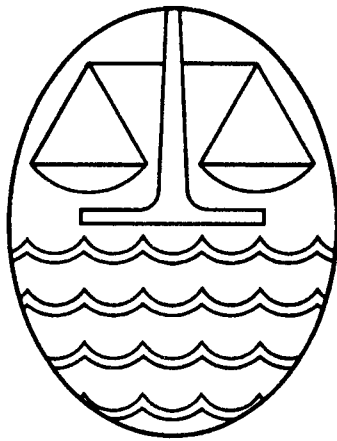


Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs

# ***Law of the Sea***



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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 16 November 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

<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
22	30 July 1985	Iraq	Asian
23	6 September 1985	Guinea	African
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	Democratic Republic of the Congo	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

Number	Date of ratification/ accession/succession	State/Entity	Regional group
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
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

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

<sup>3/</sup> Succession.

Number	Date of ratification/ accession/succession	State/Entity	Regional group
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
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

Number	Date of ratification/ accession/succession	State/Entity	Regional group
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
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
117	23 June 1997	Solomon Islands	Asian
118	21 July 1997	Equatorial Guinea	Africa
119	25 July 1997	United Kingdom <sup>2/</sup>	Western European and Other
120	25 August 1997	Chile	Latin America/Caribbean
121	16 October 1997	Benin	African

Number	Date of ratification/ accession/succession	State/Entity	Regional group
122	3 November 1997	Portugal	Western European and Other

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

2. Alphabetical list of States having ratified, acceded or succeeded to the Convention, as at 16 November 1997

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

3. Belize

Objection to the declaration made by Guatemala upon ratification of the Convention <sup>4/</sup>

I have the honour, with reference to Belize's instruments of ratification to the United Nations Convention on the Law of the Sea ("Convention") and of definitive signature of the Agreement relating to the Implementation of Part XI of the Convention, to make the following declarations on behalf of Belize:

Belize cannot accept any declaration or statement made by a State which is not in conformity with articles 309 and 310 of the Convention.

Article 309 prohibits reservations or exceptions unless expressly permitted by other articles of the Convention. Under article 310, declarations or statements made by a State cannot exclude or modify the legal effect of the provisions of the Convention in their application to that State.

Belize considers that declarations and statements not in conformity with articles 309 and 310 of the Convention include, *inter alia*, those which are not compatible with the dispute resolution mechanism provided in Part XV of the Convention as well as those which purport to subordinate the interpretation or application of the Convention to national laws and regulations, including constitutional provisions.

The recent Declaration made by the Government of Guatemala on ratification of the Convention is inconsistent with the aforesaid articles 309 and 310 in the following respects:

(a) Any alleged "rights" over land territory referred to in paragraph (a) of the Declaration are outside the scope of the Convention, so that that part of the Declaration does not fall within the range permitted by article 310.

(b) With regard to the alleged "historical rights" over Bahia de Amatique, the Declaration purports to preclude the application of the Convention, in particular article 310 which defines bays, and Part XV which enjoins that State parties shall settle any disputes between them concerning the interpretation or application of the Convention in accordance with the procedure prescribed therein.

(c) With regard to paragraph (b) of the Guatemalan Declaration that "the territorial sea and maritime zones cannot be delimited until such time as the existing dispute is resolved", article 74 of the Convention requires States with opposite or adjacent coasts to delimit their respective exclusive economic zones by agreement or, if no agreement can be reached within a reasonable time, by recourse to the dispute settlement mechanism under Part XV of the Convention. As for the delimitation of territorial sea, article 15 of the Convention provides that States with opposite or adjacent coasts may not extend their respective territorial seas beyond the median line unless they so agree. To the extent that Guatemala is purporting to make a reservation as to, or to exclude or modify the effect, of the aforesaid articles 15 or 74, or Part XV of the Convention, the declaration is inconsistent with articles 309 and 310 of the Convention.

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<sup>4/</sup> For text of the declaration by Guatemala, see p. 12 below.



For the reasons given above, the Government of Belize hereby categorically rejects as unfounded and misconceived the Guatemalan declaration in toto.

I should be grateful if you would notify all States of the position of the Government of Belize as set out above.

#### 4. Chile

##### Declaration made upon ratification

1. The Republic of Chile reiterates in its entirety the statement it made when signing the United Nations Convention on the Law of the Sea, <sup>5/</sup> on 10 December 1982 as regards the sui generis legal character and the definition of the exclusive economic zone. It also reiterates the statement it made on the same date with regard to "straits used for international navigation".

2. The Republic of Chile declares that the Treaty of Peace and Friendship signed with the Argentine Republic on 29 November 1984, which entered into force on 2 May 1985, shall define the boundaries between the respective sovereignties over the sea, seabed and subsoil of the Argentine Republic and the Republic of Chile in the sea of the southern zone in the terms laid down in articles 7 to 9.

3. With regard to part II of the Convention:

(a) In accordance with article 13 of the Treaty of Peace and Friendship of 1984, the Republic of Chile, in exercise of its sovereign rights, grants to the Argentine Republic the navigation facilities through Chilean internal waters described in that Treaty, which are specified in annex 2, articles 1 to 9.

In addition, the Republic of Chile declares that by virtue of this Treaty, ships flying the flag of third countries may navigate without obstacles through the internal waters along the routes specified in annex 2, articles 1 and 8, subject to the relevant Chilean regulations.

In the Treaty of Peace and Friendship of 1984, the two Parties agreed on the system of navigation and pilotage in the Beagle Channel, defined in annex 2, articles 11 to 16. The provisions on navigation set forth in that annex replace any previous agreement on the subject that might exist between the Parties.

We reiterate that the navigation systems and facilities referred to in this paragraph were established in the 1984 Treaty of Peace and Friendship for the sole purpose of facilitating maritime communication between specific maritime points and areas, along the specific routes indicated, so that they do not apply to other routes existing in the zone which have not been specifically agreed on.

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<sup>5/</sup> United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, The Law of the Sea: Declarations and Statements with respect to the United Nations Convention on the Law of the Sea and 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 (United Nations publication, Sales No. E.97.V.3), p. 6.

(b) The Republic of Chile reaffirms the full validity and force of Supreme Decree No. 416 of 1977, of the Ministry of Foreign Affairs, which, in accordance with the principles of article 7 of the Convention - which have been fully recognized by Chile - established the straight baselines which were confirmed in article 11 of the 1984 Treaty of Peace and Friendship.

(c) In cases in which a State places restrictions on the right of innocent passage for foreign warships, the Republic of Chile reserves the right to apply similar restrictive measures.

4. With regard to part III of the Convention, it should be noted that in accordance with article 35 (c), the provisions of this part do not affect the legal regime of the Strait of Magellan, since passage through that strait is "regulated by long-standing international conventions in force specifically relating to such straits" such as the 1881 Boundary Treaty, a regime which is reaffirmed in the Treaty of Peace and Friendship of 1984.

In article 10 of the latter Treaty, Chile and Argentina agreed on the boundary at the eastern end of the Strait of Magellan and agreed that this boundary in no way alters the provisions of the 1881 Boundary Treaty, whereby, as Chile declared unilaterally in 1873, the Strait of Magellan is neutralized forever with free navigation assured for the flags of all nations under the terms laid down in article V. For its part, the Argentine Republic undertook to maintain, at any time and in whatever circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Magellan.

Furthermore, we reiterate that Chilean maritime traffic to and from the north through the Estrecho de Le Maire shall enjoy the facilities laid down in annex 2, article 10 of the 1984 Treaty of Peace and Friendship.

5. Having regard for its interest in the conservation of the resources in its exclusive economic zone and the adjacent area of the high seas, the Republic of Chile believes that, in accordance with the provisions of the Convention, where the same stock or stocks of associated species occur both within the exclusive economic zone and in the adjacent area of the high seas, the Republic of Chile, as the coastal State, and the States fishing for such stocks in the area adjacent to its exclusive economic zone must agree upon the measures necessary for the conservation in the high seas of these stocks or associated species. In the absence of such agreement, Chile reserves the right to exercise its rights under article 116 and other provisions of the United Nations Convention on the Law of the Sea, and the other rights accorded to it under international law.

6. With reference to part XI of the Convention and its supplementary agreement, it is Chile's understanding that, in respect of the prevention of pollution in exploration and exploitation activities, the Authority must apply the general criterion that underwater mining shall be subject to standards which are at least as stringent as comparable standards on land.

7. With regard to part XV of the Convention, the Republic of Chile declares that:

(a) In accordance with article 287 of the Convention, it accepts, in order of preference, the following means for the settlement of disputes concerning the interpretation or application of the Convention:

(i) The International Tribunal for the Law of the Sea established in accordance with annex VI;

- (ii) A special arbitral tribunal, established in accordance with annex VIII, for the categories of disputes specified therein relating to fisheries, protection and preservation of the marine environment, and marine scientific research and navigation, including pollution from vessels and by dumping;

(b) In accordance with articles 280 to 282 of the Convention, the choice of means for the settlement of disputes indicated in the preceding paragraph shall in no way affect the obligations deriving from the general, regional or bilateral agreements to which the Republic of Chile is a party concerning the peaceful settlement of disputes or containing provisions for the settlement of disputes;

(c) In accordance with article 298 of the Convention, Chile declares that it does not accept any of the procedures provided for in part XV, section 2, with respect to the disputes referred to in article 298, paragraph 1 (a), (b) and (c) of the Convention.

## 5. Greece

### Note dated 30 June 1997 regarding the Turkish notification dated 22 February 1996 on the interpretative statement made by Greece at the time of both signature and ratification of the United Nations Convention on the Law of the Sea

The Permanent Mission of Greece to the United Nations presents its compliments to the Legal Counsel of the United Nations and, upon instructions from the Greek Government, has the honour to state the following, regarding the Turkish notification, <sup>6/</sup> dated 22 February 1996, on the interpretative statement made by Greece at the time of both signature and ratification of the United Nations Convention on the Law of the Sea:

Turkey has neither signed nor acceded to the United Nations Convention on the Law of the Sea, 1982. It is therefore clear that the above-mentioned notification cannot have any legal effect whatsoever.

With regard to the substance of the Turkish notification, Greece rejects all the allegations therein and would like to make the following observations in that connection:

The purpose of the Greek statement is to interpret certain provisions of the Convention in full accordance with the spirit and the true meaning of the Convention. It is clear, therefore, that Greece neither wishes nor intends, in any way whatsoever, to create any separate category of straits used for international navigation, nor does it intend to circumvent the provisions of the Convention, in any manner.

Greece observes, in particular, that the reference of Turkey to article 36 is misleading, since the part of the high seas referred to in that article constitutes simply an element of the straits in question. Therefore, the reference of Greece to the same article, in no way can be interpreted as an intention to exercise any discretionary powers over the high seas.

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<sup>6/</sup> See Law of the Sea Bulletin No. 30, p. 9.

Regarding the allegation that Greece violates the rules and regulations of the International Civil Aviation Organization (ICAO), Greece states emphatically that it respects all the rules and regulations established within the ICAO framework. It must be noted, in this respect, that the institution of transit passage is new and, for the time being, it does not influence the ICAO rules and regulations. In view of this, Greece does not see how its statement could interfere with the ICAO international air routes in any way.

The Turkish allegations amount to a direct and unequivocal threat by a non-party to the Convention, addressed to a party thereto, with the obvious purpose of compelling Greece to abstain from exercising legitimate rights deriving from international law.

Finally, Greece notes that Turkey makes in its statement repeated reference to the provisions of the United Nations Convention on the Law of the Sea, 1982, attempting to draw legal conclusions. Greece interprets these references as an indication that Turkey - a non signatory to the Convention - accepts its provisions as reflecting general customary law.

## 6. Guatemala

### Declaration made upon ratification

The Government of Guatemala declares, that:

(a) Approval of the Convention by the Congress of the Republic of Guatemala shall under no circumstances affect the rights of Guatemala over the territory of Belize, including the islands, cays and islets, or its historical rights over Bahía de Amatique;

(b) Accordingly, the territorial sea and maritime zones cannot be delimited until such time as the existing dispute is resolved.

## 7. Portugal <sup>2/</sup>

### Declaration made upon ratification

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

1. For the purpose of delimitation of the territorial sea, the continental shelf, and the exclusive economic zone, Portugal reaffirms the rights arising from its internal legislation concerning the continental territory and the archipelagos and islands they integrate;

2. Portugal declares that, within a 12-nautical-mile zone contiguous to the territorial sea, it shall exercise the control measures considered necessary, pursuant to article 33 of the Convention;

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<sup>2/</sup> Unofficial translation communicated by the Permanent Mission of Portugal to the United Nations.

3. In accordance with the United Nations Convention on the Law of the Sea, Portugal shall enjoy rights of sovereignty and jurisdiction over an exclusive economic zone within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

4. The boundaries of the maritime jurisdiction between Portugal and the States with coasts opposite or adjacent to it are those historically determined on the basis of international law;

5. Portugal expresses its understanding that resolution III of the Third United Nations Conference on the Law of the Sea is fully applicable to the non-autonomous territory of East Timor of which Portugal is still the administrative power pursuant to the Charter of the United Nations and the relevant resolutions of the United Nations General Assembly and Security Council. Therefore, the application of the Convention, and in particular any eventual delimitation of East Timor's maritime zones, shall take into consideration the rights conferred on its people by the Charter and the resolutions mentioned above and also the responsibilities of Portugal as the administrative power of the territory;

6. Portugal declares, without prejudice to article 303 of the United Nations Convention on the Law of the Sea or to the application of other international law instruments, that any objects of archaeological or historical nature found within the maritime areas over which it exerts sovereignty or jurisdiction shall not be removed without the prior notification and consent of the Portuguese authorities;

7. Ratification of this Convention by Portugal does not imply instant recognition or acceptance of any territorial or maritime boundary claimed by any other State party to the Convention;

8. Portugal does not consider itself bound by any of the declarations which other States made or may make upon signing or ratifying the Convention, reserving the right to determine its position with regard to each of them at the appropriate time;

9. Bearing in mind available scientific knowledge and in order to protect the environment and the sustained growth of its maritime economic activities, Portugal shall exercise preferentially through international cooperation, having regard to the precautionary principle, control activities beyond the zones under its jurisdiction;

10. For the purposes of article 287 of the United Nations Convention on the Law of the Sea, Portugal declares that, in the absence of any other peaceful means for the settlement of disputes concerning the interpretation or application of the Convention, it shall choose one of the following:

- (a) The International Tribunal for the Law of the Sea established in accordance with Annex VI;
- (b) The International Court of Justice;
- (c) An arbitral tribunal constituted in accordance with Annex VII;
- (d) A special arbitral tribunal constituted in accordance with Annex VIII;

11. Also in the absence of any other peaceful means for the settlement of disputes, Portugal shall choose, in accordance with Annex VIII of the Convention, a special arbitration for any dispute concerning the interpretation or application of the Convention relating to fisheries, protection and preservation of the marine environment, maritime scientific research and navigation and maritime pollution;

12. Portugal declares that, without prejudice to the provisions of section 1 of Part XV of the Convention, it does not accept the compulsory procedures provided for in section 2 of Part XV with respect to the disputes specified under article 298, paragraph 1(a), (b) and (c);

13. Portugal wishes to recall that, being a member of the European Economic Community, it has transferred to the Community powers in certain areas covered by the Convention. Detailed declarations on the nature and extent of the powers transferred will be made in due course, in accordance with the provisions of Annex IX of the Convention.

#### 8. United Kingdom of Great Britain and Northern Ireland

##### Declaration made upon accession

I have the honour, with reference to the United Kingdom's instruments of accession to the United Nations Convention on the Law of the Sea and of ratification of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, to make the following declarations behalf of the United Kingdom:

##### (a) General

The United Kingdom cannot accept any declaration or statement made or to be made in the future which is not in conformity with articles 309 and 310 of the Convention. Article 309 of the Convention prohibits reservations and exceptions (except those expressly permitted by other articles of the Convention). Under article 310 declarations and statements made by a State cannot exclude or modify the legal effect of the provisions of the Convention in their application to the State concerned.

The United Kingdom considers that declarations and statements not in conformity with articles 309 and 310 include, inter alia, the following:

- Those which relate to baselines not drawn in conformity with the Convention;
- Those which purport to require any form of notification or permission before warships or other ships exercise the right of innocent passage or freedom of navigation or which otherwise purport to limit navigational rights in ways not permitted by the Convention;
- Those which are incompatible with the provisions of the Convention relating to straits used for international navigation, including the right of transit passage;

- Those which are incompatible with the provisions of the Convention relating to archipelagic States or waters, including archipelagic baselines and archipelagic sea lanes passage;
- Those which are not in conformity with the provisions of the Convention relating to the exclusive economic zone or the continental shelf, including those which claim coastal State jurisdiction over all installations and structures in the exclusive economic zone or on the continental shelf, and those which purport to require consent for exercises or manoeuvres (including weapons exercises) in those areas;
- Those which purport to subordinate the interpretation or application of the Convention to national laws and regulations, including constitutional provisions.

(b) European Community

The United Kingdom recalls that, as a member of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention.

(c) The Falkland Islands

With regard to paragraph (d) of the Declaration made upon ratification of the Convention by the Government of the Argentine Republic, <sup>8/</sup> the Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands. The Government of the United Kingdom, as the administering authority of both Territories, has extended the United Kingdom's accession to the Convention and ratification of the Agreement to the Falkland Islands and to South Georgia and the South Sandwich Islands. The Government of the United Kingdom, therefore, rejects as unfounded paragraph (d) of the Argentine declaration.

(d) Gibraltar

With regard to point 2 of the declaration made upon ratification of the Convention by the Government of Spain, <sup>9/</sup> the Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over Gibraltar, including its territorial waters. The Government of the United Kingdom, as the administering authority of Gibraltar, has extended the United Kingdom's accession to the Convention and ratification of the Agreement to Gibraltar. The Government of the United Kingdom, therefore, rejects as unfounded point 2 of the Spanish declaration.

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<sup>8/</sup> United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, The Law of the Sea: Declarations and statements with respect to the United Nations Convention on the Law of the Sea and 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 (United Nations publication, Sales No. E.97.V.3), p. 20.

<sup>9/</sup> Law of the Sea Bulletin No. 33, p. 10.

(e) Extent

These instruments of accession and of ratification extend to:

The United Kingdom of Great Britain and Northern Ireland

The Bailiwick of Jersey

The Bailiwick of Guernsey

The Isle of Man

Anguilla

Bermuda

British Antarctic Territory

British Indian Ocean Territory

British Virgin Islands

Cayman Islands

Falkland Islands

Gibraltar

Montserrat

Pitcairn, Henderson, Ducie and Oeno Islands

St. Helena and Dependencies

South Georgia and South Sandwich Islands

Turks and Caicos Islands




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 having consented to be bound by the Agreement, as at 16 November 1997


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


Tonga	Yugoslavia	
Trinidad and Tobago	Zambia	
Uganda	Zimbabwe	
United Kingdom		


2. Table recapitulating the status of the Convention and of the Agreement, as at 16 November 1997


 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (☛ declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
Afghanistan	◇				
Albania					
Algeria	♦	☛ 11 June 1996	✓	11 June 1996 (p)2/	
Andorra					
Angola	♦	5 December 1990			
Antigua and Barbuda	◇	2 February 1989			
Argentina	♦	☛ 1 December 1995	✓	1 December 1995	
Armenia					
Australia	◇	5 October 1994	✓	5 October 1994	
Austria	◇	☛ 14 July 1995	✓	14 July 1995	
Azerbaijan					
Bahamas	◇	29 July 1983	✓	28 July 1995 3/	
Bahrain	◇	30 May 1985			
Bangladesh	◇				16 November 1998 4/
Barbados	◇	12 October 1993	✓	28 July 1995 3/	
Belarus	♦				16 November 1998 5/
Belgium	♦		✓		16 November 1998 4/
Belize	◇	13 August 1983		21 October 1994 (ds)	
Benin	◇	16 October 1997		16 October 1997 (p)2/	
Bhutan	◇				
Bolivia	♦	28 April 1995		28 April 1995 (p)2/	
Bosnia and Herzegovina		12 January 1994 (s)			

 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (● declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
Botswana	◇	2 May 1990			
Brazil	♦	22 December 1988	✓		
Brunei Darussalam	◇	5 November 1996		5 November 1996 (p)2/	
Bulgaria	◇	15 May 1996		15 May 1996 (a)	
Burkina Faso	◇		✓		
Burundi	◇				
Cambodia	◇				
Cameroon	◇	19 November 1985	✓		
Canada	◇		✓		16 November 1997 4/6/
Cape Verde	♦	10 August 1987	✓		
Central African Republic	◇				
Chad	◇				
Chile	♦	25 August 1997		25 August 1997 (a)	
China	◇	7 June 1996	✓	7 June 1996 (p)2/	
Colombia	◇				
Comoros	◇	21 June 1994			
Congo	◇				
<i>Cook Islands</i> 7/	◇	15 February 1995		15 February 1995 (a)	
Costa Rica	♦	21 September 1992			
Côte d'Ivoire	◇	26 March 1984	✓	28 July 1995 3/	
Croatia		5 April 1995 (s)		5 April 1995 (p)2/	
Cuba	♦	15 August 1984			
Cyprus	◇	12 December 1988	✓	27 July 1995	


 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (● declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
Czech Republic	◇	21 June 1996	✓	21 June 1996	
Democratic People's Republic of Korea	◇				
Democratic Republic of the Congo	◇	17 February 1989			
Denmark	◇		✓		
Djibouti	◇	8 October 1991			
Dominica	◇	24 October 1991			
Dominican Republic	◇				
Ecuador					
Egypt	◇	26 August 1983	✓		
El Salvador	◇				
Equatorial Guinea	◇	21 July 1997		21 July 1997 (p)2/	
Eritrea					
Estonia					
Ethiopia	◇				
European Community	♦		✓		16 November 1998 4/
Fiji	◇	10 December 1982	✓	28 July 1995	
Finland	♦	21 June 1996	✓	21 June 1996	
France	♦	11 April 1996	✓	11 April 1996	
Gabon	◇		✓		16 November 1998 4/
Gambia	◇	22 May 1984			
Georgia		21 March 1996 (a)		21 March 1996 (p)2/	
Germany		14 October 1994 (a)	✓	14 October 1994	
Ghana	◇	7 June 1983			


 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (♦ declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
Greece	♦	21 July 1995	✓	21 July 1995	
Grenada	◇	25 April 1991	✓	28 July 1995 3/	
Guatemala	◇	11 February 1997		11 February 1997 (p)2/	
Guinea	♦	6 September 1985	✓	28 July 1995 3/	
Guinea-Bissau	◇	25 August 1986			
Guyana	◇	16 November 1993			
Haiti	◇	31 July 1996		31 July 1996 (p)2/	
<i>Holy See 7/</i>					
Honduras	◇	5 October 1993			
Hungary	◇				
Iceland	◇	21 June 1985	✓	28 July 1995 3/	
India	◇	29 June 1995	✓	29 June 1995	
Indonesia	◇	3 February 1986	✓		
Iran (Islamic Republic of)	♦				
Iraq	♦	30 July 1985			
Ireland	◇	21 June 1996	✓	21 June 1996	
Israel					
Italy	♦	13 January 1995	✓	13 January 1995	
Jamaica	◇	21 March 1983	✓	28 July 1995 3/	
Japan	◇	20 June 1996	✓	20 June 1996	
Jordan		27 November 1995 (a)		27 November 1995 (p)2/	
Kazakhstan					
Kenya	◇	2 March 1989		29 July 1994 (ds)	


 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (☐ declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
<i>Kiribati 2/</i>					
Kuwait	◇	12 May 1986			
Kyrgyzstan					
Lao People's Democratic Republic	◇		✓		16 November 1998 4/
Latvia					
Lebanon	◇	5 January 1995		5 January 1995 (p)2/	
Lesotho	◇				
Liberia	◇				
Libyan Arab Jamahiriya	◇				
Liechtenstein	◇				
Lithuania					
Luxembourg	♦		✓		
Madagascar	◇				
Malawi	◇				
Malaysia	◇	14 October 1996	✓	14 October 1996 (p)2/	
Maldives	◇		✓		
Mali	♦	16 July 1985			
Malta	◇	20 May 1993	✓	26 June 1996	
Marshall Islands		9 August 1991 (a)			
Mauritania	◇	17 July 1996	✓	17 July 1996 (p)2/	
Mauritius	◇	4 November 1994		4 November 1994 (p)2/	
Mexico	◇	18 March 1983			
Micronesia (Federated States of)		29 April 1991 (a)	✓	6 September 1995	

 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (# declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
Monaco	◇	20 March 1996	✓	20 March 1996 (p)2/	
Mongolia	◇	13 August 1996	✓	13 August 1996 (p)2/	
Morocco	◇		✓		
Mozambique	◇	13 March 1997		13 March 1997 (a)	
Myanmar	◇	21 May 1996		21 May 1996 (a)	
Namibia	◇	18 April 1983	✓	28 July 1995 3/	
Nauru 7/	◇	23 January 1996		23 January 1996 (p)2/	
Nepal	◇				16 November 1998 4/
Netherlands	◇	28 June 1996	✓	28 June 1996	
New Zealand	◇	19 July 1996	✓	19 July 1996	
Nicaragua	♦				
Niger	◇				
Nigeria	◇	14 August 1986	✓	28 July 1995 3/	
Niue 7/	◇				
Norway	◇	24 June 1996		24 June 1996 (a)	
Oman	♦	17 August 1989		26 February 1997 (a)	
Pakistan	◇	26 February 1997	✓	26 February 1997 (p)2/	
Palau		30 September 1996 (a)		30 September 1996 (p)2/	
Panama	◇	1 July 1996		1 July 1996 (p)2/	
Papua New Guinea	◇	14 January 1997		14 January 1997 (p)2/	
Paraguay	◇	26 September 1986	✓	10 July 1995	
Peru					
Philippines	♦	8 May 1984	✓	23 July 1997	



 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (♦ declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
Poland	◇		✓		16 November 1998 4/
Portugal	◇	13 November 1997	✓	3 November 1997	
Qatar	♦				16 November 1998 5/
Republic of Korea	◇	29 January 1996	✓	29 January 1996	
Republic of Moldova					
Romania	♦	17 December 1996		17 December 1996 (a)	
Russian Federation	♦	12 March 1997		12 March 1997 (a)	
Rwanda	◇				
Saint Kitts and Nevis	◇	7 January 1993			
Saint Lucia	◇	27 March 1985			
Saint Vincent and the Grenadines	◇	1 October 1993			
Samoa	◇	14 August 1995	✓	14 August 1995 (p)2/	
San Marino					
Sao Tome and Principe	♦	3 November 1987			
Saudi Arabia	◇	24 April 1996		24 April 1996 (p)2/	
Senegal	◇	25 October 1984	✓	25 July 1995	
Seychelles	◇	16 September 1991	✓	15 December 1994	
Sierra Leone	◇	12 December 1994		12 December 1994 (p)2/	
Singapore	◇	17 November 1994		17 November 1994 (p)2/	
Slovakia	◇	8 May 1996	✓	8 May 1996	
Slovenia		16 June 1995 (s)	✓	16 June 1995	
Solomon Islands	◇	23 June 1997		23 June 1997 (p)2/	
Somalia	◇	24 July 1989			

 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (☛ declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
South Africa	♦		✓		16 November 1998 4/
Spain	♦	15 January 1997	✓	15 January 1997	
Sri Lanka	◇	19 July 1994	✓	28 July 1995 3/	
Sudan	♦	23 January 1985	✓		
Suriname	◇				
Swaziland	◇		✓		
Sweden	♦	25 June 1996	✓	25 June 1996	
Switzerland 1/	◇		✓		16 November 1998 4/
Syrian Arab Republic					
Tajikistan					
Thailand	◇				
The former Yugoslav Republic of Macedonia		19 August 1994 (s)		19 August 1994 (p)2/	
Togo	◇	16 April 1985	✓	28 July 1995 3/	
Tonga 1/		2 August 1995 (a)		2 August 1995 (p)2/	
Trinidad and Tobago	◇	25 April 1986	✓	28 July 1995 3/	
Tunisia	◇	24 April 1985	✓		
Turkey					
Turkmenistan					
Tuvalu 1/	◇				
Uganda	◇	9 November 1990	✓	28 July 1995 3/	
Ukraine	♦		✓		16 November 1997 4/6/
United Arab Emirates	◇				16 November 1998 4/
United Kingdom		25 July 1997 (a)	✓	25 July 1997	

 Prepared by DOALOS/OLA United Nations	United Nations Convention on the Law of the Sea		Agreement relating to the implementation of Part XI of the Convention		
	Signature (with ♦ / without ◇ declaration)	Date of ratification / accession (a) / succession (s) (☐ declaration)	Signature	Ratification; accession; (a) definitive signature; (ds) participation; (p)	Provisional membership 1/ in the International Seabed Authority until
State or entity					
United Republic of Tanzania	◇	☐30 September 1985	✓		
United States of America			✓		16 November 1998 4/
Uruguay	♦	☐10 December 1992	✓		
Uzbekistan					
Vanuatu	◇		✓		
Venezuela					
Viet Nam	◇	☐25 July 1994			
Yemen	♦	☐21 July 1987			
Yugoslavia	◇	☐5 May 1986	✓	28 July 1995 3/	
Zambia	◇	7 March 1983	✓	28 July 1995 3/	
Zimbabwe	◇	24 February 1993	✓	28 July 1995 3/	
<b>TOTALS</b>	<b>158</b>	<b>122</b>	<b>79</b>	<b>85</b>	<b>15</b>

## NOTES

- 1/ 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 entities, by sending a written notification to the depositary to that effect. The following States and entity 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, Jamaica, 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 time 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). From April to September 1997, the following States became States Parties and, consequently, full members of the Authority: Chile, Mozambique, Russian Federation, Solomon Islands and United Kingdom of Great Britain and Northern Ireland.

