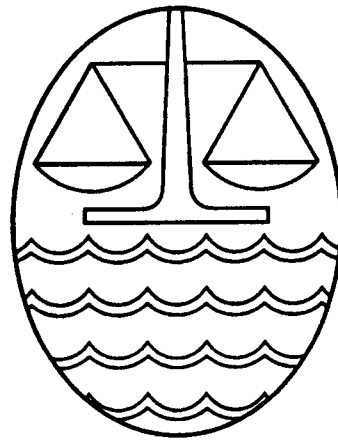


Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs

# *Law of the Sea*



*Bulletin No. 33*



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## **NOTE**

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I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Status of the United Nations Convention on the Law of the Sea <sup>1/</sup>

1. Chronological list of ratifications, accessions and successions to the Convention and their regional groups, as at 31 March 1997

Number	Date of ratification/ accession/succession	State/Entity	Regional group
1	10 December 1982	Fiji	Asian
2	7 March 1983	Zambia	African
3	18 March 1983	Mexico	Latin America/Caribbean
4	21 March 1983	Jamaica	Latin America/Caribbean
5	18 April 1983	Namibia	African
6	7 June 1983	Ghana	African
7	29 July 1983	Bahamas	Latin America/Caribbean
8	13 August 1983	Belize	Latin America/Caribbean
9	26 August 1983	Egypt	African
10	26 March 1984	Côte d'Ivoire	African
11	8 May 1984	Philippines	Asian
12	22 May 1984	Gambia	African
13	15 August 1984	Cuba	Latin America/Caribbean
14	25 October 1984	Senegal	African
15	23 January 1985	Sudan	African
16	27 March 1985	Saint Lucia	Latin America/Caribbean
17	16 April 1985	Togo	African
18	24 April 1985	Tunisia	African
19	30 May 1985	Bahrain	Asian
20	21 June 1985	Iceland	Western European and Other
21	16 July 1985	Mali	African
22	30 July 1985	Iraq	Asian
23	6 September 1985	Guinea	African

<sup>1/</sup> The Convention entered into force on 16 November 1994, in accordance with its article 308.

Number	Date of ratification/ accession/succession	State/Entity	Regional group
24	30 September 1985	United Republic of Tanzania	African
25	19 November 1985	Cameroon	African
26	3 February 1986	Indonesia	Asian
27	25 April 1986	Trinidad and Tobago	Latin America/Caribbean
28	2 May 1986	Kuwait	Asian
29	5 May 1986	Yugoslavia	Eastern European
30	14 August 1986	Nigeria	African
31	25 August 1986	Guinea-Bissau	African
32	26 September 1986	Paraguay	Latin America/Caribbean
33	21 July 1987	Yemen	Asian
34	10 August 1987	Cape Verde	African
35	3 November 1987	Sao Tome and Principe	African
36	12 December 1988	Cyprus	Asian
37	22 December 1988	Brazil	Latin America/Caribbean
38	2 February 1989	Antigua and Barbuda	Latin America/Caribbean
39	17 February 1989	Zaire	African
40	2 March 1989	Kenya	African
41	24 July 1989	Somalia	African
42	17 August 1989	Oman	Asian
43	2 May 1990	Botswana	African
44	9 November 1990	Uganda	African
45	5 December 1990	Angola	African
46	25 April 1991	Grenada	Latin America/Caribbean
47	29 April 1991	Micronesia (Federated States of) <sup>2/</sup>	Asian
48	9 August 1991	Marshall Islands <sup>2/</sup>	Asian
49	16 September 1991	Seychelles	African
50	8 October 1991	Djibouti	African

<sup>2/</sup> Accession to the Convention.

Number	Date of ratification/ accession/succession	State/Entity	Regional group
51	24 October 1991	Dominica	Latin America/Caribbean
52	21 September 1992	Costa Rica	Latin America/Caribbean
53	10 December 1992	Uruguay	Latin America/Caribbean
54	7 January 1993	Saint Kitts and Nevis	Latin America/Caribbean
55	24 February 1993	Zimbabwe	African
56	20 May 1993	Malta	Western European and Other
57	1 October 1993	Saint Vincent and the Grenadines	Latin America/Caribbean
58	5 October 1993	Honduras	Latin America/Caribbean
59	12 October 1993	Barbados	Latin America/Caribbean
60	16 November 1993	Guyana	Latin America/Caribbean
61	12 January 1994	Bosnia and Herzegovina <sup>3/</sup>	Eastern European
62	21 June 1994	Comoros	African
63	19 July 1994	Sri Lanka	Asian
64	25 July 1994	Viet Nam	Asian
65	19 August 1994	The former Yugoslav Republic of Macedonia <sup>3/</sup>	Eastern European
66	5 October 1994	Australia	Western European and Other
67	14 October 1994	Germany <sup>2/</sup>	Western European and Other
68	4 November 1994	Mauritius	African
69	17 November 1994	Singapore	Asian
70	12 December 1994	Sierra Leone	African
71	5 January 1995	Lebanon	Asian
72	13 January 1995	Italy	Western European and Other
73	15 February 1995	Cook Islands	Asia
74	5 April 1995	Croatia <sup>3/</sup>	Eastern European
75	25 April 1995	Bolivia	Latin America/Caribbean
76	16 June 1995	Slovenia <sup>3/</sup>	Eastern European

<sup>3/</sup> Succession.

Number	Date of ratification/ accession/succession	State/Entity	Regional group
77	29 June 1995	India	Asian
78	14 July 1995	Austria	Western European and Other
79	21 July 1995	Greece	Western European and Other
80	2 August 1995	Tonga <sup>2/</sup>	Asian
81	14 August 1995	Samoa	Asian
82	27 November 1995	Jordan <sup>2/</sup>	Asian
83	1 December 1995	Argentina	Latin America/Caribbean
84	23 January 1996	Nauru	Asian
85	29 January 1996	Republic of Korea	Asian
86	20 March 1996	Monaco	Western European and Other
87	21 March 1996	Georgia <sup>2/</sup>	Eastern European
88	11 April 1996	France	Western European and Other
89	24 April 1996	Saudi Arabia	Asian
90	8 May 1996	Slovakia	Eastern European
91	15 May 1996	Bulgaria	Eastern European
92	21 May 1996	Myanmar	Asian
93	7 June 1996	China	Asian
94	11 June 1996	Algeria	African
95	20 June 1996	Japan	Asian
96	21 June 1996	Ireland	Western European and Other
97	21 June 1996	Finland	Western European and Other
98	21 June 1996	Czech Republic	Eastern European
99	24 June 1996	Norway	Western European and Other
100	25 June 1996	Sweden	Western European and Other
101	28 June 1996	Netherlands	Western European and Other
102	1 July 1996	Panama	Latin America/Caribbean
103	17 July 1996	Mauritania	African
104	19 July 1996	New Zealand	Western European and Other

Number	Date of ratification/ accession/succession	State/Entity	Regional group
105	31 July 1996	Haiti	Latin America/Caribbean
106	13 August 1996	Mongolia	Asian
107	30 September 1996	Palau	Asian
108	14 October 1996	Malaysia	Asian
109	5 November 1996	Brunei Darussalam	Asian
110	17 December 1996	Romania	Eastern European
111	14 January 1997	Papua New Guinea	Asian
112	15 January 1997	Spain	Western European and Other
113	11 February 1997	Guatemala	Latin America/Caribbean
114	26 February 1997	Pakistan	Asian
115	12 March 1997	Russian Federation	Eastern European
116	13 March 1997	Mozambique	Africa

116 ratifications/accessions/successions deposited with the Secretary-General.

2. Alphabetical list of States having ratified, acceded or succeeded (116) to the Convention, as at 31 March 1997

Algeria	Italy	Spain
Angola	Jamaica	Sri Lanka
Antigua and Barbuda	Japan	Sudan
Argentina	Jordan	Sweden
Australia	Kenya	The former Yugoslav Republic of Macedonia
Austria	Kuwait	Togo
Bahamas	Lebanon	Tonga
Bahrain	Malaysia	Trinidad and Tobago
Barbados	Mali	Tunisia
Belize	Malta	Uganda
Bolivia	Marshall Islands	United Republic of Tanzania
Bosnia and Herzegovina	Mauritania	Uruguay
Botswana	Mauritius	Viet Nam
Brazil	Mexico	Yemen
Brunei Darussalam	Micronesia (Federated States of)	Yugoslavia
Bulgaria	Monaco	Zaire
Cameroon	Mongolia	Zambia
Cape Verde	Mozambique	Zimbabwe
China	Myanmar	
Comoros	Namibia	
Cook Islands	Nauru	
Costa Rica	Netherlands	
Côte d'Ivoire	New Zealand	
Croatia	Nigeria	
Cuba	Norway	
Cyprus	Oman	
Czech Republic	Pakistan	
Djibouti	Palau	
Dominica	Panama	
Egypt	Papua New Guinea	
Fiji	Paraguay	
Finland	Philippines	
France	Republic of Korea	
Gambia	Romania	
Germany	Russian Federation	
Georgia	Saint Kitts and Nevis	
Ghana	Saint Lucia	
Greece	Saint Vincent and the Grenadines	
Grenada	Samoa	
Guatemala	Sao Tome and Principe	
Guinea	Saudi Arabia	
Guinea-Bissau	Senegal	
Guyana	Seychelles	
Haiti	Sierra Leone	
Honduras	Singapore	
Iceland	Slovakia	
India	Slovenia	
Indonesia	Somalia	
Iraq		
Ireland		

3. Guatemala

Declaration made upon ratification

**Whereas**, the Congress of the Republic, by Decree No. 56-96 of 26 June 1996, acceded to the United Nations Convention on the Law of the Sea, signed at Montego Bay, Jamaica, on 10 December 1982, declaring under article 310 of the said Convention that its accession in no way affects the rights of the Republic of Guatemala over the territory of Belize or the historical rights over the Bay of Amatique, and that neither the territorial sea nor the corresponding zones of maritime jurisdiction can be delimited until the territorial conflict has been resolved; since the keys and islands are included in the territorial claim, they can in no way affect the future delimitation of the maritime spaces,

**Therefore**, by virtue of the powers vested in it by article 183 (o) of the Political Constitution of the Republic,

**Has agreed as follows:**

Article 1

To ratify the United Nations Convention on the Law of the Sea, signed at Montego Bay, Jamaica, on 10 December 1982.

Article 2

Under the terms of the Decree acceding to the said Convention, which was issued by the Congress of the Republic, declares: (a) that the accession to the Convention by the Congress of the Republic and its ratification by the Government of the Republic of Guatemala in no way affect the rights of Guatemala over the territory of Belize, including the islands, keys and islets, or its historical rights over the Bay of Amatique, and (b) therefore, neither the territorial sea nor the maritime zones may be delimited until the existing conflict has been resolved.

Article 3

This instrument of ratification and the text of the Convention shall be published in the Official Gazette.

**Done** at Guatemala City on 4 October 1996.

4. Malaysia

Declaration made upon ratification

In accordance with article 310 of the United Nations Convention on the Law of the Sea, the Government of Malaysia makes the following declarations:

1. The Malaysian Government is not bound by any domestic legislation or by any declaration issued by other States upon signature or ratification of this Convention. Malaysia reserves the right to state its position concerning all such legislations or declarations at the appropriate time. In particular, Malaysia's ratification of the Convention in no way constitutes recognition of the maritime claims of any other State having signed or ratified the Convention, where such claims are inconsistent with the relevant principles of international law and the provisions of the Convention on the Law of the Sea and are prejudicial to the sovereign rights and jurisdiction of Malaysia in its maritime areas.
2. The Malaysian Government understands that the provisions of article 301 prohibiting "any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations" apply in particular to the maritime areas under the sovereignty or jurisdiction of the coastal State.
3. The Malaysian Government also understands that the provisions of the Convention do not authorize other States to carry out military exercises or manoeuvres, in particular those involving the use of weapon or explosives in the exclusive economic zone without the consent of the coastal State.
4. In view of the inherent danger entailed in the passage of nuclear-powered vessels or vessels carrying nuclear material or other material of a similar nature and in view of the provision of article 22, paragraph 2, of the Convention on the Law of the Sea concerning the right of the coastal State to confine the passage of such vessels to sea lanes designated by the State within its territorial sea, as well as that of article 23 of the Convention, which requires such vessels to carry documents and observe special precautionary measures as specified by international agreements, the Malaysian Government, with all of the above in mind, requires the aforesaid vessels to obtain prior authorization of passage before entering the territorial sea of Malaysia until such time as the international agreements referred to in article 23 are concluded and Malaysia becomes a party thereto. Under all circumstances, the flag State of such vessels shall assume all responsibility for any loss or damage resulting from the passage of such vessels within the territorial sea of Malaysia.
5. The Malaysian Government also wishes to reiterate the statement relating to article 233 of the Convention in its application to the Straits of Malacca and Singapore which was annexed to a letter dated 28 April 1982 from the representative of Malaysia at the Third United Nations Conference on the Law of the Sea, addressed to the President of the Conference.<sup>4/</sup>
6. The ratification of the Convention by the Malaysian Government shall not in any manner affect its rights and obligations under any agreements and treaties on maritime matters entered into to which the Malaysian Government is a party.

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<sup>4/</sup> Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVI (United Nations publication), Documents of the Conference, p. 251, document A/CONF.62/L.145, annex.



7. The Malaysian Government interprets article 74 and article 83 to the effect that, in the absence of agreement on the delimitation of the exclusive economic zone or continental shelf or other maritime zones, for an equitable solution to be achieved, the boundary shall be the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of Malaysia and of such other States is measured.

Malaysia is also of the view that, in accordance with the provisions of the Convention, namely article 56 and article 76, if the maritime area is less or to a distance of 200 nautical miles from the baselines, the boundary for the continental shelf and the exclusive economic zone shall be on the same line (identical).

8. The Malaysian Government declares, without prejudice to article 303 of the Convention of the Law of the Sea, that any objects of an archaeological and historical nature found within the maritime areas over which it exerts sovereignty or jurisdiction shall not be removed, without its prior notification and consent.

## 5. Romania

### Declaration made upon ratification

1. As a geographically disadvantaged country bordering a sea poor in living resources, Romania reaffirms the necessity to develop international cooperation for the exploitation of the living resources of the economic zones, on the basis of just and equitable agreements that should ensure the access of the countries from this category to the fishing resources in the economic zones of other regions or subregions.

2. The Socialist Republic of Romania reaffirms the right of coastal States to adopt measures to safeguard their security interests, including the right to adopt national laws and regulations relating to the passage of foreign warships through their territorial sea.

The right to adopt such measures is in full conformity with articles 19 and 25 of the Convention, as also specified in the statement by the President of the United Nations Conference on the Law of the Sea in the plenary meeting of the Conference on 26 April 1982.

3. The Socialist Republic of Romania states that, according to the requirements of equity, as results from articles 74 and 83 of the Convention on the Law of the Sea, uninhabited islands without economic life can in no way affect the delimitation organization [sic] the maritime spaces belonging to the mainland coasts of the coastal States.

## 6. Spain

### Declaration made upon ratification

1. The Kingdom of Spain notes that, as a member of the European Union, it has transferred competence to the European Community with regard to certain matters governed by the Convention. In due course, it will make a declaration specifying the nature and extent of the competence transferred to the European Community, in conformity with the provisions of annex IX to the Convention.

2. In ratifying the Convention, Spain declares that this act cannot be interpreted as recognition of any rights or situations relating to those maritime spaces of Gibraltar not covered by article 10 of the Treaty of Utrecht of 13 July 1713 between the Kingdoms of Spain and Great Britain. Spain also considers that resolution III of the Third United Nations Conference on the Law of the Sea does not apply to the case of the colony of Gibraltar, which is subject to a process of decolonization in which only the relevant resolutions adopted by the General Assembly of the United Nations are applicable.

3. Spain is of the understanding that:
  - (a) The regime established in Part III of the Convention is compatible with the right of the bordering State to enact and enforce in straits used for international navigation its own regulations, provided that such regulations do not interfere with the right of transit passage;
  - (b) In article 39, paragraph 3 (a), the word "normally" means "except for force majeure or serious difficulty";
  - (c) The provisions of article 221 do not deprive the State bordering a strait used for international navigation of the competencies granted to it under international law with respect to intervention in cases of such casualties as are referred to in the above-mentioned article.
4. Spain interprets:
  - (a) Articles 69 and 70 of the Convention to mean that access to fishing in the exclusive economic zone of third States by the fleets of developed States which are land-locked or geographically disadvantaged is conditional upon whether the coastal States in question have previously facilitated such access to the fleets of the States which had customarily fished in the exclusive economic zone in question;
  - (b) Article 297, without prejudice to its provisions relating to the settlement of disputes, to mean that, under articles 56, 61 and 62 of the Convention, the powers of the coastal State for determining the allowable catch, its harvesting capacity and the allocation of surpluses to other States may not be considered as discretionary.
5. The provisions of article 9 of annex III shall not constitute an obstacle to the participation of States Parties whose industrial potential may not permit them to participate directly as contractors in the exploitation and resources of the Area in the joint ventures referred to in paragraph 2 of that article.
6. In accordance with the provisions of paragraph 1 of article 287, Spain chooses the International Court of Justice as the means for the settlement of disputes concerning the interpretation or application of this Convention.

