of this Convention, the procedure relating to the arrest of a ship or its release shall be governed by the law of the State in which the arrest was effected or applied for.



Article 3  
Exercise of right of arrest

1. Arrest is permissible of any ship in respect of which a maritime claim is asserted if:
  - (a) the person who owned the ship at the time when the maritime claim arose is liable for the claim and is owner of the ship when the arrest is effected; or
  - (b) the demise charterer of the ship at the time when the maritime claim arose is liable for the claim and is demise charterer or owner of the ship when the arrest is effected; or
  - (c) the claim is based upon a mortgage or a "hypothèque" or a charge of the same nature on the ship; or
  - (d) the claim relates to the ownership or possession of the ship; or
  - (e) the claim is against the owner, demise charterer, manager or operator of the ship and is secured by a maritime lien which is granted or arises under the law of the State where the arrest is applied for.
2. Arrest is also permissible of any other ship or ships which, when the arrest is effected, is or are owned by the person who is liable for the maritime claim and who was, when the claim arose:
  - (a) owner of the ship in respect of which the maritime claim arose; or
  - (b) demise charterer, time charterer or voyage charterer of that ship.

This provision does not apply to claims in respect of ownership or possession of a ship.

3. Notwithstanding the provisions of paragraphs 1 and 2 of this article, the arrest of a ship which is not owned by the person liable for the claim shall be permissible only if, under the law of the State where the arrest is applied for, a judgment in respect of that claim can be enforced against that ship by judicial or forced sale of that ship.

Article 4  
Release from arrest

1. A ship which has been arrested shall be released when sufficient security has been provided in a satisfactory form, save in cases in which a ship has been arrested in respect of any of the maritime claims enumerated in article 1, paragraphs 1 (s) and (t). In such cases, the Court may permit the person in possession of the ship to continue trading the ship, upon such person providing sufficient security, or may otherwise deal with the operation of the ship during the period of the arrest.
2. In the absence of agreement between the parties as to the sufficiency and form of the security, the Court shall determine its nature and the amount thereof, not exceeding the value of the arrested ship.
3. Any request for the ship to be released upon security being provided shall not be construed as an acknowledgement of liability nor as a waiver of any defence or any right to limit liability.
4. If a ship has been arrested in a non-party State and is not released although security in respect of that ship has been provided in a State Party in respect of the same claim, that security shall be ordered to be released on application to the Court in the State Party.
5. If in a non-party State the ship is released upon satisfactory security in respect of that ship being provided, any security provided in a State Party in respect of the same claim shall be ordered to be released to the extent that the total amount of security provided in the two States exceeds:

- (a) the claim for which the ship has been arrested, or
- (b) the value of the ship,

whichever is the lower. Such release shall, however, not be ordered unless the security provided in the non-party State will actually be available to the claimant and will be freely transferable.

6. Where, pursuant to paragraph 1 of this article, security has been provided, the person providing such security may at any time apply to the Court to have that security reduced, modified, or cancelled.

#### Article 5

##### Right of rearrest and multiple arrest

1. Where in any State a ship has already been arrested and released or security in respect of that ship has already been provided to secure a maritime claim, that ship shall not thereafter be rearrested or arrested in respect of the same maritime claim unless:

- (a) the nature or amount of the security in respect of that ship already provided in respect of the same claim is inadequate, on condition that the aggregate amount of security may not exceed the value of the ship; or
- (b) the person who has already provided the security is not, or is unlikely to be, able to fulfil some or all of that person's obligations; or
- (c) the ship arrested or the security previously provided was released either:
  - (i) upon the application or with the consent of the claimant acting on reasonable grounds, or
  - (ii) because the claimant could not by taking reasonable steps prevent the release.

2. Any other ship which would otherwise be subject to arrest in respect of the same maritime claim shall not be arrested unless:

- (a) the nature or amount of the security already provided in respect of the same claim is inadequate; or
- (b) the provisions of paragraph 1 (b) or (c) of this article are applicable.

3. "Release" for the purpose of this article shall not include any unlawful release or escape from arrest.

#### Article 6

##### Protection of owners and demise charterers of arrested ships

1. The Court may as a condition of the arrest of a ship, or of permitting an arrest already effected to be maintained, impose upon the claimant who seeks to arrest or who has procured the arrest of the ship the obligation to provide security of a kind and for an amount, and upon such terms, as may be determined by that Court for any loss which may be incurred by the defendant as a result of the arrest, and for which the claimant may be found liable, including but not restricted to such loss or damage as may be incurred by that defendant in consequence of:

- (a) the arrest having been wrongful or unjustified; or
- (b) excessive security having been demanded and provided.

2. The Courts of the State in which an arrest has been effected shall have jurisdiction to determine the extent of the liability, if any, of the claimant for loss or damage caused by the arrest of a ship, including but not restricted to such loss or damage as may be caused in consequence of:

- (a) the arrest having been wrongful or unjustified, or
- (b) excessive security having been demanded and provided.

3. The liability, if any, of the claimant in accordance with paragraph 2 of this article shall be determined by application of the law of the State where the arrest was effected.

4. If a Court in another State or an arbitral tribunal is to determine the merits of the case in accordance with the provisions of article 7, then proceedings relating to the liability of the claimant in accordance with paragraph 2 of this article may be stayed pending that decision.

5. Where pursuant to paragraph 1 of this article security has been provided, the person providing such security may at any time apply to the Court to have that security reduced, modified or cancelled.

#### Article 7

##### Jurisdiction on the merits of the case

1. The Courts of the State in which an arrest has been effected or security provided to obtain the release of the ship shall have jurisdiction to determine the case upon its merits, unless the parties validly agree or have validly agreed to submit the dispute to a Court of another State which accepts jurisdiction, or to arbitration.

2. Notwithstanding the provisions of paragraph 1 of this article, the Courts of the State in which an arrest has been effected, or security provided to obtain the release of the ship, may refuse to exercise that jurisdiction where that refusal is permitted by the law of that State and a Court of another State accepts jurisdiction.

3. In cases where a Court of the State where an arrest has been effected or security provided to obtain the release of the ship:

- (a) does not have jurisdiction to determine the case upon its merits; or
- (b) has refused to exercise jurisdiction in accordance with the provisions of paragraph 2 of this article,

such Court may, and upon request shall, order a period of time within which the claimant shall bring proceedings before a competent Court or arbitral tribunal.

4. If proceedings are not brought within the period of time ordered in accordance with paragraph 3 of this article then the ship arrested or the security provided shall, upon request, be ordered to be released.

5. If proceedings are brought within the period of time ordered in accordance with paragraph 3 of this article, or if proceedings before a competent Court or arbitral tribunal in another State are brought in the absence of such order, any final decision resulting therefrom shall be recognized and given effect with respect to the arrested ship or to the security provided in order to obtain its release, on condition that:

- (a) the defendant has been given reasonable notice of such proceedings and a reasonable opportunity to present the case for the defence; and
- (b) such recognition is not against public policy (*ordre public*).

6. Nothing contained in the provisions of paragraph 5 of this article shall restrict any further effect given to a foreign judgment or arbitral award under the law of the State where the arrest of the ship was effected or security provided to obtain its release.

Article 8  
Application

1. This Convention shall apply to any ship within the jurisdiction of any State Party, whether or not that ship is flying the flag of a State Party.
2. This Convention shall not apply to any warship, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on government non-commercial service.
3. This Convention does not affect any rights or powers vested in any Government or its departments, or in any public authority, or in any dock or harbour authority, under any international convention or under any domestic law or regulation, to detain or otherwise prevent from sailing any ship within their jurisdiction.
4. This Convention shall not affect the power of any State or Court to make orders affecting the totality of a debtor's assets.
5. Nothing in this Convention shall affect the application of international conventions providing for limitation of liability, or domestic law giving effect thereto, in the State where an arrest is effected.
6. Nothing in this Convention shall modify or affect the rules of law in force in the States Parties relating to the arrest of any ship physically within the jurisdiction of the State of its flag procured by a person whose habitual residence or principal place of business is in that State, or by any other person who has acquired a claim from such person by subrogation, assignment or otherwise.

Article 9  
Non-creation of maritime liens

Nothing in this Convention shall be construed as creating a maritime lien.

Article 10  
Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval, or accession, or at any time thereafter, reserve the right to exclude the application of this Convention to any or all of the following :
  - (a) ships which are not seagoing;
  - (b) ships not flying the flag of a State Party;
  - (c) claims under article 1, paragraph 1 (s).
2. A State may, when it is also a State Party to a specified treaty on navigation on inland waterways, declare when signing, ratifying, accepting, approving or acceding to this Convention, that rules on jurisdiction, recognition and execution of court decisions provided for in such treaties shall prevail over the rules contained in article 7 of this Convention.

Article 11  
Depositary

This Convention shall be deposited with the Secretary-General of the United Nations.

Article 12

Signature, ratification, acceptance, approval and accession

1. This Convention shall be open for signature by any State at the Headquarters of the United Nations, New York, from 1 September 1999 to 31 August 2000 and shall thereafter remain open for accession.
2. States may express their consent to be bound by this Convention by:
  - (a) signature without reservation as to ratification, acceptance or approval; or
  - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
  - (c) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the depositary.

Article 13

States with more than one system of law

1. If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
2. Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.
3. In relation to a State Party which has two or more systems of law with regard to arrest of ships applicable in different territorial units, references in this Convention to the Court of a State and the law of a State shall be respectively construed as referring to the Court of the relevant territorial unit within that State and the law of the relevant territorial unit of that State.

Article 14

Entry into force

1. This Convention shall enter into force six months following the date on which 10 States have expressed their consent to be bound by it.
2. For a State which expresses its consent to be bound by this Convention after the conditions for entry into force thereof have been met, such consent shall take effect three months after the date of expression of such consent.

Article 15

Revision and amendment

1. A conference of States Parties for the purpose of revising or amending this Convention shall be convened by the Secretary-General of the United Nations at the request of one-third of the States Parties.
2. Any consent to be bound by this Convention, expressed after the date of entry into force of an amendment to this Convention, shall be deemed to apply to the Convention, as amended.

Article 16  
Denunciation

1. This Convention may be denounced by any State Party at any time after the date on which this Convention enters into force for that State.
2. Denunciation shall be effected by deposit of an instrument of denunciation with the depositary.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the depositary.

Article 17  
Languages

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

DONE AT Geneva this twelfth day of March, one thousand nine hundred and ninety-nine.

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

### III. COMMUNICATIONS BY STATES

#### 1. United Arab Emirates

*Note verbale dated 17 November 2011 from the Ministry of Foreign Affairs addressed to the Secretariat of the United Nations concerning Article 5 of the Delimitation Agreement of Land and Maritime Boundaries between the Kingdom of Saudi Arabia and the United Arab Emirates*<sup>1</sup>

[...]

With reference to the Note of the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia No.92/18/217782 dated 15/6/2011, the Government of the United Arab Emirates confirms the reservations mentioned in its Note No 3/6/2-368 dated 5/5/2010 to the UN Secretariat regarding the baselines the geographical coordinates of which were provided for in Table 3 attached to the Saudi Royal Decree No. M/4 of 12 January 2010. The Government of the United Arab Emirates also confirms that these baselines cut off areas of the territorial sea of the United Arab Emirates in a manner inconsistent with the requirements of international law.