- 2/ State bound by the Agreement by having ratified, acceded or succeeded to the Convention under article 4, paragraph 1, of the Agreement.
- 3/ State bound by the Agreement under the simplified procedure set out in article 5 of the Agreement.
- 4/ States and entities 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 1).
- 5/ States which have not notified the depositary in accordance with section 1, paragraph 12(a), of the Annex to the Agreement (see note 1) 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.
- 6/ In view of the fact that the next session of the Authority will be in March 1998, the Council decided in August 1997 that any State which submits a request for a further extension of membership on a provisional basis beyond 16 November 1997 prior to the next session of the Council shall be deemed to be a member of the Authority on a provisional basis until the end of the next session of the Council, at which time the Council will deliberate on the request.
- 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 16 November 1997

State or entity 1)	Signature 2/ (declaration/statement)	Provisional application as of	Ratification; accession (a)3/ (declaration)
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(a)
Bahrain ♦			
Bangladesh	4 December 1995		
Barbados ♦			
Belarus			
Belgium	3 October 1996		
Belize ♦	4 December 1995		
Benin ♦			
Bhutan			
Bolivia ♦			
Bosnia and Herzegovina ♦			
Botswana ♦			

State or entity 1/	Signature 2/ (4declaration/statement)	Provisional application as of	Ratification; accession (a)3/ (4declaration)
Brazil ♦	4 December 1995		
Brunei Darussalam ♦			
Bulgaria ♦			
Burkina Faso	15 October 1996		
Burundi			
Cambodia			
Cameroon ♦			
Canada	4 December 1995		
Cape Verde ♦			
Central African Republic			
Chad			
Chile ♦			
China ♦	46 November 1996		
Colombia			
Comoros ♦			
Congo			
Cook Islands 4/ ♦			
Costa Rica ♦			
Côte d'Ivoire ♦	24 January 1996		
Croatia ♦			
Cuba ♦			
Cyprus ♦			
Czech Republic ♦			
Democratic People's Republic of Korea			
Democratic Republic of the Congo ♦			
Denmark	27 June 1996		
Djibouti ♦			

State or entity 1)	Signature 2/ (declaration/statement)	Provisional application as of	Ratification; accession (a)3/ (declaration)
Dominica ♦			
Dominican Republic			
Ecuador			
Egypt ♦	5 December 1995		
El Salvador			
Equatorial Guinea ♦			
Eritrea			
Estonia			
Ethiopia			
European Community	27 June 1996		
Fiji ♦	4 December 1995		12 December 1996
Finland ♦	27 June 1996		
France ♦	44 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 4)			
Honduras ♦			

State or entity 1/	Signature 2/ (4declaration/statement)	Provisional application as of	Ratification; accession (a)3/ (4declaration)
Hungary			
Iceland ♦	4 December 1995		14 February 1997
India ♦			
Indonesia ♦	4 December 1995		
Iran (Islamic Republic of)			
Iraq ♦			
Ireland ♦	27 June 1996		
Israel	4 December 1995		
Italy ♦	27 June 1996		
Jamaica ♦	4 December 1995		
Japan ♦	19 November 1996		
Jordan ♦			
Kazakhstan			
Kenya ♦			
Kiribati 4/			
Kuwait ♦			
Kyrgyzstan			
Laos People's Democratic Republic			
Latvia			
Lebanon ♦			
Lesotho			
Liberia			
Libyan Arab Jamahiriya			
Liechtenstein			
Lithuania			
Luxembourg	27 June 1996		
Madagascar			



State or entity 1)	Signature 2/ (declaration/statement)	Provisional application as of	Ratification; accession (a)3/ (declaration)
Malawi			
Malaysia ♦			
Maldives	8 October 1996		
Mali ♦			
Malta ♦			
Marshall Islands ♦	4 December 1995		
Mauritania ♦	21 December 1995		
Mauritius ♦			25 March 1997 (a)
Mexico ♦			
Micronesia (Federated States of) ♦	4 December 1995		23 May 1997
Monaco ♦			
Mongolia ♦			
Morocco	4 December 1995		
Mozambique ♦			
Myanmar ♦			
Namibia ♦	19 April 1996		
Nauru 4) ♦			10 January 1997 (a)
Nepal			
Netherlands ♦	28 June 1996		
New Zealand ♦	4 December 1995		
Nicaragua			
Niger			
Nigeria ♦			
Niue 4)	4 December 1995		
Norway ♦	4 December 1995		30 December 1996
Oman ♦			
Pakistan ♦	15 February 1996		

State or entity 1/	Signature 2/ (4declaration/statement)	Provisional application as of	Ratification; accession (a)3/ (4declaration)
Palau ♦			
Panama ♦			
Papua New Guinea ♦	4 December 1995		
Paraguay ♦			
Peru			
Philippines ♦	30 August 1996		
Poland			
Portugal ♦	27 June 1996		
Qatar			
Republic of Korea ♦	26 November 1996		
Republic of Moldova			
Romania ♦			
Russian Federation ♦	4 December 1995		44 August 1997
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 ♦			

State or entity 1/	Signature 2/ (4declaration/statement)	Provisional application as of	Ratification; accession (a)3/ (4declaration)
Solomon Islands ♦			13 February 1997 <sup>(a)</sup>
Somalia ♦			
South Africa			
Spain ♦	3 December 1996		
Sri Lanka ♦	9 October 1996		24 October 1996
Sudan ♦			
Suriname			
Swaziland			
Sweden ♦	27 June 1996		
Switzerland 4/			
Syrian Arab Republic			
Tajikistan			
Thailand			
The former Yugoslav Republic of Macedonia ♦			
Togo ♦			
Tonga 4/ ♦	4 December 1995		31 July 1996
Trinidad and Tobago ♦			
Tunisia ♦			
Turkey			
Turkmenistan			
Tuvalu 4/			
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		421 August 1996

State or entity <sup>1/</sup>	Signature <sup>2/</sup> ( <sup>4/</sup> declaration/statement)	Provisional application as of	Ratification; accession (a) <sup>3/</sup> ( <sup>4/</sup> declaration)
Uruguay ♦	16 January 1996		
Uzbekistan			
Vanuatu	23 July 1996		
Venezuela			
Viet Nam ♦			
Yemen ♦			
Yugoslavia ♦			
Zambia ♦			
Zimbabwe ♦			
<b>TOTALS:</b>	<b>59</b>		<b>15</b>

#### NOTES

- <sup>1/</sup> ♦ States or *entities* which are Parties to the United Nations Convention on the Law of the Sea of 10 December 1982.
- ☐ Land-locked States.
- <sup>2/</sup> In accordance with its article 37, the Agreement was opened for signature at United Nations Headquarters from 4 December 1995 to 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.
- <sup>3/</sup> 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.
- <sup>4/</sup> Non-member State of the United Nations.

2. United Kingdom of Great Britain and Northern Ireland: Reference to the declaration of the Government of Mauritius contained in the instrument of accession <sup>10/</sup>

The Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the deposit by the Government of Mauritius on 25 March 1997 of an instrument of accession to 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.

With reference to the declaration of the Government of Mauritius <sup>11/</sup> contained in the instrument of accession, the Permanent Representative of the United Kingdom is bound to state, on behalf of Her Majesty's Government, that the Government have no doubt as to United Kingdom sovereignty over the British Indian Ocean Territory.

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<sup>10/</sup> Note No. 421/97 of 28 July 1997.

<sup>11/</sup> Law of the Sea Bulletin No. 34, p. 28.

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

A. Recent national legislation received from Governments

1. Canada

An Act respecting the oceans of Canada, 18 December 1996 <sup>1/</sup>

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| 2.                                   | Definitions   |
| 2.1                                  | Saving  |
|                                      | <u>Her Majesty</u>  |
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<sup>1/</sup> Came into force on 31 January 1997.

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- 109. Coming into force



**Preamble**

**Whereas** Canada recognizes that the three oceans, the Arctic, the Pacific and the Atlantic, are the common heritage of all Canadians;

**Whereas** Parliament wishes to reaffirm Canada's role as a world leader in oceans and marine resource management;

**Whereas** Parliament wishes to affirm in Canadian domestic law Canada's sovereign rights, jurisdiction and responsibilities in the exclusive economic zone of Canada;

**Whereas** Canada promotes the understanding of oceans, ocean processes, marine resources and marine ecosystems to foster the sustainable development of the oceans and their resources;

**Whereas** Canada holds that conservation, based on an ecosystem approach, is of fundamental importance to maintaining biological diversity and productivity in the marine environment;

**Whereas** Canada promotes the wide application of the precautionary approach to the conservation, management and exploitation of marine resources in order to protect these resources and preserve the marine environment;

**Whereas** Canada recognizes that the oceans and their resources offer significant opportunities for economic diversification and the generation of wealth for the benefit of all Canadians, and in particular for coastal communities;

**Whereas** Canada promotes the integrated management of oceans and marine resources;

**And Whereas** the Minister of Fisheries and Oceans, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, is encouraging the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems;

**Now, therefore,** Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**Short title**

1. This Act may be cited as the Oceans Act.

**Interpretation**

2. In this Act,

"artificial island" means any man-made extension of the seabed or a seabed feature, whether or not the extension breaks the surface of the superjacent waters;

"Department" means the Department of Fisheries and Oceans;

"federal laws" includes Acts of Parliament, regulations as defined in section 2 of the *Interpretation Act* and any other rules of law within the jurisdiction of Parliament, but does not include ordinances within the meaning of the *Northwest Territories Act* or the *Yukon Act* or, after section 3 of the *Nunavut Act* comes into force, laws made by the Legislature for Nunavut or continued by section 29 of that Act;

"law", in respect of a province, includes a law or rule of law from time to time in force in the province, other than federal laws, and the provisions of any instrument having effect under any such law;

"marine installation or structure" includes (a) any ship and any anchor, anchor cable or rig pad used in connection therewith, (b) any offshore drilling unit, production platform, subsea installation, pumping station, living accommodation, storage structure, loading or landing platform, dredge, floating crane, pipelaying or other barge or pipeline and any anchor, anchor cable or rig pad used in connection therewith, and (c) any other work or work within a class of works prescribed pursuant to paragraph 26(1)(a);

"Minister" means the Minister of Fisheries and Oceans;

"ship" includes any description of vessel, boat or craft designed, used or capable of being used solely or partly for marine navigation without regard to method or lack of propulsion.

#### Saving

2.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the *Constitution Act*, 1982.

#### Her Majesty

3. This Act is binding on Her Majesty in right of Canada or a province.

### PART I

## CANADA'S MARITIME ZONES

### Territorial Sea and Contiguous Zone

4. The territorial sea of Canada consists of a belt of sea that has as its inner limit the baselines described in section 5 and as its outer limit:

- (a) subject to paragraph (b), the line every point of which is at a distance of 12 nautical miles from the nearest point of the baselines; or
- (b) in respect of the portions of the territorial sea of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(ii), lines determined from the geographical coordinates of points so prescribed.

### Determination of the baselines

5. (1) Subject to subsections (2) and (3), the baseline is the low-water line along the coast or on a low-tide elevation that is situated wholly or partly at a distance not exceeding the breadth of the territorial sea of Canada from the mainland or an island.

(2) In respect of any area for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(i) and subject to any exceptions in the regulations for:

- (a) the use of the low-water line along the coast between given points, and
- (b) the use of the low-water lines of low-tide elevations that are situated wholly or partly at a distance not exceeding the breadth of the territorial sea of Canada from the mainland or an island,

the baselines are straight lines interpreted as geodesics joining the consecutive geographical coordinates of points so prescribed.

(3) In respect of any area not referred to in subsection (2), the baselines are the outer limits of any area, other than the territorial sea of Canada, over which Canada has a historic or other title of sovereignty.

(4) For the purposes of this section, a low-tide elevation is a naturally formed area of land that is surrounded by and above water at low tide but submerged at high tide.

#### Internal waters of Canada

6. The internal waters of Canada consist of the waters on the landward side of the baselines of the territorial sea of Canada.

#### Part of Canada

7. For greater certainty, the internal waters of Canada and the territorial sea of Canada form part of Canada.

#### Rights of Her Majesty

8. (1) For greater certainty, in any area of the sea not within a province, the seabed and subsoil below the internal waters of Canada and the territorial sea of Canada are vested in Her Majesty in right of Canada.

(2) Nothing in this section abrogates or derogates from any legal right or interest held before 4 February 1991.

#### Application of provincial law

9. (1) Subject to this section and to any other Act of Parliament, the laws of a province apply in any area of the sea:

- (a) that forms part of the internal waters of Canada or the territorial sea of Canada;
- (b) that is not within any province; and
- (c) that is prescribed by the regulations.

(2) Subject to any regulations made pursuant to paragraph 26(1)(d), subsection (1) does not apply in respect of any provision of a law of a province that:

- (a) imposes a tax or royalty; or
- (b) relates to mineral or other non-living natural resources.

(3) For the purposes of this section, the laws of a province shall be applied as if the area of the sea in which those laws apply under this section were within the territory of that province.

(4) Any sum due under a law of a province that applies in an area of the sea under this section belongs to Her Majesty in right of the province.

(5) For greater certainty, this section shall not be interpreted as providing a basis for any claim, by or on behalf of a province, in respect of any interest in or legislative jurisdiction over any area of the sea in which a law of a province applies under this section or the living or non-living resources of that area, or as limiting the application of any federal laws.

#### Contiguous zone of Canada

10. The contiguous zone of Canada consists of an area of the sea that has as its inner limit the outer limit of the territorial sea of Canada and as its outer limit the line every point of which is at a distance of 24 nautical miles from the nearest point of the baselines of the territorial sea of Canada, but does not include an area of the sea that forms part of the territorial sea of another State or in which another State has sovereign rights.

#### Prevention in contiguous zone of infringement of federal laws

11. A person who is responsible for the enforcement of a federal law that is a customs, fiscal, immigration or sanitary law and who has reasonable grounds to believe that a person in the contiguous zone of Canada would, if that person were to enter Canada, commit an offence under that law may, subject to Canada's international obligations, prevent the entry of that person into Canada or the commission of the offence and, for greater certainty, section 25 of the *Criminal Code* applies in respect of the exercise by a person of any powers under this section.

#### Enforcement in contiguous zone of federal laws

12. (1) Where there are reasonable grounds to believe that a person has committed an offence in Canada in respect of a federal law that is a customs, fiscal, immigration or sanitary law, every power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of that offence may also be exercised in the contiguous zone of Canada.

(2) A power of arrest referred to in subsection (1) shall not be exercised in the contiguous zone of Canada to board any ship registered outside Canada without the consent of the Attorney General of Canada.

#### Exclusive economic zone

13. (1) The exclusive economic zone of Canada consists of an area of the sea beyond and adjacent to the territorial sea of Canada that has as its inner limit the outer limit of the territorial sea of Canada and as its outer limit:

- (a) subject to subparagraph (b), the line every point of which is at a distance of 200 nautical miles from the nearest point of the baselines of the territorial sea of Canada; or
- (b) in respect of a portion of the exclusive economic zone of Canada for which geographical coordinates of points have been prescribed pursuant to paragraph 25(a)(iii), lines determined from the geographical coordinates of points so prescribed.

(2) For greater certainty, paragraph (1)(a) applies regardless of whether regulations are made pursuant to paragraph 25(a)(iv) prescribing geographical coordinates of points from which the outer limit of the exclusive economic zone of Canada may be determined.

#### Sovereign rights and jurisdiction of Canada

14. Canada has:

- (a) sovereign rights in the exclusive economic zone of Canada 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 exclusive economic zone of Canada, such as the production of energy from the water, currents and winds;
- (b) jurisdiction in the exclusive economic zone of Canada with regard to:
  - (i) the establishment and use of artificial islands, installations and structures,
  - (ii) marine scientific research, and
  - (iii) the protection and preservation of the marine environment; and
- (c) other rights and duties in the exclusive economic zone of Canada provided for under international law.

#### Rights of Her Majesty

15. (1) For greater certainty, any rights of Canada in the seabed and subsoil of the exclusive economic zone of Canada and their resources are vested in Her Majesty in right of Canada.

(2) Nothing in this section abrogates or derogates from any legal right or interest held before 4 February 1991.

#### Fishing zones of Canada

16. The fishing zones of Canada consist of areas of the sea adjacent to the coast of Canada that are prescribed in the regulations.

#### Continental shelf

17. (1) The continental shelf of Canada is the seabed and subsoil of the submarine areas, including those of the exclusive economic zone of Canada, that extend beyond the territorial sea of Canada throughout the natural prolongation of the land territory of Canada:

- (a) subject to subparagraphs (b) and (c), to the outer edge of the continental margin, determined in the manner under international law that results in the maximum extent of the continental shelf of Canada, the outer edge of the continental margin being the submerged prolongation of the land mass of Canada consisting of the seabed and subsoil of the shelf, the slope and the rise, but not including the deep ocean floor with its oceanic ridges or its subsoil;
- (b) to a distance of 200 nautical miles from the baselines of the territorial sea of Canada where the outer edge of the continental margin does not extend up to that distance; or

- (c) in respect of a portion of the continental shelf of Canada for which geographical coordinates of points have been prescribed pursuant to paragraph 25(a)(iii), to lines determined from the geographical coordinates of points so prescribed.

(2) For greater certainty, paragraphs (1)(a) and (b) apply regardless of whether regulations are made pursuant to paragraph (25)(a)(iv) prescribing geographical coordinates of points from which the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined.

#### Sovereign rights of Canada

18. Canada has sovereign rights over the continental shelf of Canada for the purpose of exploring it and exploiting the mineral and other non-living natural resources of the seabed and subsoil of the continental shelf of Canada, together with living organisms belonging to sedentary species, that is to say, organisms that, at the harvestable stage, either are immobile on or under the seabed of the continental shelf of Canada or are unable to move except in constant physical contact with the seabed or the subsoil of the continental shelf of Canada.

#### Rights of Her Majesty

19. (1) For greater certainty, any rights of Canada in the continental shelf of Canada are vested in Her Majesty in right of Canada.

(2) Nothing in this section abrogates or derogates from any legal right or interest held before 4 February 1991.

#### Application of federal laws - continental shelf installations

20. (1) Subject to any regulations made pursuant to paragraph 26(1)(j) or (k), federal laws apply:

- (a) on or under any marine installation or structure from the time it is attached or anchored to the continental shelf of Canada in connection with the exploration of that shelf or the exploitation of its mineral or other non-living resources until the marine installation or structure is removed from the waters above the continental shelf of Canada;
- (b) on or under any artificial island constructed, erected or placed on the continental shelf of Canada; and
- (c) within such safety zone surrounding any marine installation or structure or artificial island referred to in paragraph (a) or (b) as is determined by or pursuant to the regulations.

(2) For the purposes of subsection (1), federal laws shall be applied:

- (a) as if the places referred to in that subsection formed part of the territory of Canada;
- (b) notwithstanding that by their terms their application is limited to Canada; and
- (c) in a manner that is consistent with the rights and freedoms of other States under international law and, in particular, with the rights and freedoms of other States in relation to navigation and overflight.

Application of provincial law

21. (1) Subject to this section and to any other Act of Parliament, the laws of a province apply to the same extent as federal laws apply pursuant to section 20 in any area of the sea:

- (a) that forms part of the exclusive economic zone of Canada or is above the continental shelf of Canada;
- (b) that is not within any province; and
- (c) that is prescribed by the regulations.

(2) Subject to any regulations made pursuant to paragraph 26(1)(d), subsection (1) does not apply in respect of any provision of a law of a province that:

- (a) imposes a tax or royalty; or
- (b) relates to mineral or other non-living natural resources.

(3) For the purposes of this section, the laws of a province shall be applied as if the area of the sea in which those laws apply under this section were within the territory of that province.

(4) Any sum due under a law of a province that applies in an area of the sea under this section belongs to Her Majesty in right of the province.

(5) For greater certainty, this section shall not be interpreted as providing a basis for any claim, by or on behalf of a province, in respect of any interest in or legislative jurisdiction over any area of the sea in which a law of a province applies under this section or the living or non-living resources of that area, or as limiting the application of any federal laws.

Court jurisdiction

22. (1) Subject to subsection (4) and to any regulations made pursuant to paragraph 26(1)(h), a court that would have jurisdiction in respect of any matter had the matter arisen in a province has jurisdiction in respect of any such matter involving a federal law that applies pursuant to this Act to the extent that the matter arises in whole or in part in any area of the sea that is not within any province and:

- (a) that area of the sea is nearer to the coast of that province than to the coast of any other province;  
or
- (b) that province is prescribed by the regulations.

(2) Subject to any regulations made pursuant to paragraph 26(1)(h), a court that would have jurisdiction in respect of any matter had the matter arisen in a province has jurisdiction in respect of any such matter involving a law of the province that applies pursuant to this Act to the extent that the matter arises in whole or in part in any area of the sea to which the law of the province applies pursuant to this Act.

(3) A court referred to in subsection (1) or (2) may make any order or exercise any power it considers necessary in respect of any matter referred to in that subsection.

(4) The jurisdiction and powers of courts with respect to offences under any federal law are determined pursuant to sections 477.3, 481.1 and 481.2 of the *Criminal Code*.

(5) Nothing in this section limits the jurisdiction that a court may exercise apart from this Act.

(6) In this section, "court" includes a judge of a court and a justice of the peace.

#### Miscellaneous provisions

23. (1) In any legal or other proceedings, a certificate issued by or under the authority of the Minister of Foreign Affairs containing a statement that any geographic location specified in the certificate was, at any time material to the proceedings,

- (a) in the internal waters of Canada,
- (b) in the territorial sea of Canada,
- (c) in the contiguous zone of Canada,
- (d) in the exclusive economic zone of Canada, or
- (e) in or above the continental shelf of Canada

is conclusive proof of the truth of the statement without proof of the signature or official character of the person appearing to have issued the certificate.

(2) In any legal or other proceedings, a certificate issued by or under the authority of the Minister containing a statement that any geographic location specified in the certificate was, at any time material to the proceedings, within an area of the sea in which a law of the province named in the certificate applies under section 9 or 21 is conclusive proof of the truth of the statement without proof of the signature or official character of the person appearing to have issued the certificate.

(3) A certificate referred to in subsection (1) or (2) is admissible in evidence in proceedings referred to in that subsection, but its production cannot be compelled.

#### Saving

24. Nothing in this Part limits the operation that any Act, rule of law or instrument has apart from this Part.

#### Regulations

25. The Governor in Council may, on the recommendation of the Minister of Foreign Affairs, make regulations:

- (a) prescribing geographical coordinates of points from which:
  - (i) baselines may be determined under subsection 5(2) as straight lines interpreted as geodesics,



- (ii) in respect of a portion of the territorial sea of Canada prescribed in the regulations, an outer limit line may be determined, where, in the opinion of the Governor in Council, a portion of the territorial sea of Canada determined in accordance with paragraph 4(a) would conflict with the territorial sea of another State or other area of the sea in which another State has sovereign rights or would be unreasonably close to the coast of another State,
  - (iii) in respect of a portion of the exclusive economic zone of Canada or the continental shelf of Canada prescribed in the regulations, an outer limit line may be determined, where, in the opinion of the Governor in Council, a portion of the exclusive economic zone of Canada or the continental shelf of Canada determined in accordance with paragraph 13(1)(a) or 17((1)(a) or (b) would conflict with the territorial sea of another State or other area of the sea in which another State has sovereign rights or would be unreasonably close to the coast of another State or is otherwise inappropriate, and
  - ((iv) the outer limit of the exclusive economic zone of Canada or the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined, and
- (b) prescribing areas of the sea adjacent to the coast of Canada as fishing zones of Canada.

**Recommendation - Minister of Justice**

26. (1) The Governor in Council may, on the recommendation of the Minister of Justice, make regulations:
- (a) prescribing a work or a class of works for the purpose of the definition "marine installation or structure" in section 2;
  - (b) making any law of a province applicable in respect of any part of the area of the sea in which laws of the province apply under section 9 or 21, even though the law, by its own terms, is applicable only in respect of a particular area within the province;
  - (c) restricting the application of subsection 9(1) or 21(1) to such laws of a province as are specified in the regulations;
  - (d) making subsection 9(1) or 21(1) applicable on the terms and conditions, if any, specified in the regulations, in respect of any laws of a province that impose a tax or royalty or relate to mineral or other non-living natural resources;
  - (e) excluding any law of a province from the application of subsection 9(1) or 21(1);
  - (f) determining or prescribing the method of determining the safety zone referred to in paragraph 20(1)(c);
  - (g) prescribing an area of the sea and a province for the purposes of subsection 9(1), 21(1) or 22(1);
  - (h) restricting the application of subsection 22(1), (2) or (3) to courts of a district or territorial division of a province;
  - (i) prescribing, in respect of any area of the sea and for the purpose of subsection 22(1), the manner of determining the province that has the coast nearest to that area;

- (j) excluding any federal laws or laws of a province or any of their provisions from the application of subsection 20(1) or 21(1), as the case may be, in respect of any area in or above the continental shelf of Canada or in respect of any specified activity in any such area; and
- (k) making federal laws or laws of a province or any of their provisions applicable, in such circumstances as are specified in the regulations,
  - (i) in the exclusive economic zone of Canada or a portion of that zone,
  - (ii) in or above the continental shelf of Canada or a portion of that shelf, or
  - (iii) in any area beyond the continental shelf of Canada, where that application is made pursuant to an international agreement or arrangement entered into by Canada.