B. Status of the Agreement relating to the implementation of Part XI of the Convention, adopted by the General Assembly of the United Nations on 28 July 1994

1. Alphabetical list of States (78) having consented to be bound by the Agreement, as at 31 March 1997

Algeria	Iceland	Palau
Argentina	India	Panama
Australia	Ireland	Papua New Guinea
Austria	Italy	Paraguay
Bahamas	Jamaica	Republic of Korea
Barbados	Japan	Romania
Belize	Jordan	Russian Federation
Bolivia	Kenya	Samoa
Brunei Darussalam	Lebanon	Saudi Arabia
Bulgaria	Malaysia	Senegal
China	Malta	Seychelles
Cook Islands	Mauritania	Sierra Leone
Côte d'Ivoire	Mauritius	Singapore
Croatia	Micronesia (Federated States of)	Slovakia
Cyprus	Monaco	Slovenia
Czech Republic	Mongolia	Spain
Fiji	Mozambique	Sri Lanka
Finland	Myanmar	Sweden
France	Namibia	The former Yugoslav Republic of Macedonia
Georgia	Nauru	Togo
Germany	Netherlands	Tonga
Greece	New Zealand	Trinidad and Tobago
Grenada	Nigeria	Uganda
Guatemala	Norway	Yugoslavia
Guinea	Oman	Zambia
Haiti	Pakistan	Zimbabwe

2. Table recapitulating the status of the Convention and of the Agreement, as at 31 March 1997

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea	Agreement relating to the implementation of Part XI of the Convention		
	Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
Afghanistan *				
Albania				
Algeria *	11 June 1996	29 July 1994	11 June 1996 <sup>(p)3</sup>	
Andorra				
Angola *	5 December 1990			
Antigua and Barbuda *	2 February 1989			
Argentina *	1 December 1995	29 July 1994	1 December 1995	
Armenia				
Australia *	5 October 1994	29 July 1994	5 October 1994	
Austria *	14 July 1995	29 July 1994	14 July 1995	
Azerbaijan				
Bahamas *	29 July 1983	29 July 1994	28 July 1995 <sup>4/</sup>	
Bahrain *	30 May 1985			
Bangladesh *				16 November 1998 <sup>4/</sup>
Barbados *	12 October 1993	15 November 1994	28 July 1995 <sup>4/</sup>	
Belarus *				16 November 1998 <sup>5/</sup>
Belgium *		29 July 1994		16 November 1998 <sup>5/</sup>
Belize *	13 August 1983		21 October 1994 <sup>(s)</sup>	
Benin *				
Bhutan *				
Bolivia *	28 April 1995		28 April 1995 <sup>(p)3/</sup>	
Bosnia and Herzegovina	12 January 1994 <sup>(s)</sup>			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea	Agreement relating to the implementation of Part XI of the Convention		
	Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
Botswana *	2 May 1990			
Brazil *	22 December 1988	29 July 1994		
Brunei Darussalam *	5 November 1996		5 November 1996 <sup>(p)3/</sup>	
Bulgaria *	15 May 1996		15 May 1996 <sup>(a)</sup>	
Burkina Faso *		30 November 1994		
Burundi *				
Cambodia *				
Cameroon *	19 November 1985	24 May 1995		
Canada *		29 July 1994		16 November 1997 <sup>5/</sup>
Cape Verde *	10 August 1987	29 July 1994		
Central African Republic *				
Chad *				
Chile *				16 November 1998 <sup>5/</sup>
China *	7 June 1996	29 July 1994	7 June 1996 <sup>(p)3/</sup>	
Colombia *				
Comoros *	21 June 1994			
Congo *				
<i>Cook Islands</i> * <sup>7/</sup>	15 February 1995		15 February 1995 <sup>(a)</sup>	
Costa Rica *	21 September 1992			
Côte d'Ivoire *	26 March 1984	25 November 1994	28 July 1995 <sup>4/</sup>	
Croatia	5 April 1995 <sup>(s)</sup>		5 April 1995 <sup>(p)3/</sup>	
Cuba *	15 August 1984			
Cyprus *	12 December 1988	1 November 1994	27 July 1995	
Czech Republic *	21 June 1996	16 November 1994	21 June 1996	
Democratic People's Republic of Korea *				

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea	Agreement relating to the implementation of Part XI of the Convention		
	Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
Denmark *		29 July 1994		
Djibouti *	8 October 1991			
Dominica *	24 October 1991			
Dominican Republic *				
Ecuador				
Egypt *	26 August 1983	22 March 1995		
El Salvador *				
Equatorial Guinea *				
Eritrea				
Estonia				
Ethiopia *				
<i>European Community</i> *		29 July 1994		16 November 1998 <sup>5/</sup>
Fiji *	10 December 1982	29 July 1994	28 July 1995	
Finland *	21 June 1996	29 July 1994	21 June 1996	
France *	11 April 1996	29 July 1994	11 April 1996	
Gabon *		4 April 1995		16 November 1998 <sup>5/</sup>
Gambia *	22 May 1984			
Georgia	21 March 1996 <sup>(a)</sup>		21 March 1996 <sup>(p)3/</sup>	
Germany	14 October 1994 <sup>(a)</sup>	29 July 1994	14 October 1994	
Ghana *	7 June 1983			
Greece *	21 July 1995	29 July 1994	21 July 1995	
Grenada *	25 April 1991	14 November 1994	28 July 1995 <sup>4/</sup>	
Guatemala *	11 February 1997		11 February 1997 <sup>(p)3/</sup>	
Guinea *	6 September 1985	26 August 1994	28 July 1995 <sup>4/</sup>	
Guinea-Bissau *	25 August 1986			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea  Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Agreement relating to the implementation of Part XI of the Convention		
		Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
Guyana *	16 November 1993			
Haiti *	31 July 1996		31 July 1996 <sup>(p)3/</sup>	
<i>Holy See</i> <sup>2/</sup>				
Honduras *	5 October 1993			
Hungary *				
Iceland *	21 June 1985	29 July 1994	28 July 1995 <sup>4/</sup>	
India *	29 June 1995	29 July 1994	29 June 1995	
Indonesia *	3 February 1986	29 July 1994		
Iran (Islamic Republic of) *				
Iraq *	30 July 1985			
Ireland *	21 June 1996	29 July 1994	21 June 1996	
Israel				
Italy *	13 January 1995	29 July 1994	13 January 1995	
Jamaica *	21 March 1983	29 July 1994	28 July 1995 <sup>4/</sup>	
Japan *	20 June 1996	29 July 1994	20 June 1996	
Jordan	27 November 1995 <sup>(a)</sup>		27 November 1995 <sup>(p)3/</sup>	
Kazakstan				
Kenya *	2 March 1989		29 July 1994 <sup>(s)</sup>	
<i>Kiribati</i> <sup>2/</sup>				
Kuwait *	2 May 1986			
Kyrgyzstan				
Lao People's Democratic Republic *		27 October 1994		16 November 1998 <sup>5/</sup>
Latvia				
Lebanon *	5 January 1995		5 January 1995 <sup>(p)3/</sup>	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea	Agreement relating to the implementation of Part XI of the Convention		
	Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
Lesotho *				
Liberia *				
Libyan Arab Jamahiriya *				
Liechtenstein *				
Lithuania				
Luxembourg *		29 July 1994		
Madagascar *				
Malawi *				
Malaysia *	14 October 1996	2 August 1994	14 October 1996 <sup>(p)3/</sup>	
Maldives *		10 October 1994		
Mali *	16 July 1985			
Malta *	20 May 1993	29 July 1994	26 June 1996	
Marshall Islands	9 August 1991 <sup>(a)</sup>			
Mauritania *	17 July 1996	2 August 1994	17 July 1996 <sup>(p)3/</sup>	
Mauritius *	4 November 1994		4 November 1994 <sup>(p)3/</sup>	
Mexico *	18 March 1983			
Micronesia (Federated States of)	29 April 1991 <sup>(a)</sup>	10 August 1994	6 September 1995	
Monaco *	20 March 1996	30 November 1994	20 March 1996 <sup>(p)3/</sup>	
Mongolia *	13 August 1996	17 August 1994	13 August 1996 <sup>(p)3/</sup>	
Morocco *		19 October 1994		
Mozambique *	13 March 1997		13 March 1997 <sup>(a)</sup>	12 April 1997 <sup>6/</sup>
Myanmar *	21 May 1996		21 May 1996 <sup>(a)</sup>	
Namibia *	18 April 1983	29 July 1994	28 July 1995 <sup>4/</sup>	
Nauru * <sup>7/</sup>	23 January 1996		23 January 1996 <sup>(p)3/</sup>	
Nepal *				16 November 1998 <sup>2/</sup>



State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea	Agreement relating to the implementation of Part XI of the Convention		
	Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
Netherlands *	28 June 1996	29 July 1994	28 June 1996	
New Zealand *	19 July 1996	29 July 1994	19 July 1996	
Nicaragua *				
Niger *				
Nigeria *	14 August 1986	25 October 1994	28 July 1995 <sup>4/</sup>	
Niue * <sup>7/</sup>				
Norway *	24 June 1996		24 June 1996 <sup>(a)</sup>	
Oman *	17 August 1989		26 February 1997 <sup>(a)</sup>	
Pakistan *	26 February 1997	10 August 1994	26 February 1997 <sup>(p)3/</sup>	
Palau *	30 September 1996 <sup>(a)</sup>		30 September 1996 <sup>(p)3/</sup>	
Panama *	1 July 1996		1 July 1996 <sup>(p)3/</sup>	
Papua New Guinea *	14 January 1997		14 January 1997 <sup>(p)3/</sup>	
Paraguay *	26 September 1986	29 July 1994	10 July 1995	
Peru				
Philippines *	8 May 1984	15 November 1994		
Poland *		29 July 1994		16 November 1998 <sup>5/</sup>
Portugal *		29 July 1994		
Qatar *				16 November 1998 <sup>6/</sup>
Republic of Korea *	29 January 1996	7 November 1994	29 January 1996	
Republic of Moldova				
Romania *	17 December 1996		17 December 1996 <sup>(a)</sup>	
Russian Federation *	12 March 1997		12 March 1997 <sup>(a)</sup>	11 April 1997 <sup>5/</sup>
Rwanda *				
Saint Kitts and Nevis *	7 January 1993			
Saint Lucia *	27 March 1985			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea	Agreement relating to the implementation of Part XI of the Convention		
	Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
Saint Vincent and the Grenadines *	1 October 1993			
Samoa *	14 August 1995	7 July 1995	14 August 1995 <sup>(p)3/</sup>	
San Marino				
Sao Tome and Principe *	3 November 1987			
Saudi Arabia *	24 April 1996		24 April 1996 <sup>(p)2/</sup>	
Senegal *	25 October 1984	9 August 1994	25 July 1995	
Seychelles *	16 September 1991	29 July 1994	15 December 1994	
Sierra Leone *	12 December 1994		12 December 1994 <sup>(p)2/</sup>	
Singapore *	17 November 1994		17 November 1994 <sup>(p)3/</sup>	
Slovakia *	8 May 1996	14 November 1994	8 May 1996	
Slovenia	16 June 1995 <sup>(s)</sup>	19 January 1995	16 June 1995	
Solomon Islands *				16 November 1998 <sup>6/</sup>
Somalia *	24 July 1989			
South Africa *		3 October 1994		16 November 1998 <sup>5/</sup>
Spain *	15 January 1997	29 July 1994	15 January 1997	
Sri Lanka *	19 July 1994	29 July 1994	28 July 1995 <sup>4/</sup>	
Sudan *	23 January 1985	29 July 1994		
Suriname *				
Swaziland *		12 October 1994		
Sweden *	25 June 1996	29 July 1994	25 June 1996	
Switzerland * <sup>7/</sup>		26 October 1994		16 November 1998 <sup>5/</sup>
Syrian Arab Republic				
Tajikistan				
Thailand *				

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea	Agreement relating to the implementation of Part XI of the Convention		
	Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
The former Yugoslav Republic of Macedonia	19 August 1994 <sup>(s)</sup>		19 August 1994 <sup>(p)3/</sup>	
Togo *	16 April 1985	3 August 1994	28 July 1995 <sup>4/</sup>	
Tonga <sup>2/</sup>	2 August 1995 <sup>(a)</sup>		2 August 1995 <sup>(p)3/</sup>	
Trinidad and Tobago *	25 April 1986	10 October 1994	28 July 1995 <sup>4/</sup>	
Tunisia *	24 April 1985	15 May 1995		
Turkey				
Turkmenistan				
Tuvalu * <sup>2/</sup>				
Uganda *	9 November 1990	9 August 1994	28 July 1995 <sup>4/</sup>	
Ukraine *		28 February 1995		16 November 1997 <sup>5/</sup>
United Arab Emirates *				16 November 1998 <sup>5/</sup>
United Kingdom		29 July 1994		16 November 1997 <sup>5/</sup>
United Republic of Tanzania *	30 September 1985	7 October 1994		
United States of America		29 July 1994		16 November 1998 <sup>5/</sup>
Uruguay *	10 December 1992	29 July 1994		
Uzbekistan				
Vanuatu *		29 July 1994		
Venezuela				
Viet Nam *	25 July 1994			
Yemen *	21 July 1987			
Yugoslavia *	5 May 1986	12 May 1995	28 July 1995 <sup>4/</sup>	
Zaire *	17 February 1989			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea  Date of ratification / accession <sup>(a)</sup> / succession <sup>(s)</sup>	Agreement relating to the implementation of Part XI of the Convention		
		Signature	Ratification; accession; <sup>(a)</sup> definitive signature; <sup>(s)</sup> participation <sup>(p)</sup>	Provisional membership in the Authority until <sup>2/</sup>
Zambia *	7 March 1983	13 October 1994	28 July 1995 <sup>4/</sup>	
Zimbabwe *	24 February 1993	28 October 1994	28 July 1995 <sup>4/</sup>	

TOTALS:

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1. States or entities which have signed the United Nations Convention on the Law of the Sea are indicated by an asterisk (\*).

2. In accordance with article 6, paragraph 1, the Agreement entered into force on 28 July 1996. On the same date, in accordance with its article 7, paragraph 3, the provisional application of the Agreement terminated. In accordance with the provisions of section 1, paragraph 12 (a), of the Annex to the Agreement, States and entities referred to in article 3 of the Agreement which had been applying it provisionally and for which it was not in force were able to continue to be members of the Authority on a provisional basis, pending its entry into force for such States and entity, by sending a written notification to the depositary to that effect. The following States and entities made such notification: Bangladesh, Belgium, Cambodia, Canada, Chile, Congo, *European Community*, Gabon, Lao People's Democratic Republic, Luxembourg, Malaysia, Nepal, New Zealand, Papua New Guinea, Poland, Russian Federation, South Africa, Suriname, Switzerland, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America.

Paragraph 12(a) also provides that such membership shall terminate either on 16 November 1996 or upon the entry into force of the Agreement and the Convention for such member, whichever is earlier. Furthermore, it has empowered the Council to extend, upon the request of the State or entity concerned, such membership beyond 16 November 1996 for a further period or periods not exceeding a total of two years provided that the Council is satisfied that the State or entity concerned has been making efforts in good faith to become a party to the Agreement and the Convention.

At the resumed second session of the International Seabed Authority, held at Kingston from 5 to 16 August 1996, the Council of the Authority approved requests for the extension of membership on a provisional basis of the following States: Bangladesh, Canada, Nepal, Poland and United States of America (document ISBA/C/9). With regard to the extension of provisional membership beyond 16 November 1996 for the other States and one entity which, in accordance with article 7, paragraph 1, of the Agreement, had applied the Agreement provisionally before its entry into force and which had subsequently notified the depositary of their intention to continue the provisional membership, the Council decided that those States or entities which submitted requests for an extension of membership beyond 16 November 1996 prior to the next session of the Council should be deemed to be members of the Authority on a provisional basis until the end of the next session of the Council, at which the Council would deliberate on such requests. The following States and entity have submitted requests for an extension: Belarus, Belgium, Chile, *European Community*, Gabon, Lao People's Democratic Republic, Mozambique, Qatar, Russian Federation, Solomon Islands, South Africa, Switzerland, Ukraine, United Arab Emirates and United Kingdom of Great Britain and Northern Ireland. At the third session of the International Seabed Authority, held at Kingston from 17 to 27 March 1997, the Council of the Authority approved those requests (document ISBA/3/C/3).

3. State bound by the Agreement by having ratified, acceded or succeeded to the Convention under article 4, paragraph 1, of the Agreement.

4. State bound by the Agreement under the simplified procedure set out in article 5 of the Agreement.

5. States which continue to be members of the Authority on a provisional basis after 16 November 1996, as decided by the Council of the Authority, in accordance with section 1, paragraph 12(a), of the Annex to the Agreement (see note 2). The Russian Federation became a State Party as of 11 April 1997.

6. States which have not notified the depositary in accordance with section 1, paragraph 12(a), of the Annex to the Agreement (see note 2) but are considered to be members of the Authority on a provisional basis after 16 November 1996, as decided by the Council of the Authority on 18 March 1997. Mozambique became a State Party as of 12 April 1997.

7. Non-member State of the United Nations.

C. Status 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, adopted by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on 4 August 1995

1. Status of the Agreement as at 31 March 1997

State or entity <sup>1/</sup>	Signature of the Agreement <sup>2/</sup>	Provisional application as of	Ratification; accession <sup>3/</sup> <sup>(a)</sup>
Afghanistan			
Albania			
Algeria ♦			
Andorra			
Angola ♦			
Antigua and Barbuda ♦			
Argentina ♦	4 December 1995		
Armenia			
Australia ♦	4 December 1995		
Austria ♦	27 June 1996		
Azerbaijan			
Bahamas ♦			16 January 1997 <sup>(a)</sup>
Bahrain ♦			
Bangladesh	4 December 1995		
Barbados ♦			
Belarus			
Belgium	3 October 1996		
Belize ♦	4 December 1995		
Benin			
Bhutan			
Bolivia ♦			
Bosnia and Herzegovina ♦			
Botswana ♦			
Brazil ♦	4 December 1995		
Brunei Darussalam ♦			

State or <i>entity</i> <sup>1/</sup> <u>        </u>	Signature of the Agreement <sup>2/</sup> <u>        </u>	Provisional application as of	Ratification; <sup>3/</sup> accession <sup>(a)</sup> <u>        </u>
Bulgaria ♦			
Burkina Faso	15 October 1996		
Burundi			
Cambodia			
Cameroon ♦			
Canada	4 December 1995		
Cape Verde ♦			
Central African Republic			
Chad			
Chile			
China ♦	6 November 1996		
Colombia			
Comoros ♦			
Congo			
Cook Islands <sup>4/</sup> ♦			
Costa Rica ♦			
Côte d'Ivoire ♦	24 January 1996		
Croatia ♦			
Cuba ♦			
Cyprus ♦			
Czech Republic ♦			
Democratic People's Republic of Korea			
Denmark	27 June 1996		
Djibouti ♦			
Dominica ♦			
Dominican Republic			
Ecuador			
Egypt ♦	5 December 1995		

State or entity <sup>1/</sup> _	Signature of the Agreement <sup>2/</sup> _	Provisional application as of	Ratification; <sup>3/</sup> accession <sup>(a)</sup> _
El Salvador			
Equatorial Guinea			
Eritrea			
Estonia			
Ethiopia			
<i>European Community</i>	27 June 1996		
Fiji ♦	4 December 1995		12 December 1996
Finland ♦	27 June 1996		
France ♦	4 December 1996		
Gabon	7 October 1996		
Gambia ♦			
Georgia ♦			
Germany ♦	28 August 1996		
Ghana ♦			
Greece ♦	27 June 1996		
Grenada ♦			
Guatemala ♦			
Guinea ♦			
Guinea-Bissau ♦	4 December 1995		
Guyana ♦			
Haiti ♦			
Holy See <sup>4/</sup>			
Honduras ♦			
Hungary			
Iceland ♦	4 December 1995		14 February 1997
India ♦			
Indonesia ♦	4 December 1995		
Iran (Islamic Republic of)			



State or <i>entity</i> <sup>1/</sup> <u>        </u>	Signature of the Agreement <sup>2/</sup> <u>        </u>	Provisional application as of	Ratification; <sup>3/</sup> <u>        </u> accession <sup>(a)</sup> <u>        </u>
Iraq ♦			
Ireland ♦	27 June 1996		
Israel	4 December 1995		
Italy ♦	27 June 1996		
Jamaica ♦	4 December 1995		
Japan ♦	19 November 1996		
Jordan ♦			
Kazakstan			
Kenya ♦			
Kiribati <sup>4/</sup>			
Kuwait ♦			
Kyrgyzstan			
Lao People's Democratic Republic			
Latvia			
Lebanon ♦			
Lesotho			
Liberia			
Libyan Arab Jamahiriya			
Liechtenstein			
Lithuania			
Luxembourg	27 June 1996		
Madagascar			
Malawi			
Malaysia ♦			
Maldives	8 October 1996		
Mali ♦			
Malta ♦			
Marshall Islands ♦	4 December 1995		