As for the claim that according to Article 5 of the Agreement of 21 August 1974 for the Delimitation of the Land and Maritime Boundaries between the two countries that the Kingdom of Saudi Arabia has a maritime zone which extends to the middle of the Arabian Gulf, the Government of the United Arab Emirates had previously informed the Government of the Kingdom of Saudi Arabia of its rejection of this claim in a number of Notes the last of which was Note No. 3/6/1-146 dated 24 July 2011. In this Note the Government of the United Arab Emirates confirmed that it does not recognize for the Kingdom of Saudi Arabia any maritime zone or joint sovereignty or sovereign rights or jurisdiction beyond the line which separates the territorial sea of the Kingdom of Saudi Arabia opposite Al Udaid Governorate and the territorial sea of the United Arab Emirates wherein the United Arab Emirates enjoys exclusive sovereignty.

The Government of the United Arab Emirates had previously invited, and renews its invitation to the Government of the Kingdom of Saudi Arabia for convening a meeting to discuss the question of the delimitation of the maritime boundaries between the territorial sea of the United Arab Emirates and the territorial sea of the Kingdom of Saudi Arabia opposite Al Udaid Governorate. The Government of the United Arab Emirates also reconfirms that Article Five of the 1974 Agreement is no longer capable of implementation and is included among other Articles of the 1974 Agreement which the Government of the United Arab Emirates had called and still calls for their amendment.

The Government of the United Arab Emirates considers this Note an official document and requests the Secretariat of the United Nations to register, publish and circulate this Note in accordance with the UN practice.

[...]

<sup>1</sup> Transmitted by letter Ref: Conf./23/2011 dated 29 November 2011 from the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General of the United Nations.

Original: Arabic. Unofficial translation provided by the Permanent Mission of the United Arab Emirates to the United Nations.

## 2. Pakistan

*Note verbale dated 6 December 2011 addressed to the Secretary-General of the United Nations in respect of India's Notifications specifying list of geographical coordinates of base points defining Baseline System of India to measure its maritime boundaries*

No. SixtWLS/7/20 1

6 December 2011

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations [...] with reference to Government of India's Notifications No. S.O.1197(E) dated 11 May 2009 and S.O.2962(E) dated 20 November 2009, specifying list of geographical coordinates of base points defining Baseline System of India to measure its maritime boundaries, posted on the website of Division for Ocean Affairs and the Law of the Sea (UN circular No. M.Z.N.76.2010.LOS of 17 February 2010) and published in Law of the Sea Bulletins No. 71 & 72 has the honour to state the following:-

- a. The Government of Pakistan is of the view that the following sections of the baseline points notified by India are inconsistent with international law, including the relevant provisions of 1982 United Nations Convention on the Law of the Sea (UNCLOS). The Government of Pakistan therefore, reserves its rights and those of its nationals in this regard.
- b. India's Base Points 1 to 3 of Schedule-I of India Notification (coordinates mentioned below), impinge upon Pakistan's territorial limits in Sir Creek area and encroach upon its territorial waters, which are within its sovereign jurisdiction. This encroachment by India in Pakistan's limits is a grave violation of international principles and established practices and clear violation of UNCLOS-82 Article 7(6) which states that system of straight baseline may not be applied by a State in such a manner as to cut off the territorial sea of another state from the high seas or EEZ.
 

i)	Sir Mouth N.	-	23° 40' 20.80" N, 68 ° 04' 31.20" E
ii)	Sir Mouth S.	-	23° 36' 30.30" N, 68 ° 07' 00.90" E
iii)	Pir Sanai Creek	-	23° 36' 15.20" N, 68 ° 07' 28.50" E
- c. The Government of Pakistan notes that disregarding the provisions of UNCLOS 82 Article 5, straight baseline segments joining base points No.24-25, 27-28, & 18-19 have been drawn by India on relatively smooth coast which is not indented or fringed by islands. India should have used normal baseline, the low water line, as required by UNCLOS 82. Pakistan is of the view that this creeping appropriation of sea due to excessive baselines have infringed the rights of international community as a whole being part of res communis in international Seabed Area and Pakistan in particular being adjacent Coastal State.
- d. The Government of Pakistan further notes that straight baselines have been drawn by India to and from low-tide elevations in West/East Coast of India, which do not have lighthouses or similar installations on them or any international recognition, contravening Article 7(4) of UNCLOS-82.
- e. Coordinates of normal baseline segments have not been given in the Notification.
- f. Lengthy segments of straight baseline, which is against the spirit and practices of UNCLOS have been used to maximize the area of internal waters.

In view of the above, the Government of Pakistan does not recognize the Baseline System promulgated by India. While the Government of Pakistan reserves its right to seek suitable revision of this notification, any claim India makes on the basis of above cited Indian Notification to extend its sovereignty/jurisdiction on Pakistani waters or extend its internal waters, territorial sea, Exclusive Economic Zone and Continental Shelf is therefore, not acceptable to Pakistan being in contravention to the provisions of UNLCOS 1982.

[...]



### 3. Saudi Arabia and Kuwait

*Joint note verbale dated 15 December 2011 addressed to the Secretary-General of the United Nations in respect of the Islamic Republic of Iran<sup>2</sup>*

The Permanent Missions of the Kingdom of Saudi Arabia and the State of Kuwait to the United Nations [...] have the honor to inform the latter that there were repeated attacks and encroachments by Iranian military boats on the waters of the submerged zone adjacent to the area divided between the Kingdom of Saudi Arabia and the State of Kuwait (submerged divided area) which only the Kingdom of Saudi Arabia and the State of Kuwait have absolute sovereign rights over it. The latest of these encroachments took place at 16:30 hours on Wednesday, the 10<sup>th</sup> of August 2011, when two armed Iranian boats threatened the workers at the site of Al-Durra well (14) in the Saudi /Kuwaiti oil field of Al-Durra, and two other armed Iranian boats approached Al-Durra well (7) in that same field at 12:30 hours on Thursday 11 August 2011. Such encroachments may lead to confrontations that will pose a threat to peace and security in this region.

It is also known that the Kingdom of Saudi Arabia and the State of Kuwait have sole sovereign rights, and no one else, to explore and exploit the hydro-carbon wealth in the Al-Durra field, as well as the divided submerged zone.

The Governments of the Kingdom of Saudi Arabia and the State of Kuwait have repeatedly protested and expressed their discontent over the repeated attacks and encroachments, and demand from the Government of the Islamic Republic of Iran cease these encroachments and attacks, to protect their interests and to respect their rights in this area, as well as to foster stability and security in the region.

The Governments of the Kingdom of Saudi Arabia and the State of Kuwait have asked the Government of the Islamic State of Iran to start negotiations between the Governments of the Kingdom of Saudi Arabia and the State of Kuwait as one side, and the Government of the Islamic Republic of Iran as another, to identify the maritime borders that separate between the waters of the divided submerged zone and the waters of the Islamic Republic of Iran according to the rulings of international law. However, the Governments of the Kingdom of Saudi Arabia and the State of Kuwait never received any response from the Government of the Islamic Republic of Iran despite their repeated calls.

The Permanent Missions of the Kingdom of Saudi Arabia and the State of Kuwait would like to request the Secretary-General of the United Nations to circulate this memorandum to all Member States as well as to publish it in the next issue of the Journal of the Law of the Sea.

The Permanent Missions of the Kingdom of Saudi Arabia and the State of Kuwait would like to take this opportunity to express their gratitude to His Excellency the Secretary-General of the United Nations.

[...]

<sup>2</sup> Original: Arabic.

4. France

*Note verbale dated 23 December 2011 in respect of the list of geographical coordinates deposited by Comoros<sup>3</sup>*

BLF/cf

No. 961

The Permanent Mission of France to the United Nations [...] has the honour to transmit the following information:

France notes that, on 7 September 2010, the Government of the Union of the Comoros deposited with the Secretary-General of the United Nations a list of geographical coordinates of points delineating the archipelagic baselines from which the territorial sea of the Union of the Comoros is measured. The baselines form an irregular polygon "whose vertices are defined by the geographical coordinates of the outermost points of the islands of Grand Comore, Mohéli, Anjouan, Mayotte" (article 2 of the Decree) and by 13 drying reefs specified in the Decree, of which five are in Mayotte.

These documents, which appear on the website of the Division for Ocean Affairs and the Law of the Sea of the United Nations, imply that Mayotte falls under the sovereignty of the Union of the Comoros.

France believes that this deposit is not compatible with the status of Mayotte and is without legal effect.

France states that it has complete and full sovereignty over Mayotte. It believes that no other State has the right to assert a claim over the maritime areas adjacent to Mayotte.

The Government of the French Republic requests the Secretary-General to register this declaration and to publish it in accordance with established procedure.

[...]

<sup>3</sup> Original: French.

5. Iran (Islamic Republic of)

*Note verbale dated 25 January 2012 addressed to the Secretary-General of the United Nations  
in reference to the joint communication by Saudi Arabia and Kuwait*

In the name of God, the Compassionate, the Merciful

The Permanent Mission of the Islamic Republic of Iran to the United Nations [...] with reference to the Note no. 1002 dated 15 December 2011, jointly by the Permanent Missions of the State of Kuwait and the Kingdom of Saudi Arabia to the United Nations has the honor to state the following:

The Islamic Republic of Iran expresses its dismay over the approach taken by Kuwait in leveling baseless claims concerning the activities of the Islamic Republic of Iran in its continental shelf in the Persian Gulf and categorically rejects those claims. Hence, any claim of encroachment and attack by Iranian military boats, as mentioned in the above Note, is rejected as totally false.

The Islamic Republic of Iran stresses that all its exploration and exploitation activities in its continental shelf in the Persian Gulf has been conducted in exercise of its sovereign rights and in full conformity with the international law.

In the meantime, the Islamic Republic of Iran has always expressed its readiness to conduct meaningful bilateral negotiations with Kuwaiti authorities in order to reach agreement on their maritime boundaries in the Persian Gulf. The Islamic Republic of Iran is committed to continue this approach which is the manifestation of its good faith and its respect for good neighborly relations. While the Islamic Republic of Iran is still waiting for the Kuwait's reply to its sincere call for bilateral negotiations - as expressed most recently by H.E. Mr. Ali Akbar Salehi, the Minister of Foreign Affairs, in his 11 October 2011 visit to Kuwait - the issuance of a Note by Kuwait, co-signed by a third party, and raising of false claims about Iran's activities in its continental shelf and their exaggerated qualification as threat to regional stability does not reciprocate Iran's good faith, and is regarded to be as bizarre and non-constructive.

As stated in our previous communications to Kuwait, including Note Verbale no. 642/1565322, dated 7 January 2012 From the Ministry of Foreign Affairs of the Islamic Republic of Iran to the Embassy of Kuwait in Tehran, bilateral negotiations between Iran and Kuwait conducted in good faith is the only way to reach agreement on demarcating the maritime boundaries between the two countries. The Islamic Republic of Iran regrets that its repeated call for bilateral negotiations have not been duly responded by Kuwaiti authorities. Nonetheless, the Islamic Republic of Iran renews its sincere invitation to Kuwaiti authorities to begin a new round of bilateral negotiations to that effect. It goes without saying that no bilateral agreement may generate obligations for the third party(ies) under international law (*res inter alios acta*) and, therefore, the Islamic Republic of Iran does not recognize any party other than Kuwait as its counterpart to negotiations for delimitation of maritime boundaries between the two countries.

The Permanent Mission of the Islamic Republic of Iran to the United Nations requests the Secretary-General of the United Nations to have this Note circulated and published as a document of the United Nations according to the established practice of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs.

[...]

6. Belize

*Letter addressed to the Secretary-General of the United Nations from the  
Minister of Foreign Affairs and Foreign Trade dated 26 January 2012  
regarding the Treaty on Maritime Delimitation between Honduras and Mexico<sup>4</sup>*

[...]