(2) A regulation made pursuant to subsection (1) in relation to a law of a province may be restricted to a specific area or place or to a specific provision of the law.

(3) For the purposes of paragraph (1)(j) and (k), federal laws and the laws of a province shall be applied:

- (a) as if the places referred to in any regulations made pursuant to either of those paragraphs formed part of the territory of Canada;
- (b) notwithstanding that by their terms their application is limited to Canada or a province; and
- (c) in a manner that is consistent with the rights and freedoms of other States under international law and, in particular, with the rights and freedoms of other States in relation to navigation and overflight.

#### Publication of proposed regulations

27. (1) A copy of each regulation that the Governor in Council proposes to make pursuant to paragraph 25(b) or section 26 shall be published in the *Canada Gazette* at least 60 days before its proposed effective date, and a reasonable opportunity shall be given to interested persons and provinces to make representations with respect to the proposed regulation.

(2) No proposed regulation that has been published pursuant to this section need again be published under this section whether or not it has been altered.

## PART II

### OCEANS MANAGEMENT STRATEGY

#### Part does not apply to inland waters

28. For greater certainty, this Part does not apply in respect of rivers and lakes.

Development and implementation of strategy

29. The Minister, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, shall lead and facilitate the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems in waters that form part of Canada or in which Canada has sovereign rights under international law.

Principles of strategy

30. The national strategy will be based on the principles of:

- (a) sustainable development, that is, development that meets the needs of the present without compromising the ability of future generations to meet their own needs;
- (b) the integrated management of activities in estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law; and
- (c) the precautionary approach, that is, erring on the side of caution.

Integrated management plans

31. The Minister, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, shall lead and facilitate the development and implementation of plans for the integrated management of all activities or measures in or affecting estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law.

Implementation of integrated management plans

32. For the purposes of the implementation of integrated management plans, the Minister:

- (a) shall develop and implement policies and programmes with respect to matters as assigned by law to the Minister;
- (b) shall coordinate with other ministers, boards and agencies of the Government of Canada the implementation of policies and programmes of the Government with respect to all activities or measures in or affecting coastal waters and marine waters;
- (c) may, on his or her own or jointly with another person or body or with another minister, board or agency of the Government of Canada, and taking into consideration the views of other ministers, boards and agencies of the Government of Canada, provincial and territorial governments and affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements,
  - (i) establish advisory or management bodies and appoint or designate, as appropriate, members of those bodies, and
  - (ii) recognize established advisory or management bodies; and

- (d) may, in consultation with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, establish marine environmental quality guidelines, objectives and criteria respecting estuaries, coastal waters and marine waters.

#### Cooperation and agreements

33. (1) In exercising the powers and performing the duties and functions assigned to the Minister by this Act, the Minister:

- (a) shall cooperate with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements;
- (b) may enter into agreements with any person or body or with another minister, board or agency of the Government of Canada;
- (c) shall gather, compile, analyse, coordinate and disseminate information;
- (d) may make grants and contributions on terms and conditions approved by the Treasury Board; and
- (e) may make recoverable expenditures on behalf of and at the request of any other minister, board or agency of the Government of Canada or of a province or any person or body.

(2) In exercising the powers and performing the duties and functions mentioned in this Part, the Minister may consult with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements.

#### Logistics support, etc.

34. The Minister may coordinate logistics support and provide related assistance for the purposes of advancing scientific knowledge of estuarine, coastal and marine ecosystems.

#### Marine protected areas

35. (1) A marine protected area is an area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada or the exclusive economic zone of Canada and has been designated under this section for special protection for one or more of the following reasons:

- (a) the conservation and protection of commercial and non-commercial fishery resources, including marine mammals, and their habitats;
- (b) the conservation and protection of endangered or threatened marine species, and their habitats;
- (c) the conservation and protection of unique habitats;
- (d) the conservation and protection of marine areas of high biodiversity or biological productivity; and

- (e) the conservation and protection of any other marine resource or habitat as is necessary to fulfil the mandate of the Minister.

(2) For the purposes of integrated management plans referred to in sections 31 and 32, the Minister will lead and coordinate the development and implementation of a national system of marine protected areas on behalf of the Government of Canada.

(3) The Governor in Council, on the recommendation of the Minister, may make regulations:

- (a) designating marine protected areas; and
- (b) prescribing measures that may include but not be limited to:
  - (i) the zoning of marine protected areas,
  - (ii) the prohibition of classes of activities within marine protected areas, and
  - (iii) any other matter consistent with the purpose of the designation.

#### Interim marine protected areas in emergency situations

36. (1) The Governor in Council, on the recommendation of the Minister, may make orders exercising any power under section 35 on an emergency basis, where the Minister is of the opinion that a marine resource or habitat is or is likely to be at risk to the extent that such orders are not inconsistent with a land claims agreement that has been given effect and has been ratified or approved by an Act of Parliament.

(2) An order made under this section is exempt from the application of sections 3, 5 and 11 of the *Statutory Instruments Act*.

(3) An order made under this section that is not repealed ceases to have effect 90 days after it is made.

#### Offence and punishment

37. Every person who contravenes a regulation made under paragraph 35(3)(b) or an order made under subsection 36(1) in the exercise of a power under that paragraph:

- (a) is guilty of an offence punishable on summary conviction and liable to a fine not exceeding \$100,000; or
- (b) is guilty of an indictable offence and liable to a fine not exceeding \$500,000.

#### Contravention of unpublished order

38. No person may be convicted of an offence consisting of a contravention of an order made under subsection 36(1) in the exercise of a power under paragraph 35(3)(b) that, at the time of the alleged contravention, had not been published in the *Canada Gazette* in both official languages unless it is proved that reasonable steps had been taken before that time to bring the purport of the order to the attention of those persons likely to be affected by it.

### Enforcement officers

39. (1) The Minister may designate any person or class of persons to act as enforcement officers for the purposes of this Act and the regulations.
- (2) The Minister may not designate any person or class of persons employed by the government of a province unless that government agrees.
- (3) Every enforcement officer must be provided with a certificate of designation as an enforcement officer in a form approved by the Minister and, on entering any place under this Act, the officer shall, if so requested, show the certificate to the occupant or person in charge of the place.
- (4) For the purposes of this Act and the regulations, enforcement officers have all the powers of a peace officer, but the Minister may specify limits on those powers when designating any person or class of persons.
- (5) For the purpose of investigations and other law enforcement activities under this Act, the Minister may, on any terms and conditions the Minister considers necessary, exempt enforcement officers who are carrying out duties or functions under this Act, and persons acting under their direction and control, from the application of any provision of this Act or the regulations.
- (6) When an enforcement officer is carrying out duties or functions under this Act or the regulations, no person shall:
- (a) knowingly make any false or misleading statement either orally or in writing to the enforcement officer; or
  - (b) otherwise wilfully obstruct the enforcement officer.

### Inspections

- 39.1 (1) For the purpose of ensuring compliance with this Act and the regulations, an enforcement officer may, subject to subsection (3), at any reasonable time enter and inspect any place in which the enforcement officer believes, on reasonable grounds, there is anything to which this Act or the regulations apply or any document relating to the administration of this Act or the regulations, and the enforcement officer may:
- (a) open or cause to be opened any container that the enforcement officer believes, on reasonable grounds, contains any such thing or document;
  - (b) inspect the thing and take samples free of charge;
  - (c) require any person to produce the document for inspection or copying, in whole or in part; and
  - (d) seize anything by means of or in relation to which the enforcement officer believes, on reasonable grounds, this Act or the regulations have been contravened or that the enforcement officer believes, on reasonable grounds, will provide evidence of a contravention.
- (2) For the purposes of carrying out the inspection, the enforcement officer may stop a conveyance or direct that it be moved to a place where the inspection can be carried out.
- (3) The enforcement officer may not enter a dwelling-place except with the consent of the occupant or person in charge of the dwelling-place or under the authority of a warrant.

(4) Where on *ex parte* application a justice, as defined in section 2 of the *Criminal Code*, is satisfied by information on oath that:

- (a) the conditions for entry described in subsection (1) exist in relation to a dwelling-place,
- (b) entry to the dwelling-place is necessary in relation to the administration of this Act or the regulations, and
- (c) entry to the dwelling-place has been refused or there are reasonable grounds for believing that entry will be refused,

the justice may issue a warrant authorizing the enforcement officer to enter the dwelling-place subject to any conditions that may be specified in the warrant.

#### Search and seizure without warrant

39.2 (1) For the purpose of ensuring compliance with this Act and the regulations, an enforcement officer may exercise the powers of search and seizure provided in section 487 of the *Criminal Code* without a warrant, if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would not be feasible to obtain the warrant.

#### Custody of the thing seized

39.3 (1) Subject to subsections (2) and (3), where an enforcement officer seizes a thing under this Act or under a warrant issued under the *Criminal Code*,

- (a) sections 489.1 and 490 of the *Criminal Code* apply; and
- (b) the enforcement officer, or any person that the officer may designate, shall retain custody of the thing, subject to any order made under section 490 of the *Criminal Code*.

(2) Where the lawful ownership of or entitlement to the seized thing cannot be ascertained within thirty days after its seizure, the thing or any proceeds of its disposition are forfeited to:

- (a) Her Majesty in right of Canada, if the thing was seized by an enforcement officer employed in the public service of Canada; or
- (b) Her Majesty in right of a province, if the thing was seized by an enforcement officer employed by the government of that province.

(3) Where the seized thing is perishable, the enforcement officer may dispose of it or destroy it, and any proceeds of its disposition must be:

- (a) paid to the lawful owner or person lawfully entitled to possession of the thing, unless proceedings under this Act are commenced within ninety days after its seizure; or
  - (b) retained by the enforcement officer pending the outcome of the proceedings.
- (4) The owner of the seized thing may abandon it to Her Majesty in right of Canada or a province.

Disposition by Minister

39.4 Anything that has been forfeited or abandoned under this Act must be dealt with and disposed of as the Minister may direct.

Liability for costs

39.5 The lawful owner and any person lawfully entitled to possession of anything seized, abandoned or forfeited under this Act are jointly and severally liable for all the costs of inspection, seizure, abandonment, forfeiture or disposition incurred by Her Majesty in right of Canada in excess of any proceeds of disposition of the thing that have been forfeited to Her Majesty under this Act.

Contravention of Act or regulations

- 39.6 (1) Every person who contravenes subsection 39(6) or any regulation made under section 52.1:
- (a) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$100,000; or
  - (b) is guilty of an indictable offence and is liable to a fine not exceeding \$500,000.
- (2) Where a person is convicted of an offence under this Act a second or subsequent time, the amount of the fine for the subsequent offence may, notwithstanding subsection (1), be double the amount set out in that subsection.
- (3) A person who commits or continues an offence on more than one day is liable to be convicted for a separate offence for each day on which the offence is committed or continued.
- (4) A fine imposed for an offence involving more than one animal, plant or other organism may be calculated in respect of each one as though it had been the subject of a separate information and the fine then imposed is the total of that calculation.
- (5) Where a person has been convicted of an offence and the court is satisfied that monetary benefits accrued to the person as a result of the commission of the offence,
- (a) the court may order the person to pay an additional fine in an amount equal to the court's estimation of the amount of the monetary benefits; and
  - (b) the additional fine may exceed the maximum amount of any fine that may otherwise be imposed under this Act.

Forfeiture

- 39.7 (1) Where a person is convicted of an offence, the convicting court may, in addition to any punishment imposed, order that any seized thing by means of or in relation to which the offence was committed, or any proceeds of its disposition, be forfeited to Her Majesty in right of Canada.
- (2) Where the convicting court does not order the forfeiture, the seized thing, or the proceeds of its disposition, must be returned to its lawful owner or the person lawfully entitled to it.



Retention or sale

39.8 Where a fine is imposed on a person convicted of an offence, any seized thing, or any proceeds of its disposition, may be retained until the fine is paid, or the thing may be sold in satisfaction for the fine and the proceeds applied, in whole or in part, in payment of the fine.

Orders of court

39.9 Where a person is convicted of an offence, the court may, in addition to any punishment imposed and having regard to the nature of the offence and the circumstances surrounding its commission, make an order containing one or more of the following prohibitions, directions or requirements:

- (a) prohibiting the person from doing any act or engaging in any activity that could, in the opinion of the court, result in the continuation or repetition of the offence;
- (b) directing the person to take any action that the court considers appropriate to remedy or avoid any harm to estuarine, coastal or ocean waters, or their resources that resulted or may result from the commission of the offence;
- (c) directing the person to publish, in any manner that the court considers appropriate, the facts relating to the commission of the offence;
- (d) directing the person to pay the Minister or the government of a province compensation, in whole or in part, for the cost of any remedial or preventive action taken by or on behalf of the Minister or that government as a result of the commission of the offence;
- (e) directing the person to perform community service in accordance with any reasonable conditions that may be specified in the order;
- (f) directing the person to submit to the Minister, on application to the court by the Minister within three years after the conviction, any information respecting the activities of the person that the court considers appropriate in the circumstances;
- (g) requiring the person to comply with any other conditions that the court considers appropriate for securing the person's good conduct and for preventing the person from repeating the offence or committing other offences; and
- (h) directing the person to post a bond or pay into court an amount of money that the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement under this section.

Suspended sentence

39.10 (1) Where a person is convicted of an offence and the court suspends the passing of sentence pursuant to the *Criminal Code*, the court may, in addition to any probation order made on suspending the passing of that sentence, make an order containing one or more of the prohibitions, directions or requirements mentioned in section 39.9.

(2) Where the person does not comply with the order or is convicted of another offence, within three years after the order was made, the court may, on the application of the prosecution, impose any sentence that could have been imposed if the passing of sentence had not been suspended.

Limitation period

39.11 (1) Proceedings by way of summary conviction in respect of an offence may be commenced at any time within, but not later than, two years after the day on which the subject matter of the proceedings became known to the Minister.

(2) A document appearing to have been issued by the Minister, certifying the day on which the subject matter of any proceedings became known to the Minister, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and is proof of the matter asserted in it.

Procedure

39.12 (1) In addition to the procedures set out in the *Criminal Code* for commencing a proceeding, proceedings in respect of any offence prescribed by the regulations may be commenced by an enforcement officer:

- (a) completing a ticket that consists of a summons portion and an information portion;
- (b) delivering the summons portion to the accused or mailing it to the accused at the accused's latest known address; and
- (c) filing the information portion with a court of competent jurisdiction before the summons portion has been delivered or mailed or as soon as is practicable afterward.

(2) The summons and information portions of the ticket must:

- (a) set out a description of the offence and the time and place of its alleged commission;
- (b) include a statement, signed by the enforcement officer who completes the ticket, that the officer has reasonable grounds to believe that the accused committed the offence;
- (c) set out the amount of the fine prescribed by the regulations for the offence and the manner in which and the period within which it may be paid;
- (d) include a statement that if the accused pays the fine within the period set out in the ticket, a conviction will be entered and recorded against the accused; and
- (e) include a statement that if the accused wishes to plead not guilty or for any other reason fails to pay the fine within the period set out in the ticket, the accused must appear in the court on the day and at the time set out in the ticket.

(3) Where a thing is seized under this Act and proceedings relating to it are commenced by way of the ticketing procedure, the enforcement officer who completes the ticket shall give written notice to the accused that, if the accused pays the fine prescribed by the regulations within the period set out in the ticket, the thing, or any proceeds of its disposition, will be immediately forfeited to Her Majesty.

(4) Where an accused to whom the summons portion of a ticket is delivered or mailed pays the prescribed fine within the period set out in the ticket,

- (a) the payment constitutes plea of guilty to the offence and a conviction must be entered against the accused and no further action may be taken against the accused in respect of that offence; and
  - (b) notwithstanding section 39.3 anything seized from the accused under this Act that relates to the offence, or any proceeds of its disposition, are forfeited to:
    - (i) Her Majesty in right of Canada, if the thing was seized by an enforcement officer employed in the public service of Canada, or
    - (ii) Her Majesty in right of a province, if the thing was seized by an enforcement officer employed by the government of that province.
- (5) The Governor in Council may make regulations prescribing:
- (a) offences in respect of which this section applies and the manner in which the offences are to be described in tickets; and
  - (b) the amount of the fine for a prescribed offence, but the amount may not exceed \$2,000.

### PART III

## POWERS, DUTIES AND FUNCTIONS OF THE MINISTER

### General

40. (1) As the Minister responsible for oceans, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to the policies and programmes of the Government of Canada respecting oceans.

(2) For the purpose of subsection (1), the Minister shall encourage activities necessary to foster understanding, management and sustainable development of oceans and marine resources and the provision of coast guard and hydrographic services to ensure the facilitation of marine trade, commerce and safety in collaboration with other ministers of the Government of Canada.

### Coast guard services

41. (1) As the Minister responsible for coast guard services, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to:

- (a) services for the safe, economical and efficient movement of ships in Canadian waters through the provision of:
  - (i) aids to navigation systems and services,
  - (ii) marine communications and traffic management services,
  - (iii) ice-breaking and ice-management services, and
  - (iv) channel maintenance;

- (b) the marine component of the federal search and rescue programme;
- (c) pleasure craft safety, including the regulation of the construction, inspection, equipment and operation of pleasure craft;
- (d) marine pollution prevention and response; and
- (e) the support of departments, boards and agencies of the Government of Canada through the provision of ships, aircraft and other marine services.

(2) The Minister shall ensure that the services referred to in subparagraphs (1)(a)(i) to (iv) are provided in a cost-effective manner.

#### Marine sciences

42. In exercising the powers and performing the duties and functions assigned by paragraph 4(1)(c) of the *Department of Fisheries and Oceans Act*, the Minister may:

- (a) collect data for the purpose of understanding oceans and their living resources and ecosystems;
- (b) conduct hydrographic and oceanographic surveys of Canadian and other waters;
- (c) conduct marine scientific surveys relating to fisheries resources and their supporting habitat and ecosystems;
- (d) conduct basic and applied research related to hydrography, oceanography and other marine sciences, including the study of fish and their supporting habitat and ecosystems;
- (e) carry out investigations for the purpose of understanding oceans and their living resources and ecosystems;
- (f) prepare and publish data, reports, statistics, charts, maps, plans, sections and other documents;
- (g) authorize the distribution or sale of data, reports, statistics, charts, maps, plans, sections and other documents;
- (h) prepare in collaboration with the Minister of Foreign Affairs, publish and authorize the distribution or sale of charts delineating, consistently with the nature and scale of the charts, all or part of the territorial sea of Canada, the contiguous zone of Canada, the exclusive economic zone of Canada and the fishing zones of Canada and adjacent waters;
- (i) participate in ocean technology development; and
- (j) conduct studies to obtain traditional ecological knowledge for the purpose of understanding oceans and their living resources and ecosystems.

#### Powers

43. Subject to section 4 of the *Department of Fisheries and Oceans Act* respecting the powers, duties and functions of the Minister in relation to matters mentioned in that section over which Parliament has jurisdiction, the Minister:

- (a) is responsible for coordinating, promoting and recommending national policies and programmes with respect to fisheries science, hydrography, oceanography and other marine sciences;
- (b) in carrying out his or her responsibilities under this section, may:
  - (i) conduct or cooperate with persons conducting applied and basic research programmes and investigations and economic studies for the purpose of understanding oceans and their living resources and ecosystems, and
  - (ii) for that purpose maintain and operate ships, research institutes, laboratories and other facilities for research, surveying and monitoring for the purpose of understanding oceans and their living resources and ecosystems; and
- (c) may provide marine scientific advice, services and support to the Government of Canada and, on behalf of the Government of Canada and, on behalf of the Government, to the governments of the provinces, to other States, to international organizations and to other persons.

Marine scientific research by foreign ships

44. The Minister may:

- (a) request the Minister of Foreign Affairs to attach to a consent of the Minister of Foreign Affairs under paragraph 3(2)(c) of the *Coasting Trade Act* a condition that the foreign ship or non-duty paid ship supply the Minister with the results of the marine scientific research conducted by that ship in waters that form part of Canada or in which Canada has sovereign rights under international law; and
- (b) establish guidelines, not inconsistent with Canada's international obligations, for use by foreign ships and non-duty paid ships in conducting marine scientific research in waters that form part of Canada or in which Canada has sovereign rights under international law.

Minister's powers

45. As the Minister responsible for hydrographic services, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to:

- (a) setting standards and establishing guidelines for use by hydrographers and others in collecting data and preparing charts on behalf of the Minister; and
- (b) providing hydrographic advice, services and support to the Government of Canada and, on behalf of the Government, to the governments of the provinces, to other States, to international organizations and to other persons.

Entry on lands

46. A hydrographer may, for the purpose of conducting a hydrographic survey on behalf of the Minister, enter on or pass over the lands of any person, but shall take all reasonable precautions to avoid causing any damage in doing so.

Fees for services or use of facilities

47. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix the fees to be paid for a service or the use of a facility provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

(2) Fees for a service or the use of a facility that are fixed under subsection (1) may not exceed the cost to Her Majesty in right of Canada of providing the service or the use of the facility.

Fees for products, rights and privileges

48. The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of products, rights and privileges provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

Fees in respect of regulatory processes, etc.

49. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of regulatory processes or approvals provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

(2) Fees that are fixed under subsection (1) shall in the aggregate not exceed an amount sufficient to compensate Her Majesty in right of Canada for any reasonable outlays incurred by Her Majesty for the purpose of providing the regulatory processes or approvals.

Consultation

50. (1) Before fixing a fee under this Act, the Minister shall consult with such persons or bodies as the Minister considers to be interested in the matter.

(2) The Minister shall, within 30 days after fixing a fee under this Act, publish the fee in the *Canada Gazette* and by such appropriate electronic or other means that the Treasury Board may authorize by regulation.

(3) Any fee fixed under this Act shall stand referred to the Committee referred to in section 19 of the *Statutory Instruments Act* to be reviewed and scrutinized as if it were a statutory instrument.

Power to make regulations

51. The Treasury Board may make regulations for the purposes of section 47, 48, 49 or 50.

Review

52. (1) The administration of this Act shall, within three years after the coming into force of this section, be reviewed by the Standing Committee on Fisheries and Oceans.

(2) The Committee shall undertake a comprehensive review of the provisions and operation of this Act, including the consequences of its implementation, and shall, within a year after the review is undertaken or within such further time as the House of Commons may authorize, submit a report to Parliament thereon including a statement of any changes to this Act or its administration that the Committee would recommend.

Regulations

52.1 The Governor in Council may, on the recommendation of the Minister, make regulations for carrying out the purposes and provisions of this Act and, in particular, but without restricting the generality of the foregoing, may make regulations:

- (a) prescribing marine environmental quality requirements and standards;
- (b) respecting the powers and duties of persons designated by the Minister as enforcement officers; and
- (c) respecting the implementation of provisions of agreements made under this Act.

Conditional amendments

53. If Bill C-25, introduced during the second session of the thirty-fifth Parliament and entitled An Act respecting regulations and other documents, including the review, registration, publication and parliamentary scrutiny of regulations and other documents and to make consequential and related amendments to other Acts, is assented to, then, on the later of the day on which section 27 of that Act comes into force and the day on which this Act is assented to,

- (a) subsection 36(2) of this Act is replaced by the following:
- (2) An order made under this section is exempt from the regulatory process under the Regulations Act.
- (b) subsection 50(3) of this Act is replaced by the following:
- (3) Any fee fixed under this Act shall stand permanently referred to a committee described in section 25 of the Regulations Act to be scrutinized as if it were a regulation.

Repeals

- 54. The Canadian Laws Offshore Application Act, chapter 44 of the Statutes of Canada 1990, is repealed.
- 55. The Territorial Sea and Fishing Zones Act is repealed.

RELATED AMENDMENTS

Aeronautics Act

- 56. The definition "Canada" in subsection 3(1) of the Aeronautics Act is repealed.

Broadcasting Act

- 57. Paragraph 4(2)(c) of the Broadcasting Act is replaced by the following:
  - (c) any platform, rig, structure or formation that is affixed or attached to land situated in the continental shelf of Canada.

Canada Petroleum Resources Act

58. Paragraph (b) of the definition "frontier lands" in section 2 of the Canada Petroleum Resources Act is replaced by the following:

- (b) submarine areas, not within a province, in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada.

Canada Ports Corporation Act

59. The portion of subsection 43(1) of the Canada Ports Corporation Act before paragraph (a) is replaced by the following:

- 43. (1) The Corporation may, as provided in section 46, seize any vessel in Canadian waters in any case

60. The portion of subsection 17(1) of Schedule I to the Act before paragraph (a) is replaced by the following:

- 17. (1) A local port corporation may, as provided in section 20 of this Schedule, seize any vessel in Canadian waters in any case

Canadian Environmental Assessment Act

61. Paragraph (b) of the definition "federal lands" in subsection 2(1) of the Canadian Environmental Assessment Act is replaced by the following:

- (b) the following lands and areas, namely,
  - (i) the internal waters of Canada,
  - (ii) the territorial sea of Canada,
  - (iii) the exclusive economic zone of Canada, and
  - (iv) the continental shelf of Canada, and

Canadian Environmental Protection Act

62. Paragraph (b) of the definition "federal lands" in section 52 of the Canadian Environmental Protection Act is replaced by the following:

- (b) the following lands and areas, namely,
  - (i) the internal waters of Canada,
  - (ii) the territorial sea of Canada,
  - (iii) the exclusive economic zone of Canada, and
  - (iv) the continental shelf of Canada, and



63. Paragraphs 66(2)(c) and (d) of the Act are replaced by the following:

- (d) the exclusive economic zone of Canada;

Canadian Transportation Accident Investigation and Safety Board Act

64. (1) Paragraph 3(1)(a) of the Canadian Transportation Accident Investigation and Safety Board Act is replaced by the following:

- (a) in or over Canada;
- (2) Paragraph 3(2)(a) of the Act is replaced by the following:
  - (a) in Canada; and
- (3) Subsection 3(3) of the Act is replaced by the following:
  - (3) This Act also applies in respect of marine occurrences related to an activity concerning the exploration or exploitation of the continental shelf of Canada, where the marine occurrence takes place in waters above the continental shelf of Canada.
- (4) Paragraph 3(4)(a) of the Act is replaced by the following:
  - (a) in Canada, if the railway or commodity pipeline is within the legislative authority of Parliament; and
- (5) Subsection 3(5) of the Act is repealed.

Coastal Fisheries Protection Act

65. Subsections 4(2) and (3) of the Coastal Fisheries Protection Act are replaced by the following:

- (2) No person, being aboard a foreign fishing vessel or being a member of the crew of or attached to or employed on a foreign fishing vessel, shall fish or prepare to fish for a sedentary species of fish in any portion of the continental shelf of Canada that is beyond the limits of Canadian fisheries waters, unless authorized by this Act or the regulations or any other law of Canada.
- (3) For the purposes of subsection (2) "sedentary species" means any living organism that, at the harvestable stage, either is immobile on or under the seabed or is unable to move except in constant physical contact with the seabed or subsoil.

Coasting Trade Act

66. (1) The definition "continental shelf" in subsection 2(1) of the Coasting Trade Act is repealed.

- (2) The definition "Canadian waters" in subsection 2(1) of the Act is replaced by the following:

"Canadian waters" means the inland waters within the meaning of section 2 of the Customs Act, the internal waters of Canada and the territorial sea of Canada;

Criminal Code

67. Subsection 477(1) of the Criminal Code is replaced by the following:

477. (1) In sections 477.1 to 477.4, "ship" includes any description of vessel, boat or craft designed, used or capable of being used solely or partly for maritime navigation, without regard to method or lack of propulsion.

