



The Law of the Sea

Current Developments in State Practice

No. II



Office for Ocean Affairs and the Law of the Sea
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THE LAW OF THE SEA—CURRENT DEVELOPMENTS IN STATE PRACTICE, No. II



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FOREWORD

The Office for Ocean Affairs and the Law of the Sea has prepared the second volume 1/ of the series Current Developments in State Practice in order to continue to disseminate widely relevant information relating to the practice of States following the adoption of the United Nations Convention on the Law of the Sea.

The Convention continues to exert an important influence on the development of national policy with respect to law of the sea matters. A growing number of States have adopted new legislation dealing with such matters as the determination of baselines, the breadth and status of the territorial sea, the establishment of exclusive economic zones, the definition of the continental shelf and the delimitation of maritime boundaries between States with opposite or adjacent coasts. The number of States claiming a 12-mile territorial sea continues to increase: one hundred eight States have now claimed this limit. It is of importance to note that certain States that had earlier made territorial sea claims exceeding the 12-mile limit have now modified their legislation to conform to the relevant provisions of the Convention. Seventy-five coastal States have proclaimed sovereign rights to explore, exploit, conserve and manage the natural resources to be found in the exclusive economic zone. Eighteen States continue to exercise fishing rights in a zone of 200 miles.

It is hoped that the information provided in this publication will assist States in their efforts to implement the Convention and in so doing will promote a uniform and consistent application of the complex and comprehensive set of international norms embodied in the Convention. Included in it are all recently adopted treaties, multilateral as well as bilateral, legislation available to the Office and communications from Governments, as well as the latest declarations made by States upon ratification. The legislation reproduced deals mainly with the extent of maritime jurisdiction and the régime applicable to it, and is listed by State in alphabetical order.

The publication of information in this volume concerning developments in State practice does not imply that all those developments are necessarily consistent with the Convention nor does it imply recognition by the United Nations of the validity or otherwise of the actions and decisions in question.

The contents of the present publication are partly drawn from previous issues of the series Law of the Sea Bulletin circulated in mimeographed form. This volume contains the material received in the Office mainly between 1987 and 1988 with the exception of the section dealing with bilateral treaties which, in order to supplement an earlier publication of the Office on maritime boundary agreements, 2/ incorporates agreements signed between 1984 and 1986.

1/ The first volume, Current Developments in State Practice (United Nations publication, Sales No. E.87.V.3), was published in March 1987.

2/ The Law of the Sea, Maritime Boundary Agreements (1970-1984) (United Nations publication, Sales No. E.87.V.12).

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I. NATIONAL LEGISLATION, INCLUDING PROCLAMATION IN RELATION TO
MARITIME JURISDICTION

1. BELGIUM

[Original: French]

Act establishing the breadth of the territorial sea of Belgium,
6 October 1987*

Article 1. The breadth of the territorial sea of Belgium shall be established at 12 marine miles, or twenty-two thousand two hundred and twenty-four metres, measured from the coastal low-water mark, or from low-tide elevations on condition that they lie less than 12 marine miles from the low-water mark, or from the outer ends of permanent harbour works extending beyond the said low-water mark, as shown on the large-scale official Belgian charts.

Article 2. Any reference in Belgian legislation or regulations to the territorial sea of Belgium shall be taken to refer to a territorial sea whose breadth is in conformity with that established by the present Act.

* Communicated by the Permanent Mission of Belgium to the United Nations in a note verbale dated 4 November 1987.