State or entity <sup>1/</sup> —	Signature of the Agreement <sup>2/</sup> —	Provisional application as of	Ratification; <sup>3/</sup> accession <sup>(a)</sup> —
Mauritania ♦	21 December 1995		
Mauritius ♦			25 March 1997 <sup>(a)</sup>
Mexico ♦			
Micronesia (Federated States of) ♦	4 December 1995		
Monaco ♦			
Mongolia ♦			
Morocco	4 December 1995		
Mozambique ♦			
Myanmar ♦			
Namibia ♦	19 April 1996		
Nauru <sup>4/</sup> ♦			10 January 1997 <sup>(a)</sup>
Nepal			
Netherlands ♦	28 June 1996		
New Zealand ♦	4 December 1995		
Nicaragua			
Niger			
Nigeria ♦			
Niue <sup>4/</sup>	4 December 1995		
Norway ♦	4 December 1995		30 December 1996
Oman ♦			
Pakistan ♦	15 February 1996		
Palau ♦			
Panama ♦			
Papua New Guinea	4 December 1995		
Paraguay ♦			
Peru			
Philippines ♦	30 August 1996		
Poland			

State or <i>entity</i> <sup>1/</sup>	Signature of the Agreement <sup>2/</sup>	Provisional application as of	Ratification; <sup>3/</sup> accession <sup>(a)</sup>
Portugal	27 June 1996		
Qatar			
Republic of Korea ♦	26 November 1996		
Republic of Moldova			
Romania ♦			
Russian Federation ♦	4 December 1995		
Rwanda			
Saint Kitts and Nevis ♦			
Saint Lucia ♦	12 December 1995		9 August 1996
Saint Vincent and the Grenadines ♦			
Samoa ♦	4 December 1995		25 October 1996
San Marino			
Sao Tome and Principe ♦			
Saudi Arabia ♦			
Senegal ♦	4 December 1995		30 January 1997
Seychelles ♦	4 December 1996		
Sierra Leone ♦			
Singapore ♦			
Slovakia ♦			
Slovenia ♦			
Solomon Islands			13 February 1997
Somalia ♦			
South Africa			
Spain ♦	3 December 1996		
Sri Lanka ♦	9 October 1996		24 October 1996
Sudan ♦			
Suriname			
Swaziland			

State or entity <sup>1/</sup>	Signature of the Agreement <sup>2/</sup>	Provisional application as of	Ratification; <sup>3/</sup> accession <sup>(a)</sup>
Sweden ♦	27 June 1996		
Switzerland <sup>4/</sup>			
Syrian Arab Republic			
Tajikistan			
Thailand			
The former Yugoslav Republic of Macedonia ♦			
Togo ♦			
Tonga <sup>4/</sup> ♦	4 December 1995		31 July 1996
Trinidad and Tobago ♦			
Tunisia ♦			
Turkey			
Turkmenistan			
Tuvalu <sup>4/</sup>			
Uganda ♦	10 October 1996		
Ukraine	4 December 1995		
United Arab Emirates			
United Kingdom	27 June 1996		
United Republic of Tanzania ♦			
United States of America	4 December 1995		21 August 1996
Uruguay ♦	16 January 1996		
Uzbekistan			
Vanuatu	23 July 1996		
Venezuela			
Viet Nam ♦			
Yemen ♦			
Yugoslavia ♦			
Zaire ♦			

State or <i>entity</i> <sup>1/</sup> <sub>—</sub>	Signature of the Agreement <sup>2/</sup> <sub>—</sub>	Provisional application as of	Ratification; <sup>3/</sup> <sub>—</sub> accession <sup>(a)</sup> <sub>—</sub>
Zambia ♦			
Zimbabwe ♦			

TOTALS:

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1. ♦ States or *entities* which are Parties to the United Nations Convention on the Law of the Sea of 10 December 1982.
- ▒ Land-locked States.
2. In accordance with its article 37, the Agreement was opened for signature at United Nations Headquarters from 4 December 1995 until 4 December 1996 by all States and the other entities referred to in article 305 (1) (a), (c), (d), (e) and (f) of the United Nations Convention on the Law of the Sea of 10 December 1982.
3. In accordance with its article 40, the Agreement shall enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.
4. Non-member State of the United Nations.

## 2. China

### Statement of the Government of the People's Republic of China on relevant provisions of the Agreement

It is the belief of the Government of the of the People's Republic of China that the Agreement for the implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of the straddling fish stocks and highly migratory fish stocks, adopted at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on 4 August 1995, is an important development of the United Nations Convention on the Law of the Sea. This Agreement will have a significant impact on the conservation and management of living marine resources, especially fish resources in the high seas as well as on the international cooperation in fishery. Upon signing the Agreement, the Government of the People's Republic of China wishes to make the following statement in accordance with article 43 of the Agreement:

1. With regard to the understanding of paragraph 7 of article 21 of the Agreement: The Government of China is of the view that the enforcement action taken by the inspecting State with the authorization of the flag State involves state sovereignty and national legislation of the States concerned. The authorized enforcement action should be limited to the mode and scope as specified in the authorization by the flag State. Enforcement action by the inspecting State under such circumstances should only be that of executing the authorization of the flag State.

2. With regard to the understanding of subparagraph (f) of paragraph 1 of article 22 of the Agreement: This subparagraph provides that the inspecting State shall ensure that its duly authorized inspectors "avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances." The understanding of the Chinese Government on this provision is that only when the personal safety of the authorized inspectors whose authorization has been duly verified is endangered and their normal inspecting activities are obstructed by violence committed by crew members or fishermen of the fishing vessel under inspection, may the inspectors take appropriate compulsory measures necessary to stop such violence. It should be emphasized that the action of force by the inspectors shall only be taken against those crew members or fishermen committing the violence and must never be taken against the vessel as a whole or other crew members or fishermen.

## 3. Norway

### Declaration made upon ratification

Having seen and examined the 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, we hereby approve, ratify and confirm, subject to the declarations set out below, the said Agreement, in all and every part, promising to have it observed according to its form and contents,

### Declaration pursuant to article 43 of the Agreement

According to article 42 of the Agreement, no reservations or exceptions may be made to the Agreement. A declaration pursuant to its article 43 cannot have the effect of an exception or reservation for the State making it. Consequently, the Government of the Kingdom of Norway declares that it does not consider itself bound by declarations pursuant to article 43 of the Agreement that we are or will be made by other States or international organizations. Passivity with respect to such declarations shall be interpreted neither as acceptance nor as rejection of such declarations. The Government reserves Norway's right at any time to take a position on such declarations in the manner deemed appropriate.

Declaration pursuant to article 30 of the Agreement

The Government of the Kingdom of Norway declares pursuant to article 30 of the Agreement (cf. article 298 of the United Nations Convention on the Law of the Sea) that it does not accept an arbitral tribunal constituted in accordance with Annex VII of the United Nations Convention on the Law of the Sea for disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 3, of the United Nations Convention on the Law of the Sea, in the event that such disputes might be considered to be covered by this Agreement.

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

### A. Recent national legislation received from Governments

#### 1. Denmark

##### Act No. 411 of 22 May 1996 on Exclusive Economic Zones

1. Denmark's exclusive economic zone is the waters beyond and adjacent to the territorial sea up to a distance of 200 nautical miles from the baselines applicable at all times.

(2) The Minister for Foreign Affairs may, however, resolve that this Act shall not cover waters governed by special circumstances.

2. The delimitation line of the exclusive economic zones in relation to foreign States whose coasts lie opposite the coasts of the Kingdom of Denmark at a distance not exceeding 400 nautical miles or adjacent to Denmark shall in the absence of an agreement to the contrary be the line equidistant from the nearest points of the baselines of the two States' coasts (the median line principle); cf. section 2, subsection 2, of Royal Decree No. 259 of 7 June 1963 concerning the exercise of Danish sovereignty over the continental shelf.

(2) The Minister for Foreign Affairs shall promulgate the delimitation of the exclusive economic zones.

3. In the exclusive economic zones, Denmark has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for economic exploitation and exploration of the zones, such as the production of energy from the water, currents and winds. In the exclusive economic zones, Denmark has also jurisdiction with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, as well as protection and preservation of the marine environment. Furthermore, in the exclusive economic zones, Denmark has such rights as are conferred on Denmark under international law.

4. This Act shall enter into force on 1 July 1996.

5. This Act shall not apply to the Faroe Islands and Greenland, but may become effective by Royal Decree for these parts of the Kingdom of Denmark with the amendments dictated by the special conditions prevailing in the Faroe Islands and Greenland.

DONE at Christiansborg Palace, this twenty-second day of May, 1996.

##### Executive Order No. 584 of 24 June 1996 concerning Denmark's Exclusive Economic Zone

In pursuance of section 1, subsection 2, and section 2, subsection 2, of Act No. 411 of 22 May 1996 on exclusive economic zones, the following provisions are hereby laid down:

1. The exclusive economic zones of the North Sea, the Skagerrak, the Kattegat, the Sound, the Great Belt and the Baltic Sea are the waters beyond and adjacent to the territorial sea up to a distance of 200 nautical miles from the baselines applicable at all times. As regards the drawing of the baselines, reference is made to Royal Decree No. 437 of 21 December 1966 on the delimitation of the territorial sea, as amended by Royal Decree No. 189 of 19 April 1978.



(2) The waters between Bornholm and Poland shall until further notice not be covered by the Act on Exclusive Economic Zones. Under Executive Order No. 386 of 23 August 1985 concerning Denmark's fishery territory and Royal Decree No. 259 of 7 June 1963 concerning the exercise of Danish sovereignty over the continental shelf, the fishery boundary and the continental shelf boundary in the waters between Bornholm and Poland shall, pending an agreement with Poland, be the line equidistant from the nearest points on the baselines at the respective States' coasts (the median line).

(3) The delimitation of the exclusive economic zone in relation to foreign States shall be effected as mentioned in sections 2 to 6 of this Order. The coordinates of the points marking the boundary line are laid down in European Datum 1950. The boundary line is depicted in the enclosed chart.

2. In relation to Germany, the delimitation line of the exclusive economic zone in the North Sea shall be a boundary line which is straight geodesics between the following points:

1.	55° 03' 50.1"N	08° 18' 07.0"E
2.	55° 10' 03.4"N	07° 33' 09.6"E
3.	55° 30' 40.3"N	05° 45' 00.0"E
4.	55° 15' 00.0"N	05° 24' 12.0"E
5.	55° 15' 00.0"N	05° 09' 00.0"E
6.	55° 24' 15.0"N	04° 45' 00.0"E
7.	55° 46' 21.8"N	94° 15' 00.0"E
8.	55° 55' 09.4"N	03° 21' 00.0"E

3. In relation to the United Kingdom of Great Britain and Northern Ireland, the delimitation line of the exclusive economic zone in the North Sea shall be a boundary line which is a straight geodesic between the following points:

8.	55° 55' 09.4"N	03° 21' 00.0" E
9.	56° 05' 12.0"N	03° 15' 00.0" E

4. In relation to Norway, the delimitation line of the exclusive economic zone in the North Sea and the Skagerrak shall be a boundary line which is straight geodesics between the following points:

9.	56° 05' 12.0"N	03° 15' 00.0"E
10.	56° 35' 30.0"N	05° 02' 00.0"E
11.	57° 10' 30.0"N	06° 56' 12.0"E
12.	57° 29' 54.0"N	07° 59' 00.0"E
13.	57° 37' 06.0"N	08° 27' 30.0"E
14.	57° 41' 48.0"N	08° 53' 18.0"E
15.	57° 59' 18.0"N	09° 23' 00.0"E
16.	58° 15' 41.2"N	10° 01' 48.1"E

5. In relation to Sweden, the delimitation line of the exclusive economic zone shall be as follows:

In the Skagerrak and the Kattegat, the boundary line is drawn as straight geodesics through the following points in the following order:

16.	58° 15' 41.2"N	10° 01' 48.1"E
17.	58° 08' 00.1"N	10° 32' 32.8"E
18.	57° 49' 00.6"N	11° 02' 55.6"E
19.	57° 27' 00.0"N	11° 23' 57.4"E
20.	56° 30' 32.3"N	12° 08' 52.1"E

- |                    |                |
|--------------------|----------------|
| 21. 56° 18' 14.1"N | 12° 05' 15.9"E |
| 22. 56° 12' 58.9"N | 12° 21' 48.0"E |

(2) In the Sound, the boundary line from point 22, cf. subsection 1, to point 23, cf. subsection 3, is identical to the demarcation line laid down in Declaration of 30 January 1932 between Denmark and Sweden or subsequent amendments thereto, cf. Executive Orders No. 41 of 22 February 1932, Legal Law Reports A, and No. 117 of 5 October 1995, Legal Law Reports C. The boundary line is depicted in charts of the Sound.

(3) In the Baltic Sea, the boundary line is drawn as straight geodesics through the following points in the following order:

- |                    |                |
|--------------------|----------------|
| 23. 55° 20' 14.2"N | 12° 38' 31.0"E |
| 24. 55° 18' 30.0"N | 12° 38' 20.0"E |
| 25. 55° 15' 00.0"N | 12° 40' 38.0"E |
| 26. 55° 10' 00.0"N | 12° 47' 41.6"E |
| 27. 55° 03' 54.0"N | 13° 03' 20.0"E |
| 28. 55° 00' 35.2"N | 13° 08' 45.0"E |

From point 28, the boundary line continues to a point on which agreement shall be made with Sweden and Germany.

(4) In the area between Bornholm and Sweden, the boundary line shall be drawn from a point on which an agreement shall be made with Sweden and Germany, and shall continue as straight geodesics through the following points in the following order:

- |                    |                |
|--------------------|----------------|
| 29. 54° 57' 49.1"N | 13° 59' 40.0"E |
| 30. 55° 18' 44.0"N | 14° 27' 36.0"E |
| 31. 55° 41' 29.4"N | 15° 02' 34.4"E |
| 32. 55° 21' 18.6"N | 16° 30' 29.7"E |

From point 32, the boundary line shall continue to a point on which an agreement shall be made with Sweden and Poland.

6. In the area between Bornholm and Germany, the boundary line shall be drawn from a point on which an agreement shall be made with Germany and Poland and shall continue as straight geodesics through the following points:

- |                     |                |
|---------------------|----------------|
| 33. 54° 32' 10.4" N | 14° 38' 12.2"E |
| 34. 54° 39' 30.0" N | 14° 24' 51.0"E |
| 35. 54° 48' 45.0" N | 14° 24' 51.0"E |
| 36. 54° 48' 45.0" N | 14° 10' 22.0"E |
| 37. 54° 57' 44.8" N | 13° 59' 34.2"E |

From point 37, the boundary line shall continue to a point on which an agreement shall be made with Germany and Sweden, cf. section 5, subsection 4.

(2) In the western part of the Baltic Sea, the boundary line in relation to Germany shall be drawn from a point on which an agreement shall be made with Germany and Sweden, cf. section 5, subsection 3, and shall continue as straight geodesics between the following points:

38.	55° 00' 30.2"N	13° 08' 53.1"E
39.	54° 50' 01.7"N	12° 56' 02.4"E
40.	54° 45' 49.7"N	12° 44' 59.9"E
41.	54° 41' 15.9"N	12° 26' 35.7"E
42.	54° 24' 39.9"N	12° 06' 43.5"E
43.	54° 22' 00.5"N	11° 56' 25.6"E
44.	54° 21' 53.4"N	11° 40' 14.7"E
45.	54° 21' 56.7"N	11° 40' 20.7"E
46.	54° 23' 36.0"N	11° 38' 12.2"E
47.	54° 25' 47.7"N	11° 34' 55.1"E
48.	54° 27' 53.4"N	11° 30' 49.9"E
49.	54° 29' 53.1"N	11° 26' 36.6"E
50.	54° 31' 57.0"N	11° 23' 04.8"E
51.	54° 34' 11.6"N	11° 19' 17.7"E
52.	54° 35' 11.2"N	11° 15' 36.4"E
53.	54° 36' 33.0"N	11° 12' 30.9"E
54.	54° 37' 19.7"N	11° 09' 28.2"E
55.	54° 38' 16.3"N	11° 04' 30.0"E
56.	54° 38' 28.3"N	11° 00' 20.7"E
57.	54° 38' 14.6"N	10° 54' 15.3"E
58.	54° 37' 10.2"N	10° 52' 25.1"E
59.	54° 34' 52.3"N	10° 48' 02.1"E
60.	54° 32' 49.2"N	10° 43' 59.0"E
61.	54° 32' 39.8"N	10° 39' 37.3"E
62.	54° 33' 06.0"N	10° 36' 50.0"E
63.	54° 34' 37.0"N	10° 31' 58.5"E
64.	54° 35' 56.8"N	10° 27' 15.9"E
65.	54° 37' 15.4"N	10° 22' 27.6"E
66.	54° 37' 59.9"N	10° 21' 18.4"E
67.	54° 40' 29.6"N	10° 18' 29.9"E
68.	54° 42' 49.7"N	10° 16' 07.9"E
69.	54° 45' 24.0"N	10° 13' 06.0"E

The boundary line between the points 44 and 45 and the landwards delimitation of point 69 shall be promulgated at a later time following consultations with Germany.

7. Where the boundary line of the exclusive economic zone is identical with the outer limit line of the territorial sea, the rules governing the delimitation of the territorial sea shall be applicable.
8. The National Survey and Cadastre-Denmark shall draw the outer limit line of the exclusive economic zone on charts and give due publicity to such charts.
9. A list of the coordinates mentioned in this Executive Order and the charts mentioned in section 8 shall be deposited with the Secretary-General of the United Nations.
10. The Executive Order shall come into effect on 1 July 1996.

## 2. Japan

### (a) Law on the Exclusive Economic Zone and the Continental Shelf, Act No. 140 of 14 June 1996

#### Article 1

##### The exclusive economic zone

(1) In accordance with the provisions of the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention"), and, as a maritime zone for the exercise of its sovereign and other rights as a coastal State under Part V of said Convention, Japan hereby establishes an exclusive economic zone.

(2) The above-mentioned exclusive economic zone (hereinafter referred to simply as "the exclusive economic zone") shall comprise the military zone (excluding the territorial sea), and the seabed and subsoil thereof, extending from Japan's baseline (as stipulated in article 2(1) of Law No. 30 on the Territorial Sea and Adjacent Zone of 1977, and referred to as such hereinunder) to a line all points of which are 200 nautical miles from the nearest point on Japan's baseline (the median line being defined as a line, every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of Japan and of any country whose coast is opposite Japan's coast is measured); that part that extends beyond or any other line agreed to by the two parties, shall be considered the median line.

#### Article 2

##### The continental shelf

In accordance with the provisions of the Convention, and in the exercise of its sovereign and other rights as a coastal State, the continental shelf of Japan (hereinafter referred to simply as "the continental shelf") shall comprise the seabed and subsoil of the following zone:

(1) The maritime zone from Japan's baseline to a line all points of which are 200 nautical miles from the nearest point on said baseline, excluding the territorial sea, it being understood that when said line extends beyond the median line, measured from Japan's baseline that part which extends beyond shall be considered the median line, or when Japan and another country have agreed on another line, that other line and any line connected to it that has been drawn by government order shall be considered the median line.

(2) The maritime zone adjacent to the outer edge of the zone established in paragraph (1) above (with respect only to that part delineated by the limit established by a line all points of which are 200 nautical miles from the nearest point on Japan's baseline), and as provided by article 76 of the Convention and as established by government order.