68. Section 477.1 of the Act is replaced by the following:

477.1 Every person who commits an act or omission that, if it occurred in Canada, would be an offence under a federal law, within the meaning of section 2 of the Oceans Act, is deemed to have committed that act or omission in Canada if it is an act or omission

(a) in the exclusive economic zone of Canada that:

(i) is committed by a person who is in the exclusive economic zone of Canada in connection with exploring or exploiting, conserving or managing the natural resources, whether living or non-living, of the exclusive economic zone of Canada, and

(ii) is committed by or in relation to a person who is a Canadian citizen or a permanent resident within the meaning of the Immigration Act;

(b) that is committed in a place in or above the continental shelf of Canada and that is an offence in that place by virtue of section 20 of the Oceans Act;

(c) that is committed outside Canada on board or by means of a ship registered or licensed, or for which an identification number has been issued, pursuant to any Act of Parliament;

(d) that is committed outside Canada in the course of hot pursuit; or

(e) that is committed outside the territory of any State by a Canadian citizen.

69. (1) Subsection 477.2(1) of the Act is replaced by the following:

477.2 (1) No proceedings in respect of an offence committed in or on the territorial sea of Canada shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

(2) Subsection 477.2 (2) and (3) of the Act are replaced by the following:

(2) No proceedings in respect of which courts have jurisdiction by virtue only of paragraph 477.1 (a) or (b) shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

(3) No proceedings in respect of which courts have jurisdiction by virtue only of paragraph 477.1(d) or (e) shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced.

70. (1) The portion of subsection 477.3 (1) of the Act before paragraph (b) is replaced by the following:

477.3 (1) Every power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of an act or omission referred to in section 477.1 may be exercised, in the circumstances referred to in that section,

- (a) at the place or on board the ship or marine installation or structure, within the meaning of section 2 of the Oceans Act, where the act or omission occurred; or

- (2) Subsections 477.3 (2) and (3) of the Act are replaced by the following:

(2) A justice or judge in any territorial division in Canada has jurisdiction to authorize an arrest, entry, search or seizure or an investigation or other ancillary matter related to an offence

- (a) committed in or on the territorial sea of Canada or any area of the sea that forms part of the internal waters of Canada, or

- (b) referred to in section 477.1

in the same manner as if the offence had been committed in that territorial division.

- (3) Where an act or omission that is an offence by virtue only of section 477.1 is alleged to have been committed on board any ship registered outside Canada, the powers referred to in subsection (1) shall not be exercised outside Canada with respect to that act or omission without the consent of the Attorney General of Canada.

71. (1) Subsections 477.4 (1) and (2) of the Act are repealed.

- (2) Paragraphs 477.4 (3) (a) and (b) of the Act are replaced by the following:

- (a) a certificate referred to in subsection 23(1) of the Oceans Act, or

- (b) a certificate issued by or under the authority of the Minister of Foreign Affairs containing a statement that any geographical location specified in the certificate was at any time material to the proceedings, in an area of a fishing zone of Canada that is not within the internal waters of Canada or the territorial sea of Canada or outside the territory of any state,

72. The Act is amended by adding the following after section 481:

481.1 Where an offence is committed in or on the territorial sea of Canada or any area of the sea that forms part of the internal waters of Canada, proceedings in respect thereof may, whether or not the accused is in Canada, be commenced and an accused may be charged, tried and punished within any territorial division in Canada in the same manner as if the offence had been committed in that territorial division.

481.2 Subject to this or any other Act of Parliament, where an act or omission is committed outside Canada and the act or omission, when committed in those circumstances, is an offence under this or any other Act of Parliament, proceedings in respect thereof may, whether or not the accused is in Canada, be commenced, and an accused may be charged, tried and punished within any territorial division in Canada in the same manner as if the offence had been committed in that territorial division.

481.3 For greater certainty, the provisions of this Act relating to:

- (a) the requirement of the appearance of an accused at proceedings, and
- (b) the exceptions to that requirement

apply to proceedings commenced in any territorial division pursuant to section 481, 481.1 or 481.2.

Customs Act

73. (1) The definitions "Canada", "internal waters" and "territorial sea" in subsection 2(1) of the Customs Act are repealed.

(2) Subsection 2(2) of the Act is replaced by the following:

- (2) The Governor in Council may from time to time by regulation temporarily restrict, for the purposes of this Act, the extent of Canadian waters, including the inland waters, but no such regulation shall be construed as foregoing any Canadian rights in respect of waters so restricted.

74. Subsection 11(5) of the Act is replaced by the following:

- (5) Subsections (1) and (3) do not apply to any person who enters Canadian waters, including the inland waters, or the airspace over Canada while proceeding directly from one place outside Canada to another place outside Canada unless an officer requires that person to comply with those subsections.

75. Subsection 12(5) of the Act is replaced by the following:

- (5) This section does not apply in respect of goods on board a conveyance that enters Canadian waters, including the inland waters, or the airspace over Canada while proceeding directly from one place outside Canada to another place outside Canada unless an officer otherwise requires.

Customs and Excise Offshore Application Act

76. (1) The definitions "continental shelf", "internal waters" and "territorial sea" in subsection 2(1) of the Customs and Excise Offshore Application Act are repealed.

(2) Subsection 2(3) of the Act is repealed.

77. Paragraphs 7(a) to (c) of the Act are replaced by the following:

- (a) within the limits of the continental shelf of Canada, or
- (b) in Canadian waters, including the inland waters within the meaning of section 2 of the Customs Act,

Customs Tariff

78. Section 9 of the Customs Tariff is replaced by the following:

9. For greater certainty, any regulation made pursuant to subsection 2(2) of the Customs Act applies so as to temporarily restrict, for the purposes of this Act, the extent of Canadian waters, including the inland waters.

Energy Administration Act

79. The definition "offshore area" in section 20 of the Energy Administration Act is replaced by the following:

"offshore area" means Sable Island or any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada;

Energy Monitoring Act

80. The definition "Canada" in subsection 2(1) of the Energy Monitoring Act is replaced by the following:

"Canada" includes the continental shelf of Canada;

Excise Tax Act

81. Paragraph 70(1)(d) of the Excise Tax Act is replaced by the following:

(d) goods delivered to telegraph cable ships proceeding on an ocean voyage for use in laying or repairing oceanic telegraph cables outside Canadian waters.

Federal Court Act

82. Paragraph 22(3) (c) of the Federal Court Act is replaced by the following:

(c) in relation to all claims, whether arising on the high seas, in Canadian waters or elsewhere and whether those waters are naturally navigable or artificially made so, including, without restricting the generality of the foregoing, in the case of salvage, claims in respect of cargo or wreck found on the shores of those waters; and

83. Paragraph 43(4) (b) of the Act is replaced by the following:

(b) the cause of action arose in Canadian waters; or

84. Subsection 55(1) of the Act is replaced by the following:

55. (1) The process of the Court runs throughout Canada and any other place to which legislation enacted by Parliament has been made applicable.

Foreign Enlistment Act

85. The definition "within Canada" in section 2 of the Foreign Enlistment Act is repealed.

Interpretation Act

86. Section 8 of the Interpretation Act is amended by adding the following after subsection (2):

(2.1) Every enactment that applies in respect of exploring or exploiting, conserving or managing natural resources, whether living or non-living, applies, in addition to its application to Canada, to the exclusive economic zone of Canada, unless a contrary intention is expressed in the enactment.

(2.2) Every enactment that applies in respect of exploring or exploiting natural resources that are:

- (a) mineral or other non-living resources of the seabed or subsoil, or
- (b) living organisms belonging to sedentary species, that is to say, organisms that, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil

applies, in addition to its application to Canada, to the continental shelf of Canada, unless a contrary intention is expressed in the enactment,

87. Subsection 35(1) of the Act is amended by adding the following in alphabetical order:

"Canada", for greater certainty, includes the internal waters of Canada and the territorial sea of Canada;

"Canadian waters" includes the territorial sea of Canada and the internal waters of Canada;

"contiguous zone",

- (a) in relation to Canada means the contiguous zone of Canada as determined under the Oceans Act, and
- (b) in relation to any other State, means the contiguous zone of the other State as determined in accordance with international law and the domestic laws of that other State;

"continental shelf"

- (a) in relation to Canada, means the continental shelf of Canada as determined under the Oceans Act, and
- (b) in relation to any other State, means the continental shelf of the other State as determined in accordance with international law and the domestic laws of that other State;

"exclusive economic zone"

- (a) in relation to Canada, means the exclusive economic zone of Canada as determined under the Oceans Act and includes the seabed and subsoil below that zone, and
- (b) in relation to any other State, means the exclusive economic zone of the other State as determined in accordance with international law and the domestic laws of that other State;

**"internal waters"**

- (a) in relation to Canada, means the internal waters of Canada as determined under the Oceans Act and includes the airspace above and the bed and subsoil below those waters, and
- (b) in relation to any other State, means the waters on the landward side of the baselines of the territorial sea of the other State;

**"territorial sea"**

- (a) in relation to Canada, means the territorial sea of Canada as determined under the Oceans Act and includes the airspace above and the seabed and subsoil below that sea, and
- (b) in relation to any other State, means the territorial sea of the other State as determined in accordance with international law and the domestic laws of that other State;

**Investment Canada Act**

88. The definition "Canada" in section 3 of the Investment Canada Act is replaced by the following:

"Canada" includes the exclusive economic zone of Canada and the continental shelf of Canada;

**Canada Labour Code**

89. Paragraph (j) of the definition "federal work, undertaking or business" in section 2 of the Canada Labour Code is replaced by the following:

- (j) a work, undertaking or activity in respect of which federal laws within the meaning of section 2 of the Oceans Act apply pursuant to section 20 of that Act and any regulations made pursuant to paragraph 26(1)(k) of that Act;

**National Energy Board Act**

90. Clause (b)(ii)(B) of the definition "export" in section 2 of the National Energy Board Act is replaced by the following:

(B) to a place outside Canada from any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada, or

91. The definition "offshore area" in section 123 of the Act is replaced by the following:

"offshore area" means Sable Island or any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada.

**Nunavut Act**

92. Section 15 of Schedule III to the Nunavut Act and the heading before it are repealed.

Canada Oil and Gas Operations Act

93. Paragraph 3(b) of the Canada Oil and Gas Operations Act is replaced by the following:

- (b) submarine areas, not within a province, in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada.

Radiocommunication Act

94. Paragraph 3(3)(c) of the Radiocommunication Act is replaced by the following:

- (c) any platform, rig, structure or formation that is affixed or attached to land situated in the continental shelf of Canada.

Canada Shipping Act

95. The definitions "Department" and "Minister" in section 2 of the Canada Shipping Act are replaced by the following:

"Department" means

- (a) in section 385, subsection 422(2), the provisions of sections 423 to 475 respecting wrecks, Part VII and sections 562.15 to 562.2, 660.1 to 660.11 and 678, the Department of Fisheries and Oceans, and
- (b) in any other provision, the Department of Transport;

"Minister" means

- (a) in section 385, subsection 422(2), the provisions of sections 423 to 475 respecting wrecks, Part VII and sections 562.15 to 562.2, 660.1 to 660.11 and 678, the Minister of Fisheries and Oceans, and
- (b) in any other provision, the Minister of Transport;

96. Section 422 of the Act is replaced by the following:

- 422. (1) The Minister has throughout Canada the general superintendence of all matters relating to salvage and, subject to the Canadian Transportation Accident Investigation and Safety Board Act, shipping casualties.
- (2) The Minister of Fisheries and Oceans has throughout Canada the general superintendence of all matters relating to wrecks and receivers of wrecks.

97. (1) Subsection 562.1(2) of the Act is replaced by the following:

- (2) Subject to subsections (3) and (4), regulations made under subsection (1) apply
  - (a) to Canadian ships in all waters; and
  - (b) to all ships in Canadian waters and the exclusive economic zone of Canada.



(2) Subparagraph 562.1(3)(a)(ii) of the Act is replaced by the following:

(ii) in the case of other ships, to which waters, within the waters described in paragraph (2)(b), the regulation applies;

98. (1) Subsection 562.11(2) of the Act is replaced by the following:

(2) Subject to subsections (3) and (4), regulations made under subsection (1) apply

(a) to Canadian vessels in all waters; and

(b) to all vessels in Canadian waters and the exclusive economic zone of Canada.

(2) Subparagraph 562.11(3)(a)(ii) of the Act is replaced by the following:

(ii) in the case of other vessels, to which waters, within the waters described in paragraph (2)(b), the regulation applies; and

99. Subsection 562.13(2) of the Act is amended by adding the word "and" at the end of paragraph (a) and by replacing paragraphs (b) and (c) with the following:

(b) the exclusive economic zone of Canada

100. Subparagraph 655(1)(a)(ii) of the Act is replaced by the following:

(ii) waters in the exclusive economic zone of Canada

101. (1) The definition "waters" in subsection 660.2(1) of the Act is replaced by the following:

"waters" means

(a) Canadian waters, and

(b) waters in the exclusive economic zone of Canada

and includes, notwithstanding subsection 655(1), waters that are within a shipping safety control zone prescribed pursuant to the Arctic Waters Pollution Prevention Act.

(2) Subparagraph (c)(i) of the definition "ship" in subsection 660.2(1) of the Act is replaced by the following:

(i) a ship that is not a Canadian ship if it is only transiting in the territorial sea of Canada or the exclusive economic zone of Canada and if it is not engaged in the loading or unloading of oil during transit,

(3) Subsection 660.2(5) of the Act is replaced by the following:

(5) subsection (4) does not apply to an oil handling facility that is located in the territorial sea of Canada or the exclusive economic zone of Canada.

102. Subsection 660.10(7) of the Act is replaced by the following:

(7) Each advisory council shall advise and may make recommendations to the Commissioner, and may report to the Minister or to any standing committee of either House of Parliament on Fisheries and Oceans or on Environment, and shall receive a response to such report within 30 days or, if that House is not sitting, within 14 days after it resumes sitting.

103. Paragraph 675(1)(c) of the Act is replaced by the following:

(c) in the exclusive economic zone of Canada,

104. (1) Subparagraph 677(1)(b)(i) of the Act is replaced by the following:

(i) the Minister of Fisheries and Oceans.

(2) Paragraph 677(1)(c) of the Act is replaced by the following:

(c) for costs and expenses incurred

(i) by the Minister of Fisheries and Oceans in respect of measures taken pursuant to paragraph 678(1)(a) in respect of any monitoring, or in relation to the direction of the taking of measures or their prohibition, pursuant to paragraph 678(1)(b) or (c), or

(ii) by any other person in respect of measures the person was directed to take, or prohibited from taking, pursuant to paragraph 678(1)(b) or (c),

to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by such measures.

105. Paragraph 709(e) of the Act is replaced by the following:

(e) the actual or anticipated oil pollution damage has been caused by a Convention ship but the owner of the Convention ship is not liable because the actual or anticipated damage occurred in the exclusive economic zone of Canada;

106. The portion of subsection 713(1) of the Act before paragraph (a) is replaced by the following:

713. (1) Where a claimant commences proceedings against the owner of a ship or their guarantor in respect of a matter referred to in subsection 677(1), except in the case of proceedings commenced by the Minister of Fisheries and Oceans under paragraph 677(1)(c) in respect of a pollutant other than oil.

#### Canada Wildlife Act

107. Subsection 4.1(1) of the Canada Wildlife Act is replaced by the following:

4.1 (1) The Governor in Council may establish protected marine areas in any area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada or the exclusive economic zone of Canada.

108. The following provisions are amended by replacing the expression "continental shelf" with the expression "continental shelf of Canada":

- (a) the definitions "coasting trade" and "licence" in subsection 2(1) and subsections 2(2) and 16(5) of the Coasting Trade Act; and
- (b) paragraph (a) of the definition "designated goods" in subsection 2(1) and sections 3 to 6 and 8 of the Customs and Excise Offshore Application Act.

Coming into force

109. This Act or any of its provisions, other than section 53, comes into force on a day or days to be fixed by order of the Governor in Council.

2. Japan<sup>2/</sup>

- (a) Law on the Territorial Sea and the Contiguous Zone (Law No. 30 of 1977,  
as amended by Law No. 73 of 1996)

Extent of the territorial sea

Article 1

1. The territorial sea of Japan comprises the areas of the sea extending from the baseline to the line 12 nautical miles seaward thereof. Provided that, where any part of that line lies beyond the median line as measured from the baseline, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.
2. "The median line" referred to in the preceding paragraph shall be the line every point of which is equidistant from the nearest point on the baseline and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite to the coast of Japan is measured.

Baseline

Article 2

1. The baseline shall be the low-water line, the straight baseline and the straight line drawn across the mouth of or within a bay, or across the mouth of a river. Provided that, with respect to the Seto Naikai, which is internal waters, the baseline shall be the lines prescribed by Cabinet Order as the boundaries with other areas of the sea adjacent thereto.
2. Straight baselines referred to in the preceding paragraph shall be prescribed by Cabinet Order, in accordance with article 7 of the United Nations Convention on the Law of the Sea (hereinafter referred to as "the U.N. Convention on the Law of the Sea").
3. In addition to the provision of the preceding paragraph, the criteria to be used in employing, as baseline, the lines provided for in paragraph 1 and any other matters necessary for the drawing of baselines shall be prescribed by Cabinet Order.

Application of the laws and regulations of Japan pertaining to hot pursuit  
from within the internal waters or the territorial sea

Article 3

The laws and regulations of Japan (including penal provisions. The same shall apply in article 5) shall apply with respect to the execution of official duties by public officials of Japan in relation to hot pursuit from within the internal waters or the territorial sea of Japan undertaken in accordance with article 111 of the U.N. Convention on the Law of the Sea and the conduct obstructing such execution.

The contiguous zone

Article 4

1. There is hereby established the contiguous zone, as a zone in which Japan takes necessary measures to prevent or punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory in accordance with article 33, paragraph 1, of the U.N. Convention on the Law of the Sea.

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<sup>2/</sup> Provisional translation provided by the Permanent Mission of Japan to the United Nations.

2. The contiguous zone referred to in the preceding paragraph (hereinafter referred to as "the contiguous zone" for brevity) comprises the areas of the sea extending from the baseline to the line 24 nautical miles seaward thereof (excluding therefrom the territorial sea). Provided that, where any part of that line lies beyond the median line ("The median line" here is as defined in article 1, paragraph 2. The same shall apply hereinafter) as measured from the baseline, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

3. In a part of the areas of the sea in which the mutual application with a foreign country beyond the median line of the measures prescribed in article 33, paragraph 1, of the U.N. Convention on the Law of the Sea is deemed appropriate, the contiguous zone may extend from the baseline to the line 24 nautical miles seaward thereof (excluding therefrom the territorial sea of a foreign country), as prescribed by Cabinet Order, notwithstanding the provision of the preceding paragraph.

#### Application of the laws and regulations of Japan in the contiguous zone

##### Article 5

The laws and regulations of Japan shall apply with respect to the execution of official duties by public officials of Japan in the contiguous zone in relation to measures prescribed in paragraph 1 of the preceding article (including the execution of official duties in relation to hot pursuit from within the contiguous zone pertaining to the said execution of official duties undertaken in accordance with article 111 of the U.N. Convention on the Law of the Sea) and the conduct obstructing such execution.

#### Supplementary Provisions

##### Date of enforcement

1. This law shall be enforced on the date prescribed by Cabinet Order, which shall be within two months following the date of its promulgation.

#### Extent of the territorial sea pertaining to the designated areas

2. For the time being, the provisions of article 1 shall not apply to the Sōya Kaikyo, the Tuguru Kaikyō, the Tusima Kaikyō Higasi Suidō, the Tusima Kaikyō Nisi Suidō and the Osumi Kaikyō (including areas of the sea which are adjacent to these waters and which are recognized as forming respectively integral parts thereof from the point of view of the course normally used for navigation by vessels; hereinafter referred to as "the designated areas"). The territorial sea pertaining to the designated areas shall be respectively the areas of the sea extending from the baseline to the line 3 nautical miles seaward thereof and to the line drawn connecting with the said line.

3. The limits of the designated areas and the lines referred to in the preceding paragraph shall be prescribed by Cabinet Order.

#### Supplementary Provisions (Law No. 73 of 1996)

This law shall be enforced on the day when the United Nations Convention on the Law of the Sea enters into force for Japan.

(b) Enforcement Order of the Law on the Territorial Sea and the Contiguous Zone  
(Cabinet Order No. 210 of 1977, as amended by Cabinet Order No. 383  
of 1993 and Cabinet Order No. 206 of 1996)

Boundaries of the Seto Naikai with other areas of the sea  
Article 1

The lines prescribed by Cabinet Order referred to in the proviso to article 2, paragraph 1, of the Law on the Territorial Sea and the Contiguous Zone (hereinafter referred to as "the Law") shall be the following:

(1) The line drawn from the Kii Hi-no-Misaki Tōdai (Lighthouse) (33° 52' 43" North Latitude, 135° 3' 50" East Longitude) to the Kamoda Misaki Tōdai (Lighthouse) (33° 49' 51" North Latitude, 134° 45' 8" East Longitude);

(2) The line drawn from the Sada Misaki Tōdai (Lighthouse) (33° 20' 23" North Latitude, 132° 1' 3" East Longitude) to the Seki Saki Tōdai (Lighthouse) (33° 15' 48" North Latitude, 131° 54' 17" East Longitude);

(3) The line drawn from Daiba Hana (33° 56' 50" North Latitude, 130° 52' 27" East Longitude) on Takenoko Sima to the Wakamatu Dōkai Wan Kō (Entrance) Bohate (Breakwater) Tōdai (Lighthouse) (33° 56' 17" North Latitude, 130° 51' 11" East Longitude).

Baseline  
Article 2

1. The straight baselines provided for in article 2, paragraph 1, of the Law shall be the lines listed in annexed schedule 1.

2. Excluding the Seto Naikai, which is internal waters, the baseline (other than straight baselines referred to in the preceding paragraph) shall be the low-water line along the coast (or, if a river flows directly into the sea, a straight line across the mouth of the river between points on the low-water line of its banks. The same shall apply hereinafter in the present paragraph.) Provided that, with respect to bays referred to in each of the following subparagraphs, the low-water line along the coast which is within the straight line (or lines) prescribed in the relevant subparagraphs shall not be used as baseline and the straight line (or lines) prescribed in the relevant subparagraphs shall be the baseline.

(1) Bays in which the distance between the low-water marks at the natural entrance points (where, because of the presence of islands, there is more than one natural entrance point, the sum total of the distances between the low-water marks at each natural entrance point. The same shall apply in the following subparagraph) does not exceed 24 nautical miles: the straight line joining the low-water marks at the natural entrance points.

(2) Bays in which the distance between the low-water marks at the natural entrance points exceeds 24 nautical miles: the straight line 24 nautical miles in length joining two points on the low-water line along the coast within the bay which, with the low-water line along the shore, will enclose the maximum area of water.

3. The low-water line on a low-tide elevation which, when the lines prescribed in the subparagraphs of the preceding article and in the preceding paragraph are used as baseline, is situated wholly or partly within the area of water which is included in the territorial sea shall be the baseline.

4. In the cases where another baseline is drawn outside a baseline pursuant to the preceding article and the preceding three paragraphs, the outermost line shall be the baseline.

5. By bays and islands referred to in paragraph 2 and low-tide elevations referred to in paragraph 3 are meant bays, islands and low-tide elevations as defined in article 10, paragraph 2, article 121, paragraph 1, and article 13, paragraph 1, of the United Nations Convention on the Law of the Sea respectively.

6. The low-water line along the coast referred to in paragraph 2 and the low-water line of a low-tide elevation referred to in paragraph 3 shall be the lines marked on large-scale charts published by the Maritime Safety Agency.

#### Limits of the designated areas

##### Article 3

The limits of the designated areas prescribed in paragraph 2 of the Supplementary Provisions of the Law shall be the limits of the areas of the sea (excluding therefrom the territorial sea of a foreign country) prescribed in the B sections of Annexed Schedule 2.

#### Outer limit of the territorial sea pertaining to the designated areas

##### Article 4

The lines referred to in paragraph 2 of the Supplementary Provisions of the Law shall be the lines prescribed in the C sections of Annexed Schedule 2.

#### Supplementary Provisions

This Cabinet Order shall be enforced on the date of the enforcement of the Law (1 July 1977).

#### Supplementary Provisions (Cabinet Order No. 383 of 1993)

This Cabinet Order shall be enforced on 24 December 1993.

#### Supplementary Provisions (Cabinet Order No. 206 of 1996)

##### Date of enforcement

1. This Cabinet Order shall be enforced on the date of the enforcement of the Law for the Partial Amendment to the Law on the Territorial Sea (20 July 1996). Provided that, the Amendments of article 2 (with the exception of the part in the amendment of paragraph 3 of the said article where article 7, paragraph 2, article 10, paragraph 1, and article 11, paragraph 1, of the Convention on the Territorial Sea and the Contiguous Zone" is amended as "article 10, paragraph 2, article 121, paragraph 1, and article 13, paragraph 1, of the United Nations Convention on the Law of the Sea"), the amendments of article 3 and article 4, the amendment of Annexed Schedule and the amendment to add one schedule next to Annexed Schedule 1 shall be enforced on 1 January 1997.

(This translation omits the provision after paragraph 1.)