2. BULGARIA

- (a) Decree No. 77 of 7 January 1987 of the State Council of the People's Republic of Bulgaria on the Exclusive Economic Zone of the People's Republic of Bulgaria in the Black Sea*

[Original: English]

Article 1

An exclusive economic zone is established in the sea area beyond and adjacent to the territorial sea of the People's Republic of Bulgaria. The zone extends up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 2

In its exclusive economic zone the People's Republic of Bulgaria has the right to exercise:

1. Sovereign rights for the purpose of exploring, exploiting, conserving and managing the living and non-living natural resources of the sea-bed, its subsoil and the superjacent waters, and with regard to other economic activities connected with the exploration and exploitation of the zone and its energy resources;

2. Rights and jurisdiction over:

(a) The establishment and use of artificial islands, installations and structures;

(b) Marine scientific research;

(c) The protection and preservation of the marine environment;

3. Other rights provided for in bilateral and multilateral treaties and other norms of international law.

Article 3

The delimitation of the exclusive economic zone will be effected by agreement with the other Black Sea States with opposite and adjacent coasts on the basis of international law in order to achieve an equitable solution.

Article 4

The legal status of the exclusive zone is to be regulated by law.

Final provision

The execution of this Decree is entrusted to the Council of Ministers.

DONE at Sofia on January 7, 1987, and impressed with the State seal.

* Communicated by the Permanent Mission of Bulgaria to the United Nations in a note verbale dated 20 April 1987.

- (b) Act of 8 July 1987 governing the ocean space of the People's Republic of Bulgaria*

[Original: French]

CHAPTER 1

GENERAL PROVISIONS

PURPOSE

ARTICLE 1. The present Act establishes the legal régime governing the ocean space in the Black Sea over which the People's Republic of Bulgaria exercises sovereignty, sovereign rights, jurisdiction and control in accordance with its internal laws and the international agreements to which it is a party, as well as the universally recognized principles and norms of international law.

OCEAN SPACE OF THE PEOPLE'S REPUBLIC OF BULGARIA

ARTICLE 2. (1) The ocean space of the People's Republic of Bulgaria includes its internal waters, territorial sea, contiguous zone, continental shelf and exclusive economic zone.

(2) The internal waters, territorial sea and the air space over them, the sea-bed and the subsoil are part of the territory of the People's Republic of Bulgaria over which it exercises sovereignty.

(3) The People's Republic of Bulgaria exercises sovereign rights, jurisdiction and control as defined by the present Act over the contiguous zone, the continental shelf and the exclusive economic zone.

AIMS

ARTICLE 3. The aims of the present Act are to: protect the rights and legitimate interests of the People's Republic of Bulgaria in the ocean space, as well as its sovereignty and security; to use the Black Sea for peaceful purposes and in the interest of co-operation with coastal and other States; to facilitate maritime communications and guarantee the safety of navigation; to develop scientific research, exploit marine resources, protect the marine environment and maintain the ecological balance.

MONITORING OF COMPLIANCE WITH THE LEGAL REGIME GOVERNING THE OCEAN SPACE OF THE PEOPLE'S REPUBLIC OF BULGARIA

ARTICLE 4. Monitoring of compliance with the legal régime governing the ocean space of the State shall be organized and carried out by the competent authorities pursuant to the provisions of the present Act and other regulations.

* Communicated by the Permanent Mission of Bulgaria to the United Nations in a letter dated 12 January 1989.

CHAPTER 2

INTERNAL WATERS

SCOPE

ARTICLE 5. The internal waters of the People's Republic of Bulgaria include:

1. The waters between the coastline and the baselines from which the breadth of the territorial sea is measured;

2. The waters of ports, bounded on the seaward side by the line joining the outermost points of the mooring grounds, water supply installations and other permanent port facilities;

3. The waters of:

(a) Varna Bay between the coastline and the straight line linking the cape of St. Konstantin to the cape of Ilandjik;

(b) Burgas Bay between the coastline and the straight line linking the cape of Emine to the cape of Maslen Nos;

4. The waters between the coastline and the straight baselines linking the cape of Kaliakra to the cape of Tuzlata, the cape of Tuzlata to the cape of Ekrene and the cape of Maslen Nos to the cape of Rohi.

VISIT BY A FOREIGN SHIP OPERATED FOR COMMERCIAL OR HUMANITARIAN PURPOSES

ARTICLE 6. A foreign ship operated for commercial or humanitarian purposes may freely enter the internal waters and may visit the open ports and roadsteads.