The Government of Belize has taken note of the publication in the *Law of the Sea Bulletin No. 71* (2010) of the letter dated 1 September 2009 from the Minister of Foreign Affairs of the Republic of Guatemala addressed to the Secretary-General of the United Nations communicating the position of the Republic of Guatemala with regard to the Treaty on Maritime Delimitation between the Government of the Republic of Honduras and the Government of the United Mexican States signed at Tegucigalpa on 18 April 2005. My Government had not previously received a copy of this letter directly from the Government of Guatemala.

In that treaty, Honduras and Mexico designated the starting point of their maritime boundary as point HM1 and described it as “the tri-junction point between Mexico, Honduras and Belize”.

In its abovementioned letter of 1 September 2009, the Government of Guatemala indicated that it “cannot accept the use in the Treaty of point HM1 as constituent of the Trifinio among Mexico, Honduras and Belize, because that point is located within the 200 nautical mile Exclusive Economic Zone which belongs to Guatemala”. The point in question has a latitude of N 17 47 06.175 and a longitude of W 86 09 18.380, using the horizontal datum referred to in the Honduras-Mexico treaty. That point lies directly off the northern part of the coast of Belize. There is therefore no basis for Guatemala’s unilateral assertion that this point lies within Guatemala’s Exclusive Economic Zone. Belize also recalls that it is yet to agree the delimitation of its maritime boundaries with Mexico and Honduras.

Belize and Guatemala have signed a Special Agreement to submit Guatemala’s claims against Belize to land and insular territories and o maritime areas pertaining to these territories to the International Court of Justice, and once that agreement enters into force, Belize will fully present its position vis-à-vis Guatemala in that forum.

I have the honour to request the Secretary-General of the United Nations to publish this note in the *Law of the Sea Bulletin*.

[...]

(Signed) The Honourable Wilfred Elrington  
Minister of Foreign Affairs and Foreign Trade

<sup>4</sup> Letter transmitted by note verbale dated 27 January 2012 from the Permanent Mission of Belize to the United Nations addressed the Division for Ocean Affairs and the Law of the Sea.

7. Timor-Leste*Note verbale of 6 February 2012 addressed to Secretary-General of the United Nations concerning the deposit of the list of geographical coordinates of points of the Indonesian Archipelagic Baselines<sup>5</sup>*

NV/MIS/85/2012

New York, 6 February 2012

The Permanent Mission of the Democratic Republic of Timor-Leste to the United Nations [...] has the honour to refer to its communication 25<sup>th</sup> March 2009 regarding the document M.Z.N 67.2009 (Maritime Zone Notification) concerning the deposit of the list of geographical coordinates of points of the Indonesian Archipelagic Baselines based on the Government Regulation of the Republic of Indonesia Number 38 of 2002 as amended by the Government Regulation of the Republic of Indonesia Number 37 of 2008.

The Permanent Mission of the Democratic Republic of Timor-Leste to the United Nations has further the honour to submit the position and the observation of the Government of Timor-Leste with respect to the aforementioned list of coordinates.

Although not being party to the 1982 United Nations Convention on the Law of the Sea (hereinafter referred to as the "Convention"), the Government of Timor-Leste considers that the provisions of the Convention, namely those regarding its Part IV, are already part of the international customary law, being mandatory for both Timor-Leste and Indonesia, which is a State party to the Convention.

The Government of Timor-Leste does not recognize the archipelagic straight baselines drawn from the point 101E (TD112A) to the point 101F (TD113), and from the point 101H (TD113B) to the point 101I (TD114). The first archipelagic straight baseline does not take in consideration the median line between the territorial sea of Timor-Leste's island of Ataúro and the territorial seas of Indonesia's island of Lirang and Alor. The second archipelagic straight baseline does not conform with Article 47(5) of the Convention as it encompasses the territorial sea of the Timor-Leste enclave of Oecussi, thus excluding the enclave of Oecussi from access to the high seas and to its exclusive economic zone.

[...]

<sup>5</sup> Publication requested through note verbale no. NV/UN/88/2012, dated 5 March 2012, from the Permanent Mission of the Democratic Republic of Timor-Leste to the United Nations.

#### IV. OTHER INFORMATION RELEVANT TO THE LAW OF THE SEA

##### A. Relevant Resolutions of the Security Council of the United Nations

###### 1. *Resolution 2020 (2011)*

*Adopted by the Security Council at its 6663<sup>rd</sup> meeting, on 22 November 2011*

*The Security Council,*

*Recalling* its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), and 2015 (2011), as well as the Statement of its President (S/PRST/2010/16) of 25 August 2010,

*Continuing* to be gravely concerned by the ongoing threat that piracy and armed robbery at sea against vessels pose to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law, and also gravely concerned by the extended range of the piracy threat into the western Indian Ocean and adjacent sea areas, and the increase in pirate capacities,

*Expressing* concern about the reported involvement of children in piracy off the coast of Somalia,

*Recognizing* that the ongoing instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, and stressing the need for a comprehensive response by the international community to repress piracy and armed robbery at sea and tackle its underlying causes,

*Recognizing* the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks and *reiterating its concern* over a large number of persons suspected of piracy having to be released without facing justice, *reaffirming* that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts of the international community and *being determined* to create conditions to ensure that pirates are held accountable,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law, *recalling* the importance of preventing, in accordance with international law, illegal fishing and illegal dumping, including of toxic substances, and *stressing* the need to investigate allegations of such illegal fishing and dumping, and *noting with appreciation* in this respect the report of the Secretary-General on the protection of Somali natural resources and water (S/2011/661) prepared pursuant to paragraph 7 of Security Council Resolution 1976 (2011),

*Further reaffirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“The Convention”), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

*Again taking into account* the crisis situation in Somalia, and the limited capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol or secure the waters off the coast of Somalia, including the international sea lanes and Somalia’s territorial waters,

*Noting* the several requests from the TFG for international assistance to counter piracy off its coast, including the letter of 10 November 2011, from the Permanent Representative of Somalia to the United Nations expressing the appreciation of the TFG to the Security Council for its assistance, expressing the TFG’s willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, and requesting that the provisions of resolution 1897 (2009) be renewed for an additional twelve months,

*Commending* the efforts of the EU operation Atalanta, North Atlantic Treaty Organization operations Allied Protector and Ocean Shield, Combined Maritime Forces’ Combined Task Force 151, and other States acting in a national capacity in cooperation with the TFG and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia, and *welcoming* the efforts of individual countries, including China, India, Islamic Republic of Iran, Japan, Malaysia, Republic of Korea, Russian Federation, Saudi Arabia, and Yemen, which have deployed ships and/or aircraft in the region, as stated in the Secretary-General’s report (S/2011/662),

*Welcoming* the capacity-building efforts in the region made by the International Maritime Organization (IMO) Djibouti Code of Conduct, the Djibouti Code of Conduct Trust Fund, and the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, and recognizing the need for all engaged international and regional organizations to cooperate fully,

*Noting with appreciation* the efforts made by IMO and the shipping industry to develop and update guidance, best management practices, and recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, including in the Gulf of Aden and the Indian Ocean area, and *recognizing* the work of the IMO and the Contact Group on Piracy off the Coast of Somalia (“CGPCS”) on privately contracted armed security personnel on board ships in high-risk areas.

*Noting* with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia, and in some cases has led to pirates being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, and *reiterating* that, consistent with the provisions of the Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (“SUA Convention”) provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of

seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

*Underlining* the importance of continuing to enhance the collection, preservation and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the ongoing work of IMO, INTERPOL and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and noting the importance for the successful prosecution of acts of piracy of enabling seafarers to give evidence in criminal proceedings,

*Noting* the consensus at the ninth plenary session of the CGPCS on 14 July 2011 to establish a formal Working Group 5 on “illicit financial flows linked to piracy off the coast of Somalia”,

*Further recognizing* that pirates are turning increasingly to kidnapping and hostage-taking, and that these activities help generate funding to purchase weapons, gain recruits, and continue their operational activities, thereby jeopardizing the safety and security of innocent civilians and restricting the flow of free commerce,

*Reaffirming* international condemnation of acts of kidnapping and hostage-taking, including acts condemned in the International Convention against the Taking of Hostages, and *strongly condemning* the continuing practice of hostage-taking by suspected pirates operating off the coast of Somalia, *expressing serious concern* at the inhuman conditions hostages face in captivity, *recognizing* the adverse impact on their families, *calling for* the immediate release of all hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the need for the prosecution of suspected pirates for taking hostages,

*Commending* the Republic of Kenya and the Republic of Seychelles’ efforts to prosecute suspected pirates in their national courts, welcoming the engagement of the Republic of Mauritius and the United Republic of Tanzania, and *noting* with appreciation the assistance being provided by the United Nations Office on Drugs and Crime (UNODC), the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, and other international organizations and donors, in coordination with the CGPCS, to support Kenya, Seychelles, Somalia, and other States in the region, including Yemen, to take steps to prosecute, or incarcerate in a third state after prosecution elsewhere, pirates, including facilitators and financiers ashore, consistent with applicable international human rights law, and emphasizing the need for States and international organizations to further enhance international efforts in this regard,

*Welcoming* the readiness of the national and regional administrations of Somalia to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law including international human rights law,

*Welcoming* the report of the Secretary-General (S/2011/662), as requested by resolution 1950 (2010), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

*Taking note with appreciation of* the report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts



(S/2011/360) prepared pursuant to paragraph 26 of resolution 1976 (2011), and the ongoing efforts within the CGPCS and the United Nations Secretariat to explore possible additional mechanisms to effectively prosecute persons suspected of piracy and armed robbery at sea off the coast of Somalia, including those ashore who incite or intentionally facilitate acts of piracy,

*Stressing* the need for States to consider possible methods to assist the seafarers who are victims of pirates, and welcoming in this regard the ongoing work within the CGPCS and the International Maritime Organization on developing guidelines for the care of seafarers and other persons who have been subjected to acts of piracy,

*Further noting* with appreciation the ongoing efforts by UNODC and UNDP to support efforts to enhance the capacity of the corrections system in Somalia, including regional authorities notably with the support of the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, to incarcerate convicted pirates consistent with applicable international human rights law,

*Bearing in mind* the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, and *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

*Emphasizing* that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and *further emphasizing* that Somalia's long-term security rests with the effective development by the TFG of the National Security Force, including the Somali Police Force, in the framework of the Djibouti Agreement and in line with a national security strategy,

*Welcoming in this regard* that the 6 September 2011 Roadmap to end the transition in Somalia calls for the TFG to develop counter-piracy policy and legislation in conjunction with regional entities, and the declaration of an Exclusive Economic Zone (EEZ), as key tasks of the Transitional Federal Institutions (TFIs), and notes that the Security Council has made its future support to the TFIs contingent upon the completion of the tasks contained in the Roadmap,

*Determining* that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in the waters off the coast of Somalia;
2. *Recognizes* that the ongoing instability in Somalia is one of the underlying causes of the problem of piracy and contributes to the problem of piracy and armed robbery at sea off the coast of Somalia;
3. *Stresses* the need for a comprehensive response to repress piracy and tackle its underlying causes by the international community;

4. *Recognizes* the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks;

5. *Calls upon* States to cooperate also, as appropriate, on the issue of hostage-taking, and the prosecution of suspected pirates for taking hostages;