#### Article 3

##### The applicability of domestic laws and regulations

1. The laws and regulations of Japan (including accompanying penalties) shall be applied with respect to the following:

(1) The exploration, development, preservation and control of natural resources; the establishment, construction, management and use of artificial islands, installations and structures; the protection and preservation of the marine environment; and marine scientific research in the exclusive economic zone and on the continental shelf.

(2) Exploration and development activities carried out for economic purposes in the exclusive economic zone, except for the activities described in (1) above.

(3) Excavation of the continental shelf, except with respect to the activities in (1) above.

(4) The performance of their duties by officials of the Japanese Government in any maritime zones relating to the exclusive economic zone or the continental shelf, with respect to the activities described in (1), (2), and (3) above (including the performance of any duties by such officials relating to hot pursuit undertaken from such maritime zones, in accordance with article 111 of the Convention). Japanese laws and regulations shall also apply to any actions that impede these activities.

2. Under the provisions of the foregoing paragraph, in addition to regulating the activities stipulated therein, such artificial islands, installations and structures stipulated in (1) above shall be considered to be within Japanese territory and shall be subject to the laws and regulations of Japan.

3. With regard to the application of Japanese laws and regulations to (1) and (2) above, taking into account the fact that the aforementioned maritime zones are not within the national territory and other special circumstances with respect to such zones, the aforementioned laws and regulations may, to the extent deemed logically necessary, establish such requirements as may be needed for coordinating and regulating the applicability thereof.

Article 4  
Treaty effectiveness

When the matters regulated by the Law are otherwise provided for by treaty, the treaty provisions shall prevail.

Supplementary provisions

One: Date of Entry into force

This Law shall enter into force beginning on the date the United Nations [Convention on the] Law of the Sea enters into force for Japan

Two: Partial Amendment of the Tariff Law

The Japanese Tariff Law, No. 54 of 1910, shall be partially amended as follows:

In article 2, middle section, "based on" shall be changed to read "on the basis of," and following the expression "the high seas, "the phrase" and the maritime zone comprising the exclusive economic zone of foreign nations" shall be added.

Three: Partial Amendment of the Customs Law

The Customs Law, No. 61 of 1954, shall be amended partially as follows:

Article 2, paragraph 2, shall become paragraph 3, and the following text shall be inserted after paragraph 1 as a new paragraph 2:

2. The fishery products harvested in the international waters to which paragraphs 1, 3 and 4 above refer shall include the fishery products harvested in the maritime zone comprising the exclusive economic zone of Japan and the maritime zone comprising the exclusive economic zone of foreign nations.

Four: Partial amendment of the Law on the Prevention of Marine Pollution and of Disasters at Sea

The law on the Prevention of Marine Pollution and of Disasters at Sea, Law No. 136 of 1970, shall be partially amended as follows:

Article 63 shall be amended as follows:

Article 63, deleted.

Five: Partial Amendment of the Law on Guaranteed Compensation for Damage Caused by Oil Pollution.

The Law on Guaranteed Compensation for Damage Caused by Oil Pollution, Law No. 95 of 1975, shall be partially amended as follows:

Article 2(5)(2) shall be amended as follows:

(5)(2) The exclusive economic zone and other maritime zones shall be defined as the exclusive economic zone as provided in article 1(1) of Law No. --- of 1996 on the Exclusive Economic Zone and the Continental Shelf and the maritime zones of the signatory countries of the 1992 Liability Treaty as stipulated in article 2(a)(2) thereof.

In article 2(6), replace "200 nautical miles" by "exclusive economic zone, etc."

In article 31, middle section, replace "200 nautical miles" by "exclusive economic zone".

(b) Guidelines for conducting marine scientific research in areas under national jurisdiction, of 20 July 1996 <sup>1/</sup>

1. The foreign nationals or foreign institutions, whether private or public, are requested to obtain the consent of the Government of Japan prior to conducting marine scientific research in the territorial sea or in the exclusive economic zone or on the continental shelf of Japan.

2. Those foreign nationals or institutions planning to conduct marine scientific research are requested to submit a formal request of consent together with the application form provided in annex I at least six months in advance of the expected starting date of research activities in the territorial sea or in the exclusive economic zone or on the continental shelf of Japan through diplomatic channels to the Ministry of Foreign Affairs of Japan.

3. When the research project involves catching, taking or exploration of marine animals and/or plants in the exclusive economic zone of Japan, a separate approval from the Ministry of Agriculture, Forestry and Fisheries of Japan under the Law on the Exercise of Sovereign Rights concerning Fisheries in the Exclusive Economic Zone shall also be necessary. Applicants may submit the application form provided in annex II through diplomatic channels.

Catching and taking of marine animals and/or plants in the territorial sea of Japan is generally prohibited by the Law for Regulation of the Fishing Operations of Foreign Nationals and shall not be approved.

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<sup>1/</sup> Communicated by the Permanent Mission of Japan to the United Nations in a note verbale dated 26 September 1996.

Annex I

Application for consent to conduct marine scientific research  
in areas under the national jurisdiction of Japan

Date: \_\_\_\_\_

1. General information

1.1 Project name: \_\_\_\_\_

1.2 Undertaking institution:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Name of director: \_\_\_\_\_

1.3 Government agency responsible for or supervising the project:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

1.4 Scientist in charge of the project:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Telex: \_\_\_\_\_ Telefax: \_\_\_\_\_

1.5 Scientist(s) from Japan involved in the planning of the project:

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

2. Description of project (attach additional pages as necessary)

2.1 Nature and objectives of the project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2.2 Relevant previous or future research cruises: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.3 Previously published research data relating to the project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Methods and means to be used

3.1 Particulars of vessels

Name: \_\_\_\_\_ Type: \_\_\_\_\_

Nationality: \_\_\_\_\_

Owner: \_\_\_\_\_ Operator: \_\_\_\_\_

Overall length: \_\_\_\_\_

Maximum draught: \_\_\_\_\_

Net tonnage: \_\_\_\_\_ Gross tonnage: \_\_\_\_\_

Propulsion: \_\_\_\_\_

Cruising speed: \_\_\_\_\_ Maximum speed: \_\_\_\_\_

Call sign: \_\_\_\_\_

Method and capability of communication (including telex, frequencies): \_\_\_\_\_

Name of master: \_\_\_\_\_

Number of crew: \_\_\_\_\_

Number of scientists on board: \_\_\_\_\_

3.2 Aircraft or other craft to be used in the project: \_\_\_\_\_

3.3 Particulars of methods and scientific instruments



Types of samples and data	Methods to be used	Instruments to be used*

\* Indicate type and specification of instruments (e.g. length and number of cables towed)

3.4 Indicate whether harmful substances will be used: \_\_\_\_\_

\_\_\_\_\_

3.5 Indicate whether drilling will be carried out: \_\_\_\_\_

3.6 Indicate whether explosives will be used: \_\_\_\_\_

3.7 Indicate whether the project involves catching, taking or exploration of marine animals and plants:

\_\_\_\_\_

N.B. When the research project involves catching, taking or exploration of marine animals and/or plants in the exclusive economic zone of Japan, a separate approval from the Ministry of Agriculture, Forestry and Fisheries of Japan under the Law on the Exercise of Sovereign Rights concerning Fisheries in the Exclusive Economic Zone shall also be necessary. Applicants may submit the application form provided in annex II through diplomatic channels. Catching and taking of marine animals and/or plants in the territorial sea of Japan is generally prohibited by the Law for Regulation of the Fishing Operations of Foreign Nationals and shall not be approved.

#### 4. Installations and equipment

Details of installations and equipment (type, specification; dates of laying, servicing, recovery; exact locations and depth): \_\_\_\_\_

\_\_\_\_\_

#### 5. Geographical areas

5.1 Indicate geographical areas in which the project is to be conducted (with reference in latitude and longitude): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5.2 Attach chart(s) at an appropriate scale showing the geographical areas of the intended work and, as far as practicable, the positions of intended stations, the tracks of survey lines and the locations of installations and equipment.

6. Dates

6.1 Expected dates of first entry into and final departure from the exclusive economic zone of Japan of the research vessel: \_\_\_\_\_

\_\_\_\_\_

6.2 Indicate if multiple entry is expected: \_\_\_\_\_

\_\_\_\_\_

7. Port calls

7.1 Dates and names of intended ports of call in Japan: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

N.B. A separate request should be submitted by note verbale for intended port calls by public vessels.

7.2 Name / Address / Telephone of shipping agent (if available): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Participation

8.1 Extent to which Japanese scientists or officials will be enabled to participate or to be represented in the research project: \_\_\_\_\_

8.2 Proposed dates and ports for embarkation / disembarkation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Access to data, samples and research results

9.1 Expected dates of submission to the Ministry of Foreign Affairs of Japan of preliminary reports and data which should include the expected dates of submission of the final results: \_\_\_\_\_

\_\_\_\_\_

9.2 Proposed means for access by Japanese scientists or officials to samples: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9.3 Proposed means to provide Japanese scientists or officials with assessment of data, samples and research results or provide assistance in their assessment or interpretation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9.4 Proposed means of making research results internationally available: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Annex II

Application for catching, taking and/or exploration of marine animals and/or plants for marine scientific research in the exclusive economic zone of Japan

Date: \_\_\_\_\_

To: The Minister of Agriculture, Forestry and Fisheries of Japan

I hereby submit an application form for the approval of catching, taking and/or exploration of marine animals and/or plants.

1. Application

- (1) Name
- (2) Nationality
- (3) Address and telephone (telex, telefax)

2. Vessel(s) to be used in the research activities

- (1) Name of the vessel(s)
- (2) Name and address of the owner
- (3) Name and address of the captain
- (4) Identification number indicated on the hull
- (5) Overall length, width and maximum draught
- (6) Net tonnage or gross tonnage
- (7) Power of the main engine, its maximum speed
- (8) Call sign, method and capability of communication (including telex), frequencies in case of emergency

3. Description of the activities (catching, taking and/or exploration of marine animals and/or plants)

4. Objectives of catching, taking and/or exploration

5. Method and instruments to be used for catching, taking and/or exploration

6. Species and amounts of marine animals and/or plants to be caught or taken

7. Geographical area(s) in which catching, taking and/or exploration is to be conducted (with reference in latitude and longitude)

8. Duration of catching, taking and/or exploration, dates of entry and departure to and from the exclusive economic zone of Japan

I hereby declare that the above-mentioned information is true and complete.

Signature of the applicant

3. Republic of Korea

(a) Territorial Sea and Contiguous Zone Act <sup>2/</sup>  
*Law No. 3037, promulgated on 31 December 1977*  
*Amended by Law No. 4986, which was promulgated on 6 December 1995*

Article 1  
Breadth of territorial sea

The territorial sea of the Republic of Korea shall be the area of the sea up to the outer limit of twelve (12) nautical miles measured from the baseline. However, the breadth of the territorial sea may be determined differently in specified areas within the limit of twelve (12) nautical miles in accordance with the Presidential Decree.

Article 2  
Baseline

(1) The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the Republic of Korea.

(2) In the area of the sea where there are special geographical features, the straight line joining the points as provided for in the Presidential Decree may be employed as the baseline.

Article 3  
Internal waters

The area of the sea on the landward side of the baseline for measuring the breadth of the territorial sea shall be the internal waters.

Article 3 bis  
Breadth of contiguous zone

The contiguous zone of the Republic of Korea shall be the area of the sea up to the outer limit of twenty-four (24) nautical miles from the baseline, excluding the territorial sea of the Republic of Korea. However, the breadth of the contiguous zone may be determined differently in specified areas within twenty-four (24) nautical miles from the baseline in accordance with the Presidential Decree.

*<Newly enacted by Law No. 4986, 6 December 1995>*

Article 4  
Boundary with adjacent or opposite States

The delimitation of the territorial sea and contiguous zone of the Republic of Korea in relation to the territorial sea and contiguous zone of other States with adjacent or opposite coasts, unless otherwise agreed upon between the States concerned, shall be the median line every point of which is equidistant from the nearest point on the baseline of the Republic of Korea and the nearest point on the baseline of the State concerned.

*<Amended by Law No. 4986, 6 December 1995>*

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<sup>2/</sup> Communicated by note verbale MUN/303/96 of 5 December 1996.

Article 5  
Passage of foreign ships

(1) Foreign ships enjoy the right of innocent passage through the territorial sea of the Republic of Korea so long as the passage is not prejudicial to the peace, public order or security of the Republic of Korea. When a foreign warship or a government ship operated for non-commercial purposes intends to pass through the territorial sea, it shall give a prior notice to the authorities concerned under the conditions as provided for by the Presidential Decree.

(2) A foreign ship shall be considered to be prejudicial to the peace, public order or security of the Republic of Korea if it engages in any of the following activities in the territorial sea, except when the activities stipulated in subparagraphs (b) to (e), (k) and (m) have been authorized, approved or consented to by the authorities concerned:

- (a) any threat or use of force against the sovereignty, territorial integrity or independence of the Republic of Korea, or which in any manner violates the principles of international law embodied in the Charter of the United Nations;
- (b) any exercise or practice with weapons of any kind;
- (c) the launching, landing or loading of any aircraft;
- (d) the launching, landing or taking on board of any military device;
- (e) submerged navigation;
- (f) any act aimed at collecting information to the prejudice of the security of the Republic of Korea;
- (g) any act of propaganda or instigation to the prejudice of the security of the Republic of Korea;
- (h) the embarking or disembarking of any commodity, currency or person contrary to the regulations of the Republic of Korea on customs, fiscal policies, control of immigration or health and sanitation;
- (i) the discharge of pollutants exceeding the standards as provided for in the Presidential Decree;
- (j) any fishing activities;
- (k) the carrying out of any research or survey activities;
- (l) any act aimed at interfering with any systems of communication, or damaging the facilities or installations of the Republic of Korea; and
- (m) any other activities provided for in the Presidential Decree which are not directly related to the passage.

(3) The innocent passage of foreign ships may be suspended temporarily in specified areas of the territorial sea in accordance with the Presidential Decree if such suspension is considered to be essential to the security of the Republic of Korea.

Article 6  
Stopping of foreign ships

If a foreign ship (excluding foreign warships and government ships operated for non-commercial purposes) is suspected of having violated the provisions of article 5, the authorities concerned may issue necessary orders or take other necessary measures, such as stopping, search or seizure.

Article 6 bis  
Power of competent authorities in contiguous zone

In the contiguous zone of the Republic of Korea, the competent authorities may exercise their official authority to the extent required for the purposes of the following subparagraphs, under the conditions as provided for by laws and regulations:

- (a) prevention of any act violating the relevant laws and regulations of the Republic of Korea concerning customs, fiscal policies, control of immigration or health and sanitation, in the territorial land or sea of the Republic of Korea; and
- (b) sanction against any act contrary to the relevant laws and regulations of the Republic of Korea concerning customs, fiscal policies, control of immigration or health and sanitation, in the territorial land or sea of the Republic of Korea.

*<Newly Enacted by Law No. 4986, 6 December 1995>*

Article 7  
Punishment

(1) The crew or other passengers on board a foreign ship who have violated the provisions of article 5, paragraph (2) or (3), shall be punished with imprisonment for a period not exceeding five years or with a fine not exceeding two hundred million (200,000,000) won, and when the circumstances are considered serious, such ship, its equipment, its catch and other unlawful articles may be confiscated.

*<Amended by Law No. 4986, 6 December 1995>*

(2) The crew or other passengers on board a foreign ship who have disobeyed, hindered or evaded the order issued or the measure taken under article 6 shall be punished with imprisonment for a period not exceeding two years or with a fine not exceeding ten million (10,000,000) won.

(3) In the cases of paragraph (1) and (2) of this article, the penalty of both imprisonment and a fine may be imposed.

(4) In case the violation of this article concurrently constitutes crimes under other laws, the severest penalty provided for in the respective laws shall be applied.

Article 8

Exception in cases of foreign warships and government ships  
operated for non-commercial purposes

If a foreign warship or government ship operated for non-commercial purposes or its crew or passengers on board violate this Act or other relevant laws or regulations, such ship may be required to correct the violation or to leave the territorial sea.

Addendum

This Act shall enter into force as of such date within four months from the date of the promulgation of this Act as provided for by the Presidential Decree.

*<This Act shall enter into force as of 30 April 1978 under Presidential Decree No. 8994 promulgated on 9 April 1978.>*

Addendum

This Act shall enter into force as of such date within one year from the date of its promulgation as determined by the Presidential Decree. *<Law No. 4986, 6 December 1995>*).

- (b) Enforcement Decree of Territorial Sea and Contiguous Zone Act  
*Presidential Decree No. 9162, 20 September 1978*  
*Amended by Presidential Decree No. 13463, 7 September 1991*  
*and by Presidential Decree No. 15133, 31 July 1996*

Article 1

Purpose

The purpose of this Decree is to regulate matters entrusted by the Territorial Sea and Contiguous Zone Act (hereinafter referred to as "the Act") and those necessary for its enforcement.

Article 2

Basepoint of straight baseline

In measuring the breadth of the territorial sea, each area of the sea where the straight line is employed as the baseline and the basepoint thereof in accordance with the provision of article 2, paragraph (2), of the Act shall be provided for in table 1 annexed hereto.

Article 3

Breadth of territorial sea in Korea Strait

In accordance with the provisions of the proviso of article 1 of the Act, the territorial sea in the sea forming the Korea Strait used for international navigation shall be the area of the sea on the landward side of the line connecting the lines as provided for in table 2 annexed hereto.

Article 4

Passage of foreign warships or other government ships

If a foreign warship or other government ship operated for non-commercial purposes intends to navigate through the territorial sea, it shall notify the following particulars to the Minister of Foreign Affairs not later than three days (excluding public holidays) prior to its passage in accordance with the latter part of article 5, paragraph (1), of the Act, except in cases where the area of the sea through which the aforementioned ship navigates forms a strait used for international navigation in which no high sea route exists:

1. Name, type and official number of the ship;
2. Purpose of the passage; and
3. Passage route and schedule.



Article 5  
Activities of foreign ships in territorial sea

(1) If a foreign ship intends to conduct any of the activities provided for in subparagraphs (b) to (e), (k) or (m) of article 5, paragraph (2), of the Act, it shall submit an application specifying the following particulars to the Minister of Foreign Affairs and shall obtain authorization, approval or consent from the authorities concerned:

1. Name, type and official number of the ship;
2. Purpose of the activity; and
3. Area of the sea of the activity, passage route and schedule.

(2) Any authorization, approval or consent obtained from the authorities concerned with respect to the activities provided for in subparagraphs (b) to (e) or (k) of article 5, paragraph (2), of the Act in accordance with other laws and regulations shall be regarded as authorization, approval or consent obtained under this Decree.

Article 6  
Standard for control of discharge of pollutants

The provisions of articles 5, 11, 14, paragraph (1), and 16 paragraphs (1) and (2), of the Sea Pollution Prevention Act shall be applied with respect to the standards for control of discharge of pollutants as provided for in subparagraph (i) of article 5, paragraph (2), of the Act.

*<Amended by Presidential Decree No. 13463, 7 September 1991>*

Article 7  
Temporary suspension of innocent passage

(1) The temporary suspension of the innocent passage of a foreign ship in the specified area of the territorial sea in accordance with article 5, paragraph (3), of the Act shall be effected by the Minister of National Defence, subject to deliberation in advance by the State Council and approval of the President.