VISIT BY A FOREIGN WARSHIP OR SUBMARINE

ARTICLE 7. (1) A foreign warship or submarine may enter the internal waters and may visit the open ports and roadsteads with the authorization of the Council of Ministers, unless otherwise agreed by the People's Republic of Bulgaria and the flag State.

(2) The authorization must be requested at least 30 days in advance in the case of ships of Black Sea coastal States and 45 days in advance in the case of ships of other States, unless otherwise agreed by the People's Republic of Bulgaria and the flag State.

VISIT BY A FOREIGN GOVERNMENT SHIP OPERATED FOR NON-COMMERCIAL PURPOSES

ARTICLE 8. A foreign government ship operated for non-commercial purposes may enter the internal waters and may visit the open ports and roadsteads with the authorization of the Council of Ministers or a body to which it has delegated authority; such authorization shall be requested at least 30 days in advance, unless otherwise agreed by the People's Republic of Bulgaria and the flag State.

VISIT BY A FOREIGN NUCLEAR-POWERED SHIP

ARTICLE 9. (1) A foreign nuclear-powered ship may enter the internal waters and may visit the open ports and roadsteads in accordance with the provisions of article 7.

(2) Before the ship enters the port area, the competent authorities shall conduct an inspection of its safety records, a dosimetric inspection and other inspections relating to the protection of the environment. The place of inspection shall be determined by the services of the Ministry of Transport.

(3) Additional inspections may be performed while the ship is lying in port or the roadstead.

(4) If the inspection reveals that the presence of the ship may have dangerous consequences, the services of the Ministry of Transport shall order the ship to leave the internal waters or the territorial sea within a specified period. The People's Republic of Bulgaria shall not be liable for any damages resulting from the ship's early departure.

(5) The foregoing paragraphs shall also apply to ships carrying nuclear, radioactive, toxic or other dangerous substances.

VISIT BY A FOREIGN NUCLEAR-POWERED WARSHIP

ARTICLE 10. (1) A foreign nuclear-powered warship may enter the internal waters and may visit the open ports and roadsteads in accordance with the provisions of article 7. The services of the Ministry of National Defence shall inspect the ship's safety records, a dosimetric inspection and an inspection relating to the protection of the environment at a place to be determined by them.

(2) The provisions of article 9, paragraphs 3 and 4, shall also apply to foreign nuclear-powered warships. In such cases, the inspection shall be conducted, and the order to leave issued, by the Ministry of National Defence.

ENTRY INTO INTERNAL WATERS WITHOUT PRIOR AUTHORIZATION

ARTICLE 11. Prior authorization for entry into internal waters in accordance with articles 7-10 shall not be required:

1. For official visits by a ship carrying a head of State, head of Government or head of foreign affairs, and the ships escorting it;

2. When a ship is damaged, or in order to avoid a storm at sea or other accident. In such instances, the captain of the ship shall be required to report the matter, immediately and by every possible means, to the harbour-master of the nearest port, and to execute his orders.

EXEMPTION FROM TAXES

ARTICLE 12. Foreign warships and the ships referred to in article 11, paragraph 1, shall be exempt from taxes while visiting ports, but shall pay for services rendered.

USE OF RADIO EQUIPMENT

ARTICLE 13. (1) Foreign ships lying in the internal waters and in ports and roadsteads shall be prohibited from using radionavigational aids, hydroacoustical and radiocommunication equipment or electronic and optical surveillance systems except for the purpose of ensuring the safety of navigation and of the anchorage. They may use their ultra short-wave radio stations only for communicating with the port authority.

(2) Ships having on board earth stations of the satellite telecommunications system may use them on a basis of reciprocity, while lying in the internal waters and the territorial sea.

REGIME GOVERNING VISITS AND STAYS

ARTICLE 14. (1) The régime governing the visits and stays of ships in ports and roadsteads and the loading and unloading of goods and crews, passengers or other persons, and the régime governing communications between ship and shore shall be determined by the laws of the People's Republic of Bulgaria.