6. *Notes again* its concern regarding the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia (S/2008/769, page 55) that escalating ransom payments and the lack of enforcement of the arms embargo established by resolution 733 (1992) are fuelling the growth of piracy off the coast of Somalia, *calls upon* all States to cooperate fully with the Somalia and Eritrea Monitoring Group including on information sharing regarding possible arms embargo violations;

7. *Renews* its call upon States and regional organizations that have the capacity to do so, to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

8. *Commends the work* of the CGPCS to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with the IMO, flag States, and the TFG and *urges* States and international organizations to continue to support these efforts;

9. *Encourages* Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, notes the primary role of the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, and *decides* that for a further period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008), as renewed by paragraph 7 of resolution 1897 (2009), and paragraph 7 of resolution 1950 (2010), granted to States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General;

10. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations, under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been renewed only following the receipt of the 10 November 2011 letter conveying the consent of the TFG;

11. *Further affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 9 above or to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 6

of resolution 1950 (2010) which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

12. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 9 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

13. *Calls on* Member States to assist Somalia, at the request of the TFG and with notification to the Secretary-General, to strengthen capacity in Somalia, including regional authorities, to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

14. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims, and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including anyone who incites or facilitates an act of piracy, consistent with applicable international law including international human rights law to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under this resolution;

15. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, consistent with applicable international law including international human rights law;

16. *Reiterates* its decision to continue its consideration, as a matter of urgency, of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support, as set forth in resolution 2015 (2011), and the importance of such courts having jurisdiction over not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks, and *emphasizes* the need for strengthened cooperation of States, regional, and international organizations in holding such individuals accountable, and encourages the CGPCS to continue its discussions in this regard;

17. *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

18. *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

19. *Commends* INTERPOL for the creation of a global piracy database designed to consolidate information about piracy off the coast of Somalia and facilitate the development of actionable analysis for law enforcement, and *urges* all States to share such information with INTERPOL for use in the database, through appropriate channels;

20. *Stresses* in this context the need to support the investigation and prosecution of those who illicitly finance, plan, organize, or unlawfully profit from pirate attacks off the coast of Somalia;

21. *Urges* States and international organizations to share evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates;

22. *Commends* the establishment of the Trust Fund Supporting the Initiatives of States Countering Piracy off the Coast of Somalia and the International Maritime Organization (IMO) Djibouti Code Trust Fund and *urges* both state and non-state actors affected by piracy, most notably the international shipping community, to contribute to them;

23. *Urges* States parties to the Convention and the SUA Convention to implement fully their relevant obligations under these Conventions and customary international law and cooperate with the UNODC, IMO, and other States and other international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the Coast of Somalia;

24. *Urges* States individually or within the framework of competent international organizations to positively consider investigating allegations of illegal fishing and illegal dumping, including of toxic substances, with a view to prosecuting such offences when committed by persons under their jurisdiction; and *takes note* of the Secretary-General's intention to include updates on these issues in his future reports relating to piracy off the Coast of Somalia;

25. *Welcomes* the recommendations and guidance of the IMO on preventing and suppressing piracy and armed robbery against ships, *underlines* the importance of implementing such recommendations and guidance by all stakeholders, including the shipping industry, and *urges* States, in collaboration with the shipping and insurance industries, and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further *urges* States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

26. *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships in coordination, in particular, with the United Nations Office on Drugs and Crime (UNODC), the World Food Programme (WFP), the shipping industry, and all other parties concerned, and *recognizes* the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

27. *Notes* the importance of securing the safe delivery of World Food Programme (WFP) assistance by sea, *welcomes* the ongoing work by WFP, EU operation Atalanta and Flag States with regard to Vessel Protection Detachments on WFP vessels;

28. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General in 9 months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 9 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

29. *Requests* the Secretary-General to report to the Security Council within 11 months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

30. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 9 above for additional periods upon the request of the TFG;

31. *Decides* to remain seized of the matter.

## 2. Resolution 2039 (2012)

*Adopted by the Security Council at its 6727th meeting,  
on 29 February 2012*

*The Security Council,*

*Recalling* its statement of 30 August 2011 and its resolution 2018 (2011) of 31 October 2011, on piracy and armed robbery at sea in the Gulf of Guinea,

*Expressing its deep concern* about the threat that piracy and armed robbery at sea in the Gulf of Guinea pose to international navigation, security and the economic development of states in the region,

*Recognizing* that piracy and armed robbery at sea in the Gulf of Guinea affect littoral countries, including their hinterland areas and landlocked countries in the region,

*Expressing its concern* over the threat that piracy and armed robbery at sea pose to the safety of seafarers and other persons, including through their being taken as hostages, and deeply concerned by the violence employed by pirates and persons involved in piracy and armed robbery at sea in the Gulf of Guinea,

*Affirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, in particular its articles 100, 101 and 105, sets out the legal framework applicable to countering piracy and armed robbery at sea, as well as other ocean activities,

*Affirming* its respect for the sovereignty and territorial integrity of the States of the Gulf of Guinea and their neighbours,

*Further affirming* that the provisions of this resolution apply only with respect to the situation in the Gulf of Guinea,

*Recognizing* the urgent need to devise and adopt effective and practical measures to counter piracy and armed robbery at sea in the Gulf of Guinea,

*Emphasizing* the importance of building on existing national, regional and extraregional initiatives to enhance maritime safety and security in the Gulf of Guinea,

*Welcoming* the initiatives already taken by States in the region and regional organizations, including the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Gulf of Guinea Commission (GGC) and the Maritime Organization for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea,

*Noting* the ECCAS comprehensive joint maritime security architecture to counter piracy in the Central African subregion, including the strategy adopted by the ECCAS Peace and Security Council in February 2008, the establishment of the Regional Centre for Maritime Security in Central Africa (CRESMAC) in Pointe-Noire, Congo, as well as the multinational coordination centres in the region,

*Further noting* the preparatory steps taken by ECOWAS towards developing a maritime security approach through an Integrated Maritime Security Strategy and an Integrated Maritime Plan,

*Noting* the importance of adopting a comprehensive approach led by the countries of the region to counter the threat of piracy and armed robbery at sea in the Gulf of Guinea and their underlying causes,

*Also noting* the need for international assistance as part of a comprehensive strategy to support national and regional efforts to assist States in the region with their efforts to address piracy and armed robbery at sea in the Gulf of Guinea,

*Stressing* that the coordination of efforts at the regional level is necessary for the development of a comprehensive strategy to counter the threat of piracy and armed robbery at sea in the Gulf of Guinea, in order to enable the prevention and interdiction of such criminal activities and to ensure that persons engaging in piracy and armed robbery at sea are prosecuted and punished if convicted, with due regard for internationally recognized rules and principles of international law,

*Reiterating* that States in the region have a leadership role to play in countering the threat and addressing the underlying causes of piracy and armed robbery at sea in the Gulf of Guinea, in close cooperation with organizations in the region, and their partners,

*Welcoming* the contributions by Member States and international organizations in support of ongoing national and regional efforts to secure Gulf of Guinea coastal areas and conduct naval operations, including the joint patrols carried out by the Federal Republic of Nigeria and the Republic of Benin off the coast of Benin, and also welcoming further contributions, upon request,

*Expressing* its concern about the serious threats to international peace and stability in different regions of the world, in particular in West Africa and the Sahel Region, posed by transnational organized crime, including illicit weapons and drug trafficking, piracy and armed robbery at sea,

*Affirming* its full commitment to promoting the maintenance of peace and stability in the Gulf of Guinea region,

1. *Welcomes* the report of the Secretary-General's assessment mission on piracy in the Gulf of Guinea, which was dispatched to the region from 7 to 24 November 2011;

2. *Encourages* national authorities, as well as regional and international partners to consider implementing the recommendations of the assessment mission, as appropriate;

3. *Stresses* the primary responsibility of the States of the Gulf of Guinea to counter piracy and armed robbery at sea in the Gulf of Guinea and in this context urges them through ECCAS, ECOWAS and the GGC to work towards the convening of the planned joint Summit of Gulf of Guinea States to develop a regional anti-piracy strategy, in cooperation with the African Union;

4. *Requests* the Secretary-General through the United Nations Office of West Africa (UNOWA) and the United Nations Office of Central Africa (UNOCA) to support States and subregional organizations in convening the joint Summit, as referenced in resolution 2018 (2011), to the extent feasible;

5. *Urges* States of the region of the Gulf of Guinea to take prompt action, at national and regional levels with the support of the international community where able, and by mutual agreement, to develop and implement

national maritime security strategies, including for the establishment of a legal framework for the prevention, and repression of piracy and armed robbery at sea and as well as prosecution of persons engaging in those crimes, and punishment of those convicted of those crimes and encourages regional cooperation in this regard;

6. *Encourages* Benin and Nigeria to extend their joint patrols beyond March 2012, while the countries of the Gulf of Guinea continue to work towards building their capacities to independently secure their coastlines and *also encourages* international partners to consider providing support, as needed, in that regard and to the extent feasible;

7. *Encourages* the States of the Gulf of Guinea, ECOWAS, ECCAS and GGC, to develop and implement transnational and transregional maritime security coordination centres covering the whole region of the Gulf of Guinea, building on existing initiatives, such as those under the auspices of the International Maritime Organization (IMO);

8. *Encourages* international partners to provide support to regional States and organizations for the enhancement of their capabilities to counter piracy and armed robbery at sea in the Gulf of Guinea, including their capacity to conduct regional patrols, to establish and maintain joint coordination centres and joint information-sharing centres, and for the effective implementation of the regional strategy, once adopted;

9. *Requests* the Secretary-General to support efforts towards mobilizing resources following the creation of the regional strategy to assist in building national and regional capacities in close consultation with States and regional and extraregional organizations;

10. *Further requests* the Secretary-General to keep the Security Council regularly informed through UNOWA and UNOCA, on the situation of piracy and armed robbery at sea in the Gulf of Guinea, including on progress made regarding the joint Summit as well as by ECOWAS, ECCAS and the GGC to develop a comprehensive strategy to counter piracy and armed robbery at sea;

11. *Decides* to remain seized of the matter.



B. List of experts for the purposes of article 2 of Annexes V, VII and VIII to the Convention (as of 31 March 2012)

1. *List of conciliators and arbitrators nominated under article 2 of annexes V and VII to the Convention (as of 26 March 2012<sup>1</sup>)*

State Party	Nominations:	Date of deposit of notification with the Secretary-General:
Argentina	Dr. Frida María Armas Pfrter, Arbitrator	28 September 2009
	Dr. Frida María Armas Pfrter, Conciliator	28 September 2009
Australia	Sir Gerard Brennan AC KBE, Arbitrator	19 August 1999
	Mr. Henry Burmester QC, Arbitrator	19 August 1999
	Professor Ivan Shearer AM, Arbitrator	19 August 1999
Austria	Professor Dr. Gerhard Hafner, Department of International Law and International Relations, University of Vienna, Member of the Permanent Court of Arbitration, The Hague, Conciliator at the OSCE Court of Conciliation and Arbitration, Former Member of the International Law Commission, Conciliator and Arbitrator	9 January 2008
	Professor Dr. Gerhard Loibl, Professor at the Diplomatic Academy of Vienna, Conciliator and Arbitrator	9 January 2008
	Ambassador Dr. Helmut Tichy, Deputy Head of the Office of the Legal Adviser, Austrian Federal Ministry for European and International Affairs, Conciliator and Arbitrator	9 January 2008
	Ambassador Dr. Helmut Türk, Judge at the International Tribunal for the Law of the Sea, Member of the Permanent Court of Arbitration, The Hague, Conciliator and Arbitrator	9 January 2008
Brazil	Walter de Sá Leitão, Conciliator and Arbitrator	10 September 2001
Chile	Helmut Brunner Nöer, Conciliator	18 November 1998
	Rodrigo Díaz Albónico, Conciliator	18 November 1998
	Carlos Martínez Sotomayor, Conciliator	18 November 1998
	Eduardo Vío Grossi, Conciliator	18 November 1998
	José Miguel Barros Franco, Arbitrator	18 November 1998
	María Teresa Infante Caffi, Arbitrator	18 November 1998
	Edmundo Vargas Carreño, Arbitrator	18 November 1998
	Fernando Zegers Santa Cruz, Arbitrator	18 November 1998

<sup>1</sup> Source: Chapter XXI.6 of the publication entitled “Multilateral Treaties Deposited with the Secretary-General” at <http://treaties.un.org/>.