#### Annexed Schedule 1

(with reference to article 2)

1. The line joining points sequentially from (a) to (l) described below:

- (a) The point at 43° 23' North Latitude and 145° 49' 20" East Longitude (the easternmost point of Nosappu Misaki)

- (b) The point at 43° 21' 59" North Latitude and 145° 48' 59" East Longitude (the southeasternmost point of Goyōmai Saki)
  - (c) The point at 43° 21' 33" North Latitude and 145° 48' 44" East Longitude (the southeasternmost point of Kabu Sima)
  - (d) The point at 43° 19' 59" North Latitude and 145° 46' 59" East Longitude (the southeasternmost point of Iso Mosiri Sima)
  - (e) The point at 43° 19' 48" North Latitude and 145° 46' 40" East Longitude (the southernmost point of Habomai-Mosiri Sima)
  - (f) The point at 43° 11' 59" North Latitude and 145° 36' 15" East Longitude
  - (g) The point at 43° 9' 45" North Latitude and 145° 31' 30" East Longitude
  - (h) The point at 43° 9' 31" North Latitude and 145° 30' 52" East Longitude
  - (i) The point at 42° 59' 39" North Latitude and 145° 1' 30" East Longitude (the southeasternmost point of Tate Iwa, Tirippu Saki)
  - (j) The point at 42° 59' 15" North Latitude and 145° 25" East Longitude
  - (k) The point at 42° 56' 39" North Latitude and 144° 52' 19" East Longitude (the south-southeasternmost point of Daikoku Sima)
  - (l) The point at 42° 55' 51" North Latitude and 144° 47' 7" East Longitude (the southernmost point of Hokake Iwa Siriha Misaki)
2. The line joining points sequential from (a) to (l) described below:
- (a) The point at 40° 12' 51" North Latitude and 141° 50' 18 " East Longitude (the southernmost point of Usi Sima, Benten Hana)
  - (b) The point at 40° 8' 37" North Latitude and 141° 53' 27" East Longitude (Todo Iwa, northeast of Mi Saki)
  - (c) The point at 39° 58' 36" North Latitude and 141° 57' 48 " East Longitude
  - (d) The point at 39° 33' 22" North Latitude and 142° 4' 24" East Longitude
  - (e) The point at 39° 33' 8" North Latitude and 142° 4' 28" East Longitude
  - (f) The point at 39° 32' 41" North Latitude and 142° 4' 33" East Longitude (the easternmost point of Todo-ga-Saki)
  - (g) The point at 39° 32' 37" North Latitude and 142° 4' 33" East Longitude (the southeasternmost point of Todo-ga Saki)
  - (h) The point at 39° 27' 43" North Latitude and 142° 3' 52" East Longitude (the easternmost point of Aka Sima)



- (i) The point at 39° 6' 4" North Latitude and 141° 55' 35" East Longitude
  - (j) The point at 38° 16' 29" North Latitude and 141° 35' 25" East Longitude (the easternmost point of Awabiara Saki, Kinkasan)
  - (k) The point at 38° 15' 57" North Latitude and 141° 35' East Longitude
  - (l) The point at 37° 49' 11" North Latitude and 140° 59' 27" East Longitude (the easternmost point of Uno-o Saki)
3. The line joining points sequentially from (a) to (d) described below:
- (a) The point at 34° 53' 47" North Latitude and 139° 53' 25" East Longitude (the southernmost point of Nozima Saki)
  - (b) The point at 34° 40' 31" North Latitude and 139° 26' 32" East Longitude (the southeasternmost point of Ō Sima)
  - (c) The point at 34° 34' 9" North Latitude and 138° 56' 48" East Longitude
  - (d) The point at 34° 35' 17" North Latitude and 138° 13' 50" East Longitude (the southernmost point of Omac Saki)
4. The line joining points sequentially from (a) to (f) described below:
- (a) The point at 34° 40' 10" North Latitude and 137° 36' 2" East Longitude (the southernmost point of Kōkōrigan Dōryūtei (Detached Training Wall at the harbour mouth), Hamana Kō)
  - (b) The point at 34° 16' 38" North Latitude and 136° 54' 43" East Longitude (the easternmost point of Daiō Sima)
  - (c) The point at 34° 12' 46" North Latitude and 136° 49' 12" East Longitude (the southeasternmost point of Heko-no-Sima)
  - (d) The point at 33° 37' 58" North Latitude and 135° 59' 6" East Longitude (the southeasternmost point of Ō-Berasi south of Koma-ga-Saki)
  - (e) The point at 33° 34' 41" North Latitude and 135° 57' 50" East Longitude (the southeasternmost point of Ō Sima. east of Kantori Saki)
  - (f) The point at 33° 34' 34" North Latitude and 135° 57' 46" East Longitude (the southeasternmost point of Kantori Saki)
5. The line joining points sequentially from (a) to (k) and the line joining points (l) and (m) described below:
- (a) The point at 33° 40' 2" North Latitude and 135° 19' 56" East Longitude (the westernmost point of Seto Saki)
  - (b) The point at 33° 37' 34" North Latitude and 134° 30' 3" East Longitude
  - (c) The point at 33° 14' 34" North Latitude and 134° 11' 10" East Longitude

- (d) The point at 33° 14' 27" North Latitude and 134° 11' 9" East Longitude
- (e) The point at 33° 14' 14" North Latitude and 134° 10' 47" East Longitude (the southernmost point of Nō-nasi, south of Muroto Saki)
- (f) The point at 33° 1' 16" North Latitude and 133° 6' 8" East Longitude
- (g) The point at 32° 43' 38" North Latitude and 133° 1' 44" East Longitude
- (h) The point at 32° 43' 8" North Latitude and 133° 1' 24" East Longitude
- (i) The point at 32° 43' 1" North Latitude and 133° 46" East Longitude
- (j) The point at 32° 41' 57" North Latitude and 132° 32' 47" East Longitude (the southernmost point of Kusi-ga-Hana, Oki-no-Sima)
- (k) The point at 32° 25' 17" North Latitude and 131° 41' 48" East Longitude (the easternmost point of Tobi Sima)
- (l) The point at 32° 25' 14" North Latitude and 131° 41' 43" East Longitude (the southernmost point of Tobi Sima)
- (m) The point at 32° 25' 10" North Latitude and 131° 41' 33" East Longitude

6. The line joining points sequentially from (a) to (e), the line joining points (f) and (g) and the line joining points sequentially from (h) to (l) described below:

- (a) The point at 28° 24' 11" North Latitude and 129° 41' 47" East Longitude
- (b) The point at 28° 19' 5" North Latitude and 129° 35' 39" East Longitude (Hō Se, east of Nakahise Saki)
- (c) The point at 28° 12' 6" North Latitude and 129° 29' 34" East Longitude (Mi Se, east of Iti Saki)
- (d) The point at 28° 6' 10" North Latitude and 129° 22' 49" East Longitude (the southeasternmost point of Ōmizu Sima)
- (e) The point at 28° 50" North Latitude and 129° 16' 52" East Longitude (the southeasternmost point of Kiyama Sima)
- (f) The point at 27° 59' 44" North Latitude and 129° 15' 25" East Longitude (the southernmost point of Zyanare Sima)
- (g) The point at 28° 1' 4" North Latitude and 129° 10' 1" East Longitude (the southeasternmost point of Yoro Sima)
- (h) The point at 28° 1' 14" North Latitude and 129° 8' 41" East Longitude (the westernmost Point of Yoro Sima)
- (i) The point at 28° 15' 2" North Latitude and 129° 8' 7" East Longitude (the westernmost point of Sotukō Saki)

- (j) The point at 28° 17' 58" North Latitude and 129° 10' 43" East Longitude
  - (k) The point at 28° 18' 13" North Latitude and 129° 11' 9" East Longitude (the northernmost point of Tokura Saki, Edateku Sima)
  - (l) The point at 28° 31' 25" North Latitude and 129° 40' 30" East Longitude (the northwesternmost point of Saki Saki)
7. The line joining points (a) and (b), the line joining points (c) and (d), and the line joining points (e) and (f) described below:
- (a) The point at 26° 37' 35" North Latitude and 128° 14' 21" East Longitude (the southeasternmost point of Ginan Saki)
  - (b) The point at 26° 11' 22" North Latitude and 127° 57' 7" East Longitude (the east-southeasternmost point of Uhu Bisi, east-northeast of Tinen Misaki)
  - (c) The point at 26° 10' 22" North Latitude and 127° 56' 15" East Longitude (the south-southeasternmost point of Uhubisi, east-northeast of Tinen Misaki)
  - (d) The point at 26° 8' 59" North Latitude and 127° 53' 39" East Longitude (the southeasternmost point of Kudaka Sima)
  - (e) The point at 26° 8' 50" North Latitude and 127° 53' 22" East Longitude (the southernmost point of Kudaka Sima)
  - (f) The point at 26° 5' 7" North Latitude and 127° 43' 29" East Longitude
8. The line joining points (a) and (b), the line joining points (c) and (d), the line joining points (e) and (f), the line joining points (g) and (h) and the line joining points sequentially from (i) to (k) described below:
- (a) The point at 26° 4' 30" North Latitude and 127° 39' 25" East Longitude (the southwesternmost point of Kiyau Saki)
  - (b) The point at 26° 5' 36" North Latitude and 127° 32' 18" East Longitude (the southernmost point of Rukan Syō)
  - (c) The point at 26° 6' 30" North Latitude and 127° 31' 57" East Longitude (the northernmost point of Rukan Syō)
  - (d) The point at 26° 15' 39" North Latitude and 127° 31' 41" East Longitude (the westernmost point of Nagannu Sima)
  - (e) The point at 26° 16' 16" North Latitude and 127° 31' 41" East Longitude (the northwesternmost point of Nagannu Sima)
  - (f) The point at 26° 43' 6" North Latitude and 127° 44' 43" East Longitude (the westernmost point of Ie Sima)
  - (g) The point at 26° 44' North Latitude and 127° 45' 25" East Longitude (the northwesternmost point of Ie Sima)

- (h) The point at 26° 59' 20" North Latitude and 127° 54' 34" East Longitude (the westernmost point of Noho Sima)
- (i) The point at 27° 5' 15" North Latitude and 127° 59' 52" East Longitude (Yahyōe Iwa, west of Dana Misaki, Iheya Sima)
- (j) The point at 27° 5' 53" North Latitude and 128° 1' 57" East Longitude (Kita-Siokaburi Iwa, northeast of Dana Misaki, Iheya Sima)
- (k) The point at 26° 52' 19" North Latitude and 128° 15' 48" East Longitude (the northernmost point of Hedo Misaki)

9. The lines joining points sequentially from (a) to (i) and from (j) to (l), the line joining points (m) and (n), the line joining points (o) and (p), and the line joining points sequentially from (q) to (v) described below:

- (a) The point at 31° 21' 38" North Latitude and 131° 21' East Longitude (the southeasternmost point of Toi Misaki)
- (b) The point at 31° 21' 28" North Latitude and 131° 20' 52" East Longitude
- (c) The point at 30° 47' 53" North Latitude and 130° 26' 52" East Longitude (the southeasternmost point of Take Sima)
- (d) The point at 30° 43' 17" North Latitude and 130° 19' 13" East Longitude (the southernmost point of Yakuro Se)
- (e) The point at 30° 44' 43" North Latitude and 130° 6' 19" East Longitude (the southernmost point of Yu Se)
- (f) The point at 30° 49' 31" North Latitude and 129° 25' 35" East Longitude (the southernmost point of the southernmost island of Kusagaki Guntō)
- (g) The point at 30° 49' 34" North Latitude and 129° 25' 30" East Longitude (the westernmost point of the southernmost island of Kusagaki Guntō)
- (h) The point at 31° 10' 6" North Latitude and 129° 25' 3" East Longitude (the westernmost point of Suzume Sima)
- (i) The point at 31° 39' 20" North Latitude and 129° 39' 36" East Longitude (the westernmost point of Haya Saki, Simo-Kosiki Sima)
- (j) The point at 31° 42' 50" North Latitude and 129° 42' 1" East Longitude (the northwesternmost point of Kabetate Hana, Simo-Kosiki Sima)
- (k) The point at 31° 52' 48" North Latitude and 129° 50' 6" East Longitude (the northwesternmost point of Sakuiba Se, northwest of Nōze Hana, Kami-Kosiki Sima)
- (l) The point at 32° 33' 29" North Latitude and 128° 54' 27" East Longitude (the southeasternmost point of Ō Sima)
- (m) The point at 32° 33' 46" North Latitude and 128° 53' 35" East Longitude (the westernmost point of Ō Sima)

- (n) The point at 32° 34' 10" North Latitude and 128° 46' 32" East Longitude (the southeasternmost point of Kasayama Hana, Hukue Sima)
  - (o) The point at 32° 36' 33" North Latitude and 128° 36' 1" East Longitude (the westernmost point of Ōse Saki, Hukue Sima)
  - (p) The point at 32° 42' 52" North Latitude and 128° 35' 28" East Longitude (the westernmost point of Saga-no-Sima)
  - (q) The point at 32° 43' 35" North Latitude and 128° 35' 38" East Longitude (the west-northwesternmost point of Saga-no-Sima)
  - (r) The point at 33° 10' 53" North Latitude and 128° 48' 17" East Longitude (the northernmost point of Siro Se)
  - (s) The point at 33° 52' 4" North Latitude and 129° 40' 40" East Longitude (the westernmost point of Hira Se, northeast of Hanage Saki, Tatu-no-Sima)
  - (t) The point at 34° 14' 49" North Latitude and 130° 6' 20" East Longitude
  - (u) The point at 34° 47' 45" North Latitude and 131° 7' 59" East Longitude
  - (v) The point at 35° 2' 17" North Latitude and 132° 15' 24" East Longitude (the northernmost point of Toriya Hana)
10. The line joining points sequentially from (a) to (cc) described below:
- (a) The point at 34° 40' North Latitude and 129° 30' 2" East Longitude (the northeasternmost point of To-no-Saki)
  - (b) The point at 34° 39' 50" North Latitude and 129° 30' 1" East Longitude (the southeasternmost point of To-no-Saki)
  - (c) The point at 34° 37' 44" North Latitude and 129° 29' 40" East Longitude (the easternmost point of Sinagi Sima)
  - (d) The point at 34° 33' 8" North Latitude and 129° 28' 33" East Longitude (the northeasternmost point of Kin Saki)
  - (e) The point at 34° 32' 57" North Latitude and 129° 28' 30" East Longitude
  - (f) The point at 34° 18' 53" North Latitude and 129° 25' East Longitude (the easternmost point of Kurosima Hana, Kuro Sima)
  - (g) The point at 34° 7' 39" North Latitude and 129° 17' 6" East Longitude (the southeasternmost point of Tatu-no-Saki)
  - (h) The point at 34° 7' 37" North Latitude and 129° 17' 4" East Longitude
  - (i) The point at 34° 5' 35" North Latitude and 129° 14' 41" East Longitude (the southeasternmost point of Nain Sima)

- (j) The point at 34° 5' 1" North Latitude and 129° 13' 26" East Longitude
  - (k) The point at 34° 4' 50" North Latitude and 129° 12' 58" East Longitude (the southernmost point of Kō Saki)
  - (l) The point at 34° 4' 50" North Latitude and 129° 12' 53" East Longitude
  - (m) The point at 34° 5' 22" North Latitude and 129° 9' 56" East Longitude (the southernmost point of Ō Se, southwest of Tutu Saki)
  - (n) The point at 34° 5' 24" North Latitude and 129° 9' 56" East Longitude (the westernmost point of Ō Se, southwest of Tutu Saki)
  - (o) The point at 34° 8' 19" North Latitude and 129° 10' 9" East Longitude
  - (p) The point at 34° 12' 59" North Latitude and 129° 10' 54" East Longitude
  - (q) The point at 34° 18' 34" North Latitude and 129° 11' 53" East Longitude (the westernmost point of Kottoi Saki)
  - (r) The point at 34° 18' 58" North Latitude and 129° 12' East Longitude (the westernmost point of Nagiri Saki)
  - (s) The point at 34° 33' 35" North Latitude and 129° 17' 13" East Longitude
  - (t) The point at 34° 34' 1" North Latitude and 129° 17' 21" East Longitude
  - (u) The point at 34° 38' 39" North Latitude and 129° 19' 19" East Longitude
  - (v) The point at 34° 38' 40" North Latitude and 129° 19' 20" East Longitude
  - (w) The point at 34° 38' 43" North Latitude and 129° 19' 24" East Longitude
  - (x) The point at 34° 38' 45" North Latitude and 129° 19' 26" East Longitude
  - (y) The point at 34° 43' 5" North Latitude and 129° 26' 3" East Longitude
  - (z) The point at 34° 43' 38" North Latitude and 129° 27' 1" East Longitude (the northernmost point of Kita Se, northeast of Oni Saki)
  - (aa) The point at 34° 43' 32" North Latitude and 129° 27' 40" East Longitude (the northernmost point of Karasaki, north of Kunosita Saki)
  - (bb) The point at 34° 40' 48" North Latitude and 129° 29' 55" East Longitude
  - (cc) The point at 34° 40' North Latitude and 129° 30' 2" East Longitude (the northeasternmost point of To-no-Saki)
11. The line joining points (a) and (b) described below:
- (a) The point at 35° 46' 33" North Latitude and 135° 13' 36" East Longitude (the northernmost point of Kyō-ga-Misaki)

- (b) The point at  $36^{\circ} 14' 48''$  North Latitude and  $136^{\circ} 7' 32''$  East Longitude (the westernmost point of Antō Misaki)

12. The line joining points (a) and (b), the lines joining points sequentially from (c) to (e) and from (f) to (l), and the line joining points (m) and (n) described below:

- (a) The point at  $37^{\circ} 19' 14''$  North Latitude and  $136^{\circ} 43' 29''$  East Longitude (the westernmost point of Saruyama Misaki)
- (b) The point at  $37^{\circ} 50' 42''$  North Latitude and  $136^{\circ} 54' 50''$  East Longitude (the westernmost point of Hegura Sima)
- (c) The point at  $37^{\circ} 51' 9''$  North Latitude and  $136^{\circ} 55' 44''$  East Longitude (the northeasternmost point of Hegura Sima)
- (d) The point at  $38^{\circ} 49''$  North Latitude and  $138^{\circ} 13' 20''$  East Longitude (the westernmost point of Nei Sima)
- (e) The point at  $38^{\circ} 1' 8''$  North Latitude and  $138^{\circ} 13' 28''$  East Longitude (the westernmost point of Kasuga Misaki, Sado Sima)
- (f) The point at  $38^{\circ} 19' 52''$  North Latitude and  $138^{\circ} 31' 5''$  East Longitude (the northernmost point of Haziki Saki, Sado Sima)
- (g) The point at  $38^{\circ} 29' 35''$  North Latitude and  $139^{\circ} 15' 12''$  East Longitude (the northernmost point of Engaiguri, northwest of Tori Saki, Awa Sima)
- (h) The point at  $39^{\circ} 10' 59''$  North Latitude and  $139^{\circ} 31' 23''$  East Longitude
- (i) The point at  $40^{\circ} 43''$  North Latitude and  $139^{\circ} 41' 56''$  East Longitude (the westernmost point of Mizu Sima)
- (j) The point at  $40^{\circ} 31' 54''$  North Latitude and  $139^{\circ} 30' 3''$  East Longitude (Kami-no-Sima, Kyūroku Sima)
- (k) The point at  $41^{\circ} 15' 37''$  North Latitude and  $140^{\circ} 20' 47''$  East Longitude (the northernmost point of Tappi Saki)
- (l) The point at  $41^{\circ} 33' 12''$  North Latitude and  $140^{\circ} 54' 45''$  East Longitude (the northwesternmost point of Benten Sima, north of Ōma Saki)
- (m) The point at  $41^{\circ} 33' 8''$  North Latitude and  $140^{\circ} 55' 5''$  East Longitude (the easternmost point of Benten Sima, north of Ōma Saki)
- (n) The point at  $41^{\circ} 26' 4''$  North Latitude and  $141^{\circ} 28' 7''$  East Longitude (the northernmost point of Siriya Saki)

13. The lines joining points sequentially from (a) to (o) and from (p) to (dd) described below:

- (a) The point at  $42^{\circ} 17' 53''$  North Latitude and  $141^{\circ} 26''$  East Longitude (the southernmost point of Tikiu Misaki)

- (b) The point at 41° 48' 23" North Latitude and 141° 11' 31" East Longitude
- (c) The point at 41° 47' 57" North Latitude and 141° 11' 26" East Longitude (Todo Iwa, south of Esan Misaki)
- (d) The point at 41° 46' 48" North Latitude and 141° 9' 36" East Longitude (the southernmost point of Nanatu Iwa, southwest of Esan Misaki)
- (e) The point at 41° 43' 24" North Latitude and 141° 3' 23" East Longitude (the southeasternmost point of Hiura Misaki)
- (f) The point at 41° 42' 45" North Latitude and 141° 1' 59" East Longitude (the southernmost point of Mui-no-Sima)
- (g) The point at 41° 42' 36" North Latitude and 141° 10" East Longitude
- (h) The point at 41° 42' 23" North Latitude and 140° 58' 21" East Longitude
- (i) The point at 41° 42' 24" North Latitude and 140° 57' 57" East Longitude
- (j) The point at 41° 42' 31" North Latitude and 140° 57' 37" East Longitude (the southernmost point of South Bōhatei (Breakwater), Siokubi Gyokō (Fishing Harbour))
- (k) The point at 41° 42' 42" North Latitude and 140° 57' 16" East Longitude (the southwesternmost point of Siokubi Misaki)
- (l) The point at 41° 44' 59" North Latitude and 140° 52' 30" East Longitude (the outermost point of South Bōhatei (Breakwater), Isizaki (Zenikamezawa) Gyokō (Fishing Harbour))
- (m) The point at 41° 23' 38" North Latitude and 140° 12' 12" East Longitude (the southeasternmost point of Sirakami Misaki)
- (n) The point at 41° 20' 57" North Latitude and 139° 48' 10" East Longitude
- (o) The point at 41° 29' 34" North Latitude and 139° 20' 40" East Longitude (the southernmost point of Nanpa Misaki, Matumae-Ō Sima)
- (p) The point at 41° 30' 57" North Latitude and 139° 20' 17" East Longitude (the west-northwesternmost point of Matumae-Ō Sima)
- (q) The point at 42° 10' 33" North Latitude and 139° 24' 18" East Longitude
- (r) The point at 42° 13' 8" North Latitude and 139° 26' 4" East Longitude
- (s) The point at 42° 36' 59" North Latitude and 139° 49' 48" East Longitude (the northwesternmost point of Motta Misaki)
- (t) The point at 43° 20' 9" North Latitude and 140° 20' 38" East Longitude (the northwesternmost point of Menoko Iwa, northwest of Kamui Misaki)
- (u) The point at 43° 43' 21" North Latitude and 141° 19' 57" East Longitude (the westernmost point of Ohuyu Misaki)



- (v) The point at 44° 24' 44" North Latitude and 141° 17' 40" East Longitude
  - (w) The point at 45° 16' 41" North Latitude and 141° 1' 8" East Longitude
  - (x) The point at 45° 22' 41" North Latitude and 140° 59' 8" East Longitude
  - (y) The point at 45° 26' 13" North Latitude and 140° 58' East Longitude (the westernmost point of Gorota Misaki, Rebun Tō)
  - (z) The point at 45° 28' 24" North Latitude and 140° 57' 51" East Longitude
  - (aa) The point at 45° 30' 8" North Latitude and 140° 57' 53" East Longitude (the westernmost point of Tane Sima)
  - (bb) The point at 45° 30' 13" North Latitude and 140° 57' 59" East Longitude
  - (cc) The point at 45° 31' 28" North Latitude and 141° 55' 22" East Longitude (the northernmost point of Benten Sima, west of Sōya Misaki)
  - (dd) The point at 45° 31' 18" North Latitude and 141° 56' 40" East Longitude (the northernmost point of Sōya Misaki)
14. The line joining points sequentially from (a) to (f) described below:
- (a) The point at 44° 37' 47" North Latitude and 146° 57' 10" East Longitude (the northernmost point of Kunneusiri Hana)
  - (b) The point at 44° 49' North Latitude and 147° 6' 25" East Longitude (the northwesternmost point of Poronotu Hana)
  - (c) The point at 45° 6' 25" North Latitude and 147° 30' 2" East Longitude (the westernmost point of Notoro Sima)
  - (d) The point at 45° 25' 46" North Latitude and 147° 54' 26" East Longitude
  - (e) The point at 45° 26' 12" North Latitude and 147° 55' 50" East Longitude (the northernmost point of Ikabanotu Misaki)
  - (f) The point at 45° 32' 3" North Latitude and 148° 39' 17" East Longitude (the northwesternmost point of Sibetoro Misaki)
15. The line joining points sequentially from (a) to (o) described below:
- (a) The point at 43° 48' 25" North Latitude and 146° 54' 43" East Longitude (the southeasternmost point of Itakotan Saki)
  - (b) The point at 43° 44' 38" North Latitude and 146° 48' 20" East Longitude (the southeasternmost point of Ō Sima, Sikotan Tō)
  - (c) The point at 43° 42' 12" North Latitude and 146° 40' 52" East Longitude

- (d) The point at 43° 41' 50" North Latitude and 146° 38' 51" East Longitude (the southernmost point of Kanpuusu Saki)
- (e) The point at 43° 41' 56" North Latitude and 146° 38' 36" East Longitude (the southwesternmost point of Kanpuusu Saki)
- (f) The point at 43° 43' 59" North Latitude and 146° 35' 49" East Longitude
- (g) The point at 43° 44' 25" North Latitude and 146° 35' 24" East Longitude (the southwesternmost point of Notoro Saki)
- (h) The point at 43° 44' 37" North Latitude and 146° 35' 18" East Longitude (the westernmost point of Notoro Saki)
- (i) The point at 43° 48' 8" North Latitude and 146° 35' 19" East Longitude (the westernmost point of Ō Saki)
- (j) The point at 43° 48' 15" North Latitude and 146° 35' 22" East Longitude (the northwesternmost point of Ō Saki)
- (k) The point at 43° 48' 20" North Latitude and 146° 35' 30" East Longitude (the northernmost point of Ō Saki)
- (l) The point at 43° 48' 55" North Latitude and 146° 36' 38" East Longitude
- (m) The point at 43° 49' 6" North Latitude and 146° 37' 2" East Longitude
- (n) The point at 43° 52' 25" North Latitude and 146° 46' 46" East Longitude (the northwesternmost point of Gunkan Misaki)
- (o) The point at 43° 53' 16" North Latitude and 146° 49' 41" East Longitude (the northernmost point of Hiserohu Saki)

**Annexed Schedule 2**  
**(with reference to articles 3 and 4)**

**A. Designated Area pertaining to Sōya Kaikyō**

**B. The area of the sea enclosed by the following lines:**

- (1) The line joining points 13(cc) and 13(dd) referred to in Annexed Schedule 1.
- (2) The line drawn at an angle of 105 degrees from point 13(dd) referred to in Annexed Schedule 1.
- (3) The line drawn at an angle of 15 degrees from the first intersection of the line referred to in the preceding subparagraph with the line which is 12 nautical miles seaward of the baseline (hereinafter referred to as "the 12-nautical-mile line").
- (4) The line drawn at an angle of 285 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the 12-nautical-mile line.

(5) The line drawn at an angle of 358 degrees from point 13(cc) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(6) The line drawn at an angle of 285 degrees from the end of the line referred to in the preceding subparagraph.

(7) The line drawn at an angle of 15 degrees from the intersection of the line referred to in the preceding subparagraph with the 12-nautical-mile line.

C. The line drawn at a distance of 3 nautical miles seaward of the baseline (hereinafter referred to as "the 3-nautical-mile line") within the designated area, and the lines pertaining to the designated area referred to in subparagraphs (2) and (6) above (limited to those parts between the point of intersection with the 3-nautical-mile line and the point of intersection with the 12-nautical-mile line).

A. Designated Area pertaining to Tugaru Kaikyo

B. The area of the sea enclosed by the following lines and the coast:

(1) The line joining points 12(k) and 12(l) referred to in Annexed Schedule 1.

(2) The line drawn at an angle of 16 degrees from point 12(m) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(3) The line drawn at an angle of 90 degrees from the end of the line referred to in the preceding subparagraph.

(4) The line drawn at an angle of 0 degree from the intersection of the line referred to in the preceding subparagraph with the 12-nautical-mile line.

(5) The line drawn at an angle of 326 degrees from point 12(k) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(6) The line drawn at an angle of 235 degrees from the end of the line referred to in the preceding subparagraph.

(7) The line drawn at an angle of 325 degrees from the intersection of the line referred to in the preceding subparagraph with the 12-nautical-mile line.

(8) The line joining points sequentially from points 13(e) to 13(m) referred to in Annexed Schedule 1.

(9) The line drawn at an angle of 145 degrees from point 13(m) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(10) The line drawn at an angle of 235 degrees from the end of the line referred to in the preceding subparagraph.

(11) The line drawn at an angle of 149 degrees from point 13(e) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(12) The line drawn at an angle of 90 degrees from the end of the line referred to in the preceding subparagraph.

C. The 3-nautical-mile line within the designated area and the lines pertaining to the designated area referred to in subparagraphs (3), (6), (10) and (12) above (limited to those parts between the point of intersection with the 3-nautical-mile line and the point of intersection with the 12-nautical-mile line).

A. Designated Area pertaining to Tusima Kaikyō Higasi Suidō

B. The area of the sea enclosed by the following lines:

(1) The line joining points 9(s) and 9(t) referred to in Annexed Schedule 1.

(2) The line drawn at an angle of 12 degrees from a point on the line referred to in the preceding subparagraph so as to pass the point located at an angle of 282 degrees and 12 nautical miles away from the point at 34°14'29" North Latitude and 130° 6' 3" East Longitude (the west-northwesternmost point of Oki-no-Sima).

(3) The line joining points 9(s) and 9(r) referred to in Annexed Schedule 1.