(2) The régime governing visits and stays in open ports and nautical bases, as well as navigation by Bulgarian and foreign yachts, boats and other pleasure craft in the internal waters and the territorial sea shall be determined by the regulations concerning the application of the present Act.

CLOSED PORTS AND ROADSTEADS

ARTICLE 15. The ports and roadsteads which are closed to visits by foreign ships shall be designated by the Council of Ministers and duly published in the bulletin "Notice to Mariners".

CHAPTER 3

TERRITORIAL SEA

SCOPE

ARTICLE 16. (1) The territorial sea of the People's Republic of Bulgaria includes the zone contiguous to the coast and internal waters having a breadth of 12 nautical miles, measured from the baselines.

(2) The baselines shall be: the low-water line along the coast or the straight baselines joining the outermost points of the bays and spaces referred to in article 5.

DELIMITATION OF THE TERRITORIAL SEA OF BORDERING STATES

ARTICLE 17. The territorial sea of the People's Republic of Bulgaria shall be delimited from the territorial sea of bordering States by the parallel passing through the point where the land frontier meets the sea-coast.

NATIONAL MARITIME FRONTIER

ARTICLE 18. The external and lateral limits of the territorial sea shall constitute the national frontier of the People's Republic of Bulgaria.

RIGHT OF INNOCENT PASSAGE

ARTICLE 19. (1) Ships of all States shall enjoy the right of innocent passage through the territorial sea in accordance with the provisions of the Act and international law.

(2) Ships of all States shall enjoy the right of innocent passage in order to traverse the territorial sea without calling in internal waters, to enter internal waters or to proceed therefrom. The ship must traverse without interruption the zones open to navigation at a speed not less than the normal speed for the type of ship in question and must use established sea lanes, traffic separation schemes, navigable channels and recommended sea lanes without disturbing the peace or good order or breaching the security of the People's Republic of Bulgaria.

(3) Stopping or anchoring in the course of innocent passage shall not be authorized, save in the interest of navigation, in case of damage, casualty, force majeure, or for the purpose of rendering assistance to persons, vessels or aircraft.

VIOLATION OF THE PROVISIONS REGARDING INNOCENT PASSAGE

ARTICLE 20. Passage of a foreign ship through the territorial sea shall be prejudicial to the peace, good order and security of the People's Republic of Bulgaria when the ship engages in any of the following activities:

1. Any threat or use of force against the sovereignty, territorial integrity or political independence of the People's Republic of Bulgaria, or any other action in violation of the principles of international law embodied in the Charter of the United Nations;

2. Any practice or exercise involving the use of weapons of any kind;

3. Any act aimed at collecting information to the prejudice of the defence or security of the People's Republic of Bulgaria;

4. Any act of propaganda aimed at affecting the defence or security of the People's Republic of Bulgaria;

5. The launching, landing or taking on board of any aircraft;

6. The launching, landing or taking on board of any military device;
7. The loading or unloading of any commodity, currency or persons contrary to customs, fiscal, sanitary or immigration regulations;
8. Any act of wilful and serious pollution of the marine environment;
9. Any fishing activities;
- 10 Any exploratory or survey activities;
11. Any activity that might interfere with any systems of communication or any other radio equipment or installations of the People's Republic of Bulgaria;
12. Any other activity not having a direct bearing on passage of the ship.

EXEMPTION FROM CHARGES RELATING TO PASSAGE

ARTICLE 21. Foreign ships shall be exempt from any charges relating to their passage through the territorial sea save in the case of payment for services rendered to the ship.

SUSPENSION OF INNOCENT PASSAGE

ARTICLE 22. In the interest of the security of the People's Republic of Bulgaria, including weapons exercises, the Ministry of National Defence, in co-ordination with the Ministry of Transport and the Ministry of the Interior, may temporarily suspend innocent passage in certain areas of the territorial sea and prohibit navigation in areas of the internal waters. These measures shall be duly published in the bulletin "Notice to Mariners".