State Party	Nominations:	Date of deposit of notification with the Secretary-General:
Costa Rica	Carlos Fernando Alvarado Valverde, Conciliator and Arbitrator	15 March 2000
Cyprus	Ambassador Andrew JACOVIDES, Conciliator and Arbitrator	23 February 2007
Czech Republic	Dr. Vladimír Kopal, Conciliator and Arbitrator	18 December 1996
Estonia	Mrs. Ene Lillipuu, Head of the Legal Department of the Estonian Maritime Administration, and Mr. Heiki Lindpere, the Director of the Institute of Law of the University of Tartu, as the Conciliators of the United Nations Convention of the Law of the Sea.	18 December 2006
	Mrs. Ene Lillipuu, Head of the Legal Department of the Estonian Maritime Administration, and Mr. Heiki Lindpere, the Director of the Institute of Law of the University of Tartu, as the Arbitrators	18 December 2006
Finland	Professor Kari Hakapää, Conciliator and Arbitrator	25 May 2001
	Professor Martti Koskenniemi, Conciliator and Arbitrator	25 May 2001
	Justice Gutav Möller, Conciliator and Arbitrator	25 May 2001
	Justice Pekka Vihervuori, Conciliator and Arbitrator	25 May 2001
France	Daniel Bardonnet, Arbitrator	4 February 1998
	Pierre-Marie Dupuy, Arbitrator	4 February 1998
	Jean-Pierre Queneudec, Arbitrator	4 February 1998
	Laurent Lucchini, Arbitrator	4 February 1998
Germany	Dr. (Ms.) Renate Platzoeder, Arbitrator	25 March 1996
Indonesia	Prof. Dr. Hasjim Djalal, M.A., Conciliator and Arbitrator	3 August 2001
	Dr. Etty Roesmaryati Agoes, SH, LLM, Conciliator and Arbitrator	3 August 2001
	Dr. Sudirman Saad, D.H., M.Hum, Conciliator and Arbitrator	3 August 2001
	Lieutenant Commander Kresno Bruntoro, SH, LLM, Conciliator and Arbitrator	3 August 2001
Italy	Professor Umberto Leanza, Conciliator and Arbitrator	21 September 1999
	Ambassdor Luigi Vittorio Ferraris, Conciliator	21 September 1999
	Ambassador Giuseppe Jacoangeli, Conciliator	21 September 1999
	Professor Tullio Scovazzi, Arbitrator	21 September 1999
	Paolo Guido Spinelli, Former Chief of the Service for Legal Affairs, Diplomatic Disputes and international Agreements of the Italian Ministry of Foreign Affairs, Conciliator	28 June 2011
	Maurizio Maresca, Arbitrator	28 June 2011
	Tullio Treves, Arbitrator	28 June 2011
Japan	Ambassador Hisashi Owada, President of the Japan Institute of International Affairs, Arbitrator	28 September 2000

State Party	Nominations:	Date of deposit of notification with the Secretary-General:
	Ambassador Chusei Yamada, Professor, Waseda University, Japan, Arbitrator	28 September 2000
	Dr. Soji Yamamoto, Professor Emeritus, Tohoku University, Japan, Arbitrator	28 September 2000
	Dr. Nisuke Ando, Professor, Doshisha University, Japan, Arbitrator	28 September 2000
	Dr. Soji Yamamoto; Professor Emeritus, Tohoku University, Japan, Conciliator	2 May 2006
	Ambassador Chusei Yamada; Member of the UN International Law Commission, Conciliator	2 May 2006
Mexico	Ambassador Alberto Székely Sánchez, Special Adviser to the Secretary for International Waters Affairs, Arbitrator	9 December 2002
	Dr. Alonso Gómez Robledo Verduzco, Researcher, Institute of Legal Research, National Autonomous University of Mexico, Member of the Inter-American Legal Committee of the Organization of American States, Arbitrator	9 December 2002
	Frigate Captain JN. LD. DEM. Agustín Rodríguez Malpica Esquivel, Chief, Legal Unit, Secretariat of the Navy, Arbitrator	9 December 2002
	Frigate Lieutenant SJN.LD. Juan Jorge Quiroz Richards, Secretariat of the Navy, Arbitrator	9 December 2002
	Ambassador José Luis Vallarta Marrón, Former Permanent Representative of Mexico to the International Seabed Authority, Conciliator	9 December 2002
	Dr. Alejandro Sobarzo, Member of the national delegation to the Permanent Court of Arbitration, Conciliator	9 December 2002
	Joel Hernández García, Deputy Legal Adviser, Ministry of Foreign Affairs, Conciliator	9 December 2002
	Dr. Erasmo Lara Cabrera, Director of International Law III, Legal Adviser, Ministry of Foreign Affairs, Conciliator	9 December 2002
Mongolia	Professor Rüdiger Wolfrum, Arbitrator	22 February 2005
	Professor Jean-Pierre Cot, Arbitrator	22 February 2005
Netherlands	E. Hey, Arbitrator	9 February 1998
	Professor A. Soons, Arbitrator	9 February 1998
	A. Bos, Arbitrator	9 February 1998
	Professor Dr. Barbara Kwiatkowska, Arbitrator	29 May 2002
Norway	Carsten Smith, President of the Supreme Court, Conciliator and Arbitrator	22 November 1999
	Karin Bruzelius, Supreme Court Judge, Conciliator and Arbitrator	22 November 1999

State Party	Nominations:	Date of deposit of notification with the Secretary-General:
Poland	Hans Wilhelm Longva, Director General, Department of Legal Affairs, Ministry of Foreign Affairs, Conciliator and Arbitrator	22 November 1999
	Ambassador Per Tresselt, Conciliator and Arbitrator	22 November 1999
	Mr. Janusz Symonides, Conciliator and Arbitrator	14 May 2004
	Mr. Stanislaw Pawlak, Conciliator and Arbitrator	14 May 2004
	Mrs. Maria Dragun-Gertner, Conciliator and Arbitrator	14 May 2004
Portugal	Professor José Manuela Pureza, Conciliator	5 October 2011
	Dr. João Madureira, Conciliator	5 October 2011
	Dr. Mateus Kowalski, Conciliator	5 October 2011
	Dr. Tiago Pitta e Cunha, Conciliator	5 October 2011
	Professor Nuno Sérgio Marques Antunes, Arbitrator	5 October 2011
Romania	Mr. Bogdan Aurescu, Secretary of State, Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration, Arbitrator	2 October 2009
	Mr. Cosmin Dinescu, Director General for Legal Affairs, Ministry of Foreign Affairs, Arbitrator	2 October 2009
Russian Federation	Vladimir S. Kotliar, Arbitrator	26 May 1997
	Professor Kamil A. Bekyashev, Arbitrator	4 March 1998
	Mr. Alexander N. Vylegjanin, Director of the Legal Department of the Council for the Study of Productive Forces of the Russian Academy of Science, Arbitrator	17 January 2003
Slovakia	Dr. Marek Smid, International Law Department of the Ministry of Foreign Affairs of Slovakia, Conciliator	9 July 2004
	Dr. Peter Tomka, Judge of the International Court of Justice, Arbitrator	9 July 2004
Spain	José Antonio de Yturriaga Barberán, Arbitrator	23 June 1999
	José Antonio de Yturriaga Barberán, Ambassador at large, Conciliator	7 February 2002
	Juan Antonio Yáñez-Barnuevo García, Ambassador at large, Conciliator	7 February 2002
	Aurelio Pérez Giralda, Chief, International Legal Advisory Assistance, Ministry of Foreign Affairs, Conciliator	7 February 2002
	José Antonio Pastor Ridruejo, Judge, European Court of Human Rights, Arbitrator	7 February 2002
	D. Juan Antonio Yáñez-Barnuevo García, Arbitrator	26 March 2012
	Da Concepción Escobar Hernández, Conciliator and Arbitrator	26 March 2012
	Hon. M.S. Aziz, P.C., Conciliator and Arbitrator	17 January 1996
Sri Lanka	C. W. Pinto, Secretary-General of the Iran-US Tribunal in the Hague, Conciliator and Arbitrator	17 September 2002

State Party	Nominations:	Date of deposit of notification with the Secretary-General:
Sudan	Sayed/Shawgi Hussain, Arbitrator	8 September 1995
	Dr. Ahmed Elmufti, Arbitrator	8 September 1995
	Dr. Abd Elrahman Elkhalfifa, Conciliator	8 September 1995
	Sayed/Eltahir Hamadalla, Conciliator	8 September 1995
	Prof. Elihu Lauterpacht CBE QC, Arbitrator	8 September 1995
	Sir Arthur Watts KCMG QC, Arbitrator	8 September 1995
Sweden	Dr. Marie Jacobsson, Principal Legal Advisor on International Law, Ministry for Foreign Affairs, Arbitrator	2 June 2006
	Dr. Said Mahmoudi, Professor of International Law, University of Stockholm, Arbitrator	2 June 2006
Trinidad and Tobago	Mr. Justice Cecil Bernard, Judge of the Industrial Court of the Republic of Trinidad and Tobago, Arbitrator	17 Nov 2004
United Kingdom of Great Britain and Northern Ireland	Sir Michael Wood, Arbitrator and Conciliator	2 November 2010
	Sir Elihu Lauterpacht QC, Arbitrator and Conciliator	2 November 2010
	Professor Vaughan Lowe QC, Arbitrator and Conciliator	2 November 2010
	Mr. David Anderson, Arbitrator and Conciliator	2 November 2010

*2. List of experts for the purposes of article 2  
of Annex VIII (Special Arbitration) to the Convention*

- (a) List of experts in the field of navigation, including pollution from vessels and by dumping, maintained by the International Maritime Organization (as of 16 February 2012)<sup>2</sup>

In accordance with articles 2 and 3 of Annex VIII of the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) which entered into force on 16 November 1994, IMO hereby establishes a list of experts in the field of navigation, including pollution from vessels and by dumping, for the purposes specified under article 3 of Annex VIII of UNCLOS, dealing with Special Arbitration. The names of the two experts so nominated by each State Party, and submitted to the Secretary-General of IMO, as of 16 February 2012, are as follows:

**ALGERIA**

1. **Colonel Abdallah Hafsi**
2. **Lieutenant-Colonel Youcef Zerizer**

**ARGENTINA**

1. **Capitán de Navío Juan Carlos Frias**  
Jefe de la División de Asuntos Marítimos Internacionales de la Dirección de Intereses Marítimos de la Armada Argentina
2. **Prefecto General Andrés Manuel Monzón**  
Director de la Policía de Seguridad de la Navegación y ex Director de Protección Ambiental

**AUSTRALIA**

3. **Mr. Michael Kinley**  
Deputy CEO  
Australian Maritime Safety Authority
4. **Mr. Bradley Groves**  
General Manager  
Maritime Standards Division  
Australian Maritime Safety Authority

**AUSTRIA**

1. **Dr. Viktor Siegl**  
Austrian Supreme Shipping Authority  
Austrian Federal Ministry for Transport, Innovation and Technology,  
Department IV/W1, Vienna
2. **Dr. Andreas Linhart**  
Austrian Supreme Shipping Authority  
Austrian Federal Ministry for Transport, Innovation and Technology,  
Department IV/W1, Vienna

<sup>2</sup> Transmitted by communication dated 17 February 2012 from the International Maritime Organization.