(2) Upon approval of the President under the provisions of paragraph (1), the Minister of National Defence shall, without delay, give publicity to the area of the sea in which the innocent passage is suspended temporarily, the duration of suspension and the reasons therefor.

Addenda

(1) (Enforcement Date) This Decree shall enter into force as of 20 September 1978.

(2) (Amendment of Other Regulations) Article 2 of the Regulation concerning the Enforcement Date of the Territorial Sea Act, Presidential Decree No. 8994 and the Table annexed thereto shall be deleted respectively.

ADDENDA

*<Presidential Decree No. 13463, 7 September 1991; Enforcement Decree of the Sea Pollution Prevention Act>*

Article 1  
Enforcement date

This Decree shall enter into force as of 9 September 1991.

Articles 2 to 5

Omitted.

Addenda

1. (Enforcement Date) This Decree shall enter into force as of 1 August 1996.
2. Omitted.

Table 1

Areas of the seas where straight lines are employed as baselines and the basepoints thereof

Areas	Base points	Geographical designations	Coordinates
Yeongil Man*	1	Dalman Gab*	36° 06' 05" North Latitude 129° 26' 06" East Longitude
	2	Janggi Gab	36° 05' 19" North Latitude 129° 33' 36" East Longitude
Ulsan Man	3	Hwaam Chu*	35° 28' 13" North Latitude 129° 24' 39" East Longitude
	4	Beomweol Gab	35° 25' 45" North Latitude 129° 22' 16" East Longitude
South Sea	5	1.5 Meter Am*	35° 09' 59" North Latitude 129° 13' 12" East Longitude
	6	Saeng Do* (south end)	35° 02' 01" North Latitude 129° 05' 43" East Longitude
	7	Hong Do	34° 31' 52" North Latitude 128° 44' 11" East Longitude
	8	Ganyeo Am	34° 17' 04" North Latitude 127° 51' 25" East Longitude
	9	Sangbaeg Do	34° 01' 38" North Latitude 127° 36' 48" East Longitude
	10	Geomun Do	34° 00' 00" North Latitude 127° 19' 35" East Longitude
	11	Yeoseo Do	33° 57' 56" North Latitude 126° 55' 39" East Longitude
	12	Jangsu Do	33° 54' 55" North Latitude 126° 38' 25" East Longitude

	13	Jeolmyeong Seo*	33° 51' 54" North Latitude 126° 18' 40" East Longitude
	14	Soheugsan Do	34° 02' 40" North Latitude 125° 07' 34" East Longitude
West Sea	15	Sogugheul Do (northwest of Soheugsan DO)	34° 06' 51" North Latitude 125° 04' 42" East Longitude
	16	Hong Do	34° 40' 18" North Latitude 125° 10' 25" East Longitude
	17	Go Seo (north-west of Hong Do)	34° 43' 03" North Latitude 125° 11' 25" East Longitude
	18	Hoeng Do	35° 20' 03" North Latitude 125° 59' 14" East Longitude
	19	Sangwang- deung Do	35° 39' 30" North Latitude 126° 06' 16" East Longitude
	20	Jig Do	35° 53' 10" North Latitude 126° 04' 15" East Longitude
	21	Eocheong Do	36° 07' 05" North Latitude 125° 58' 11" East Longitude
	22	Seogyeog-yeolbi Do	36° 36' 36" North Latitude 125° 32' 30" East Longitude
	23	Soryeong Do	36° 58' 38" North Latitude 125° 45' 02" East Longitude

- \* "Man" means bay.  
 "Gab" means promontory.  
 "Chu" means lagoon.  
 "Am" means rock.  
 "Do" means island.  
 "Seo" means islet.

Table 2

Outer limits of the territorial sea in the Korea Strait

- |   |
|---|
| <p>1. The outer line at a distance of three nautical miles measured from the straight baselines joining, in order, basepoint 5 (1.5 metre Am), basepoint 6 (Saeng Do) and basepoint 7 (Hong Do).</p>  |
| <p>2. The line drawn from basepoint 5 (1.5 metre Am) at 127 degrees intersects the above-mentioned line at a point which is three nautical miles from basepoint 5. From this intersection point a line drawn at 93 degrees intersects the outer limit line of twelve nautical miles measured from the baseline.</p>         |
| <p>3. The line drawn from basepoint 7 (Hong Do) at 120 degrees intersects the line mentioned in number 1 above at a point which is three nautical miles from basepoint 7. From this intersection point a line drawn at 172 degrees intersects the outer limit line of twelve nautical miles measured from the baseline.</p> |

(c) Exclusive Economic Zone Act No. 5151, promulgated on 8 August 1996

Article 1

Establishment of exclusive economic zone

The Republic of Korea establishes the exclusive economic zone provided for in the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") by this Act.

Article 2

Breadth of exclusive economic zone

(1) The exclusive economic zone of the Republic of Korea is, in conformity with the provisions of the Convention, the area of the sea which extends up to 200 nautical miles from the baseline provided for in article 2 of the Territorial Sea and Contiguous Zone Act, excluding the territorial sea of the Republic of Korea.

(2) Notwithstanding the provision of paragraph 1, the delimitation of the exclusive economic zone of the Republic of Korea in relation to the exclusive economic zone of other States with opposite or adjacent coasts (hereinafter referred to as "the State(s) concerned") shall be effected by agreement with the States concerned on the basis of international law.

Article 3

Rights in exclusive economic zone

In the exclusive economic zone, the Republic of Korea has:

1. Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

2. Jurisdiction as provided for in the Convention with regard to:
  - (a) the establishment and use of artificial islands, installations and structures;
  - (b) marine scientific research;
  - (c) the protection and preservation of the marine environment;
3. Other rights provided for in the Convention.

#### Article 4

#### Rights and duties of other States or their nationals

(1) In the exclusive economic zone of the Republic of Korea, other States or their nationals enjoy, subject to the relevant provisions of the Convention, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms.

(2) In exercising their rights and performing their duties in the exclusive economic zone of the Republic of Korea, other States or their nationals shall have due regard to the rights and duties of the Republic of Korea and shall comply with the laws and regulations adopted by the Republic of Korea.

#### Article 5

#### Exercise of rights of the Republic of Korea

(1) For the purpose of the exercise or protection of the rights referred to in the provisions of article 3, the laws and regulations of the Republic of Korea shall be applied in the exclusive economic zone of the Republic of Korea, unless otherwise provided for in agreements with other States. The laws and regulations of the Republic of Korea shall also be applied with regard to legal relations on artificial islands, installations and structures referred to in paragraph 2 (a) of article 3.

(2) The rights of the Republic of Korea in the exclusive economic zone referred to in the provisions of article 3, unless otherwise agreed upon between the Republic of Korea and the State concerned, shall not be exercised in the area of the sea beyond the median line between the Republic of Korea and the State concerned. The above-mentioned median line shall be the line every point of which is equidistant from the nearest point on the baseline of the Republic of Korea and the nearest point on the baseline of the State concerned.

(3) With regard to the person who has infringed upon the rights referred to in the provisions of article 3, in the exclusive economic zone of the Republic of Korea, or who is under suspicion of having violated the laws and regulations of the Republic of Korea applicable in the exclusive economic zone, the Authorities concerned may take necessary measures including the exercise of hot pursuit as provided for in article 111 of the Convention, stopping, boarding, inspection, arrest and judicial proceedings.

#### Addendum

This Act shall enter into force as of such date within one year from the date of its promulgation, as determined by a Presidential Decree.

Regulation on the date of enforcement of the Exclusive Economic Zone Act

Presidential Decree No. 15145, 4 September 1996

The Exclusive Economic Zone Act (Act No. 5151) shall enter into force as of 10 September 1996.

Addendum

This Decree shall enter into force as of 10 September 1996.

4. Madagascar

(a) Decree No. 94-112, establishing the General Organization of Maritime Fishing

**The Prime Minister and Head of Government,**

**Considering** the Constitution,

**Considering** Act No. 66-007 of 6 July 1966 establishing the Maritime Code and, in particular, book V on maritime fishing,

**Considering** Act No. 85-013 of 11 December 1985 determining the limits of the maritime zones (territorial sea, continental shelf and exclusive economic zone),

**Considering** Ordinance No. 93-022 of 4 May 1993 regulating fishing and aquaculture,

**Considering** Decree No. 93-466 of 26 August 1993 concerning the designation of the Prime Minister, Head of Government and Minister of National Defence responsible for the maintenance of order and public safety,

**Considering** Decree No. 93-468 of 26 August 1993, supplemented by Decree No. 93-547 of 1 October 1993 and amended by Decree No. 93-629 of 13 October 1993, appointing the members of the Cabinet of Ministers,

**Considering** Decree No. 93-499 of 10 September 1993 establishing the functions of the Minister of State for Agriculture and Rural Development and the general organization of his Ministry,

With the concurrence of the Cabinet of Ministers,

**Hereby decrees:**

TITLE I

GENERAL PROVISIONS

Article 1

The aim of this Decree is to define and specify the principles and policies set out in general terms in Ordinance No. 93-022 of 4 May 1993 regulating fishing and aquaculture (hereinafter referred to as Ordinance No. 93-022).

Article 2

The provisions of this Decree shall apply to all fishing in maritime waters as defined in article 1 of Ordinance No. 93-022.

Article 3

The Minister of Fisheries and Aquaculture shall be responsible for enforcing and supplementing by further decree the provisions of this Decree.

## TITLE II

### CATEGORIES OF FISHING AND CLASSES OF VESSELS

#### Section 1 Categories of fishing

##### Article 4

Subsistence fishing is fishing which is conducted on foot or from a non-motorized pirogue and does not result in the sale of the products.

##### Article 5

Commercial fishing is subdivided into:

- Traditional fishing, conducted on foot or from a pirogue. The use of a pirogue with an outboard motor is included in this category of fishing;
- Small-scale fishing, involving the use of a boat having a motor of 50 horsepower or less;
- Industrial fishing, involving the use of a boat having a motor of over 50 horsepower. For shrimp fishing, the maximum allowable propulsive force is 500 horsepower.

##### Article 6

Recreational fishing is fishing which is conducted on foot or from a motorized or non-motorized boat and does not result in the sale of the catch. This type of fishing is often connected with tourist activities.

##### Article 7

Scientific fishing is subdivided into:

- Research fishing, a non-profit activity not generally resulting in the sale of the catch;
- Prospecting, the aim of which is to develop new fishing grounds with a view to possible commercial exploitation.

#### Section 2 Classes of vessels

##### Article 8

1. The vessels in class I, entitled Malagasy fishing or support vessels, are: vessels which are State property or belong to Malagasy nationals or Malagasy companies and which land all their catch in Madagascar.
2. The vessels in class II, entitled fishing or support vessels chartered by Malagasies, are: vessels which are so defined in the Maritime Code, in particular in box IX, chapters IV, V, VI, VII and VIII, and in title III, chapter IX, and which land all their catch in Madagascar. The charter-party involved shall be subject to prior certification by the Minister of the Merchant Marine, the Minister of Fisheries and Aquaculture and the Minister of Finance.



3. The vessels in class III, entitled foreign fishing or support vessels based in Madagascar, are: foreign fishing vessels whose activities, authorized by the Minister of Fisheries and Aquaculture, are conducted from Madagascar and which land all their catch in Madagascar.

Article 9

The vessels in class IV, entitled foreign fishing vessels, are: all vessels which do not fall under any of the classes of fishing vessels defined in the preceding article.

Article 10

Fishing for coastal shellfish and demersal fish may be conducted only by traditional fishing boats or by small-scale or industrial fishing vessels which fall under classes I, II and III.

TITLE III

AUTHORIZATION REGIME FOR VESSELS IN CLASSES I, II AND III

Article 11

Any vessel referred to in article 8 which engages in small-scale or industrial fishing as defined in article 5 of this Decree must hold a licence issued in accordance with the provisions of this Decree and any regulations implementing it and must observe the conditions stipulated in that licence.

Article 12

The issuance of a fishing licence is subject to payment of a fee, the amount and terms of which shall be established by decree.

Article 13

Fishing licences shall be issued by the Minister of Fisheries and Aquaculture after obtaining an opinion from the Interministerial Commission on Fishing and Aquaculture established in article 5 of Ordinance No. 93-022 of 4 May 1993. The Minister of Fisheries and Aquaculture shall notify applicants of the decision thus taken. An applicant must be informed of the renewal, granting, revocation, suspension or rejection of an application for a fishing licence for the next fishing season before 30 October of a given year.

Article 14

1. Subject to the provisions of article 15 of this Decree, fishing licences shall be granted for a maximum period of 12 months and may be renewed for successive 12-month periods starting from the date of issuance. However, in the case of the vessels referred to in article 8, paragraphs 2 and 3, licences shall be renewable no more than twice.

2. Further fishing licences shall be renewed or granted in the following order of decreasing priority:

(a) Fishing licences shall be renewed in the case of existing companies operating class-I vessels, the secondary grounds for priority being: the fact that they have available, on land, adequate installations for the processing, packaging and preservation of catch, or that they are able to obtain a reasonable selling price for their overall catch;

(b) Fishing licences shall be renewed in the case of existing companies operating class-II vessels, with the same secondary grounds for priority as defined in subparagraph (a);

(c) Fishing licences shall be renewed in the case of existing companies operating class-III vessels, with the same secondary grounds for priority as defined in subparagraph (a);

(d) New licences may be granted to companies operating class-I vessels, and shall be distributed equally among existing companies and any new companies undertaking to develop class-I operations within two years, beyond which time the licences shall be revoked if the undertaking has not been met;

(e) New licences shall be granted, if fishery resources permit, to existing or prospective companies operating class-II and class-III vessels.

#### Article 15

1. The granting or renewal of a fishing licence shall be denied in cases where:

(a) The boat is not registered in compliance with existing legislation;

(b) The applicant does not fulfil the legal conditions.

2. In addition to the reasons given in paragraph 1 above, a fishing licence may be denied, suspended or revoked:

(a) In order to guarantee proper management of fishery resources so as to ensure their perpetuation or conservation or to fulfil the objectives of the plans for the management and development of fisheries provided for in article 6 of Ordinance No. 93-022 of 4 May 1993;

(b) In order to guarantee better integration of the fishing subsector into the national economy, in cases where:

- An enterprise does not have available, on land, an adequate installation for processing, packaging and preserving its catch;
- An enterprise obtains selling prices for its products which are deemed not to be competitive with the prices obtained by the other companies established in Madagascar;
- An enterprise has not had its partnership agreement or service contract certified in advance by the competent national authorities;

(c) If an applicant has, in the 12 months prior to the application, been found guilty of violating the provisions of Ordinance No. 93-022 of 4 May 1993 or of any other legislative or regulatory text governing fishing and aquaculture.

3. The grounds for denial of a licence must always be specified by the Ministry of Fisheries and Aquaculture.

4. A fishing licence may not be suspended or revoked by the competent authorities for reasons other than those set out in this article and in article 14.

5. Where a licence is revoked or suspended for the reasons set out in paragraph 2 (a) above, the fee paid for the licence shall be reimbursed in proportion to the unexpired period of validity.

Article 16

1. Fishing licences shall be drawn up in the manner prescribed in this Decree and in any regulatory texts adopted pursuant to articles 3 and 10 of this Decree, and shall be subject to:

- (a) The general conditions laid down in the legislation governing fishing operations;
- (b) Any general conditions which may be laid down pursuant to paragraph 2 of this article;
- (c) Any special conditions which may be laid down pursuant to paragraph 3 of this article.

2. The Minister of Fisheries and Aquaculture may, after obtaining an opinion from the Interministerial Commission on Fishing and Aquaculture, define, in a duly promulgated decree, supplementary general conditions which are to be included in all or certain categories of fishing licences and which relate, inter alia, to the closed seasons for fishing, the minimum size of species or the characteristics of fishing gear.

3. The Minister of Fisheries and Aquaculture may, after obtaining an opinion from the Interministerial Commission on Fishing and Aquaculture, include in a fishing licence any special conditions that in his judgement should be observed, which may relate, inter alia, to:

- (a) The type and method of fishing, fishing gear and any authorized related activity;
- (b) The area within which fishing or any other related activity shall be authorized;
- (c) The species and quantities of allowable catch, including, where appropriate, restrictions on by-catch.

4. In the interests of proper management of fisheries, the Minister of Fisheries and Aquaculture may, after obtaining an opinion from the Interministerial Commission on Fishing and Aquaculture, modify, add or eliminate any special condition included in a licence. The holder of the licence shall be notified without delay of any such modification or elimination.

Article 17

Fishing licences are transferable only to a vessel belonging to the same company, upon request of the beneficiary and with the authorization of the Minister of Fisheries and Aquaculture.

Article 18

1. The Minister of Fisheries and Aquaculture shall notify an applicant of a decision to renew, grant, revoke or suspend a fishing licence within a period of no more than three months from the date of the opinion of the Interministerial Commission on Fishing and Aquaculture. After three months, in the absence of a decision by the Minister of Fisheries and Aquaculture, the opinion of the Interministerial Commission on Fishing and Aquaculture shall be notified to the Applicant as constituting a decision.

2. The original fishing licence must always be kept on board a vessel.

Article 19

The provisions of this section shall apply, mutatis mutandis, to support vessels as defined in article 8 of this Decree.

TITLE IV

AUTHORIZATION REGIME FOR FOREIGN VESSELS

Article 20

1. This title shall apply to foreign vessels as defined by Ordinance No. 93-022 of 4 May 1993 and by article 9 of this Decree;

In the event that the agreement between States thus envisaged does not yet exist, the Minister of Fisheries and Aquaculture may reach agreement with an individual or legal entity of a foreign State on the conditions of operation to which that individual or legal entity is subject. A protocol of agreement shall be drawn up for that purpose.

2. No vessel referred to in paragraph 1 of this article may fish in the maritime waters under national jurisdiction or harvest the sedentary species of the Malagasy continental shelf without having been authorized to do so under article 13, paragraph 2, of Ordinance No. 93-022 of 4 May 1993.

Article 21

All vessels sailing under foreign flags which enjoy the right of passage through the maritime waters under national jurisdiction must tidy away and stow their fishing gear so that it cannot easily be used.

Article 22

The Minister of Fisheries and Aquaculture shall determine the number of vessels sailing under a foreign flag which may fish in the maritime waters under national jurisdiction, the duration of the validity of licences, the species which may be caught and, if necessary, quotas for each of the authorized species. This information shall be included in the fisheries agreement or in the special licence envisaged in article 13, paragraph 2, of Ordinance No. 93-022 of 4 May 1993.

Article 23

Vessels sailing under a foreign flag which are authorized to fish in the maritime waters under national jurisdiction must inform the Minister of Fisheries and Aquaculture, by the fastest possible means of communication, of their entry into and departure from Malagasy maritime waters, and must report their position at regular intervals during their presence in those waters.

Article 24

1. In addition to the provisions laid down in articles 22 and 23 above, the international agreements concluded pursuant to article 13, paragraph 2, of Ordinance No. 93-022 of 4 May 1993 must:

(a) Specify the number and characteristics of the vessels whose operations are permitted and the authorized fishing zones, types of fishing and species of catch;

(b) Stipulate that the shipowner or his representative must obtain a special individual licence for his vessel and specify, if necessary, the procedure for applying for and obtaining a licence;

(c) Determine the amount of fees and other financial compensation;

(d) Contain a clause regarding the periodic transmission, by shipowners, of statistical data on catches to the competent office of the Ministry of Fisheries and Aquaculture;

(e) Require the marking of vessels in accordance with the provisions of this Decree and its implementing regulations;

(f) Lay down the obligation of the flag State or any competent authority to adopt all appropriate measures to ensure that fishing vessels which are so authorized respect the terms and conditions of the agreement and the relevant provisions of the existing laws and regulations.