OBLIGATIONS OF FOREIGN SHIPS

ARTICLE 23. (1) Foreign ships exercising the right of innocent passage through the territorial sea and stopped in internal waters, ports and roadsteads shall be required to respect the rules of navigation as well as immigration, customs, financial, health, phytosanitary, veterinary and port regulations and any regulations relating to protection of the environment.

(2) While exercising their right of innocent passage through the territorial sea and while stopping in internal waters, foreign ships shall be required to show their State flag; ships other than warships shall also show the flag of the People's Republic of Bulgaria.

(3) In the territorial sea and in internal waters, foreign ships may not:

1. Use their boats, save in the event of a casualty, for research and for the rescuing of persons;
2. Carry out underwater operations;

3. Maintain their fishing gear in working order;
4. Transmit sound or light signals, other than those established under international regulations for the prevention of collisions at sea;
5. Take photographs, samples or measurements in coastal zones and ports;
6. Be run aground or scuttled deliberately;
7. Carry out activities capable of breaking or injuring cables and pipelines that have been laid or other installations and equipment related to navigation and the exploitation of marine resources.

OBLIGATIONS OF FOREIGN NUCLEAR-POWERED SHIPS AND SHIPS CARRYING DANGEROUS SUBSTANCES

ARTICLE 24. Foreign nuclear-powered ships and ships carrying nuclear, radioactive, toxic or other dangerous substances shall, when passing through the territorial sea, carry the necessary documents and observe precautionary measures established for such ships by international agreements.

OBLIGATIONS OF FOREIGN SUBMARINES

ARTICLE 25. (1) In the territorial sea and internal waters, foreign submarines shall be required to navigate on the surface.

(2) Foreign submarines navigating underwater shall be invited to surface. Should a submarine be prevented from doing so because of damage, it shall be required to communicate this by all possible means.

USE OF RADIO EQUIPMENT

ARTICLE 26. Foreign ships passing through the territorial sea shall use radio equipment solely to maintain contact with Bulgarian coastal stations and shall use radionavigational, hydroacoustical, optical, electronic and other equipment solely for navigational purposes.

UNDERWATER ACTIVITIES

ARTICLE 27. All underwater activity in internal waters and the territorial sea shall be regulated by the Ministry of National Defence, the Ministry of the Interior and the Ministry of Transport.

NOTIFICATION IN THE EVENT OF DISTRESS OR FORCE MAJEURE

ARTICLE 28. Foreign ships obliged to stop or anchor in the event of distress or force majeure shall be required to report the matter, immediately and by every possible means, to the harbour-master of the nearest port.

PROTECTION OF THE NATIONAL MARITIME FRONTIER

ARTICLE 29. (1) Protection of the national maritime frontier and the monitoring of compliance with the régime governing the frontier in the territorial sea and internal waters shall be carried out by the services of the Ministry of the Interior.

(2) The régime governing navigation in internal waters and the territorial sea shall be consistent with the rules relating to the security of the People's Republic of Bulgaria.

MEASURES WITH RESPECT TO FOREIGN NON-MILITARY SHIPS

ARTICLE 30. (1) To the extent that they are competent to do so, the services of the Ministry of the Interior, the Ministry of National Defence and the Ministry of Transport may, in respect of a foreign non-military ship within the limits of the internal waters or the territorial sea:

1. Require it to show its flag;
2. Request appropriate information if there is reason to suspect that the ship has breached the rules of innocent passage;
3. Propose an alternate route if the ship is travelling towards a zone closed to navigation;
4. Stop the ship and inspect it or arrest it if the ship fails to respond to the request and violates the provisions of article 19, paragraph 2, and articles 20, 22, 23 and 24, or if provision is made for such measures in an international agreement to which the People's Republic of Bulgaria is a party;
5. Stop ship and arrest it in the cases specified in article 31, paragraphs 3 and 4;
6. Remove the perpetrators of the crimes specified in article 32 from the ship, arrest them and hand them over to the investigating authorities, with notification given to the public prosecutor within 24 hours.