(4) The line drawn at an angle of 270 degrees from a point on the line referred to in the preceding subparagraph so as to pass the point located at an angle of 359 degrees and 12 nautical miles away from the point at 33°18'10" North Latitude and 129°7'39" East Longitude (the northernmost point of Tusimase Hana, Uku Sima).

(5) The line joining points sequentially from 10(g) to 10(k) referred to in Annexed Schedule 1.

(6) The line drawn at an angle of 155 degrees from point 10(k) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(7) The line drawn at an angle of 227 degrees from the end of the line referred to in the preceding subparagraph.

(8) The line drawn at an angle of 120 degrees from point 10(g) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(9) The line drawn at an angle of 43 degrees from the end of the line referred to in the preceding subparagraph.

(10) The line joining the intersection of the line referred to in subparagraph (2) with the 12-nautical-mile line and the first intersection of the line referred to in subparagraph (9) with the 12-nautical-mile line.

(11) The line joining the intersection of the line referred to in subparagraph (4) with the 12-nautical-mile line and the intersection of the line referred to in subparagraph (7) with the 12-nautical-mile line.

C. The 3-nautical-mile line within the designated area and the lines pertaining to the designated area referred to in subparagraphs (2), (4), (7) and (9) above (limited to those parts between the point of intersection with the 3-nautical-mile line and the point of intersection with the 12-nautical-mile line).

A. Designated Area pertaining to the Tusima Kaikyō Nisi Suidō

B. The area of the sea enclosed by the following lines:

- (1) The line joining points sequentially from 10(r) to 10(y) referred to in Annexed Schedule 1.
  - (2) The line drawn at an angle of 322 degrees from point 10(y) referred to in Annexed Schedule 1 to the point 3 nautical miles away.
  - (3) The line drawn at an angle of 52 degrees from the end of the line referred to in the preceding subparagraph.
  - (4) The line drawn at an angle of 322 degrees from the first intersection of the line referred to in the preceding subparagraph with the 12-nautical-mile line.
  - (5) The line drawn at an angle of 232 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the 12-nautical-mile line.
  - (6) The line drawn at an angle of 287 degrees from point 10(r) referred to in Annexed Schedule 1 to the point 3 nautical miles away.
  - (7) The line drawn at an angle of 197 degrees from the end of the line referred to in the preceding subparagraph.
  - (8) The line drawn at an angle of 287 degrees from the first intersection of the line referred to in the preceding subparagraph with the 12-nautical-mile line.
  - (9) The line drawn at an angle of 17 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the 12-nautical-mile line.
- C. The 3-nautical-mile line within the designated area and the lines pertaining to the designated area referred to in subparagraphs (3) and (7) above (limited to those parts between the point of intersection with the 3-nautical-mile line and the point of intersection with the 12-nautical-mile line).
- A. Designated Area pertaining to Osumi Kaikyo
- B. The area of the sea enclosed by the following lines and the coast:
- (1) The line drawn at an angle of 60 degrees from the point at 30° 50' 20" North Latitude and 131° 3' 32" East Longitude (the northernmost point of Kisika Saki, Tane-ga-Sima).
  - (2) The line joining the point at 30° 50' 20" North Latitude and 131° 3' 32" East Longitude (the northernmost point of Kisika Saki, Tanega Sima) and the point at 30° 45' 56" North Latitude and 130° 51' 34" East Longitude (the northernmost point of Kami-no-Misaki, Mage Sima).
  - (3) The line joining the point at 30° 43' 22" North Latitude and 130° 50' 13" East Longitude (the southwesternmost point of Simo-no-Misaki, Mage Sima) and the point at 30° 25' 50" North Latitude and 130° 15' 58" East Longitude (the southeasternmost point of Mega Saki, Kuti-no-Erabu Sima).
  - (4) The line drawn at an angle of 240 degrees from the point at 30° 29' 8" North Latitude and 130° 8' 42" East Longitude (the westernmost point of No Saki, Kuti-no-Erabu Sima).
  - (5) The line drawn at an angle of 330 degrees from the intersection of the line referred to in the preceding subparagraph with the 12-nautical-mile line.
  - (6) The line joining points sequentially from 9(b) to 9(e) referred to in Annexed Schedule 1.

(7) The line drawn at an angle of 187 degrees from point 9(e) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(8) The line drawn at an angle of 240 degrees from the end of the line referred to in the preceding subparagraph.

(9) The line drawn at an angle of 144 degrees from point 9(b) referred to in Annexed Schedule 1 to the point 3 nautical miles away.

(10) The line drawn at an angle of 54 degrees from the end of the line referred to in the preceding subparagraph.

(11) The line drawn at an angle of 144 degrees from the first intersection of the line referred to in the preceding subparagraph with the 12-nautical-mile line.

C. The 3-nautical-mile line within the designated area and the lines pertaining to the designated area referred to in subparagraphs (1) to (4), (8) and (10) above (limited to those parts between the point of intersection with the 3-nautical-mile line and the point of intersection with the 12-nautical-mile line).

(c) Law on the Exclusive Economic Zone and the Continental Shelf (Law No. 74 of 1996)

The exclusive economic zone

Article 1

1. There is hereby established the exclusive economic zone, as a zone in which Japan exercises its sovereign rights and other rights as a coastal State as prescribed in Part V of the United Nations Convention on the Law of the Sea (hereinafter referred to as "the U.N. Convention on the Law of the Sea") in accordance with the U.N. Convention on the Law of the Sea.

2. The exclusive economic zone referred to in the preceding paragraph (hereinafter "the exclusive economic zone") comprises the areas of the sea extending from the baseline of Japan ("The baseline" here is as defined in article 2, paragraph 1, of the Law on the Territorial Sea and the Contiguous Zone (Law No. 30 of 1977). The same shall apply hereinafter) to the line every point of which is 200 nautical miles from the nearest point on the baseline of Japan (excluding therefrom the territorial sea) and its subjacent seabed and its subsoil. Provided that, where any part of that line lies beyond the median line ("The median line" here is the line every point of which is equidistant from the nearest point on the baseline of Japan and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured. The same shall apply hereinafter) as measured from the baseline of Japan, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

The continental shelf

Article 2

The continental shelf over which Japan exercises its sovereign rights and other rights as a coastal State in accordance with the U.N. Convention on the Law of the Sea (hereinafter "the continental shelf") comprises the seabed and its subsoil subjacent to the following areas of the sea:

(1) The areas of the sea extending from the baseline of Japan to the line every point of which is 200 nautical miles from the nearest point on the baseline of Japan (excluding therefrom the territorial sea). Provided that, where any part of that line lies beyond the median line as measured from the baseline of Japan, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line, and the line to be drawn to connect with the said line, which shall be prescribed by Cabinet Order) shall be substituted for that part of the line.

(2) The areas of the sea adjacent seaward to the areas of the sea referred to in the preceding subparagraph (limited to the part of the sea delimited by the line every point of which is 200 nautical miles from the nearest point on the baseline of Japan), as prescribed by Cabinet Order in accordance with article 76 of the U.N. Convention on the Law of the Sea.

#### Application of the laws and regulations of Japan

##### Article 3

1. The laws and regulations of Japan (including penal provisions. The same shall apply hereinafter) shall apply with respect to the following matters:

(1) Exploring and exploiting, conserving and managing the natural resources, the establishment, construction, operation 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 or on the continental shelf;

(2) The activities for the economic exploitation and exploration of the exclusive economic zone (excluding therefrom the matters prescribed in the preceding subparagraph);

(3) Drilling on the continental shelf (excluding therefrom the matters prescribed in subparagraph (1));

(4) The execution of official duties by public officials of Japan in the areas of the sea relating to the exclusive economic zone or the continental shelf pertaining to the matters prescribed in the preceding three subparagraphs (including the execution of official duties in relation to hot pursuit from within those areas of the sea pertaining to the said execution of official duties undertaken in accordance with article 111 of the U.N. Convention on the Law of the Sea) and the conduct obstructing such execution.

2. Artificial islands, installations and structures referred to in subparagraph (1) of the preceding paragraph shall be considered to be located in the territory of Japan, with respect to which the laws and regulations of Japan shall apply in addition to the provision of the said paragraph.

3. With respect to the application of the laws and regulations of Japan pursuant to the preceding two paragraphs, matters necessary for the adjustment or coordination in the application of such laws and regulations may be prescribed by Cabinet Order, to the extent considered to be reasonably necessary, taking into account the fact that the areas of the sea to which such laws and regulations apply are outside the territory of Japan as well as other special circumstances in the said areas of the sea.

#### Effect of treaties

##### Article 4

Where a treaty provides otherwise for matters provided for in this law, the provisions of the treaty shall apply.

**Supplementary Provisions**

**Date of enforcement**

**Article 1**

**This law shall be enforced on the day when the U.N. Convention on the Law of the Sea enters into force for Japan.**

**(This translation omits the provisions after article 1.)**



B. Protests from States

1. Antigua and Barbuda

Letter dated 19 June 1997 from the Government of Antigua and Barbuda with regard to maritime treaties and a protest with regard to the status granted to "Isla Aves"

I present my compliments and refer to the Maritime Treaties signed by the Republic of Venezuela and the United States of America which entered into force on 24 November 1980; Republic of Venezuela and the Kingdom of the Netherlands which entered into force on 15 December 1978; Republic of Venezuela and the French Republic which entered into force on 28 January 1983.

I have the honour to inform that the Government of Antigua and Barbuda wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, rocks which cannot sustain human habitation or an economic life of their own shall have no exclusive economic zone or continental shelf.

The Government of Antigua and Barbuda wishes to recall further that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the artificial installation and structure erected adjacent to "Isla Aves" shall not possess the status of an island and shall have no territorial sea of its own and its presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

The Maritime Boundary Treaties referred to above appear to grant "Isla Aves" full status of territorial sea, exclusive economic zone and continental shelf. The Government of Antigua and Barbuda has not acquiesced in the maritime boundary treaties.

The Government of Antigua and Barbuda protests the status granted to "Isla Aves" in the above-mentioned maritime boundary treaties and kindly requests the Secretary-General of the United Nations in his capacity as the depositary of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the parties to the said Convention. <sup>3/</sup>

2. Portugal

Note verbale dated 28 August 1997 from the Embassy of Portugal in Canberra addressed to the Department of Foreign Affairs and Trade of the Government of Australia <sup>4/</sup>

1. The Government of the Portuguese Republic took notice of the signature of a treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an exclusive economic zone boundary and certain seabed boundaries. <sup>5/</sup>

In addition to subject matters that concern Australia and Indonesia (only), the treaty purports to establish the exclusive economic zone boundary between Australia and the Non-Self-Governing Territory of East Timor.

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<sup>3/</sup> Transmitted to the States parties to the United Nations Convention on the Law of the Sea in note verbale LOS/SP/1, dated 12 August 1997.

<sup>4/</sup> A/52/323 - S/1997/691, annex.

<sup>5/</sup> For the text of the treaty, see p. 107 below.

2. In such point, the "treaty follows the path of the treaty between Australia and the Republic of Indonesia on the zone of cooperation in an area between the Indonesia Province of East Timor and northern Australia", dated 11 December 1989, now with the aggravating circumstance that it intends to establish a permanent delimitation of the spaces (exclusive economic zone) appertaining respectively to Australia and to the Non-Self-Governing Territory of East Timor.
  3. Portugal does not recognize the intended delimitation and contends that on such matter the signature of the treaty constitutes one violation more to the status of East Timor as a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations, and to the rights of the people of East Timor, as well as to the status of the administering Power of the Territory.
  4. The Government of Portugal recalls that during the proceedings of the East Timor case Australia formally acknowledged and the International Court of Justice took due notice thereof (para. 31 of the Judgment), that "the Territory of East Timor remains a Non-Self-Governing Territory and its people has the right to self-determination". Portugal maintains that the "de jure" recognition by Australia of the incorporation of East Timor in Indonesia is inconsistent with such acknowledgement.
  5. The Government of Portugal reminds that, by its Judgment of 30 June 1995, the International Court of Justice declined to exercise jurisdiction in the East Timor case because, in the Court's view, "in order to decide the claims of Portugal, it would have to rule, as a prerequisite, on the lawfulness of Indonesia's conduct in the absence on that State's consent". "Whether the power to make treaties concerning [in the case] the continental shelf resources of East Timor belongs to Portugal or Indonesia would depend on whether Indonesia's entry into and continued presence in the Territory are lawful" (para. 35).
- Portugal strongly emphasizes that Indonesia's entry into and continued presence in the Non-Self-Governing Territory of East Timor are unlawful, because they violate two fundamental rules of international law: the prohibition of the use of force and of territorial acquisition by the use of force, and the principle of self-determination of peoples.
7. Therefore the Government of Portugal lodges its most vehement protest against the signature by the Government of Australia of the treaty between Australia and the Republic of Indonesia establishing an exclusive economic zone boundary and certain seabed boundaries, in as far as such treaty relates to the Territory of East Timor.

### 3. St. Kitts and Nevis

#### Note dated 16 July 1997 addressed to the Secretary-General of the United Nations referring to the bilateral maritime boundary delimitation treaties <sup>6/</sup>

Note to the Secretary-General of the United Nations from the Government of St. Kitts and Nevis referring to bi-lateral maritime boundary delimitation treaties made between:

1. Republic of Venezuela and the United States of America; entered into force 24 November 1980;
2. Republic of Venezuela and the Kingdom of the Netherlands; entered into force 15 December 1978;

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<sup>6/</sup> Communicated by the Permanent Mission of St. Kitts and Nevis to the United Nations in a note verbale dated 16 July 1997.

3. Republic of Venezuela and the French Republic; entered into force 28 January 1983;

with regard to the status of the Venezuelan territory known as "Isla Aves"

The Government of St. Kitts and Nevis wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, rocks which cannot sustain human habitation or an economic life of their own shall have no exclusive economic zone or continental shelf.

The Government of St. Kitts and Nevis wishes further to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the artificial installation and structure erected adjacent to "Isla Aves" shall not possess the status of an island and shall have no territorial sea of its own and its presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

The maritime boundary treaties referred to above appear to grant "Isla Aves" full status of territorial sea, exclusive economic zone and continental shelf. The Government of St. Kitts and Nevis has not acquiesced in the maritime boundary treaties referred to above.

The Government of St. Kitts and Nevis protests the status granted to "Isla Aves" in the above-mentioned maritime boundary treaties and kindly requests the Secretary-General of the United Nations in his capacity as the depository of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the parties to the said Convention. <sup>7/</sup>

4. Saint Lucia

Note dated 23 July 1997 concerning its position with regard to Aves Island (Isla Aves) <sup>8/</sup>

The Ministry of Foreign Affairs and International Trade of Saint Lucia presents its compliments to the Secretary-General of the United Nations in New York and has the honour to inform the latter of the position of the Government of Saint Lucia concerning the according of island status to Aves Island (Isla Aves), which status has been recognized by the Governments of Venezuela, the United States of America, France and the Netherlands.

The Government of Saint Lucia hereby expresses its dissatisfaction with the granting of such status to Isla Aves and further informs that it will not recognize the same.

In that regard, the Government of Saint Lucia is recommending that Venezuela enter into negotiations with all other entities involved with the expressed intention of arriving at a decision based on wider regional participation.

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<sup>7/</sup> Transmitted to the States parties to the United Nations Convention on the Law of the Sea in note verbale LOS/SP/2, dated 13 August 1997.

<sup>8/</sup> Communicated by the Ministry of Foreign Affairs and International Trade of Saint Lucia to the United Nations in a note verbale dated 23 July 1997.

5. Saint Vincent and the Grenadines

Note dated 8 August 1997 addressed to the Secretary-General of the United Nations referring to the bilateral maritime boundary delimitation treaties <sup>9/</sup>

Note to the Secretary-General of the United Nations from the Government of Saint Vincent and the Grenadines referring to bilateral maritime boundary delimitation treaties made between:

1. Republic of Venezuela and the United States of America; entered into force 24 November 1980;
2. Republic of Venezuela and the Kingdom of the Netherlands; entered into force 15 December 1978;
3. Republic of Venezuela and the French Republic; entered into force 28 January 1983,

with regard to the status of the Venezuelan territory known as "Isla Aves"

The Government of Saint Vincent and the Grenadines wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, rocks which cannot sustain human habitation or an economic life of their own shall have no exclusive economic zone or continental shelf.

The Government of Saint Vincent and the Grenadines wishes further to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the artificial installation and structure erected adjacent to "Isla Aves" shall not possess the status of an island and shall have no territorial sea of its own and its presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

The maritime boundary treaties referred to above appear to grant "Isla Aves" full status of territorial sea, exclusive economic zone and continental shelf. The Government of Saint Vincent and the Grenadines has not acquiesced in the maritime boundary treaties referred to above.

The Government of Saint Vincent and the Grenadines protests the status granted to "Isla Aves" in the above-mentioned maritime boundary treaties and kindly requests the Secretary-General of the United Nations in his capacity as the depository of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the parties to the said Convention. <sup>10/</sup>

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<sup>9/</sup> Communicated by the Permanent Mission of Saint Vincent and the Grenadines to the United Nations in a note verbale dated 8 August 1997.

<sup>10/</sup> Transmitted to the States parties to the United Nations Convention on the Law of the Sea in note verbale LOS/SP/3, dated 9 September 1997.

C. Communications from States

1. Argentina

Note dated 14 May 1997 referring to note verbale No. 107/96 of 6 September 1996 from the Permanent Mission of Chile to the United Nations with regard to the Republic of Argentina's observations made at the time of depositing its instrument of ratification

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, and has the honour to refer to note verbale No. 107/96 of 6 September 1996 addressed to the Division from the Permanent Mission of Chile to the United Nations, which was published in Law of the Sea Information Circular No. 5.

The above-mentioned note contains observations on the declaration made by the Argentine Republic in depositing its instrument of ratification of the 1982 United Nations Convention on the Law of the Sea and on the note verbale of 15 April 1996 from the Permanent Mission of the Argentine Republic addressed to the United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, in reply to the Secretary-General's note concerning the obligation originating in article 42 of the United Nations Convention on the Law of the Sea.

In that context, it should be pointed out that, in ratifying that international convention, which, as the Government of Chile is well aware, was done subsequent to the entry into force of the Treaty of Peace and Friendship of 1984, the Argentine Republic irrefutably expressed its desire to maintain the full validity of all the provisions of the Treaty of Peace and Friendship of 1984; thus, the application of the United Nations Convention on the Law of the Sea does not affect the legal regime of the above-mentioned bilateral treaty between Argentina and Chile.

Accordingly, the fact that the reference to the Strait of Magellan is followed by a reference to the existence of the navigation regime of the 1984 Treaty implies an express reaffirmation of article V of the 1881 Boundary Treaty and, in addition, of the full validity of the norms contained in annex 2 of the 1984 Treaty, including the legal status of the waters used for navigation.

These treaties contain regulations which affect third States. The Argentine presentation was for information purposes and did not put forward any interpretation of the United Nations Convention on the Law of the Sea, the 1881 Boundary Treaty, the 1984 Treaty of Peace and Friendship or any other aspects of the issue.

As a party to the 1881 Boundary Treaty, the Argentine Republic has the power to refer to it in any documents it deems relevant. In this case, such power is even more obvious since that international instrument embodies a longstanding regime as recognized by article 35 (c) of the United Nations Convention on the Law of the Sea. Therefore, it cannot be considered as being outside the legal framework of the Convention.

Moreover, article V of the 1881 Boundary Treaty, whereby the Strait of Magellan is neutralized forever with free navigation assured for the flags of all nations, creates obligations and rights both for the Argentine Republic and for the Republic of Chile. Therefore, both parties should ensure effective compliance with its provisions.

In addition, article 10 of the 1984 Treaty of Peace and Friendship - which, as noted above, replicates article V of the 1881 treaty - stipulates the obligation of the Argentine Republic to maintain, at any time and in whatever circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Magellan.

Consequently, Argentina, as a State party, together with Chile, of the 1881 Boundary Treaty and the only one of the two which has become a party to the United Nations Convention on the Law of the Sea, has the power to give due publicity, in ratifying that Convention, to the legal regime for the area of the Strait of Magellan.

In view of the foregoing, there can be no doubt about the juridical grounds supporting the [Argentine] interpretative declaration and its note verbale of 15 April 1996. As mentioned above, a different scope and intention are being attributed to the instruments issued by the Argentine Republic than what is clearly evident in their texts and legal context.

The Argentine Republic cannot agree with other statements made by the Government of Chile in the above-mentioned notes. Among other things, it does not agree that the waters in the south of the Strait of Magellan have always been Chilean internal waters and not international straits. The Argentine Republic did not consider them as such until the 1984 Treaty of Peace and Friendship, which, as noted above, established a regime for navigation through the waters described in its annex 2.

In relation to the foregoing, it must be stressed that the norms codified in paragraph 2, article 8; paragraph 1, article 34; and subparagraph (a), article 35, of the United Nations Convention on the Law of the Sea are also relevant aspects.

Moreover, the Argentine Republic does not share the interpretation concerning the inapplicability of Part III of the United Nations Convention on the Law of the Sea, since such interpretation does not follow from article 35 (c) of the Convention. That norm, in fact, establishes that the provisions of Part III do not affect the legal regime in straits in which passage is regulated in whole or in part by long-standing international conventions in force.

Without prejudice to the above, it is not the purpose of the Argentine Republic to embark on a discussion of abstract topics or situations.

Since the issues raised in the present note must have an unequivocal interpretation both for the parties and for third countries, the Permanent Mission of the Argentine Republic to the United Nations requests the Secretary-General, through the United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, to give due publicity to this document by including it in the next issue of the Law of the Sea Information Circular.

## 2. Islamic Republic of Iran

### (a) Letter dated 27 May 1997 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General<sup>11/</sup>

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the United Arab Emirates in Tehran and, with reference to the note dated 28 January 1997 from the Ministry of Foreign Affairs of the United Arab Emirates to the Embassy of the Islamic Republic of Iran in Abu Dhabi, has the honour to state the following:

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<sup>11/</sup> A/52/160, annex.

As is well known, barge No. 1326 carrying vehicles and building materials was separated from its tugboat owing to bad weather, and then was drawn to the territorial waters of the United Arab Emirates by the wind. Ten hours after the request for assistance from Ras al-Khaimah port officials, the barge was hauled by the tugboat Hana to Mina Seghar port. Therefore, the presence of the barge in territorial waters of the United Arab Emirates was solely attributable to its separation from its tugboat and the bad weather.

In the light of the friendly and good-neighbourly relations that exist between the two countries, the Government of the Islamic Republic of Iran expected that the Government of the United Arab Emirates would have extended its cooperation to return the barge to the Islamic Republic of Iran, rather than bringing it to the attention of international bodies.

(b) Letter dated 28 July 1997 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General<sup>12/</sup>

Upon instructions from my Government, I have the honour to transmit copies of two notes verbales with attachments, dated 3 July 1997, from the Interests Section of the Islamic Republic of Iran in Washington, D.C., to the Embassy of Pakistan to be forwarded to the United States Department of State, on the violation of the territory of the Islamic Republic of Iran by the forces of the United States in the Persian Gulf region.

Annex I

Note verbale dated 3 July 1997 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., addressed to the Embassy of Pakistan in Washington, D.C.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan and has the honour to quote the attached message in two copies, the original text and an unofficial translation, received from the Ministry of Foreign Affairs of the Islamic Republic of Iran. It is respectfully requested that the original text be transmitted to the United States Department of State and our office be informed of their response.

Enclosure

According to information received from officials of the Government of the Islamic Republic of Iran, on 17 April 1997 at 0830 hours a United States warship routeing 180 degrees of real north and in the vicinity of the Soroush oil platform fired shots from a four-mile distance towards two Iranian motor boats whose positions were N2907 and E4936, routeing 250 degrees of real north towards the said platform. The warship fired a total of eight rounds of semi-heavy shot (three of which were aerial and five surface) towards the boats. The Iranian boats changed their course towards Khark Island in order to prevent any probable accident.

The Government of the Islamic Republic of Iran strongly protests these illegal measures by the United States warship, especially in the continental shelf of the Islamic Republic of Iran, and insistently calls for an end to these unjustifiable actions.

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<sup>12/</sup> S/1997/598.

D. Treaties and declarations

Bilateral treaties

- (a) Treaty between the Government of the United States of America and the Government of Niue on the delimitation of a maritime boundary

Annex

The Government of the United States of America and the Government of Niue, hereinafter the Parties;

**Desiring** to strengthen the bonds of friendship between the two Parties;

**Recalling** the tradition of cooperative relations and close ties between the people of the United States of America and the people of Niue;

**Noting** the Fishery Conservation and Management Act 1976 and the Presidential Proclamation No. 5030 of 10 March 1983 establishing an exclusive economic zone for the United States of America;

**Noting** Act No. 220 of 7 April 1997, establishing an exclusive economic zone for Niue;

**Desirous** of establishing the maritime boundary between the United States of America (American Samoa) and Niue, on the basis of equidistance;

**Have agreed** as follows:

Article I

The sole purpose of this treaty is to establish, in accordance with international law, the maritime boundary between the United States of America (American Samoa) and Niue.

Article II

The geodetic and computational bases used to determine this boundary are the North American Datum 1983 ("NAD 83") and the World Geodetic System 1984 ("WGS 84") which, for the purpose of this boundary treaty, are considered identical. For the purpose of illustration only, the boundary line has been drawn on a map annexed to this Treaty.

Article III

The maritime boundary between the United States of America (American Samoa) and Niue shall be determined by geodesics connecting the following coordinates:

<u>Point</u>	<u>Latitude (South)</u>	<u>Longitude (West)</u>
1.	17° 33' 18"	166° 38' 31"
2.	17° 32' 55"	166° 39' 38"
3.	17° 23' 55"	167° 06' 38"
4.	17° 10' 49"	167° 45' 27"
5.	17° 04' 39"	168° 03' 34"
6.	17° 01' 07"	168° 13' 55"



<u>Point</u>	<u>Latitude (South)</u>	<u>Longitude (West)</u>
7.	16° 47' 47"	168° 52' 31"
8.	16° 39' 00"	169° 17' 32"
9.	16° 38' 12"	169° 19' 47"
10.	16° 38' 01"	169° 22' 25"
11.	16° 37' 04"	169° 36' 12"
12.	16° 35' 39"	169° 55' 57"
13.	16° 36' 16"	169° 59' 13"
14.	16° 37' 23"	170° 05' 15"
15.	16° 41' 39"	170° 28' 26"
16.	16° 43' 16"	170° 37' 28"
17.	16° 43' 49"	170° 40' 35"
18.	16° 49' 33"	170° 13' 23"
19.	16° 50' 25"	170° 18' 19"

#### Article IV

On the side of the maritime boundary adjacent to the United States of America (American Samoa), the Government of Niue shall not, and on the side of the maritime boundary adjacent to Niue, the Government of the United States of America (American Samoa) shall not, claim or exercise for any purpose sovereignty, sovereign rights, or jurisdiction with respect to the waters of seabed or subsoil.

#### Article V

The maritime boundary established by this Treaty shall not affect or prejudice in any manner either party's position with respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.

#### Article VI

Any dispute concerning the interpretation or application of this agreement shall be resolved by negotiation or other peaceful means as may be agreed upon by the Parties.

#### Article VII

This Treaty shall be subject to ratification and shall enter into force on the date of the exchange of instruments of ratification.