2. Any agreement under article 13, paragraph 2, of Ordinance No. 93-022 of 4 May 1993 and any protocol of agreement as envisaged in article 20 of this Decree must be compatible with the management and development plans prepared in accordance with the provisions of article 6 of that Ordinance.

3. The above-mentioned agreements may also make provision for:

(a) Offloadings at Madagascar of all or part of the catches;

(b) Training of nationals;

(c) Construction of shore infrastructure and measures for the transfer of technology;

(d) The presence of Malagasy inspectors or observers on board vessels sailing under foreign flags during all or part of the time they are present in the maritime waters under national jurisdiction;

(e) Any other measure or provision negotiated between the parties.

#### Article 25

All requests for the special licences envisaged in articles 20, 22 and 24 of this Decree must include the following information:

(a) Name of the vessel, number and port of registration;

(b) Exterior identifying marks;

(c) Name and address of the shipowner or charterer;

(d) Gross tonnage, overall length, loaded capacity;

(e) Distinctive signal, radio frequency used;

(f) Type of fishing, species which are expected to be caught, fishing season.

#### Article 26

A licence issued under article 22 of this Decree shall be valid for only one vessel. In the event that several vessels participate in the same fishing operation, each of the vessels must hold an individual fishing licence. The original document shall be kept on board the vessel.

Article 27

The information about the vessel stipulated in article 25 of this Decree must appear on the licence.

The following information may supplement that information or be reproduced in an annex:

- (a) The zones in which fishing is authorized;
- (b) The period of validity of the licence;
- (c) The species which may be fished, their minimum size or minimum weight, and the maximum proportion of allied species;
- (d) The maximum allowable catch;
- (e) The fishing methods to be used and the types of gear;
- (f) The conditions of offloading, transfer and use of the species caught;
- (g) The conditions of entry, resupplying and maintenance of vessels sailing under foreign flags in Malagasy ports;
- (h) Where applicable, the conditions of participation in a fishing research programme;
- (i) The conditions of the employment and training of Malagasy personnel on board vessels;
- (j) Where applicable, the conditions for the boarding of one or two qualified Malagasy observers to monitor fishing operations, make the necessary statistical reports and obtain documents, without impeding the work on board;
- (k) The amount of the fee and the terms of payment.

Article 28

The captain of an authorized vessel sailing under a foreign flag shall keep a fishing log showing for each day of fishing: the catch zone, meteorological conditions, the fishing gear used, the total catch by principal species, the total by-catch and all other information considered useful by the Malagasy authorities.

The log shall be transmitted every month to the office responsible for fisheries.

Article 29

The name of the vessel shall be displayed visibly in Roman characters at least 45 cm high and 6 cm wide, in white letters on a black background, on each side of the navigation bridge and level with it.

The radio call sign of the vessel shall be painted on the upper part of the bridge in red letters on a white background; the letters must be at least the size indicated in the preceding paragraph.

Article 30

The Minister of Fisheries and Aquaculture may suspend or cancel a special licence, either

- (a) Because the vessel sailing under a foreign flag violated the provisions of fisheries legislation; or
- (b) Because the measure is required for the rational management of the stocks concerned.

In the latter case, the proportion of the fee paid for the licence corresponding to the unexpired period of validity shall be refunded.

TITLE V

OTHER TYPES OF FISHING

Article 31

Subsistence fishing and recreational fishing shall be free at all times, subject to the provisions of the legislation in force, and shall not entail the collection of any fees.

Article 32

1. Scientific or experimental fishing, as defined in article 7 of this Decree, shall be subject to prior authorization by the Minister of Fisheries and Aquaculture on the advice of the Minister of Scientific Research. This authorization, in addition to the general conditions established in article 33 below, may be accompanied by all the conditions and limitations which are considered appropriate by the Minister of Fisheries and Aquaculture.
2. A non-renewable authorization issued in such case shall be valid for a maximum period of twelve (12) months.

Article 33

1. Vessels which have been authorized to operate in Malagasy waters under article 32 above must pass in transit through a Malagasy port designated by the Malagasy authorities before and after each fishing trip.
2. The Minister of Fisheries and Aquaculture is entitled to require of all vessels wishing to engage in research fishing as defined in article 7 of this decree:
  - (a) That the operations take place on the basis of a research plan which takes into account the objectives of the plans for the development and management of fisheries as defined by Ordinance No. 93-022 of 4 May 1993;
  - (b) That one or more experts designated by him be associated with the operations;
  - (c) That all the data collected and the results obtained be communicated to him within a period specified by him.
3. The Minister of Fisheries and Aquaculture is entitled to require of every vessel wishing to engage in prospecting as defined in article 7 of this Decree:
  - (a) That one or two observers designated by him be stationed on board the fishing vessel and that the costs incurred by them be borne by the shipowner;

(b) That all information he may consider necessary, particularly with regard to zones of operation, the fishing methods to be used and the resources targeted, be communicated to him in advance.

4. An individual or legal entity which, after a prospecting trip, wishes to obtain a commercial fishing licence for the same type of fishing as was being carried out during the prospecting may submit an application to that effect to the Minister of Fisheries and Aquaculture. This application shall be accorded priority over others submitted by persons who have not carried out prospecting trips with the same objective. The application may lead to the granting of one or more fishing licences by the Minister of Fisheries and Aquaculture after obtaining an opinion from the Interministerial Commission on Fishing and Aquaculture, subject to the restrictions established to ensure the rational management of stocks and in accordance with the provisions of this Decree.

## TITLE VI

### FINAL PROVISIONS

#### Article 34

The rights and obligations set forth in the special laws concerning socio-economic interests shall have no impact on the implementation of the provisions of this Decree.

All provisions which are contrary to this Decree, in particular those of Decree No. 71-238 of 18 May 1971 and Decree No. 73-171 of 22 June 1973, are and shall remain abrogated in respect of fisheries and aquaculture.

Nevertheless, the provisions of regulatory texts which are not inconsistent with this Decree and concern matters covered by this Decree shall continue to apply until the entry into force of the texts adopted for its implementation.

#### Article 35

The Minister of Fisheries and Aquaculture, the Minister of the Merchant Marine and the Minister of Finance shall be responsible, each in his own domain, for the implementation of this Decree, which shall be published in the Official Gazette of the Republic.

DONE at Antananarivo on 18 February 1994.

(b) Ordinance No. 93-022, regulating fishing and aquaculture

**The Prime Minister and Head of Government,**

**Considering** the Constitution and the Convention of 31 October 1991,

**Considering** Decision No. 18-HOO/D3 of 30 April 1993 of the Higher Constitutional Court,

With the concurrence of the Cabinet of Ministers,

**Hereby decrees:**



TITLE I

GENERAL PROVISIONS

Article 1

Unless otherwise provided, this Ordinance and the regulations adopted for its implementation shall apply to the maritime waters which are under national jurisdiction as defined by Act No. 85-013 of 11 December 1985 ratifying Ordinance No. 85-013 of 16 September 1985, and to the inland, fresh and brackish waters which are within the State public domain or are linked with it.

Article 2

Within the meaning of this Ordinance and the regulations adopted for its implementation:

"Fishing" covers all activities involved in the capture, by all methods and for whatever purposes, of biological resources living in the aquatic environment.

"Fisheries" consist of one or more stocks of fish or other aquatic animals which are exploited for economic and social purposes in a particular place.

"Aquaculture" means the cultivation of aquatic organisms by methods which involve controlling one or more phases of the biological cycle of these organisms (and controlling the environment in which they live).

"Aquaculture facilities" means installations for the storage, selection, fattening or cultivation of aquatic animal or plant resources, other than traditional fish farming activities.

"Fishing vessel" means any vessel whose layout, gear or equipment are designed for fishing.

"Support vessel" means any vessel designed either to refuel fishing vessels at sea or to collect the catches of such vessels, and store them and transport them from the fishing grounds to the port of debarkation.

"Processing plant for fishery and aquaculture products" means any building or facility in which such products are packaged, dried, pickled in brine, salted, smoked or refrigerated, frozen or in any other way processed for sale.

Article 3

The categories of fishing shall be as follows:

Subsistence fishing, for the main purpose of catching edible species required for food by the fisherman or his dependants;

Commercial fishing (traditional, small-scale or industrial) carried out for profit by individuals or legal entities and giving rise to the regular sale of products;

Recreational fishing, carried out on an amateur basis as a sport or leisure activity;

Scientific or experimental fishing carried out for the purpose of promoting research in order to increase knowledge about biological resources and fishing techniques;

The criteria for distinguishing between the different categories of fishing mentioned in this article shall be defined by means of regulations.

Article 4

Fishing and support vessels shall be classified as national fishing vessels; foreign fishing vessels; foreign fishing vessels based in Madagascar and foreign fishing vessels chartered by Malagasy individuals or legal entities.

The regime for each class of vessel shall be established by decree.

TITLE II

MANAGEMENT OF FISHERIES

Article 5

An interministerial commission on fishing and aquaculture is hereby established at the national level; its functions, composition and modalities of operation shall be established by means of regulations.

An advisory council on fishing and aquaculture shall be established in each province (faritany) and shall consist of representatives of operators, ministries, bodies involved in fishing and aquaculture and representatives of the faritany which has territorial jurisdiction.

Each advisory council shall issue opinions on questions relating to fishing or aquaculture which the fisheries and Aquaculture Department or the interministerial commission submit to it or shall make requests to them concerning fishing and aquaculture within the purview of the faritany.

The conditions of operation and of participation in the advisory councils shall be established by means of regulations.

Article 6

1. The Minister of Fisheries and Aquaculture, in conjunction with the ministries concerned, shall prepare and update plans for the management of fisheries and the conservation of stocks. He shall determine the duration, content and modalities of formulation of those plans.

2. The plans must, in particular:

(a) Analyse the data and assess the level of exploitation of the main fisheries and the socio-economic interests connected with them;

(b) Define the objectives and priorities for the management of fisheries and the conservation of stocks;

(c) Specify measures for the regulation of fishing operations in each of them, in particular measures relating to the programme for the issue of fishing licences and to the restriction of fishing operations on the basis of zones, species, gear and fishing seasons;

(d) Schedule scientific or technical research missions which the State plans to undertake or commission.

TITLE III

CONDITIONS FOR FISHING OPERATIONS

Article 7

With a view to achieving the objectives and implementing the provisions of this Ordinance and on the basis of the guidelines set out in the plans for the management of fisheries, regulations shall be adopted to determine, where necessary:

- (a) The zones in which each type of fishing is permitted;
- (b) The open and closed seasons for the various types of fishing;
- (c) Prohibited fishing and gear methods;
- (d) Allowable catches and the protection of spawn;
- (e) Prohibited bait;
- (f) Species whose capture or cultivation is prohibited or restricted;
- (g) Special measures applicable to aquaculture facilities;
- (h) Any other provision or measure which is deemed necessary under the terms of this Ordinance.

Article 8

In certain zones in which the fauna or flora is of particular value, natural parks and reserves in which fishing is prohibited or strictly regulated may be established on the proposal of the Minister of Fisheries and Aquaculture, in cooperation with the other ministries concerned.

Article 9

Unless special authorization is issued, inter alia, for scientific or technical experimentation purposes, by the Minister of Fisheries and Aquaculture, it is strictly forbidden to kill, wound or capture marine mammals and other endangered species as defined by the relevant regulations.

Article 10

Without prejudice to the special provisions established by this Ordinance or by virtue of this Ordinance and without express authorization from the Minister of Fisheries and Aquaculture, the following are prohibited in fishing operations:

- (a) The use of toxic substances designed to stun, weaken or kill fish;
- (b) The use of explosives;
- (c) The use of electric shocks on fish;
- (d) The use of any device allowing longer immersion than that possible with natural respiration.

Article 11

In the intertidal zone and the mangroves, regulations shall be adopted to establish special measures for the protection of marine plants and animals.

TITLE IV

LEGAL REGIME FOR FISHING AND AQUACULTURE

Article 12

Fishing operations in the waters referred to in the first article of this Ordinance shall be subject to prior authorization by the Minister of Fisheries and Aquaculture in the forms and conditions envisaged in this Ordinance and in the regulations adopted for its implementation.

Article 13

1. In the waters under national jurisdiction, fishing shall be reserved on a priority basis for vessels sailing under the Malagasy flag. For small-scale and industrial fishing, the authorization envisaged in article 12 above shall take the form of a fishing licence issued in return for payment of a fee.

2. Small-scale or industrial fishing may be authorized for vessels of other States which have concluded agreements with Madagascar or have received a licence issued by Madagascar.

3. The licensing regime and the conditions of operation of the vessels concerned shall be established by means of regulations.

Article 14

In private waters, the right to fish shall be vested in the owner.

Fishing operations in waters in the public domain may be subject to a concessional regime under conditions established by decree.

Article 15

Any aquaculture facility which is meant to be established in the public domain or to use the waters of that domain must receive authorization from the domain allowing for the granting of an aquaculture concession by the Minister of Fisheries and Aquaculture and the Minister of the Environment.

The conditions for the granting of concessions shall be determined by decree.

Any person who plans to establish an aquaculture facility outside the public domain and the waters of that domain must be authorized by the Minister of Fisheries and Aquaculture and the Minister of the Environment in a manner to be determined by means of regulations.

TITLE V

MONITORING THE WHOLESOMENESS AND QUALITY OF FISHERY  
AND AQUACULTURE PRODUCTS

Article 16

The establishment and operation of processing and storage facilities for fishery products shall be subject to prior approval by the Minister of Fisheries and Aquaculture.

In close collaboration with the other departments concerned, the Minister of Fisheries and Aquaculture, together with the Minister of the Environment, shall adopt by means of regulations and shall implement measures to monitor the wholesomeness and quality of fishery products and the processing, packaging and storage facilities.

The officials authorized thereto shall verify the quality of the products at the unloading site, at the factory and in the public markets and establishments offering such products for sale.

Article 17

The importing of eggs, larvae, small fry and living species of aquatic animals or plants shall be subject to a special permit issued by the Fisheries and Aquaculture Department.

The export of Malagasy fishery or aquaculture products shall be subject to the issuance of a certificate of origin and wholesomeness by the authority empowered to do so by the Fisheries and Aquaculture Department.

TITLE VI

POLICING OF FISHING AND AQUACULTURE

Article 18

Breaches of this Ordinance and its implementing regulations shall be investigated and verified by:

- Fisheries and Aquaculture Department personnel;
- Judicial police officers authorized thereto;
- Officers in command of Malagasy State buildings or piers;
- Merchant Marine and customs officers;
- Officials designated in agreements between Madagascar and third States;

expressly empowered and sworn in.

Article 19

1. In order to investigate and verify breaches of this Ordinance and its implementing regulations, the agents referred to in article 18 may:

(a) Order any fishing vessel found in the waters defined in article 1 of this Ordinance to stop and to carry out all manoeuvres needed to facilitate their boarding of the vessel;

- (b) Board the vessel and inspect its nets and other fishing gear and any catch on board;
- (c) Verify and make copies of all administrative and technical documents of the vessels;
- (d) Enter and search all premises, buildings and sites used in connection with fishing;
- (e) Take samples of the catch on board vessels or vehicles and in any premises, buildings or sites that are searched.

2. Where a breach of the law is discovered, the inspection agents may:

(a) Have the vessel aboard which the offence was committed escorted into a Malagasy port, if such a measure is necessary to provide proof of the offence or guarantee the execution of a possible sentence. In all cases, a foreign fishing vessel caught in the act of fishing in Malagasy maritime waters without having been duly authorized thereto in accordance with article 13 of this Ordinance shall be escorted, with its crew, to the nearest Malagasy port, to be held until the procedures stipulated by this Ordinance have been completed or until the security provided for in article 29 below has been paid;

(b) Impound any vehicle, gear or other fishing implements or materials which they suspect of being the means used to breach the law, and any catch which they suspect has been harvested unlawfully or is being kept in breach of this Ordinance and its implementing regulations. In such a case, a record shall be made of the property impounded, in which, inter alia, a temporary custodian of the impounded goods must be designated.

3. The Minister of Fisheries and Aquaculture shall take the following steps with regard to the impounded property:

(a) The prohibited gear, implements and substances shall be destroyed;

(b) Any fishery products subject to spoilage shall be immediately sold or donated to charitable institutions; the proceeds of the sale shall be deposited in the Public Treasury until completion of the procedures initiated.

#### Article 20

The records made and duly signed by the agents listed in article 18 shall be deemed to be an authentic account of the findings unless a plea of forgery is entered.

### TITLE VII

#### OFFENCES AND PENALTIES

#### Article 21

Any master of a fishing vessel sailing under a foreign flag and engaged in fishing operations in Malagasy maritime waters without having been duly authorized thereto in accordance with article 13 of this Ordinance shall be penalized by a fine, payable in convertible currency, in the amount of 80,000 to 400,000 special drawing rights (SDRs). The SDR/currency par value shall be that of the date of payment of the fine.

The following steps shall be taken:

- (a) The vessel shall be detained in accordance with articles 19 (a) and 29 of this Ordinance;
- (b) The catch on board or the proceeds from its sale shall be confiscated;
- (c) The fishing gear and substances used to commit the offence shall be confiscated.

Article 22

Any person who has:

- (a) Violated the general prohibitions stipulated in article 10 of this Ordinance;
- (b) Used a prohibited fishing method or implement, or been in possession of such an implement;
- (c) Fished and/or harvested in areas or during seasons and hours when fishing is prohibited, or fished and/or harvested species whose catch is prohibited or which are under the statutory size;
- (d) Engaged in fishing without prior authorization in accordance with article 12 of this Ordinance;
- (e) Fished over and above the authorized quantities and species;
- (f) Violated the provisions relating to the quality and wholesomeness and the processing and marketing of fishery products;
- (g) Destroyed or concealed the evidence of a breach of this Ordinance or its implementing regulations, or deliberately prevented inspection agents from performing their duties;

shall be liable to a fine of:

- 15,000 to 150,000 SDRs, in the case of recreational or subsistence fishing;
- 25,000 to 250,000 SDRs, in the case of traditional fishing;
- 500,000 to 5,000,000 SDRs, in the case of small-scale fishing;
- 15,000,000 to 150,000,000 SDRs, in the case of scientific or experimental fishing;
- 50,000,000 to 500,000,000 SDRs, in the case of industrial fishing.

None of the above shall preclude compensation for damages.

Furthermore, a court may order:

- (a) The confiscation of the catch or the proceeds from its sale;
- (b) The confiscation of the fishing gear or substances used to commit the offence.

#### Article 23

Any violations of the provisions of this Ordinance or of its implementing regulations which are not covered in articles 21 and 22 above shall be liable to a fine of 10,000 to 100,000 SDRs, which shall not preclude compensation for damages. Furthermore, the competent court may order one or both of the following:

- (a) The confiscation of the catch or the proceeds from its sale;
- (b) The confiscation of the fishing gear or substances used to commit the offence.