**BAHRAIN**

1. **Mr. Abdulmonem Mohamed Janahi**
2. **Mr. Sanad Rashid Sanad**

**BELARUS**

1. **Mr. Bronislav I. Govorovsky**  
Head  
Department of Maritime and River Transport  
Ministry of Transport and Communications  
Republic of Belarus
2. **Mr. Alexander Y. Sokolov**  
Consultant  
Department of Maritime and River Transport  
Ministry of Transport and Communications  
Republic of Belarus

**BELGIUM**

1. **Mrs. Anne Van Haute**  
General Counsellor  
Legal Expert in Maritime Law  
Ministry of Mobility
2. **Mr. Peter Claeysens**  
General Counsellor  
Expert in technical matters relating to the Conventions  
MARPOL, SOLAS and STCW  
Ministry of Mobility

**BOLIVIA (PLURINATIONAL STATE OF)**

1. **CC DIM Freddy Zapata Flores**
2. **CC CGEN Rafael Quiroz**

**BRUNEI DARUSSALAM**

1. **Captain Basza Alexzander bin Haji Basri**  
Marine Officer
2. **Captain Zulkiflee bin Haji Abdul Ghani**  
Marine Officer

**BULGARIA**

1. **Captain Petar Petrov**  
Director of Shipping Inspectorate of the Bulgarian Maritime Administration

## CAMEROON

1. **M. Dieudonné Ekoumou Dimi**  
Administrateur des Affaires Maritimes  
Expert en Sécurité Maritime
2. **M. Roger Ntsengue**  
Administrateur des Affaires Maritimes  
Port and Shipping Expert

## CHILE

1. **CF LT Sr. Emilio León Hoffmann**  
Jefe Centro Nacional de Combate a la Contaminación  
Armada de Chile
2. **CC LT Sr. Oscar Tapia Zuñiga**  
Jefe División de Navegación y Maniobras del Servicio Inspección de Naves  
Armada de Chile

## CHINA

1. **Mr. Zhengjiang Liu**  
Vice President  
Dalian Maritime University
2. **Mr. Fuzhi Chang**  
Deputy Director-General  
Shanghai Maritime Safety Administration

## COOK ISLANDS

1. **Mr. Ned Howard**  
Director of Marine  
Ministry of Transport  
Government of the Cook Islands
2. **Captain Hugh M. Munro**  
Deputy Registrar/Technical Advisor  
Cook Islands Ships Registry  
Maritime Cook Islands

## COSTA RICA

1. **Mr. Carlos Fernando Alvarado Valverde**  
Instituto Costarricense sobre Drogas  
San Pedro de Montes de Oca
2. **Mr. Carlos Murillo Zamora**  
Profesor  
Universidad de Costa Rica



## CZECH REPUBLIC

1. **Dr. Vladimír Kopal**  
Professor of International Law  
West Bohemian University  
Pilsen, Czech Republic

## DEMOCRATIC REPUBLIC OF THE CONGO

1. **M. Guy Richard Mazola Mabenga Ndong**  
Directeur Conseiller Juridique aux Lignes Maritimes Congolaises
2. **M. Richard Lubuma A'well Emfum**  
Expert chargé d'Etudes au Groupe des Transports (GET)

## DENMARK

1. **Ms. Birgit Sølling Oslen**  
Deputy Director  
Danish Maritime Authority
2. **Ms. Anne Skov Strüver**  
Head of Division  
Danish Maritime Authority

## DJIBOUTI

1. **M. Houssein Sougoueh Miguil**  
(dans le domaine de la navigation)
2. **M. Abdoukader Abdallah Hassan**  
(dans le domaine de la pollution maritime)

## EGYPT

1. **Captain Dr. Mohamed Mamdouh El Beltagy**  
Egyptian General Authority for Maritime Safety
2. **Ms. Soad Abdel-Moneim Abdel-Maksoud**  
Director of the Treaties Department of the Maritime Transport Sector

## ESTONIA

1. **Mr. Heiki Lindpere, PhD**  
Professor on the Law of the Sea and Maritime Law  
Rector of the Estonian Maritime Academy

## FIJI

1. **Mr. Josateki Tagi**  
Acting Director  
Fiji Islands Maritime Safety Administration
2. **Captain Felix R Maharaj**  
Acting Chief Marine Officer  
Fiji Islands Maritime Safety Administration

**FINLAND**

1. **Professor Kari Hakapää**  
University of Lapland
2. **Professor Peter Wetterstein**  
Åbo Akademi University

**GERMANY**

1. **Professor Dr. Dr. h.c. Peter Ehlers**  
President of the Federal Maritime and Hydrographic Agency (retired)

**GREECE**

1. **Commander (HCG) Alexandros Lagouros**  
Director of Marine Environment Protection Directorate of the Ministry of Citizen Protection
2. **Commander (HCG) Ioannis Kourouniotis**  
Director of European Union and International Organizations Affairs Directorate of the Ministry of Citizen Protection

**GUINEA**

1. **Chérif Mohamed Lamine Camara**  
Docteur Es-Sciences Techniques des Pêches en service à la  
Direction Nationale de la Pêche et de l'Aquaculture

**HUNGARY**

1. **Mr. Tamás Marton (Captain)**  
Ministry of National Development  
Head of Maritime and Inland Navigation Department
2. **Mr. Róbert Kojnok (Captain)**  
National Transport Authority  
Road, Railway and Shipping Office  
Head of Navigation Division

**ITALY**

1. **Professor Umberto Leanza**  
Università de Rome  
Chef du service du contentieux  
Ministère des affaires étrangères italien
2. **Professor Luigi Sico (since July 1999)**

**LATVIA**

1. **Mr. Raitis Murnieks**  
Director of Maritime Safety Department  
Maritime Administration of Latvia

2. **Mr. Aigars Krastins**  
Marine Accident Investigator  
Transport Accident and Incident Investigation Bureau

## LITHUANIA

1. **Mr. Robertinas Tarasevičius**  
Deputy Director  
Lithuanian Maritime Safety Administration
2. **Mr. Linas Kasparavičius**  
Head  
Maritime Safety Division  
Lithuanian Maritime Safety Administration

## LUXEMBOURG

1. **M. Robert Biwer**  
Commissaire du Gouvernement aux affaires maritimes
2. **M. Joël Mathieu**  
Conseiller technique auprès du Commissariat aux affaires maritimes

## MALDIVES

1. **Mr. Hussein Shareef**  
Deputy Director  
Ministry of Transport and Civil Aviation
2. **Mr. Mahdhy Imad**  
Assistant Managing Director  
Maldives Ports Authority

## MEXICO

1. **Captain Manuel P. Flitsche**  
Head of the Third Section of the Naval Staff
2. **Captain Gabriel Rivera Miranda**  
Director of Navigation  
Merchant Marine Affairs Division  
Ministry of Communications and Transport

## MOZAMBIQUE

1. **Captain Mário Guilherme**  
Director of Protection Services and Maritime Pollution Combat
2. **Engineer Domingos Pedro Gomes**  
Director of Ships Protection Services and Portuary Installations

## NICARAGUA

1. **Capitán de Fragata Demn**  
Gerardo Roberto Fornos Mendoza

2. **Capitán de Corbeta**  
José Vicente Laguna Medina

## NIGERIA

1. **Mrs. Juliana Gunwa**  
Director  
Marine Environment Management
2. **Captain Jerome Angyunwe**  
Chief Nautical Surveyor

## NORWAY

1. **Mr. Jens Henning Kofoed**  
Adviser  
Maritime Directorate of Norway
2. **Mr. Atle Fretheim**  
Assistant Director General  
Royal Ministry of Environment

## PAKISTAN

1. **Captain Muhammad Aslam Shaheen**  
Chief Nautical Surveyor  
Ports and Shipping Wing  
Karachi
2. **Captain Shaukat Ali**  
Deputy Conservator  
Karachi Port Trust

## PALAU

1. **Mr. Donald Dengokl**  
Environmental Specialist  
Environmental Quality Protection Board  
(under the Ministry of Resources and Development)
2. **Mr. Arvin Raymond**  
Chief, Division of Transportation  
Bureau of Commercial Development  
Ministry of Commerce and Trade

### Alternate

**Mr. Benito Thomas**  
Chief, Division of Immigration  
Bureau of Legal Service  
Ministry of Justice

**PANAMA**

- 1. Capitán A.E. Fiore**  
Jefe de Seguridad Marítima  
Segumar, Nueva York
- 2. Ing. Ivan Ibérico**  
Inspector del Departamento  
Técnico de la Dirección General  
Consular y de Naves

**POLAND**

- 1. Ms. Dorota Pyć (PhD)**  
University of Gdańsk
- 2. Mr. Wojciech Ślaczka (PhD)**  
Master Mariner  
Maritime University of Szczecin

**PORTUGAL**

- 1. Professor Maria João Bebianno**  
University of Algarve

**REPUBLIC OF KOREA**

- 1. Mr. Dong-Sup Lee**  
Korea Institute of Maritime and Fisheries Technology (KIMFT)  
Republic of Korea
- 2. Mr. In-Su Lee**  
Ministry of Land Transport and Maritime Affairs (MLTM)  
Republic of Korea

**ROMANIA**

- 1. Mr. Șerban Berescu**  
Deputy General Director  
Romanian Shipping Authority
- 2. Mr. Adrian Alexe**  
Director  
Coordination Maritime Centre  
Romanian Shipping Authority

**RUSSIAN FEDERATION**

- 1. Mr. Konstantin G. Palnikov**  
Director  
Department of State Policy for Maritime and River Transport  
of the Ministry of Transport of the Russian Federation

2. **Mr. Vitaliy V. Klyuev**  
Deputy Director  
Department of State Policy for Maritime and River Transport  
of the Ministry of Transport of the Russian Federation

#### **SAMOA**

1. **Mr. Vaelua Nofo Vaelua**  
Chief Executive Officer/Secretary for Transport  
Ministry of Works, Transport and Infrastructure
2. **Mr. Seinafolava Capt. Lotomau Tomane**  
Assistant Chief Executive Officer  
Maritime Division  
Ministry of Works, Transport and Infrastructure

#### **SAUDI ARABIA**

1. **Mr. Jamal Farahat Al-Ghamdi**  
Marine Captain
2. **Mr. Majid Turki Al-Harbi**  
Marine Engineer

#### **SEYCHELLES**

1. **Captain Joachim Valmont**  
Director General  
Seychelles Maritime Safety Administration
2. **Captain Percy Laporte**  
Seychelles Port Authority

#### **SIERRA LEONE**

1. **Captain Patrick E.M. Kemokai**
2. **Captain Salu Kuyateh**

#### **SINGAPORE**

1. **Captain Francis Wee**  
Assistant Director (Nautical)  
Marine Department
2. **Captain Wilson Chua**  
Head, Hydrographic Department  
Port of Singapore Authority