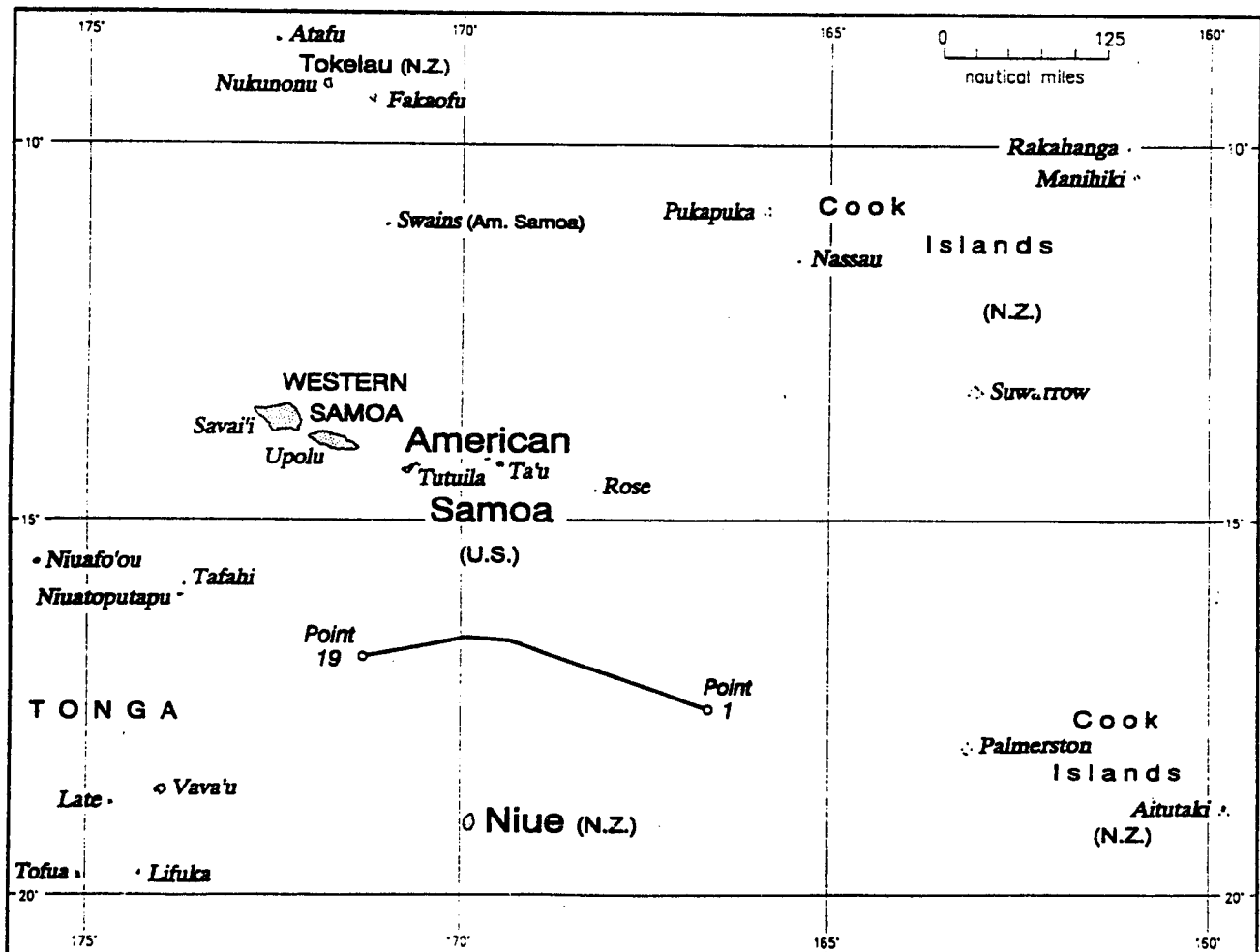
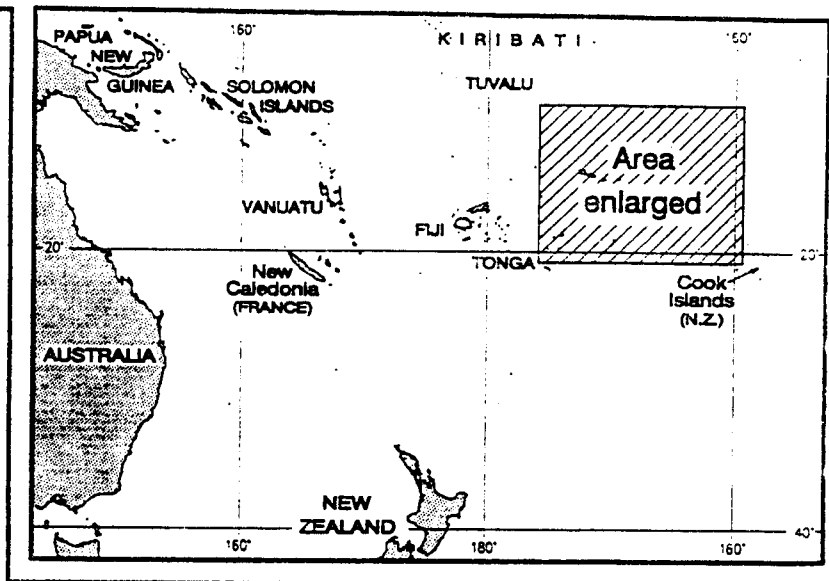
In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

Done in duplicate at Wellington, New Zealand this 13th day of May 1997.

## United States - Niue Maritime Boundary

Map annexed to the Treaty  
between the Government of  
the United States of America  
and the Government of Niue  
on the Delimitation of a  
Maritime Boundary

Names are not necessarily authoritative  
3934 3-97 STATE (INR/GGI)



(b) Treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an exclusive economic zone boundary and certain seabed boundaries<sup>13/</sup>

**The Government of Australia and the Government of the Republic of Indonesia** (hereafter referred to as "the Parties");

**Taking into account** the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982 (hereafter referred to as "the 1982 Convention"), to which both Australia and the Republic of Indonesia are a party, and, in particular, articles 74 and 83 which provide that the delimitation of the exclusive economic zone and continental shelf between States with opposite coasts shall be effected by agreement on the basis of international law in order to achieve an equitable solution;

**Affirming** the Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing Certain Seabed Boundaries, done at Canberra on 18 May 1971, and the Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing Certain Seabed Boundaries in the Area of the Timor and Arafura Seas, Supplementary to the Agreement of 18 May 1971, done at Jakarta on 9 October 1972 respectively, establishing permanent seabed boundaries in the area of the Timor and Arafura Seas (hereafter collectively referred to as "the Agreements");

**Affirming** the Treaty between the two Parties on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia, done over the Zone of Cooperation on 11 December 1989 (hereafter to as "the Zone of Cooperation Treaty");

**Believing** that the establishment of comprehensive boundaries in the maritime areas between the two countries will encourage and promote the sustainable development of the marine resources of those areas and enhance the protection and preservation of the marine environment adjacent to the two countries;

**Bearing in mind** the Memorandum of Understanding between the Government of Australia and the Government of the Republic of Indonesia regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Exclusive Fishing Zone and Continental Shelf, signed at Jakarta on 7 November 1974, and the Agreed Minutes of Meeting between Officials of Indonesia and Australia on Fisheries, signed at Jakarta on 29 April 1989;

**Fully committed** to maintaining, renewing and further strengthening the mutual respect, friendship and cooperation between the Parties through existing treaties, agreements and arrangements, as well as their policies of promoting constructive neighbourly cooperation;

**Mindful** of the interests which the Parties share as immediate neighbours, and in a spirit of cooperation, friendship and goodwill; and

**Convinced** that this Treaty will contribute to the strengthening of the relations between their two countries;

**Therefore agree as follows:**

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<sup>13/</sup> Source: Australian Foreign Affairs and Trade, treaties library internet ([www.austlii.edu.au/dfat/19970314.htmml](http://www.austlii.edu.au/dfat/19970314.htmml)). Note that this is a signed text but has not yet entered into force.

Article 1  
Western extension of the seabed boundary

1. In the area to the west of Point A25 specified in the Agreements, the boundary between the area of seabed that is adjacent to and appertains to Australia and the area of seabed that is adjacent to and appertains to the Republic of Indonesia is the line:

- (a) commencing at Point A25;
- (b) running thence south to the point of Latitude 11° 48' 06.1" South, Longitude 123° 14' 04.5" East ("Point A26");
- (c) thence north-westerly along the arc of a circle drawn concave to Ashmore Islands with a radius of twenty-four nautical miles to the point of Latitude 11° 47' 59.3" South, Longitude 123° 13' 38.1" East ("Point A27");
- (d) thence generally north-westerly, westerly, south-westerly, and southerly along a series of intersecting circular arcs drawn concave to Ashmore Islands with a radius of twenty-four nautical miles and having the following vertices:

Point Number	Latitude South	Longitude East
A28	11° 47' 40.3"	123° 12' 12.7"
A29	11° 47' 38.9"	123° 12' 05.2"
A30	11° 47' 25.6"	123° 11' 02.9"
A31	11° 46' 25.7"	123° 05' 27.9"
A32	11° 46' 31.8"	123° 00' 49.7"
A33	11° 46' 44.2"	122° 59' 22.9"
A34	11° 47' 07.4"	122° 57' 32.5"
A35	11° 47' 31.0"	122° 56' 08.2"
A36	11° 48' 32.1"	122° 53' 24.7"
A37	11° 50' 00.6"	122° 50' 34.5"
A38	11° 50' 48.1"	122° 49' 19.9"
A39	11° 51' 12.9"	122° 48' 05.1"
A40	11° 51' 22.4"	122° 47' 38.9"
A41	11° 51' 53.3"	122° 46' 21.2"
A42	11° 52' 53.4"	122° 44' 16.8"
A43	11° 54' 56.3"	122° 41' 04.3"

Point Number	Latitude South	Longitude East
A44	11° 55' 46.7"	122° 40' 00.5"
A45	12° 00' 41.4"	122° 35' 27.9"
A46	12° 02' 05.0"	122° 34' 33.8"
A47	12° 03' 12.2"	122° 33' 55.8"
A48	12° 06' 44.6"	122° 32' 24.1"

- (e) thence southerly along the arc of a circle drawn concave to Ashmore Islands with a radius of twenty-four nautical miles to the point of Latitude 12° 14' 25.8" South, Longitude 122° 31' 06.6" East ("Point A49");
- (f) thence south-westerly along the geodesic to the point of Latitude 13° 56' 31.7" South, Longitude 120° 00' 46.9" East ("Point A50");
- (g) thence north along the meridian to the point of Latitude 12° 46' 27.9" South, Longitude 120° 00' 46.9" East ("Point A51");
- (h) thence north-westerly along the geodesic to the point of Latitude 12° 45' 47" South, Longitude 119° 59' 31" East ("Point A52");
- (i) thence north-westerly along the geodesic to the point of Latitude 12° 45' 38" South, Longitude 119° 59' 15" East ("Point A53");
- (j) thence north-westerly along the geodesic to the point of Latitude 12° 43' 46" South, Longitude 119° 56' 13" East ("Point A54");
- (k) thence north-westerly along the geodesic to the point of Latitude 12° 41' 57" South, Longitude 119° 53' 18" East ("Point A55");
- (l) thence north-westerly along the geodesic to the point of Latitude 12° 41' 46" South, Longitude 119° 52' 57" East ("Point A56");
- (m) thence north along the meridian to the point of Latitude 12° 41' 36" South, Longitude 119° 52' 38" East ("Point A57");
- (n) thence north-westerly along the geodesic to the point of Latitude 12° 40' 33" South, Longitude 119° 50' 28" East ("Point A58");
- (o) thence north-westerly along the geodesic to the point of Latitude 12° 35' 43" South, Longitude 119° 40' 33" East ("Point A59");
- (p) thence north-westerly along the geodesic to the point of Latitude 12° 32' 31" South, Longitude 119° 33' 16" East ("Point A60");

- (q) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 29' 19''$  South, Longitude  $119^{\circ} 27' 17''$  East ("Point A61");
- (r) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 25' 43''$  South, Longitude  $119^{\circ} 21' 35''$  East ("Point A62");
- (s) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 24' 59''$  South, Longitude  $119^{\circ} 20' 34''$  East ("Point A63");
- (t) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 23' 58''$  South, Longitude  $119^{\circ} 16' 35''$  East ("Point A64");
- (u) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 23' 42''$  South, Longitude  $119^{\circ} 15' 23''$  East ("Point A65");
- (v) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 21' 51''$  South, Longitude  $119^{\circ} 19' 03''$  East ("Point A66");
- (w) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 20' 21''$  South, Longitude  $119^{\circ} 05' 00''$  East ("Point A67");
- (x) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 19' 55''$  South, Longitude  $119^{\circ} 02' 40''$  East ("Point A68");
- (y) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 18' 50''$  South, Longitude  $118^{\circ} 58' 31''$  East ("Point A69");
- (z) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 17' 54''$  South, Longitude  $118^{\circ} 55' 12''$  East ("Point A70");
- (aa) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 15' 57''$  South, Longitude  $118^{\circ} 49' 30''$  East ("Point A71");
- (ab) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 13' 12''$  South, Longitude  $118^{\circ} 43' 09''$  East ("Point A72");
- (ac) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 11' 01''$  South, Longitude  $118^{\circ} 39' 00''$  East ("Point A73");
- (ad) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 10' 26''$  South, Longitude  $118^{\circ} 37' 28''$  East ("Point A74");
- (ae) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 10' 06''$  South, Longitude  $118^{\circ} 35' 16''$  East ("Point A75");
- (af) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 07' 46''$  South, Longitude  $118^{\circ} 25' 07''$  East ("Point A76");
- (ag) thence north-westerly along the geodesic to the point of Latitude  $12^{\circ} 06' 21''$  South, Longitude  $118^{\circ} 20' 45''$  East ("Point A77");

- (ah) thence north-westerly along the geodesic to the point of Latitude 12° 04' 19" South, Longitude 118° 07' 44" East ("Point A78");
  - (ai) thence north-westerly along the geodesic to the point of Latitude 12° 04' 08.8" South, Longitude 118° 06' 14.4" East ("Point A79");
  - (aj) thence southerly along the geodesic to the point of Latitude 12° 04' 24.9" South, Longitude 118° 06' 17.2" East ("Point A80");
  - (ak) thence southerly along the geodesic to the point of Latitude 12° 49' 54.8" South, Longitude 118° 14' 22.6" East ("Point A81");
  - (al) thence southerly along the geodesic to the point of Latitude 13° 05' 27.0" South, Longitude 118° 10' 08.9" East ("Point A82), where it terminates.
- 2. An illustrative map depicting the line described in paragraph 1 of this article forms Annex 1 to this Treaty.
  - 3. A reference to the "seabed" in this Treaty includes the subsoil beneath the seabed.

Article 2  
Exclusive economic zone

- 1. In the area between continental Australia and the Indonesian archipelago, the boundary between the area of exclusive economic zone that is adjacent to and appertains to Australia and the area of exclusive economic zone that is adjacent to and appertains to the Republic of Indonesia is the line:
  - (a) commencing at the point of Latitude 10° 50' 00" South, Longitude 139° 12' 00" East (Point Z1");
  - (b) running thence north-westerly along the geodesic to the point of Latitude 10° 24' 00" South, Longitude 138° 38' 00" East ("Point Z2");
  - (c) thence north-westerly along the geodesic to the point of Latitude 10° 22' 00" South, Longitude 138° 35' 00" East ("Point Z3");
  - (d) thence north-westerly along the geodesic to the point of Latitude 10° 09' 00" South, Longitude 138° 13' 00" East ("Point Z4");
  - (e) thence north-westerly along the geodesic to the point of Latitude 9° 57' 00" South, Longitude 137° 45' 00" East ("Point Z5");
  - (f) thence north-westerly along the geodesic to the point of Latitude 9° 08' 00" South, Longitude 135° 29' 00" East ("Point Z6");
  - (g) thence south-westerly along the geodesic to the point of Latitude 9° 17' 00" South, Longitude 135° 13' 00" East ("Point Z7");
  - (h) thence south-westerly along the geodesic to the point of Latitude 9° 22' 00" South, Longitude 135° 03' 00" East ("Point Z8");
  - (i) thence south-westerly along the geodesic to the point of Latitude 9° 25' 00" South, Longitude 134° 50' 00" East ("Point Z9");

- (j) thence south-westerly along the geodesic to the point of Latitude 8° 53' 00" South, Longitude 133° 23' 00" East ("Point Z10");
- (k) thence south-westerly along the geodesic to the point of Latitude 9° 06' 00" South, Longitude 132° 46' 00" East ("Point Z11");
- (l) thence south-westerly along the geodesic to the point of Latitude 9° 14' 00" South, Longitude 132° 33' 00" East ("Point Z12");
- (m) thence south-westerly along the geodesic to the point of Latitude 9° 16' 00" South, Longitude 132° 30' 00" East ("Point Z13");
- (n) thence south-westerly along the geodesic to the point of Latitude 9° 20' 00" South, Longitude 132° 20' 00" East ("Point Z14");
- (o) thence south-westerly along the geodesic to the point of Latitude 9° 23' 00" South, Longitude 132° 12' 00" East ("Point Z15");
- (p) thence south-westerly along the geodesic to the point of Latitude 9° 31' 00" South, Longitude 131° 57' 00" East ("Point Z16");
- (q) thence south-westerly along the geodesic to the point of Latitude 9° 33' 00" South, Longitude 131° 52' 00" East ("Point Z17");
- (r) thence south-westerly along the geodesic to the point of Latitude 9° 36' 00" South, Longitude 131° 43' 00" East ("Point Z18");
- (s) thence south-westerly along the geodesic to the point of Latitude 9° 40' 00" South, Longitude 131° 31' 00" East ("Point Z19");
- (t) thence south-westerly along the geodesic to the point of Latitude 9° 42' 00" South, Longitude 131° 28' 00" East ("Point Z20");
- (u) thence south-westerly along the geodesic to the point of Latitude 9° 47' 00" South, Longitude 130° 55' 00" East ("Point Z21");
- (v) thence south-westerly along the geodesic to the point of Latitude 9° 45' 00" South, Longitude 130° 43' 00" East ("Point Z22");
- (w) thence south-westerly along the geodesic to the point of Latitude 9° 39' 00" South, Longitude 130° 06' 00" East ("Point Z23");
- (x) thence south-westerly along the geodesic to the point of Latitude 9° 45' 00" South, Longitude 129° 30' 00" East ("Point Z24");
- (y) thence south-westerly along the geodesic to the point of Latitude 9° 59' 00" South, Longitude 129° 01' 00" East ("Point Z25");
- (z) thence south-westerly along the geodesic to the point of Latitude 10° 26' 00" South, Longitude 128° 18' 00" East ("Point Z26");



- (aa) thence south-westerly along the geodesic to the point of Latitude  $10^{\circ} 28' 00''$  South, Longitude  $128^{\circ} 14' 00''$  East ("Point Z27");
- (ab) thence south-westerly along the geodesic to the point of Latitude  $10^{\circ} 29' 11.8''$  South, Longitude  $128^{\circ} 12' 28.4''$  East ("Point Z28");
- (ac) thence south-westerly along the geodesic to the point of Latitude  $10^{\circ} 43' 37.8''$  South, Longitude  $127^{\circ} 59' 20.4''$  East ("Point Z29");
- (ad) thence south-westerly along the geodesic to the point of Latitude  $10^{\circ} 53' 36.8''$  South, Longitude  $127^{\circ} 48' 49.4''$  East ("Point Z30");
- (ae) thence south-westerly along the geodesic to the point of Latitude  $10^{\circ} 55' 20.8''$  South, Longitude  $127^{\circ} 47' 08.4''$  East ("Point Z31");
- (af) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 14' 18.9''$  South, Longitude  $127^{\circ} 31' 37.4''$  East ("Point Z32");
- (ag) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 17' 24.9''$  South, Longitude  $126^{\circ} 58' 17.4''$  East ("Point Z33");
- (ah) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 17' 30.9''$  South, Longitude  $126^{\circ} 57' 11.4''$  East ("Point Z34");
- (ai) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 19' 40.9''$  South, Longitude  $126^{\circ} 47' 08.4''$  East ("Point Z35");
- (aj) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 20' 02.9''$  South, Longitude  $126^{\circ} 31' 58.4''$  East ("Point Z36");
- (ak) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 20' 00''$  South, Longitude  $126^{\circ} 31' 00''$  East ("Point Z37");
- (al) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 21' 00''$  South, Longitude  $126^{\circ} 28' 00''$  East ("Point Z38");
- (am) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 26' 00''$  South, Longitude  $126^{\circ} 12' 00''$  East ("Point Z39");
- (an) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 31' 00''$  South, Longitude  $126^{\circ} 00' 00''$  East ("Point Z40");
- (ao) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 37' 00''$  South, Longitude  $125^{\circ} 45' 00''$  East ("Point Z41");
- (ap) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 45' 00''$  South, Longitude  $125^{\circ} 25' 00''$  East ("Point Z42");
- (aq) thence south-westerly along the geodesic to the point of Latitude  $11^{\circ} 47' 00''$  South, Longitude  $125^{\circ} 20' 00''$  East ("Point Z43");

- (ar) thence south-westerly along the geodesic to the point of Latitude 12° 15' 34.4" South, Longitude 123° 33' 55.1" East ("Point Z44");
- (as) thence northerly along the arc of a circle drawn to Ashmore Islands with a radius of twenty-four nautical miles to the point of Latitude 12° 14' 46.7" South, Longitude 123° 33' 55.8" East ("Point Z45");
- (at) thence generally northerly, north-westerly, westerly, south-westerly, and southerly along a series of intersecting circular arcs drawn concave to Ashmore Islands with a radius of twenty-four nautical miles and having the following vertices:

Point Number	Latitude South	Longitude East
Z46	12° 12' 43.7"	123° 33' 50.3"
Z47	12° 09' 21.0"	123° 33' 19.1"
Z48	12° 07' 56.3"	123° 32' 57.8"
Z49	12° 07' 04.6"	123° 32' 42.5"
Z50	12° 04' 15.3"	123° 31' 45.6"
Z51	12° 01' 34.7"	123° 30' 32.4"
Z52	12° 00' 01.1"	123° 29' 41.2"
Z53	11° 59' 08.6"	123° 29' 08.7"
Z54	11° 58' 49.6"	123° 28' 56.2"
Z55	11° 58' 46.9"	123° 28' 54.5"
Z56	11° 56' 52.6"	123° 27' 32.8"
Z57	11° 55' 05.8"	123° 25' 59.8"
Z58	11° 51' 32.1"	123° 21' 44.0"
Z59	11° 50' 02.2"	123° 19' 07.9"
Z60	11° 49' 45.0"	123° 18' 32.9"
Z61	11° 48' 58.5"	123° 16' 44.4"
Z62	11° 48' 32.5"	123° 15' 32.5"
Z63	11° 47' 59.3"	123° 13' 38.1"
Z64	11° 47' 40.3"	123° 12' 12.7"
Z65	11° 47' 38.9"	123° 12' 05.2"
Z66	11° 47' 25.6"	123° 11' 02.9"
Z67	11° 46' 25.7"	123° 05' 27.9"

Point Number	Latitude South	Longitude East
Z68	11° 46' 31.8"	123° 00' 49.7"
Z69	11° 46' 44.2"	122° 59' 22.9"
Z70	11° 47' 07.4"	122° 57' 32.5"
Z71	11° 47' 31.0"	122° 56' 08.2"
Z72	11° 48' 32.1"	122° 53' 24.7"
Z73	11° 50' 00.6"	122° 50' 34.5"
Z74	11° 50' 48.1"	122° 49' 19.9"
Z75	11° 51' 12.9"	122° 48' 05.1"
Z76	11° 51' 22.4"	122° 47' 38.9"
Z77	11° 51' 53.3"	122° 46' 21.2"
Z78	11° 52' 53.4"	122° 44' 16.8"
Z79	11° 54' 56.3"	122° 41' 04.3"
Z80	11° 55' 46.7"	122° 40' 00.5"
Z81	12° 00' 41.4"	122° 35' 27.9"
Z82	12° 02' 05.0"	122° 34' 33.8"
Z83	12° 03' 12.2"	122° 33' 55.8"
Z84	12° 06' 44.6"	122° 32' 24.1"

- (au) thence southerly along the arc of a circle drawn concave to Ashmore Islands with a radius of twenty-four nautical miles to the point of Latitude 12° 14' 25.8" South, Longitude 122° 31' 06.6" East ("Point Z85");
- (av) thence south along the meridian to the point of Latitude 12° 50' 28.2" South, Longitude 122° 31' 06.6" East ("Point Z86");
- (aw) thence south-westerly along the geodesic to the point of Latitude 13° 15' 00" South, Longitude 121° 49' 00" East ("Point Z87");
- (ax) thence south-westerly along the geodesic to the point of Latitude 13° 56' 31.7" South, Longitude 120° 00' 46.9" East ("Point Z88");
- (ay) thence north-westerly along the arc of a circle with a radius of 200 nautical miles drawn through the following points to the point of Latitude 13° 40' 34.1" South, Longitude 119° 28' 46.1" East ("Point Z92");

Point Number	Latitude South	Longitude East
Z89	13° 53' 03.7"	119° 52' 30.7"
Z90	13° 49' 14.5"	119° 44' 24.5"
Z91	13° 45' 04.5"	119° 36' 29.3"

- (az) thence north-westerly along the geodesic to the point of Latitude 13° 36' 30.2" South, Longitude 119° 22' 08.7" East ("Point Z93");
- (ba) thence north-westerly along the arc of a circle with a radius of 200 nautical miles drawn through the following points to the point of Latitude 13° 14' 33.6" South, Longitude 118° 24' 44.1" East ("Point Z100"), where it terminates.

Point Number	Latitude South	Longitude East
Z94	13° 34' 26.1"	119° 13' 33.5"
Z95	13° 32' 00.1"	119° 05' 04.4"
Z96	13° 29' 12.5"	118° 56' 42.4"
Z97	13° 26' 03.7"	118° 48' 28.4"
Z98	13° 22' 34.0"	118° 40' 23.4"
Z99	13° 18' 43.8"	118° 32' 28.3"

2. An illustrative map depicting the line described in paragraph 1 of this article forms Annex 2 to this Treaty.
3. The geographical coordinates referred to in subparagraphs 1(a) to 1(j) of this article are expressed in terms of the Australian Geodetic Datum 1966 (AGD66) system.

**Article 3**  
**Christmas Island/Java**

1. In the area between Christmas Island (Australia) and Java Island (Republic of Indonesia), the boundary between the area of seabed and exclusive economic zone that is adjacent to and appertains to Australia and the area of seabed and exclusive economic zone that is adjacent to and appertains to the Republic of Indonesia is the line:
- (a) commencing at the point of Latitude 11° 10' 24.6" South, Longitude 109° 01' 25.8" East (Point C1);
- (b) running thence north-westerly along the geodesic to the point of Latitude 9° 46' 49.8" South, Longitude 105° 50' 55.4" East ("Point C2");
- (c) thence north-westerly along the geodesic to the point of Latitude 8° 52' 14.1" South, Longitude 102° 34' 12.7" East ("Point C3").
2. An illustrative map depicting the line described in paragraph 1 of this article forms Annex 3 to this Treaty.

Article 4  
Geodetic Reference System

1. Subject to paragraph 3 of article 2, the geographical coordinates referred to in articles 1, 2 and 3 are expressed in terms of the World Geodetic System 1984 (WGS84).
2. The Parties may treat the WGS84 coordinates referred to in paragraph 1 as being equivalent to the coordinates in the International Earth Rotation Service Terrestrial Reference Frame (ITRF).
3. All references to nautical miles shall be taken to mean the international nautical mile, equivalent to 1852 metres.