#### Article 24

Any person who has established an aquaculture facility in the public domain without authorization shall be liable to a fine of 20,000 to 100,000 SDRs per area of space occupied, which shall not preclude compensation for damages.

In addition, the competent court may order the confiscation of the said facility for disposal by the Administration, or its immediate demolition at the expense of the perpetrator of the offence.

#### Article 25

Any person who assaults or uses violence to impede action by inspection agents in the exercise of their duties as stipulated in article 19, or who threatens such agents with violence, shall be penalized in accordance with the relevant provisions of the Penal Code.

#### Article 26

In the case of a repeat offence, the fines stipulated in the preceding articles shall be doubled.

In the case of a number of breaches of this Ordinance, only the heaviest penalty shall be imposed.

#### Article 27

The franchises or owners of aquaculture facilities or processing plants shall likewise be declared liable for the payment of any fines imposed on their agents.

Where it is determined that the master of a fishing vessel is criminally liable under the terms of this Ordinance, the shipowner shall be declared jointly liable for the payment of any fines imposed.

To that end, the shipowner or the franchise owners of the aquaculture facilities or processing plants shall be duly summoned to appear in court.

#### Article 28

The Minister of Fisheries and Aquaculture may reach an accommodation on behalf of the State in respect of the offences stipulated in articles 21, 22, 23 and 24 of this Ordinance.

The amount of the compromise fine may not exceed the maximum amount of the stipulated fine for the offence or the value of the goods subject to confiscation and shall be payable to the Public Treasury within 30 days. The minimum amount may not be less than the minimum amount of the fine for the offence committed, as established in this Ordinance.



The authority which grants the accommodation may order the confiscation of the impounded catch or gear and substances and may decide to revoke the fishing licence, the aquaculture franchise or the authorization to operate the fish product processing plant in question.

Payment of the compromise fine shall imply acknowledgement of the offence and shall be in lieu of a first conviction in any determination of a repeat offence.

The accommodation and the government proceedings shall be mutually exclusive. If a civil suit is brought, any compensation of the party concerned shall be adjudicated beforehand.

In the absence of an accommodation or in the case of failure to execute the stipulated terms of the accommodation, the Minister of Fisheries and Aquaculture shall transmit the file without delay to the Government Procurator, requesting him to initiate government proceedings.

#### Article 29

Foreign fishing vessels not authorized to operate in Malagasy maritime waters, together with their crews, detained under the provisions of article 19, paragraph 2 (a), above shall be released upon payment to the Public Treasury of an appropriate security intended to guarantee the payment of the fines, confiscations and expenses incurred.

The security shall be immediately reimbursed when:

- (a) Charges have been dismissed or the accused have been acquitted;
- (b) The stipulated fines and all costs to be borne by the perpetrators of the offence have been paid.

### TITLE VIII

#### MISCELLANEOUS PROVISIONS

#### Article 30

All provisions contrary to this Ordinance in respect of fishing and aquaculture shall be abrogated once and for all, in particular the provisions of Ordinance No. 60-126 of 3 October 1960, Ordinance No. 60-128 of 3 October 1960 and Ordinance No. 66-007 of 7 July 1966.

However, the provisions of regulatory texts which are not contrary to this Ordinance and which relate to the subjects governed by this Ordinance shall continue to apply until the entry into force of its implementing regulations.

#### Article 31

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

It shall be executed as a law of the State.

B. United Nations General Assembly resolutions of interest

1. General Assembly resolution 51/34 of 9 December 1996

Oceans and law of the sea<sup>3/</sup>

The General Assembly,

Emphasizing the universal character of the United Nations Convention on the Law of the Sea<sup>4/</sup> and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction ("the Area"), as well as the resources of the Area, are the common heritage of mankind, and considering also that the Convention, together with the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982<sup>5/</sup> ("the Agreement"), provides the regime to be applied to the Area and its resources,

Noting the entry into force of the Agreement on 28 July 1996,

Noting with satisfaction the increase in the number of States parties to the Convention,

Recalling its resolution 49/28 of 6 December 1994 on the law of the sea, adopted consequent to the entry into force of the Convention on 16 November 1994,

Aware of the importance of the effective implementation of the Convention and its uniform and consistent application, as well as of the growing need to promote and facilitate international cooperation on the law of the sea and ocean affairs at the global, regional and subregional levels,

Recognizing the impact on States of the entry into force of the Convention and the increasing need, particularly of developing States, for advice and assistance in its implementation in order to benefit thereunder,

Welcoming the establishment of the International Tribunal for the Law of the Sea<sup>6/</sup> ("the Tribunal"), the Council of the International Seabed Authority, its Legal and Technical Commission and Finance Committee, and the election of their respective members as well as the election of the Secretary-General of the International Seabed Authority<sup>7/</sup> ("the Authority"),

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<sup>3/</sup> Document A/RES/51/34.

<sup>4/</sup> Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), A/CONF.62/122.

<sup>5/</sup> General Assembly resolution 48/263, annex.

<sup>6/</sup> See SPLOS/14, paras. 13-31.

<sup>7/</sup> See ISBA/A/L.9, paras. 4-11 and 12-17; ISBA/A/L.13, para. 12; and ISBA/C/L.3, para. 7.

Noting the decisions taken by States parties to the Convention facilitating the organization of the Tribunal <sup>8/</sup> and those by the Assembly <sup>9/</sup> and the Council <sup>10/</sup> of the Authority facilitating the organization of the Authority,

Noting also the decisions taken by States parties to the Convention to elect the members of the Commission on the Limits of the Continental Shelf in March 1997, <sup>11/</sup>

Recalling article 287 of the Convention regarding the choice of means for the settlement of disputes concerning the interpretation or application of the Convention,

Recalling also that the Agreement provides that the institutions established by the Convention shall be cost-effective, <sup>12/</sup> and recalling further that the Meeting of States Parties to the Convention decided that this principle would apply to all aspects of the work of the Tribunal, <sup>13/</sup>

Emphasizing the importance of making adequate provisions for the efficient functioning of the institutions established by the Convention,

Reiterating its appreciation to the Secretary-General for his efforts in support of the Convention and in the effective implementation of the Convention, including providing assistance in the establishment of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General and competent international organizations under the Convention, in particular pursuant to its entry into force and as required by resolution 49/28,

Noting with appreciation the development, as part of the Organization's home page on the Internet, of the Web sites of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat (Gopher/World Wide Web), which provide users with convenient means for obtaining timely, well-organized and cross-referenced materials and information dealing with various aspects of the oceans, marine affairs and the law of the sea,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Conscious also of the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21, <sup>14/</sup>

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<sup>8/</sup> SPLOS/14, paras. 32-36.

<sup>9/</sup> ISBA/A/14.

<sup>10/</sup> ISBA/C/10 and 11.

<sup>11/</sup> SPLOS/14, para. 41.

<sup>12/</sup> See General Assembly resolution 48/263, annex: Annex to the Agreement, sect. 1, para. 2.

<sup>13/</sup> SPLOS/4, para. 25 (e).

<sup>14/</sup> Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions Adopted by the Conference, resolution 1, annex II.

Noting the recommendation of the Commission on Sustainable Development, <sup>15/</sup> endorsed by the Economic and Social Council, <sup>16/</sup> concerning international cooperation and coordination in the implementation of chapter 17 of Agenda 21,

Noting also the Washington Declaration and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, <sup>17/</sup>

Conscious of the need to promote and facilitate international cooperation, especially at the subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

1. Calls upon all States that have not done so to become parties to the United Nations Convention on the Law of the Sea<sup>4/</sup> and to ratify, confirm formally or accede to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982<sup>5/</sup> in order to achieve the goal of universal participation;

2. Calls upon States to harmonize their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding are in conformity with the Convention;

3. Reaffirms the unified character of the Convention;

4. Recalls its decision to fund the budget for the administrative expenses of the International Seabed Authority initially from the regular budget of the United Nations, in accordance with the provisions of the Agreement; <sup>18/</sup>

5. Approves the provision by the Secretary-General of such services as may be required for the two meetings of the Authority to be held in 1997, from 17 to 28 March and from 18 to 29 August;

6. Requests the Secretary-General to convene the Meetings of States Parties to the Convention from 10 to 14 March and from 19 to 23 May 1997;

7. Notes with appreciation the progress made in the establishment of the institutions created by the Convention, requests the Secretary-General to continue to provide assistance to those institutions, and invites the Secretary-General to take steps to conclude relationship agreements between the United Nations and the Authority, and between the United Nations and the Tribunal, to be applied provisionally pending the approval of the General Assembly and as appropriate by the Assembly of the Authority or the States parties to the Convention;

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<sup>15/</sup> See Official Records of the Economic and Social Council, 1996, Supplement No. 8 (E/1996/28), chap. I, sect. A, para. 1.

<sup>16/</sup> See A/51/3 (Part II), chap. V, sect. B.1, para. 119, resolution 1996/1; see Official Records of the General Assembly, Fifty-first Session, Supplement No. 3 .

<sup>17/</sup> A/51/116, annex I, appendix II, and annex II.

<sup>18/</sup> See General Assembly resolution 48/263, para. 8; and *ibid.*, annex: Annex to the Agreement, sect. 1, para. 14.

8. Encourages States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention;

9. Expresses its appreciation to the Secretary-General for the annual comprehensive report on the law of the sea<sup>19/</sup> and the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in accordance with the provisions of the Convention and the mandate set forth in resolution 49/28;

10. Reaffirms the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the efforts of the Secretary-General to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

11. Requests the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions and other competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

12. Invites Member States and others in a position to do so to contribute to the further development of the fellowship programme on the law of the sea and training and educational activities on the law of the sea and ocean affairs established by the General Assembly in its resolution 35/116 of 10 December 1980, as well as advisory services and assistance in support of effective implementation of the Convention;

13. Requests the Secretary-General to continue his efforts to further strengthen the existing system for the collection, compilation and dissemination of information on the law of the sea and related matters and to further develop, in cooperation with relevant international organizations, a centralized system for providing coordinated information and advice;

14. Reaffirms its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

15. Reiterates its request to the Secretary-General to prepare a comprehensive report on the impact of the entry into force of the Convention on related existing and proposed instruments and programmes throughout the United Nations system, for submission to the General Assembly at its fifty-second session, and calls upon competent international organizations and other international bodies to cooperate in the preparation of the report;

16. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea;

17. Decides to include in the provisional agenda of its fifty-second session an item entitled "Oceans and the law of the sea".

2. General Assembly resolution 51/35 of 9 December 1996

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 <sup>20/</sup>

The General Assembly,

Recalling its resolutions 47/192 of 22 December 1992, concerning the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, and 50/24 of 5 December 1995, concerning the 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, <sup>21/</sup>

Recalling also resolutions I and II adopted by the Conference, <sup>22/</sup>

Noting the opening for signature of the Agreement on 4 December 1995,

Recognizing the importance of the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks and the need for the regular consideration and review of developments relating thereto,

Recognizing also the importance of artisanal and subsistence fishers,

Noting with appreciation the information provided by States, relevant specialized agencies, international organizations, intergovernmental bodies and non-governmental organizations in accordance with resolution 50/24,

Taking note of the report of the Secretary-General, <sup>23/</sup>

1. Recognizes the significance of the 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 <sup>21/</sup> as an important contribution to ensuring the conservation and management of straddling fish stocks and highly migratory fish stocks;

2. Emphasizes the importance of the early entry into force and effective implementation of the Agreement;

3. Calls upon all States and other entities referred to in article 1, paragraph 2 (b), of the Agreement that have not done so to ratify or accede to it and to consider applying it provisionally;

4. Takes note with concern that many commercially important straddling fish stocks and highly migratory fish stocks have been subject to heavy and little-regulated fishing efforts and that some stocks continue to be overfished;

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<sup>20/</sup> Document A/RES/51/35.

<sup>21/</sup> A/CONF.164/37; see also A/50/550, annex I.

<sup>22/</sup> A/CONF.164/38, annex; see also A/50/550, annex II.

<sup>23/</sup> A/51/383.

5. Welcomes the fact that a growing number of States and other entities, as well as regional and subregional fishery management organizations and arrangements, have adopted legislation, established regulations or taken other measures to implement the provisions in the Agreement, and urges them to enforce those measures fully;

6. Calls upon States and other entities and regional and subregional fishery management organizations and arrangements that have not done so to consider taking measures to implement the provisions of the Agreement;

7. Urges States, relevant specialized agencies, international organizations, intergovernmental bodies and non-governmental organizations that have not yet done so to provide information to the Secretary-General to ensure as comprehensive a report as possible;

8. Requests the Secretary-General to report to the General Assembly at its fifty-second session and biennially thereafter on further developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, including the status and implementation of the Agreement, taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations;

9. Also requests the Secretary-General to ensure that reporting on all major fishery-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized, and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fishery organizations and arrangements, to cooperate with the Secretary-General to that end;

10. Decides to include in the provisional agenda of its fifty-second session, under an item entitled "Oceans and law of the sea", the sub-item entitled "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".

3. General Assembly resolution 51/36 of 9 December 1996

Large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction; and fisheries by-catch and discards <sup>24/</sup>

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994 as well as other relevant resolutions,

Reaffirming also its resolution 50/25 of 5 December 1995 on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources,

Conscious of the need to promote and facilitate international cooperation, especially at the regional and subregional levels, in order to ensure the sustainable development and use of the living marine resources of the world's oceans and seas, consistent with the present resolution,

Mindful that the 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 <sup>25/</sup> provides in its general principles that States shall minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques, and further provides that States shall take measures, including the establishment of regulations, to ensure that vessels flying their flags do not conduct unauthorized fishing within areas under the national jurisdiction of other States,

Noting that the Code of Conduct for Responsible Fisheries sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Expressing deep concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction, where the overwhelming proportion of the global fish catch is harvested, on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States,

Reaffirming once again the rights and duties of coastal States to ensure proper conservation and management measures with respect to the living resources in areas under their national jurisdiction, in accordance with international law as reflected in the United Nations Convention on the Law of the Sea,<sup>26/</sup>

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<sup>24/</sup> Document A/RES/51/36.

<sup>25/</sup> A/CONF.164/37; see also A/50/550, annex I.

<sup>26/</sup> Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), A/CONF.62/122.



Taking note of the report of the Secretary-General <sup>27/</sup> on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources,

Acknowledging with appreciation the measures taken and the progress made by members of the international community, international organizations and regional economic integration organizations to implement and support the objectives of resolution 46/215,

Recognizing the efforts that international organizations and members of the international community have made to reduce by-catch and discards in fishing operations,

Once again expressing deep concern that there are continuing reports of activities inconsistent with the terms of resolution 46/215 and unauthorized fishing inconsistent with the terms of resolution 49/116,

1. Reaffirms the importance it attaches to compliance with its resolution 46/215, in particular to those provisions of the resolution calling for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas;

2. Notes that a growing number of States and other entities as well as relevant regional and subregional fisheries management organizations and arrangements have adopted legislation, established regulations or applied other measures to ensure compliance with resolutions 46/215 and 49/116, and urges them to enforce fully such measures;

3. Urges all authorities of members of the international community that have not done so to take greater enforcement responsibility to ensure full compliance with resolution 46/215 and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that resolution;

4. Calls upon States to take the responsibility, consistent with their obligations under international law as reflected in the United Nations Convention on the Law of the Sea <sup>26/</sup> and resolution 49/116, to take measures to ensure that no fishing vessels entitled to fly their national flags fish in areas under the national jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned; such authorized fishing operations should be carried out in accordance with the conditions set out in the authorization;

5. Urges States, relevant international organizations and regional and subregional fisheries management organizations and arrangements to take action to adopt policies, apply measures, including through assistance to developing countries, collect and exchange data and develop techniques to reduce by-catches, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

6. Reiterates its call on development assistance organizations to make it a high priority to support, including through financial and/or technical assistance, efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for this purpose;

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<sup>27/</sup> A/51/404.

7. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations, and relevant non-governmental organizations, and invites them to provide the Secretary-General with information relevant to the implementation of the present resolution;

8. Also requests the Secretary-General to ensure that reporting on all major fisheries-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fisheries organizations and arrangements, to cooperate with the Secretary-General to that end;

9. Further requests the Secretary-General to submit to the General Assembly at its fifty-second session and biennially thereafter a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements and other relevant intergovernmental and non-governmental organizations;

10. Decides to include in the provisional agenda of its fifty-second session, under an item entitled "Oceans and law of the sea", a sub-item entitled "Large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction; and fisheries by-catch and discards".

77th plenary meeting  
9 December 1996

C. Communications from States

1. Bahrain

[Original: Arabic]

Letter dated 4 November 1996 regarding the Act promulgated by the Islamic Republic of Iran addressed to the Secretary-General of the United Nations<sup>28/</sup>

On instructions from my Government, I have the honour to inform you of the concern of the Government of the State of Bahrain regarding the Act promulgated by the Islamic Republic of Iran on 27 May 1993 delimiting the marine areas of the Islamic Republic of Iran.

The Government of the State of Bahrain does not dispute the right of the Islamic Republic of Iran to delimit its marine areas but wishes to place on record its objection to those parts of the Act of 1993 that are not in accordance with international law and practice. In particular, the State of Bahrain wishes to place on record its objection to those parts of the 1993 Act that are not in accordance with the requirements of the 1982 United Nations Convention on the Law of the Sea which made it incumbent on States to exercise their rights, jurisdiction and freedoms established in the Convention in a manner that does not constitute an abuse of right. Accordingly, the State of Bahrain does not recognize those parts of the Act that are not in accordance with international law and practice, in particular the 1982 United Nations Convention on the Law of the Sea.

I should be grateful if you would have the text of the present letter circulated as an official document of the General Assembly, under agenda items 7, 10, 24 and 81.

2. Chile

[Original: Spanish]

Note dated 6 September 1996 referring to two communications sent by the Argentine Republic to the United Nations, which refer to the Boundary Treaty of 1881 and the Treaty of Peace and Friendship of 1984

The Permanent Mission of Chile to the United Nations presents its compliments to the United Nations Secretariat, Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, and has the honour to refer to two communications, sent to the Division for Ocean Affairs and the Law of the Sea by the Permanent Mission of the Argentine Republic to the United Nations, which refer to the Boundary Treaty of 1881 and the Treaty of Peace and Friendship of 1984, both of which were signed by the Republic of Chile and the Argentine Republic.

The first of these documents contains the declaration made by the Argentine Republic in depositing its instrument of ratification of the United Nations Convention on the Law of the Sea in December 1995. Letter (b) of that declaration states:

"(b) With regard to Part III of the Convention, the Argentine Government declares that in the Treaty of Peace and Friendship signed with the Republic of Chile on 29 November 1984, which entered into force on 2 May 1985 and was registered with the United Nations Secretariat in accordance with Article 102 of the Charter of the United Nations, both States reaffirmed the validity of article V of the Boundary Treaty of 1881 whereby the Strait of Magellan (Estrecho de Magallanes) is neutralized forever with free navigation assured for the flags of all nations.

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<sup>28/</sup> Document A/51/659 of 8 November 1996.

The aforementioned Treaty of Peace and Friendship also contains specific provisions and a special annex on navigation which includes regulations for vessels flying the flags of third countries in the Beagle Channel and other straits and channels of the Tierra del Fuego archipelago."