#### **SLOVAKIA**

1. **Mr. Josef Mrkva**  
Head of Maritime Office  
Ministry of Transport, Construction and Regional Development  
of the Slovak Republic

**2. Mr. Fedor Holcik**

State Counsellor of the Maritime Office  
Ministry of Transport, Construction and Regional Development  
of the Slovak Republic

**SLOVENIA**

**1. Mr. Tomo Borovnicar, MA**

Head of the Port State Control  
Slovenian Maritime Administration  
Ministry of Transport of the Republic of Slovenia

**2. Captain Primož Bajec**

Head of Vessel Traffic Service and Maritime Rescue Coordination Centre  
Slovenian Maritime Administration  
Ministry of Transport of the Republic of Slovenia

**SPAIN**

**1. Capitán D. Francisco Ramos Corona**

Subdirector General de Seguridad,  
Contaminación e Inspección Marítima  
de la Dirección General de la Marina Mercante

**2. Capitán D. Jose Manuel Piñero Fernandez**

Jefe de Área de Tráfico y Seguridad en la Navegación  
de la Dirección General de la Marina Mercante

**SURINAME**

**1. Mr. E. Fitz-Jim**

Navigation Expert

**2. Mr. W. Palman**

Navigation Expert

**SWEDEN**

**1. Mr. Johan Schelin**

Associate Professor in Private Law

**TOGO**

**1. M. Alfa Lebgaza**

Administrateur des Affaires Maritimes  
Directeur des Affaires Maritimes  
au Ministère Togolais des Transports

**2. M. Koté Djahlin**

Inspecteur de la Sécurité et de la Navigation Maritime  
Officier Chargé du Contrôle des Navires par l'Etat du Port

**UGANDA**

**1. Mr. S.A.K. Magezi**  
Meteorology Department  
Ministry of Natural Resources  
Kampala

**2. Mr. J.T. Wambede**  
Meteorology Department  
Ministry of Natural Resources  
Kampala

**UNITED KINGDOM**

**1. Mr. David Goldstone QC**  
Quadrant Chambers

**2. Mr. John Reeder QC**  
Stone Chambers

**URUGUAY**

**1. Capitán de Navío (CP) Miguel A. Fleitas**

**2. Capitán de Navío (CP) Javier Bermúdez**

**ZAMBIA**

**1. Mr. John Chibale Mwape**

**2. Mr. Gerald Siliya**



- (b) List of experts in the field of fisheries, maintained by the Food and Agriculture Organization (as of 12 March 2012)<sup>3</sup>

#### ALBANIA

1. **Mr. Roland Kristo**  
Director, Fisheries Policies Directory  
Ministry of Environment, Forests and Water Management
2. **Mrs. Mimoza Çobani**  
Expert, Fisheries Policies Directory  
Ministry of Environment, Forests and Water Management

#### ARGENTINA

1. **Mr. Orlando Rubén Rebagliati**  
Ambassador
2. **Dr. Ramiro Pedro Sánchez**  
Chef de Cabinet Undersecretariat of Fisheries and Aquaculture  
Director of Fishery Planning

#### AUSTRALIA

1. **Dr. Russell Reichelt**  
Director of the Australian Institute of Marine Science  
Townsville
2. **Dr. Peter Young**  
Currently holder of a CSIRO Special Research Fellowship &  
Honorary Research Consultant to the University of Queensland's  
Dept. of Zoology

#### BAHRAIN

1. **Professor Dr. Ismael Mohamed El Medany**  
Vice-President of the Public Commission  
for the Protection of Marine Resources, Environment and Wildlife and  
Director-General of the General Directorate  
of Environment and Wildlife Protection

#### BENIN

1. **Mr. Pascal Tanimomo**
2. **Mr. Benoît T. Adeke**

<sup>3</sup> Transmitted by communication dated 12 March 2012 from the Food and Agriculture Organization.

**BRAZIL**

1. **Mr. José Dias Neto**  
Brazilian Institute of Environment and Renewable  
Natural Resources (IBAMA), Brasília
2. **Mr. José Heriberto Menezes de Lima**  
Northeast Coastland Center for Research and Management of  
Fishery Resources (CEPENE), Brasília

**CHILE**

1. **Ms. María Angela Barbieri**  
Fishing Engineer  
Chief of the Fishing Development Division  
Undersecretary of Fisheries
2. **Ms. Valeria Carvajal**  
Fishing Engineer, International Affairs  
Undersecretary of Fisheries

**CHINA**

1. **Shuolin Huang**  
Professor  
Vice-President, Shanghai Fisheries University
2. **Hanling Wang**  
The National Institute of Law  
Chinese Academy of Social Sciences

**CYPRUS**

1. **Andreas Demetropoulos**  
Director of Fisheries Department
2. **Emilios Economou**  
Senior Officer  
Department of Fisheries

**CZECH REPUBLIC**

1. **Professor Vladimír Kopal**  
Professor of Law  
Charles University, Prague

**DEMOCRATIC REPUBLIC OF THE CONGO**

1. **Mr. Sayeman BULA-BULA**  
Law of the Sea Professor, University of Kinshasa

**EGYPT**

1. **Dr. Ahmed Abdel Moneim AIMizayen**  
Chief of Central Dpt. for Damietta Region
2. **Dr. Madani Ali Madani**  
Researcher at General Authority for Fisheries Resources Dpt.

**INDONESIA**

1. **Professor Dr. Aprilani Soegiarto, M. Sc**
2. **Ir. Johaness Widodo, M.S. Ph.D.**

**ITALY**

1. **Professor Tullio Scovazzi**  
Professor of International Law, Second Faculty of Law  
University of Milan
2. **Dr. Gian Piero Francalanci**  
Geologist for AGIP  
Italian National Oil Company

**IRAQ**

1. **Mohamed Mahmud Halwas**  
Engineer, Director  
Development Fish Resources Division
2. **Daud Salman Daud**  
University Degree (Marine), Development Fish Resources Division

**JAPAN**

1. **Kunio Yonezawa**  
Former Deputy Director General  
Fisheries Agency, Japan
2. **Moritaka Hayashi**  
Professor  
Waseda University School of Law, Japan

**KUWAIT**

1. **Dr. Haidar Ali Murad**  
Deputy Director General for Fishery Resources  
in the Public Authority for Agriculture Affairs  
and Fish Resources, Kuwait
2. **Dr. Mohsen Al-Hussaini**  
Fisheries Stock Assessment in Kuwait  
Institute for Scientific Research, Kuwait

**MAURITIUS**

1. **Mr. Munesh Munbodh**  
Chief, Fisheries Officer
2. **Mr. Atmanun Venkatasami**  
Ag. Principal Fisheries Officer

**MEXICO**

1. **Jerónimo Ramos SaenzPardo**
2. **Antonio J Díaz de León Corral**

**OMAN**

1. **Dr. Ahmad bin Hareb al Hosni**  
Director-General  
Fisheries Research and Extension Department  
Ministry of Agriculture and Fisheries
2. **Mr. Mohammad bin Soliman al Siabi**  
Economist/Researcher  
Fisheries Department, Ministry of Agriculture and Fisheries

**PANAMA**

1. **Mr. Ramón González**  
Biologist
2. **Ms. Leyka Del C. Martínez**  
Biologist

**POLAND**

1. **Mr. Jan Horbowy**  
Sea Fisheries Institute, Poland
2. **Mr. Zbigniew Karnicki**  
Sea Fisheries Institute, Poland

**PORTUGAL**

1. **Professor Ricardo Serrão Santos**
2. **Ing. Carlos García do Vale**

**RUSSIAN FEDERATION**

1. **Mr. Vladimir N. Shibanov**  
Head of Division of Fishery  
Dpt. of Fishery  
Ministry of Agriculture of the Russian Federation

**2. Dr. Kamil A. Bekyashev**

Adviser of the Minister of Agriculture of the Russian Federation  
Federal Agency on Fishery

**SAUDI ARABIA**

**1. Mr. Talal Lofti Abou Shousha**

Director-General  
Fishery Resources Research Centre, Jeddah

**2. Mr. Waleed bin Khaled A. Qarmali**

Senior Expert  
Fishery Resources Division, Jeddah

**SURINAME**

**1. Mr. R. J. Debipersad, M. Sc.**

Acting Director of Fisheries

**2. Mrs. M. P. Jagesar-Wirjodirjo**

Staff member Legislation Office Fisheries Department

**TRINIDAD AND TOBAGO**

**1. Ms. Ann Marie Jobity**

Director of Fisheries

**2. Ms. Christine Chan-A-Shing**

Senior Fisheries Officer

**UGANDA**

**1. Dr. Faustino L. Orach-Meza**

Commissioner for Fisheries  
Fisheries Department, Entebbe

**2. Professor John Okedi**

Makerere University  
Department of Zoology & Fisheries, Kampala

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

**1. Professor Dr. Robin Cook**

Chief Executive  
Fisheries Research Services Laboratory, Aberdeen

**2. Professor Alan Boyle**

Professor of Public International Law  
University of Edinburgh

**URUGUAY**

**1. Professor Guillermo Arena**

**2. Dr. Hebert Nion Girado**

C. Recent Judgments, Awards, and Orders

*International Tribunal for the Law of the Sea:  
Dispute concerning delimitation of the maritime boundary between  
Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)  
Judgment delivered on 14 March 2012<sup>1</sup>*

Hamburg, 14 March 2012. At a public sitting held today, the International Tribunal for the Law of the Sea rendered its judgment in the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*. The Judgment was read by Judge José Luis Jesus, who [wa]s presiding over the Tribunal in this case.

The dispute concerns the delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal with respect to the territorial sea, the exclusive economic zone and the continental shelf. It is the first case of the Tribunal relating to the delimitation of maritime boundaries.

Proceedings in the case were instituted before the Tribunal on 14 December 2009. Further to the filing of written pleadings by the Parties, the hearing took place in September 2011.

In its judgment, the Tribunal had to address a number of issues raised by the Parties. Those included: the claim made by Bangladesh that the delimitation of the territorial sea had already been agreed by the Parties in 1974; and the delimitation of the exclusive economic zone and continental shelf within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. In addition, the Tribunal had to deal with the request of Bangladesh that the continental shelf beyond 200 nautical miles limit be delimited, a request which was opposed by Myanmar. The Tribunal then had to decide whether it could and should exercise its jurisdiction in respect of the delimitation of the continental shelf beyond 200 nautical miles.

The full text of the Judgment and of the declarations and dissenting and separate opinions appended thereto is available on the website of the Tribunal.

The operative clauses of the Judgment are given below. Two of the sketch maps included in the Judgment are attached to this press release:

For these reasons,

THE TRIBUNAL,

(1) Unanimously,

Finds that it has jurisdiction to delimit the maritime boundary of the territorial sea, the exclusive economic zone and the continental shelf between the Parties.

(2) By 21 votes to 1,

Finds that its jurisdiction concerning the continental shelf includes the delimitation of the continental shelf beyond 200 nm;

FOR: President JESUS; Vice-President TÜRK; Judges MAROTTA RANGEL, YANKOV, NELSON, CHANDRASEKHARA RAO, AKL, WOLFRUM, TREVES, COT, LUCKY, PAWLAK, YANAI, KATEKA, HOFFMANN, GAO, BOUGUETAIA, GOLITSYN, PAIK; Judges ad hoc MENSAH, OXMAN;

<sup>1</sup> Source: ITLOS/Press Release No. 175 of 14 March 2012

AGAINST: Judge NDIAYE.