Article 5  
Seabed rights

1. Subject to articles 7 and 8, in areas of seabed adjacent to and appertaining to a Party, that Party may exercise the sovereign rights and jurisdiction in relation to the continental shelf accorded to coastal States under the 1982 Convention.
2. The "areas of seabed adjacent to and appertaining to a Party" referred to in paragraph 1 of this article and in article 7 are those areas of seabed that are adjacent to and appertain to that Party under:
  - (a) the Agreements; and
  - (b) articles 1 and 3 of this Treaty.

Article 6  
Exclusive economic zone rights

1. Subject to articles 7 and 8, in areas of exclusive economic zone adjacent to and appertaining to a Party, that Party may exercise the sovereign rights and jurisdiction in the exclusive economic zone accorded to coastal States under the 1982 Convention.
2. The "areas of exclusive economic zone adjacent to and appertaining to a Party" referred to in paragraph 1 of this article and in article 7 are those areas of exclusive economic zone that are adjacent to and appertain to that Party under articles 2 and 3 of this Treaty.

Article 7  
Areas of overlapping jurisdiction

In those areas where the areas of exclusive economic zone adjacent to and appertaining to a Party (the First Party) overlap the areas of seabed adjacent to and appertaining to a Party being the other Party (the Second Party):

- (a) the First Party may exercise exclusive economic zone sovereign rights and jurisdiction provided for in the 1982 Convention in relation to the water column;
- (b) the Second Party may exercise continental shelf sovereign rights and jurisdiction provided for in the 1982 Convention in relation to the seabed;

- (c) the construction of an artificial island shall be subject to the agreement of both Parties. An "artificial island" for the purposes of this article is an area of land, surrounded by water, which is above water at high tide by reason of human intervention;
- (d) the Second Party shall give the First Party three months notice of the proposed grant of exploration or exploitation rights;
- (e) the construction of installations and structures shall be the subject of due notice and a permanent means of giving warning of their presence must be maintained;
- (f) (i) any installation or structure which is abandoned or disused shall be removed by the Party which authorized its construction in order to ensure the safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization;  
  
(ii) such removal shall also have due regard to fishing and to the protection of the marine environment. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed;
- (g) the construction of a fish-aggregating device shall be the subject of due notice;
- (h) the Party constructing an artificial island, installation, structure or fish-aggregating device shall have exclusive jurisdiction over it;
- (i) marine scientific research shall be carried out or authorized by a Party in accordance with the 1982 Convention and such research shall be notified to the other Party;
- (j) the Parties shall take effective measures as may be necessary to prevent, reduce and control pollution of the marine environment;
- (k) each Party shall be liable in accordance with international law for pollution of the marine environment caused by activities under its jurisdiction;
- (l) any island within the meaning of article 121 (1) of the 1982 Convention which emerges after the entry into force of this Treaty shall be the subject of consultations between the Parties with a view to determining its status;
- (m) neither Party shall exercise its rights and jurisdiction in a manner which unduly inhibits the exercise of the rights and jurisdiction of the other Party; and
- (n) the Parties shall cooperate with each other in relation to the exercise of their respective rights and jurisdiction.

Article 8  
Zone of Cooperation

1. Nothing contained in this Treaty affects the rights and obligations of either party as a Contracting State to the Zone of Cooperation Treaty.

2. Nothing contained in this Treaty and no acts or activities taking place pursuant to this Treaty shall be interpreted as prejudicing the position of either Party on a permanent seabed delimitation in the Zone of Cooperation established under the Zone of Cooperation Treaty nor shall anything contained in this Treaty be considered as affecting the respective seabed rights claimed by each Party in the Zone of Cooperation.

Article 9

Exploitation of certain seabed deposits

If any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the seabed, extends across the lines described in articles 1 and 3 of this Treaty, and the part of such accumulation or deposit that is situated on one side of the line is recoverable in fluid form wholly or in part from the other side of the line, the two Parties will seek to reach agreement on the manner in which the accumulation or deposit shall be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

Article 10

Dispute settlement

Any dispute between the two Parties arising out of the interpretation or implementation of this Treaty shall be settled peacefully by consultation or negotiation.

Article 11

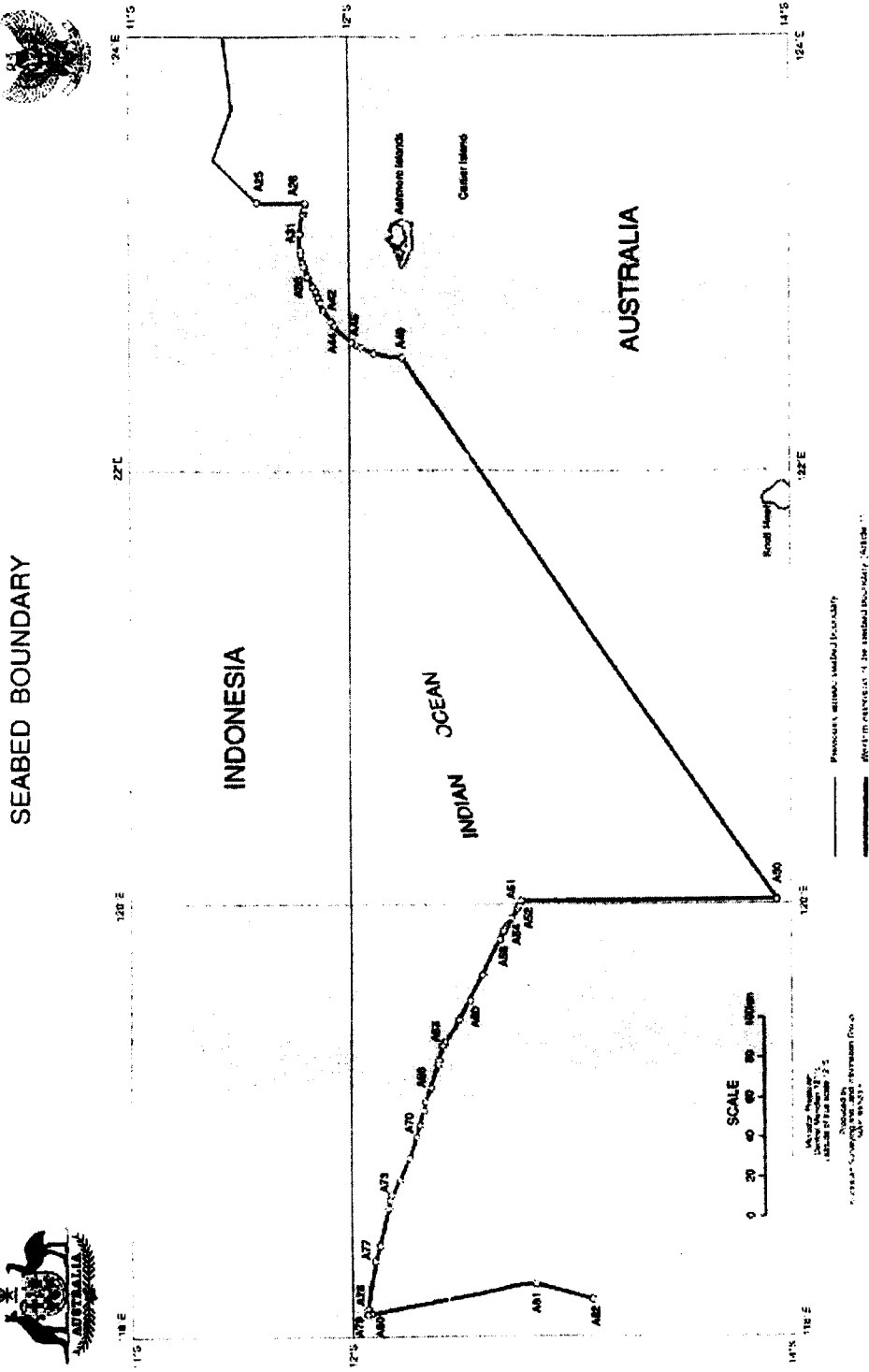
Entry into force

This Treaty shall be subject to ratification and shall enter into force on the date of exchange of the instruments of ratification.

**In witness whereof**, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

**Done** at Perth on the fourteenth day of March, one thousand nine hundred and ninety-seven in the English and Indonesian languages, both texts being equally authentic.

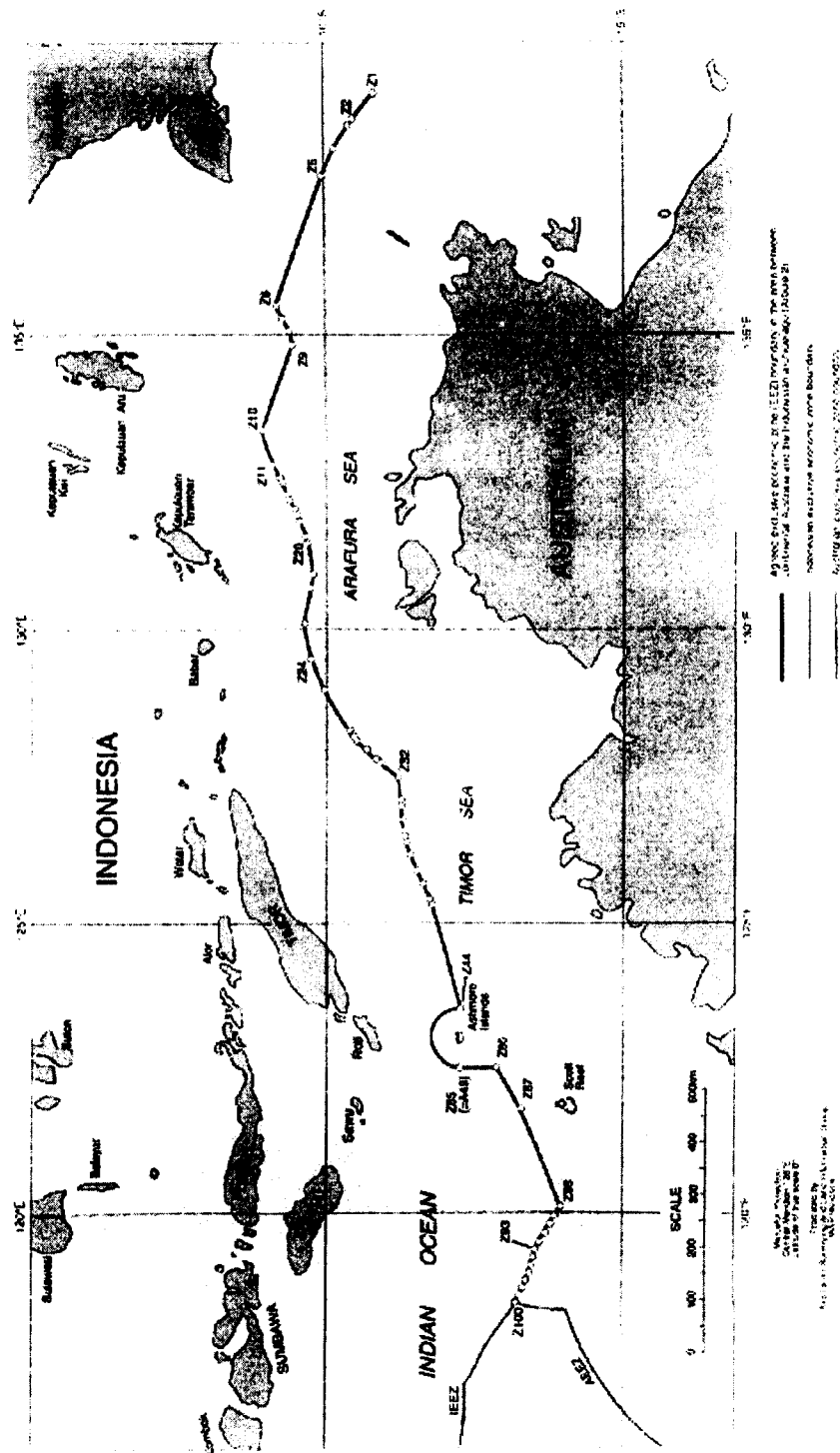
ANNEX 1



Thin black line = Previously agreed seabed boundary  
Thick blue line = Western extension of the seabed boundary (article 1)

Mercator Projection  
Central meridian 121° E  
Latitude of true scale 12° S  
Produced by Australian Surveying and Land Information  
Group MAP 96/523.5





Thick blue line = Agreed exclusive economic zone (EEZ) boundary in the area between continental Australia and the Indonesian archipelago (article 2)  
Thin red line = Indonesian exclusive economic zone boundary

Thin green line = Australian exclusive economic zone boundary

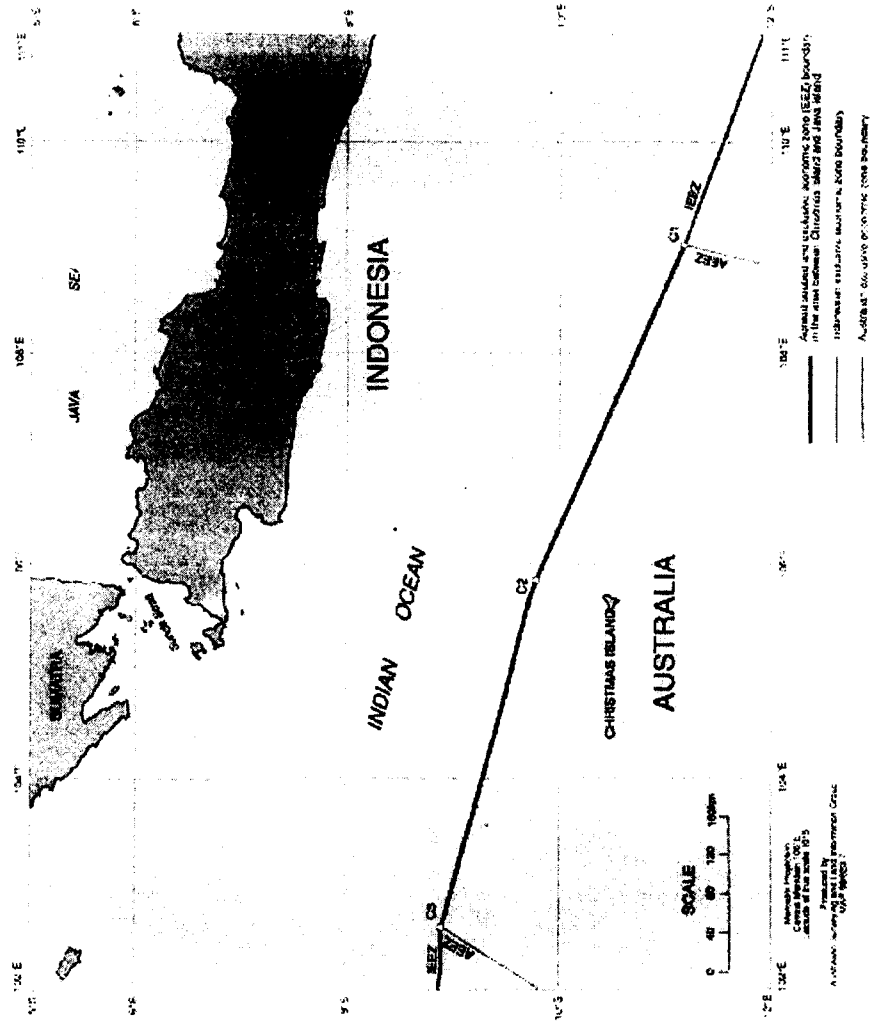
Central Meridian 128° E.

Latitude of true scale (°)

Produced by Australian Surveying and Land Information Group  
MAP 96/523.6



# SEABED AND EXCLUSIVE ECONOMIC ZONE BOUNDARY



Thick blue line = Agreed seabed and exclusive economic zone (EEZ) boundary in the area between Christmas Island and Java Island  
 Thin red line = Indonesian exclusive economic zone boundary  
 Thin green line = Australian exclusive economic zone boundary

Mercator Projection

Central Meridian 106° E

Latitude of true scale 10°S

Produced by Australian Surveying and Land Information Group

MAP 96/523.7

## 2. Regional declarations

### (a) European Union

#### Solemn Declaration on the Conservation and Management of the Fishery Resources of the Mediterranean, 27-29 November 1996 <sup>14/</sup>

All States (that term comprising, for the purposes of this Declaration, the European Union) participating in the second Conference on Fisheries Management in the Mediterranean, held at Venice from 27 to 29 November 1996,

1. **Taking account** of the Solemn Declaration adopted at the Crete Conference of 12 to 14 December 1994 on the conservation and management of the fishery resources of the Mediterranean, <sup>15/</sup> which provides for effective regional cooperation between all States benefiting from the biological wealth of the Mediterranean marine environment with a view to the implementation of a system of conservation and management harmonized at Mediterranean level;
2. **Taking account** of the Barcelona Declaration adopted at the Euro-Mediterranean Conference of 27 and 28 November 1995, which provides for improved cooperation in the field of scientific research and commits the participants to developing training and considering the establishment of common instruments; also taking account of the work programme adopted at that Conference, which provides for appropriate follow-up action to the Crete Declaration in the legal sphere and the reinforcement of cooperation in the framework of the General Fisheries Council for the Mediterranean (GFCM);
3. **Taking account** of the relevant provisions of the United Nations Convention on the Law of the Sea, which entered into force on 16 November 1994 and which requires all members of the international community to cooperate in the conservation and management of the living resources of the high seas;
4. **Taking account** of the 1992 Convention on Biological Diversity, the Code of Conduct for Responsible Fisheries and, in view of their entry into force, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;
5. **Noting** the Rome Consensus on World Fisheries adopted at the FAO ministerial meeting on fisheries of March 1995 and the Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security;
6. **Considering** that the Mediterranean sea, due to its geomorphological characteristics, has always been a fragile ecosystem, and that its situation is becoming more and more critical in most areas, which is borne out by numerous scientific studies revealing the considerable imbalances caused by intensive and unsustainable exploitation and pollution;
7. **Considering** that fishing in some areas is confronted by serious problems, with some species being subject to excessive fishing operations (including recreational fishing), in some cases involving non-selective methods, and that regional cooperation offers the only framework for tackling such problems;

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<sup>14/</sup> Communicated by the Delegation of the European Commission to the United Nations in a note verbale dated 5 May 1997.

<sup>15/</sup> Law of the Sea Bulletin No. 27, p. 83.

8. **Considering** that some fishing activities must be evaluated because they may adversely affect the long-term survival of fishery resources and the associated species, and that provision must therefore be made for controlling the fishing effort and gradually reconverting such fishing activities taking into account the specific situation of artisanal fisheries and of local populations dependent on fisheries;
9. **Considering** that the excessive fishing effort, in the Mediterranean as elsewhere in the world, is responsible for overfishing on a scale that threatens fish stocks;
10. **Considering** the need to strengthen regional and subregional cooperation for a rational and sustainable exploitation of resources and in particular in scientific research and the collection of data and advice for the purposes of management;
11. **Recognizing** that, in view of the vital need to ensure compliance with the international conservation and management measures adopted by the competent regional fisheries management organizations, regional or subregional controls should be planned for the Mediterranean and adopted by the competent regional organizations;
12. **Recognizing** the significant role of aquaculture in contributing to food security and the necessity to promote its responsible development,

**Declare the following:**

1. All States which benefit, in whatever capacity, from the biological wealth of the Mediterranean marine environment must cooperate, notably within the competent regional organizations (the GFCM and the International Commission for the Conservation of Atlantic Tunas (ICCAT), as appropriate), to ensure the efficient conservation and management of transzonal stocks, straddling stocks, highly migratory stocks and high-seas stocks while reducing to a minimum the adverse effects on the related ecosystems.
2. The coastal States of the Mediterranean and fishing States in that sea must implement effective controls at the regional or subregional level to ensure compliance with international conservation and management measures.
3. To that end, they must take all necessary steps to reinforce the competent regional fisheries management organizations so that they can meet their members' needs for greater and more far-reaching cooperation.
4. In order to limit the economic uncertainty for producers, the measured reduction of the fishing effort, including the restructuring of fleets, must be continued in step with the real catch possibilities in waters under national jurisdiction and on the high seas and care [must be] taken to ensure that the level of the fishing effort is compatible with the sustainable exploitation of fishery resources.
5. In order to coordinate scientific research and organize the gathering and systematic dissemination of statistics and implementing measures, regional cooperation must be reinforced for the collection and exchange of those data.
6. The States subscribing to this Declaration undertake to set up a working party of legal and technical experts to develop a system of conservation and management harmonized at Mediterranean level. This working party will be mandated to provide the States' contribution to the 22nd session of the GFCM. To that end, it will be instructed to prepare practical proposals and submit them to the GFCM, at the latest for its 22nd session to be held in Morocco in October 1997.

(b) Majuro Declaration <sup>16/</sup>

Second Multilateral High-level Conference on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific

Majuro, Republic of the Marshall Islands

10-13 June 1997

The States, territories and fishing entities represented by Ministers and senior officials at the Second Multilateral High-level Conference on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific, meeting at Majuro, Republic of the Marshall Islands, from 10-13 June 1997,

**Recalling** the relevant provisions of the 1982 United Nations Convention on the Law of the Sea ("the Convention") and 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, adopted by the General Assembly of the United Nations on 4 August 1995 ("the Implementing Agreement"),

**Recalling also** that the Multilateral High-level Conference on South Pacific Tuna Fisheries, held at Honiara, Solomon Islands, from 5 to 9 December 1994, reached a common understanding on the need for sustainable development of the tuna resources of the region, the importance of fishing responsibly in the region, the importance of effective enforcement in the conservation and management of tuna stocks and the need for effective cooperation between coastal States and Territories and distant water fishing nations,

**Recalling further** that South Pacific Forum Leaders at the 26th South Pacific Forum held at Madang, Papua New Guinea, in 1995 considered that comprehensive regional fisheries management arrangements and a structure consistent with the outcomes of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks should be developed as a matter of urgency and should be based on a precautionary approach to ensure the sustainable exploitation of the region's tuna resources,

**Recalling also** that South Pacific Forum Leaders at the 27th South Pacific Forum, held at Majuro, Republic of the Marshall Islands, from 3 to 5 September 1996, called upon the Forum Fisheries Committee to continue with urgency its development of comprehensive arrangements for the sustainable management of the region's fisheries across the full geographical range of the stocks, including the high seas, and endorsed the initiative of the Republic of the Marshall Islands to convene a ministerial meeting to help advance this process,

**Bearing in mind** the outcome of the United Nations Conference on Environment and Development of 1992, in particular Agenda 21, and the importance placed by the international community on sustainable utilization of living marine resources,

**Determined** to ensure the effective conservation and management and sustainable use of highly migratory fish stocks of the western and central Pacific throughout the range of their distribution,

**Conscious** of the need to avoid adverse impacts on the marine environment of the region, preserve its biodiversity, maintain the integrity of the marine ecosystem and minimize the risk of long-term or irreversible effects of fishing operations,

**Mindful** of the importance of the highly migratory fish stocks of the western and central Pacific to the sustainable development and prosperity of developing States and territories in the region,

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<sup>16/</sup> A/S - 19/28.

**Recognizing** the sovereign rights of coastal States to explore and exploit, and their duty to conserve and manage the living marine resources within their exclusive economic or fisheries zones and the right of States for their nationals to fish on the high seas in accordance with international law and their duty to take, or to cooperate with other States in taking, such measures as may be necessary for the conservation of the living resources of the high seas,

**Recognizing further** the need for special assistance for Pacific island developing States and Territories to enable them to participate effectively in the conservation, management and sustainable use of the highly migratory fish stocks of the region,

**Convinced** of the urgent need to improve knowledge about the stocks and fisheries of the region and to develop a framework for the elaboration and implementation of conservation and management measures in the region,

1. **Declare** their commitment to establish a mechanism for the conservation and management of highly migratory fish stocks of the region in accordance with the Convention and the Implementing Agreement;
2. **Decide** to cooperate effectively in the conservation and management of highly migratory fish stocks of the region throughout their range in order to ensure their long-term sustainability, in accordance with the principles contained in the Convention and the Implementing Agreement, including through application of the precautionary approach widely;
3. **Decide** to ensure that the fishing activities in the region are conducted in a manner fully consistent with the respective rights, obligations and responsibilities of coastal States and Territories and other States and fishing entities fishing on the high seas in the region under the Convention and the Implementing Agreement;
4. **Declare** their commitment to ensuring that conservation and management measures for highly migratory fish stocks in areas under national jurisdiction and those for the high seas are compatible;
5. **Declare** their commitment to collect and share, in a timely manner, complete and accurate data concerning fisheries activities in accordance with annex I of the Implementing Agreement, as well as information from relevant research programmes;
6. **Declare** their commitment to cooperate in monitoring, control and surveillance of fishing activities in the region in pursuance of the objectives set out in paragraph 2;
7. **Declare** their commitment to provide financial, scientific and technical assistance to Pacific island developing States and Territories to enhance their ability to conserve, manage and sustainably use the highly migratory fish stocks of the region;
8. **Decide** to set an overall time frame of three years from June 1997 in which to negotiate and establish the mechanism referred to in paragraph 1;
9. **Decide** to hold further sessions of the Conference in 1998 and 1999 to address, inter alia, the following matters:
  - (a) species and stocks to be covered by the arrangement;
  - (b) geographical area to be covered;
  - (c) membership and participation by observers;

- (d) mechanisms for decision-making and procedures for the settlement of disputes;
- (e) mechanisms for the collection and exchange of fisheries data, scientific research and stock assessment;
- (f) determination of conservation and management measures, including the application of the precautionary approach;
- (g) relationship with other regional and global fisheries organizations and arrangements;
- (h) procedures for monitoring, control, surveillance and enforcement; and
- (i) financial and administrative arrangements;

10. **Decide also** to hold consultations on certain technical matters during the intercessional period;

11. **Request the Chairman of the Conference** to transmit this Declaration to the Chairman of the South Pacific Forum:

12. **Further request** the Government of the Marshall Islands, as host of the Conference and Chairman of the South Pacific Forum, to bring this Declaration to the attention of the nineteenth special session of the United Nations General Assembly to be convened in New York in June 1997 to review the implementation of Agenda 21;

13. **Express their appreciation** to the Government of the Marshall Islands for hosting the Conference.

Majuro, Republic of the Marshall Islands, 13 June 1997.

### III. OTHER INFORMATION

#### Status of the list of conciliators and arbitrators nominated under article 2 of Annexes V and VII of the United Nations Convention on the Law of the Sea

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

#### I

On 26 May 1997, the Government of the Russian Federation notified the Secretary-General that Messrs Vladimir S. Kotliar and Vladimir N. Trofimov had been nominated as arbitrators for the purposes of article 2 of Annex VII of the Convention.

#### II

As of 26 May 1997, the following States had notified the Secretary-General of their nominations as arbitrators and conciliators for the purposes of article 2 of Annexes V and VII of the Convention:

<u>Participant</u>	<u>Nominations</u>
Czech Republic	Dr. Vladimir Kopal, Conciliator and Arbitrator
Germany	Dr. (Ms.) Renate Platzoeder, Arbitrator
Russian Federation	Mr. Vladimir S. Kotliar, Arbitrator Mr. Vladimir N. Trofimov, Arbitrator
Sri Lanka	Hon. M.S. Aziz, P.C., Conciliator and Arbitrator S. Sivarasan, P.C., Conciliator and Arbitrator (Prof.) Dr. C.F. Amerasinghe, Conciliator and Arbitrator A.R. Perera, Conciliator and Arbitrator
Sudan	Sayed/Shawgi Hussain, Arbitrator Dr. Ahmed Elmufti, Arbitrator Dr. Abd Elrahman Elkhailifa, Conciliator Sayed/Eltahir Hamadalla, Conciliator

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