In the view of the Chilean Government, this declaration is inaccurate in its formulation and does not reflect the wording of the relevant provisions of the treaties in question.

Article 10, paragraph 4, of the 1984 Treaty of Peace and Friendship does, in fact, provide that the boundary agreed upon in respect of the eastern end of the Strait of Magellan in no way alters the provisions of the 1881 Boundary Treaty, whereby the Strait of Magellan is neutralized forever with free navigation assured for the flags of all nations under the terms laid down in its article V.

However, as regards the reference to provisions on navigation, it should be noted that article 13, paragraphs 1 and 2, of the 1984 Treaty of Peace and Friendship, under the chapter "Economic cooperation and physical integration", expressly states that:

"The Republic of Chile, in exercise of its sovereign rights, shall grant to the Argentine Republic the navigation facilities specified in articles 1 to 9 of annex II.

"The Republic of Chile declares that ships flying the flag of third countries may navigate without obstacles over the routes indicated in articles 1 and 8 of annex II, subject to the pertinent Chilean regulations."

Moreover, article 1, paragraphs 1 and 2, of annex II (concerning navigation) of the 1984 Treaty of Peace and Friendship adds:

"For maritime traffic between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa, through Chilean internal waters, Argentine vessels shall enjoy navigation facilities exclusively along the following route:

"Canal Magdalena, Canal Cockburn, Paso Brecknock or Canal Ocasión, Canal Ballenero, Canal O'Brien, Paso Timbales, north-west arm of the Beagle Channel and the Beagle Channel as far as the meridian 68°36'38.5" West longitude and vice versa."

The above-cited provisions unmistakably demonstrate that the navigation facilities which the Republic of Chile, in exercise of its sovereign rights, grants to the Argentine Republic and to ships flying the flag of third countries are through Chilean internal waters, by a route described in the Treaty; together with the other features and modalities laid down in annex II these are essential aspects of the navigation regime established by the 1984 Treaty of Peace and Friendship and the omission thereof from the Argentine declaration may be misleading as to the nature of these waters.

For the same reason, it is inappropriate for the Argentine declaration to refer to the above-mentioned navigation facilities in connection with Part III of the Convention, "Straits used for international navigation", since the area in question has always consisted of Chilean internal waters and not international straits.

Lastly, nowhere does the 1881 Boundary Treaty or the 1984 Treaty of Peace and Friendship make a generic reference to a so-called "Tierra del Fuego archipelago"; it is therefore inappropriate for the Argentine declaration to mention it in the context of the above-named treaties.

The second document is a note verbale, dated 15 April 1996, which was sent to the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, by the Permanent Mission of the Argentine Republic to the United Nations.

That note is in reply to a note from the Secretary-General of the United Nations (SIN/TP/SP/2), dated 21 February 1996, concerning article 42 (3) of the Convention on the Law of the Sea, "Laws and regulations of States bordering straits relating to transit passage", and the due publicity which such States must give to these provisions.

Accordingly, the Argentine note transmits to the Secretary-General of the United Nations copies of both the 1881 Boundary Treaty and the 1984 Treaty of Peace and Friendship, signed by Argentina and Chile. Paragraph 2 of the Argentine note adds:

"Article 5 of the 1881 Treaty and article 10 of the 1984 Treaty establish neutrality and the freedom of ships of all flags to navigate through the Strait of Magellan. Annex II to the 1984 Treaty establishes the navigation regime between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa, as well as the navigation regime along the Strait of Maire."

In this regard, the Chilean Government wishes to state the following:

(a) Under article 35 (c) of the Convention on the Law of the Sea, nothing in Part III affects the legal regime in straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits. As this is precisely the case of the Strait of Magellan, the provisions of Part III do not apply to it;

(b) Argentina does not border the Strait of Magellan. Under the 1881 Boundary Treaty, the whole of the Strait of Magellan — including, of course, the land bordering it on both sides — is under Chilean sovereignty. Therefore, it is not incumbent on Argentina to give publicity to laws and regulations on straits which are not under its sovereignty;

(c) Lastly, with regard to annex II to the 1984 Treaty of Peace and Friendship, which establishes the regime for navigation between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa, the statements in the foregoing paragraphs on the clear provisions regulating such navigation should be borne in mind.

Unquestionably, this strait consists mainly of Chilean internal waters.

Therefore, it is not a strait used for international navigation, and it is inappropriate for Argentina to invoke article 42 (3) in referring to the provisions of the 1984 Treaty of Peace and Friendship in this regard.

Since the issues raised in the present communication must have a clear interpretation both for the parties and for third countries, the Permanent Mission of Chile to the United Nations hereby requests the Secretary-General, through the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, to give due publicity to the present document by including it in the Law of the Sea Information Circular (LOSIC).

3. Iran (Islamic Republic of)

[Original: English]

Letters dated 18 October 1996 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General:

(a) Referring to a letter dated 26 August 1996 from the Permanent Representative of Kuwait to the United Nations <sup>29/</sup>

I wish to refer to the letter dated 26 August 1996 from the Permanent Representative of Kuwait to the United Nations (A/50/1029), containing the statement of the Government of Kuwait relating to certain provisions of the Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman, 1993 ("Marine Areas Act"), and make the following clarifications:

1. Even before the enactment of the said Act, there existed a few acts and decrees pertaining to the Islamic Republic of Iran's rights and jurisdiction over its maritime areas, each of which dealt with one or more issues involving the law of the sea. The Marine Areas Act was drafted to consolidate and supplement all previous relevant legislative provisions into a single statutory instrument, taking into account the progressive development of the law of the sea, including the extension of the jurisdiction of coastal States.
2. It should be noted that the Islamic Republic of Iran has not as yet ratified the United Nations Convention on the Law of the Sea. Nevertheless, as a signatory State, the Islamic Republic has not defeated the object and purpose of the Convention.

I should be grateful if you would have the text of the present letter circulated as an official document of the General Assembly, under agenda items 7, 10 and 24.

(b) Referring to a note verbale dated 25 July 1996 from the Permanent Mission of Saudi Arabia to the United Nations <sup>30/</sup>

I wish to refer to the note verbale dated 25 July 1996 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the Secretariat (A/50/1028, annex), regarding objections of Saudi Arabia to certain provisions of the Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman, 1993 ("Marine Areas Act"), and make the following clarifications:

1. Even before the enactment of the said Act, there existed a few acts and decrees pertaining to the Islamic Republic of Iran's rights and jurisdiction over its maritime areas, each of which dealt with one or more issues involving the law of the sea. The Marine Areas Act was drafted to consolidate and supplement all previous relevant legislative provisions into a single statutory instrument, taking into account the progressive development of the law of the sea, including the extension of the jurisdiction of coastal States.
2. It should be noted that the international law of the sea comprises various rules and provisions that were codified and/or developed in the 1958 and 1982 Conventions on the Law of the Sea. Therefore, it is hard to believe that there is an international consensus on various rules and practices pertaining to this body of law.

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<sup>29/</sup> A/51/544, dated 23 October 1996.

<sup>30/</sup> A/51/545, dated 23 October 1996.

3. There is no provision in the Marine Areas Act to impede navigation in the Persian Gulf and the Sea of Oman. The Islamic Republic of Iran does not object to the freedom of navigation, provided that such freedom is not prejudicial to the peace, good order or security of the coastal States, in conformity with international law.

I should be grateful if you would have the text of the present letter circulated as an official document of the General Assembly, under agenda items 7, 10 and 24.

(c) Referring to a note verbale dated 20 August 1996 from the Permanent Mission of Qatar to the United Nations <sup>31/</sup>

I wish to refer to the note verbale dated 20 August 1996 from the Permanent Mission of Qatar to the United Nations addressed to the Secretariat (A/50/1034, annex) regarding objections of the State of Qatar to certain provisions of the Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman, 1993 ("Marine Areas Act") and make the following clarifications:

1. Even before the enactment of the said Act, there existed a few acts and decrees pertaining to the Islamic Republic of Iran's rights and jurisdiction over its maritime areas, each of which dealt with one or more issues involving the law of the sea. The Marine Areas Act was drafted to consolidate and supplement all previous relevant legislative provisions into a single statutory instrument, taking into account the progressive development of the law of the sea, including the extension of the jurisdiction of coastal States.

2. The Islamic Republic of Iran does not consider that the United Nations Convention on the Law of the Sea (the "Convention") has merely codified customary rules of international law of the sea, as the President of the Third United Nations Conference on the Law of the Sea stated on 10 December 1982:

"The argument that, except for Part XI, the Convention codifies customary law or reflects existing international practice is factually incorrect and legally insupportable. The regime of transit passage through straits used for international navigation and the regime of archipelagic sea lanes passage are only two examples of the many new concepts in the Convention." <sup>32/</sup>

The recent adoption by various States of laws and regulations similar to the Marine Areas Act concerning their rights and jurisdiction in maritime areas that are not fully compatible with the Convention is further evidence that supports this argument.

3. It should be noted that the Islamic Republic of Iran has not as yet ratified the Convention. Nevertheless, as a signatory State, it has not defeated the object and purpose of the Convention.

4. The drawing of straight baselines by the Islamic Republic of Iran should not be considered unusual, as the same method has been used by other States under similar circumstances. Moreover, it was based on several recognized criteria, among them the drawing of a baseline in a way not to depart to any appreciable extent from the direction of the coast, and also the coastal State's right to consider the economic interests peculiar to the region concerned, the reality and importance of which are clearly evidenced by long usage. Decree No. 2/250-67 dated 31 Tir 1352 (22 July 1973) was approved and entered into force nearly 25 years ago, and was circulated in the United Nations Legislative Series <sup>33/</sup> but so far no objections have been raised by Qatar to the said Decree.

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<sup>31/</sup> A/51/546, 23 October 1996.

<sup>32/</sup> Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), Verbatim records of meetings, 193rd meeting, para. 48.

<sup>33/</sup> ST/LEG/SER.B/19, pp. 55-56.

5. As regards waters between islands within a distance of less than 24 nautical miles, we note that there is no rule in international law prohibiting use of that method. Furthermore, the same method was used in the Act on the Territorial Waters and the Contiguous Zone of Iran dated 24 Tir 1313 (15 July 1934) <sup>34/</sup> and the Act amending the Act on the Territorial Waters and the Contiguous Zone of Iran dated 22 Farvardin 1338 (12 April 1959). <sup>35/</sup> In the Marine Areas Act the same method has been employed, while taking into account the extension of the breadth of the territorial sea.

6. With respect to the laying of marine cables and pipelines on the part of the continental shelf belonging to the Islamic Republic of Iran, it should be clarified that there is no customary rule limiting the right of coastal States in this respect. Furthermore, it needs to be emphasized that, in accordance with article 79 (3) of the Convention, the consent of the coastal State is essential for the delineation of the course for the laying of such pipelines on the continental shelf.

7. As for article 16 of the Marine Areas Act, it should be mentioned that it is almost certain that foreign military exercises and manoeuvres impede and/or cause harm to economic activities of coastal States, for which they enjoy sovereign rights. Accordingly, those exercises and manoeuvres that affect the economic activities in the exclusive economic zone and the continental shelf are prohibited.

8. With regard to marine scientific research in the exclusive economic zone, it should be mentioned that any research conducted in that area would be directly linked to the rights of coastal States concerning the exploration and exploitation of living and non-living resources. Therefore, the Islamic Republic of Iran has reserved its right for the adoption and enforcement of appropriate laws and regulations in this respect.

9. As regards article 9 of the Marine Areas Act, the attention of the Permanent Mission of Qatar is drawn to the statement by the Islamic Republic of Iran on signing the Convention, which provides, inter alia:

"In the light of customary international law, the provisions of article 21, read in association with article 19 (on the meaning of innocent passage) and article 25 (on the rights of protection of the coastal States) recognize (though implicitly) the rights of the coastal States to take measures to safeguard their security interests including the adoption of laws and regulations regarding, inter alia, the requirements of prior authorization for warships willing to exercise the right of innocent passage through the territorial sea." <sup>36/</sup>

I wish to take this opportunity to remind the esteemed Permanent Mission of Qatar that, in accordance with article 20 of the Convention, the "submarines and other underwater vehicles are required to navigate on the surface and to show their flag".

10. Finally, I wish to draw the attention of the Permanent Mission of Qatar to the unique ecological situation of the Persian Gulf. Considering the small area of this enclosed sea, its shallow water and the intensity of the economic activities that take place within that region, especially fishing and hydrocarbon extraction, it is a highly vulnerable zone which has been designated as a "special zone" in the 1973/78 International Convention for the Prevention of Pollution from Ships (MARPOL Convention). For these reasons, the requirement of obtaining prior authorization for the passage of some categories of foreign vessels, especially for ships carrying hazardous substances, was incorporated in the Marine Areas Act to employ more supervision over the traffic of such vessels and to protect the marine environment of the region.

I should be grateful if you would have the text of the present letter circulated as an official document of the General Assembly, under agenda items 24 and 77.

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<sup>34/</sup> ST/LEG/SER.B/6, p. 24.

<sup>35/</sup> ST/LEG/SER.B/15, p. 88.

<sup>36/</sup> Law of the Sea Bulletin, No. 5 (July 1985), p. 14.



(d) Referring to a letter dated 26 August 1996 from the Permanent Representative of the United Arab Emirates to the United Nations<sup>37/</sup>

I wish to refer to the letter dated 26 August 1996 from the Permanent Representative of the United Arab Emirates to the United Nations, which has been circulated as document addressed to you (A/50/1033), regarding objections of the United Arab Emirates to certain provisions of the Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman, 1993 ("Marine Areas Act"), and make the following clarifications:

1. Even before the enactment of the said Act, there existed a few acts and decrees pertaining to the Islamic Republic of Iran's rights and jurisdiction over its maritime areas, each of which dealt with one or more issues involving the law of the sea. The Marine Areas Act was drafted to consolidate and supplement all previous relevant legislative provisions into a single statutory instrument, taking into account the progressive development of the law of the sea, including the extension of the jurisdiction of coastal States.
2. There is no provision in the Marine Areas Act to impede navigation in the Persian Gulf and the Sea of Oman. The Islamic Republic of Iran does not object to the freedom of navigation, provided that such freedom is not prejudicial to the peace, good order or security of the coastal States, in conformity with international law.
3. Although paragraph 2 of the letter from the United Arab Emirates is irrelevant to the subject matter in question, I wish to refer to my previous letter dated 1 October 1996 addressed to you in this regard (S/1996/818).
4. The Islamic Republic of Iran reserves its right to make comments as regards certain provisions of the Federal Law No. 19 of 1993 in respect of the delimitation of the maritime zones of the United Arab Emirates of 17 October 1993 that contravene the relevant rules and provisions of the international law of the sea.

I should be grateful if you would have the text of the present letter circulated as an official document of the General Assembly, under agenda items 24 and 77.

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<sup>37/</sup> A/51/547, dated 23 October 1996.

4. Republic of Korea<sup>38/</sup>

[Original: English]

Letter dated 18 November 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to an unfounded allegation made by Greenpeace that Korean vessels are engaged in draft-net fishing in the Mediterranean Sea contained in your report on "Law of the sea: large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources" (A/51/404).

In paragraph 39 of the report, reference is made to a Greenpeace report which refers to an Italian Government report alleging that Korean vessels are "currently using high seas drift-nets in the Mediterranean Sea".

The Government of the Republic of Korea has taken all necessary measures to suspend drift-net fishing operations by Korean vessels on the high seas since 1 January 1993, including the revocation of fishing licences, in compliance with General Assembly resolutions 44/225 of 22 December 1989, 45/197 of 21 December 1990 and 46/215 of 20 December 1991. At considerable financial and social cost, the Korean Government has taken measures to scrap all remaining 139 drift-net fishing vessels and to retrain fishermen for alternative employment.

In the light of the fact that the Government of the Republic of Korea has faithfully implemented all General Assembly resolutions relevant to drift-net fishing, the inclusion of this unsubstantiated information in the above-mentioned report is regrettable.

I would like to take this opportunity to confirm to you that no vessels of the Republic of Korea are currently engaged in drift-net fishing operations on the high seas.

I should be grateful if you could circulate the text of the present letter as a document of the fifty-first session of the General Assembly, under agenda item 24 (c).

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<sup>38/</sup> A/51/694 dated 26 November 1996.

5. United Arab Emirates

Identical letters dated 2 January 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General and to the President of the Security Council<sup>39/</sup>

On instructions from my Government, I have the honour to transmit to you herewith a copy of note verbale No. WK 1/10/20-548 dated 30 November 1996 from the Ministry of Foreign Affairs of the United Arab Emirates addressed to the Embassy of the Islamic Republic of Iran in Abu Dhabi. The note draws the Embassy's attention to the repeated acts of maritime piracy carried out by Iranian forces against fishing boats belonging to citizens of the United Arab Emirates.

...

Annex

The Ministry of Foreign Affairs of the United Arab Emirates presents its compliments to the Embassy of the Islamic Republic of Iran in Abu Dhabi, and has the honour to draw the latter's attention to the fact that, throughout 1996, acts of maritime piracy were repeatedly carried out by Iranian forces against fishing boats belonging to citizens of the United Arab Emirates.

At 1600 hours on 7 May 1996, 3 nautical miles from Haql Mubarak, Dubai-registered launch No. 1324, captained by Habashi Mubarak Musa, was searched and looted by four members of the Iranian forces armed with Kalashnikovs and using an 18ft. escort vessel with 200-horsepower Yamaha engines.

At 0900 hours on 15 June 1996, in the area of Hagl Fath, Dubai, an Iranian military patrol seized the Sharjah-registered vessel Imtiyaz, No. 13, captained by Muhammad Jasim, and towed the vessel and its crew to the Linga region. To date, no information has been forthcoming about the fate of this vessel or its crew.

At 0810 hours on 8 August 1996, 40 nautical miles from the Dubai shore, an Iranian military patrol seized the Sharjah-registered vessel Al-Basaq, No. 1000, captained by Yusuf Abid Safir al-Makhburi, and towed the vessel and its crew to the Linga region.

At 1900 hours on 26 September 1996, 15 nautical miles and 310 degrees from Khawr umm al-Qaiwain, Umm al-Qaiwain-registered launches Nos. 213 and 2222 were searched and looted by an Iranian military patrol composed of four men armed with Kalashnikovs and using an escort vessel with 200-horsepower engines.

At 1600 hours on 13 October 1996, 22 nautical miles and 350 degrees from Khawr Umm al-Qaiwain, the Umm al-Qaiwain-registered launch Sari, No. 335, was searched and looted by an Iranian military patrol composed of three men armed with Kalashnikovs and using an escort vessel with 48-horsepower Yamaha engines.

At 1645 hours on 4 November 1996, in the area of Haql, Ras al-Khaimah, Iranian military patrols seized five vessels and their crews, a total of 23 persons, and towed them to the Linga region.

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<sup>39/</sup> A/51/771 - S/1997/10, dated 7 January 1997.

Since the Government of the United Arab Emirates considers these acts of maritime piracy as a violation of international norms, regulations and agreements, and inconsistent with the principles of good-neighbourliness and the preservation of the historical ties and joint interests of the two countries, it requests the Government of the Islamic Republic of Iran to put a halt to such acts, in the interests of the security and stability of the region.

III. OTHER INFORMATION

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