(3) By 20 votes to 2,

Finds that there is no agreement between the Parties within the meaning of article 15 of the Convention concerning the delimitation of the territorial sea;

FOR: President JESUS; Vice-President TÜRK; Judges MAROTTA RANGEL, YANKOV, NELSON, CHANDRASEKHARA RAO, AKL, WOLFRUM, TREVES, NDIAYE, COT, PAWLAK, YANAI, KATEKA, HOFFMANN, GAO, GOLITSYN, PAIK; Judges ad hoc MENSAH, OXMAN;

AGAINST: Judges LUCKY, BOUGUETAIA.

(4) By 21 votes to 1,

Decides that starting from point 1, with the coordinates 20° 42' 15.8" N, 92° 22' 07.2" E in WGS 84 as geodetic datum, as agreed by the Parties in 1966, the line of the single maritime boundary shall follow a geodetic line until it reaches point 2 with the coordinates 20° 40' 45.0" N, 92° 20' 29.0" E. From point 2 the single maritime boundary shall follow the median line formed by segments of geodetic lines connecting the points of equidistance between St. Martin's Island and Myanmar through point 8 with the coordinates 20° 22' 46.1" N, 92° 24' 09.1" E. From point 8 the single maritime boundary follows in a northwesterly direction the 12 nm envelope of arcs of the territorial sea around St Martin's Island until it intersects at point 9 (with the coordinates 20° 26' 39.2" N, 92° 9' 50.7" E) with the delimitation line of the exclusive economic zone and continental shelf between the Parties;

FOR: President JESUS; Vice-President TÜRK; Judges MAROTTA RANGEL, YANKOV, NELSON, CHANDRASEKHARA RAO, AKL, WOLFRUM, TREVES, FOR: President JESUS; Vice-President TÜRK; Judges MAROTTA RANGEL, YANKOV, NELSON, CHANDRASEKHARA RAO, AKL, WOLFRUM, TREVES,

AGAINST: Judge LUCKY.

(5) By 21 votes to 1,

Decides that, from point 9 the single maritime boundary follows a geodetic line until point 10 with the coordinates 20° 13' 06.3" N, 92° 00' 07.6" E and then along another geodetic line until point 11 with the coordinates 20° 03' 32.0" N, 91° 50' 31.8" E. From point 11 the single maritime boundary continues as a geodetic line starting at an azimuth of 215° until it reaches the 200 nm limit calculated from the baselines from which the breadth of the territorial sea of Bangladesh is measured;

FOR: President JESUS; Vice-President TÜRK; Judges MAROTTA RANGEL, YANKOV, NELSON, CHANDRASEKHARA RAO, AKL, WOLFRUM, TREVES, NDIAYE, COT, PAWLAK, YANAI, KATEKA, HOFFMANN, GAO, BOUGUETAIA, GOLITSYN, PAIK; Judges ad hoc MENSAH, OXMAN;

AGAINST: Judge LUCKY.

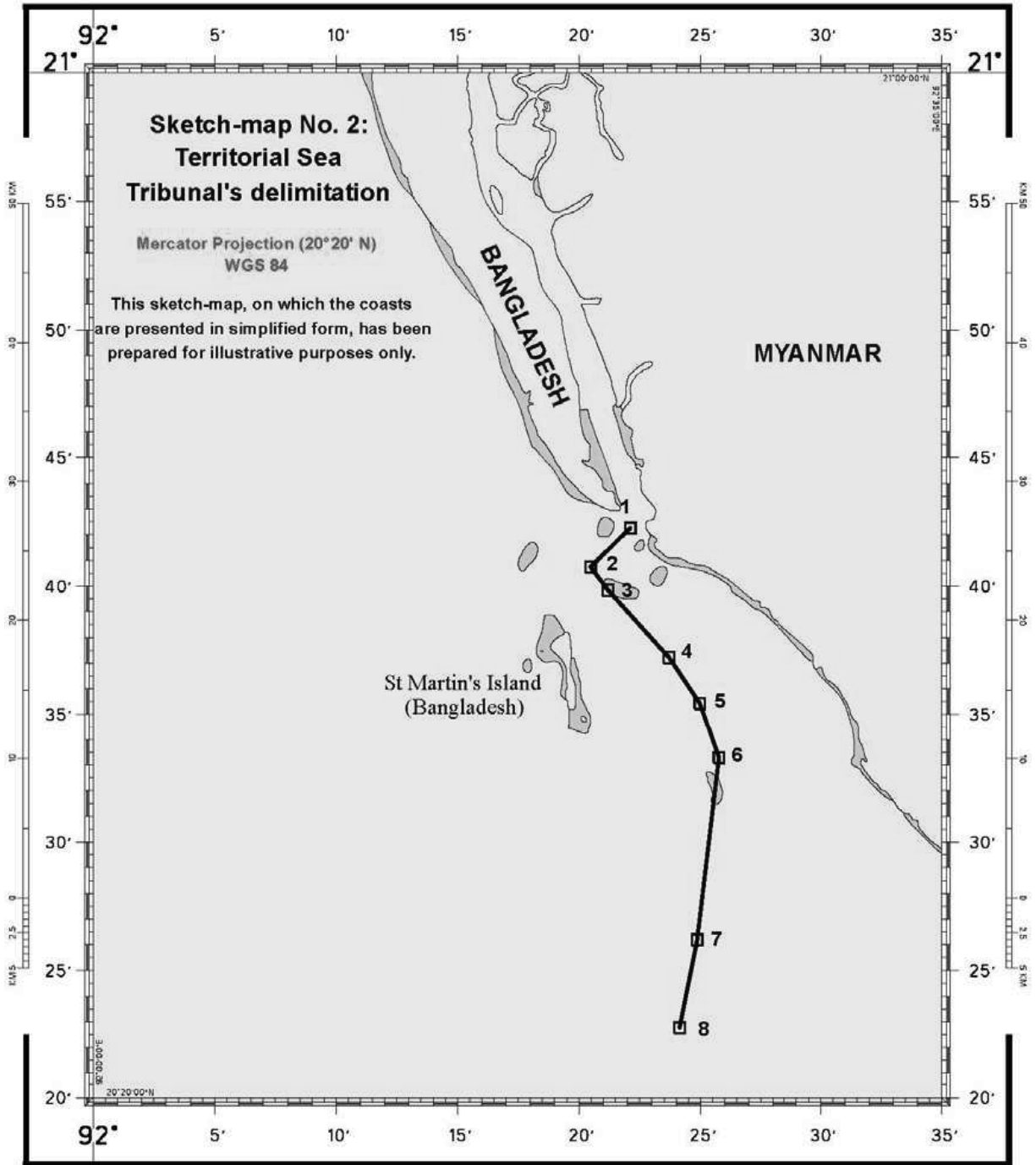
(6) By 19 votes to 3,

Decides that, beyond that 200 nm limit, the maritime boundary shall continue, along the geodetic line starting from point 11 at an azimuth of 215° as identified in operative paragraph 5, until it reaches the area where the rights of third States may be affected.

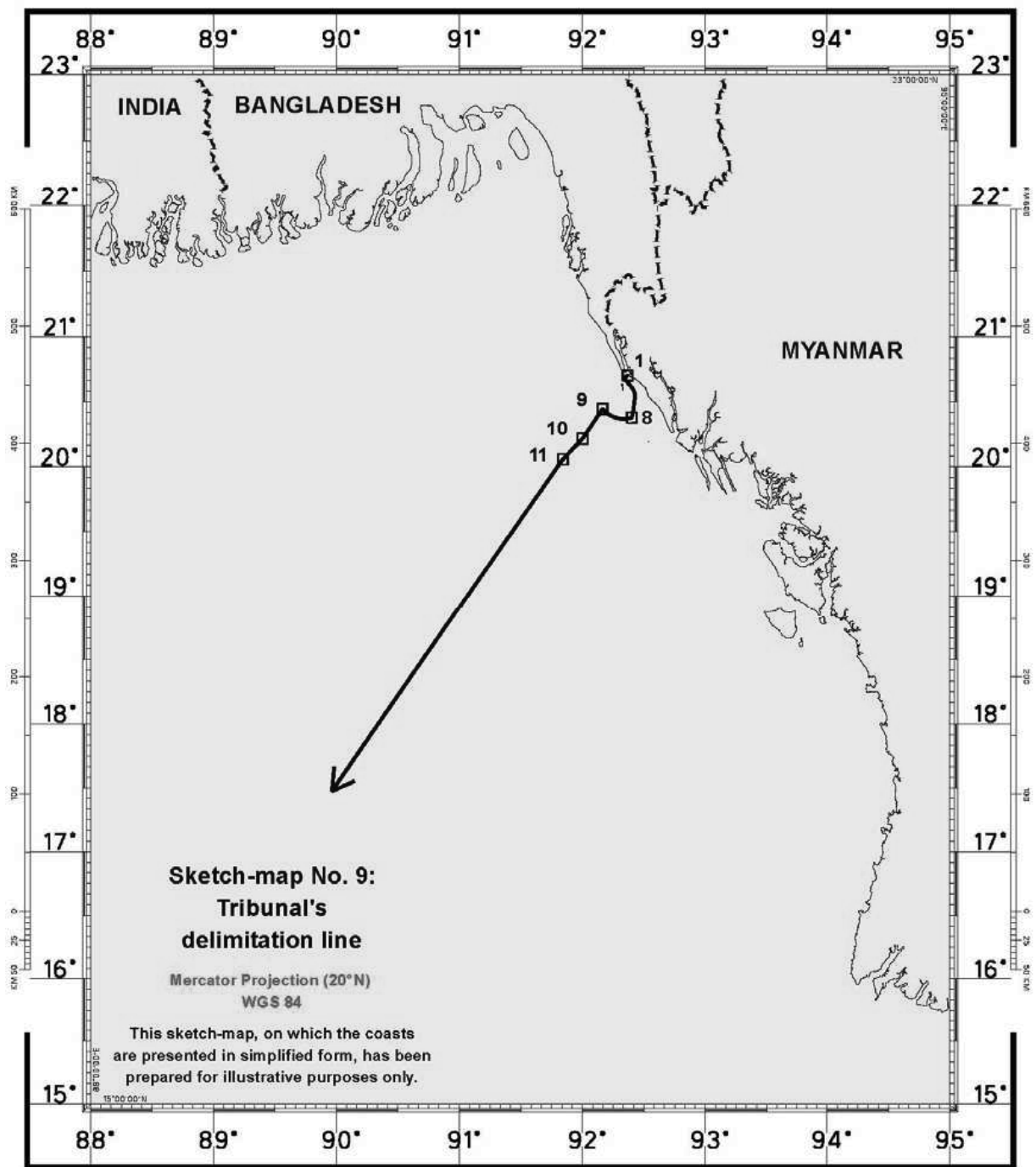
FOR: President JESUS; Vice-President TÜRK; Judges MAROTTA RANGEL, YANKOV, NELSON, CHANDRASEKHARA RAO, AKL, WOLFRUM, TREVES, COT, PAWLAK, YANAI, KATEKA, HOFFMANN, BOUGUETAIA, GOLITSYN, PAIK; Judges ad hoc MENSAH, OXMAN;

AGAINST: Judges NDIAYE, LUCKY, GAO.

Judges Nelson, Chandrasekhara Rao, Cot, Wolfrum, Treves, Mensah and Oxman have appended declarations to the Judgment. Judges Ndiaye, Cot and Gao have appended separate opinions to the Judgment. Judge Lucky has appended a dissenting opinion to the Judgment.







USD 30  
ISBN 978-92-1-133801-0