(2) If the foreign non-military ship refuses to stop, resists arrest or resorts to the use of force, the services of the Ministry of the Interior and the Ministry of National Defence may take coercive measures, including the use of force.

CIVIL JURISDICTION

ARTICLE 31. (1) In the case of damage caused by an act of quasi-delicti occurring in internal waters or in the territorial sea as well as in the case of damage resulting from a violation of the rights and jurisdiction of the People's Republic of Bulgaria in the contiguous zone, on the continental shelf or in the exclusive economic zone, national jurisdiction shall be applicable and the Bulgarian courts shall be competent in matters of litigation.

(2) A foreign non-military ship passing through the territorial sea may not be stopped or diverted for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

(3) Execution may be levied or the ship arrested in the case of a foreign non-military ship lying in internal waters, at anchor or passing through the territorial sea after leaving internal waters.

(4) Execution may be levied against a foreign non-military ship passing through the territorial sea or such ship arrested only in respect of obligations incurred by the ship in the course of its voyage through the territorial sea, as well as in respect of the damage specified in paragraph 1.

CRIMINAL JURISDICTION

ARTICLE 32. (1) The criminal jurisdiction of the People's Republic of Bulgaria shall not extend to crimes committed on board foreign non-military ships passing through the territorial sea, save in the case of:

1. Crimes committed by Bulgarian nationals;
2. Crimes which disturb the peace of the People's Republic of Bulgaria or the good order of the territorial sea;
3. Crimes of ordinary law which are prejudicial to the interests of the People's Republic of Bulgaria or its nationals;
4. Illicit trafficking in narcotic drugs or psychotropic or radioactive substances;
5. Unlawful detention;
6. Crimes against peace and mankind.

(2) The criminal jurisdiction of the People's Republic of Bulgaria shall extend to any crime committed on board a foreign non-military ship lying in a Bulgarian port or in internal waters. This jurisdiction shall extend to the ship even after it leaves internal waters and enters the territorial sea.

PROCEDURES WITH RESPECT TO OTHER CRIMES IN THE TERRITORIAL SEA

ARTICLE 33. The competent Bulgarian authorities may, at the request of the master of the ship, a diplomatic agent or consular officer of the flag State, conduct a preliminary investigation and take coercive measures in connection with crimes other than those set out in article 32, paragraph 1, committed on board a foreign non-military ship passing through the territorial sea.

NOTIFICATION OF A DIPLOMATIC AGENT

ARTICLE 34. The competent services of the People's Republic of Bulgaria shall notify a diplomatic agent or consular officer of the flag State, if the master so requests, of the initiation of criminal proceedings under the circumstances set out in article 2, paragraph 1, as well as when the investigation is opened under the terms of the preceding article at the request of the master of the ship.

MEASURES WITH RESPECT TO WARSHIPS OR OTHER GOVERNMENT SHIPS
OPERATED FOR NON-COMMERCIAL PURPOSES

ARTICLE 35. Foreign warships or other Government ships operated for non-commercial purposes which, lying in the internal waters or in the territorial sea, violate this Act or another normative instrument and disregard all other established rules, shall be required to leave the internal waters and the territorial sea immediately.

COMPENSATION FOR DAMAGE

ARTICLE 36. The flag State shall bear responsibility for damage caused by one of its warships or government ships operated for non-commercial purposes passing through the territorial sea or lying in internal waters.

CHAPTER 4

CONTIGUOUS ZONE

SCOPE

ARTICLE 37. The contiguous zone of the People's Republic of Bulgaria shall comprise the marine area adjacent to the territorial sea and extending a distance of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

RIGHTS OF THE PEOPLE'S REPUBLIC OF BULGARIA IN THE
CONTIGUOUS ZONE

ARTICLE 38. In the contiguous zone, the People's Republic of Bulgaria shall exercise the control necessary to prevent infringement of its laws and its customs, financial, sanitary and immigration regulations within its borders, including in its territorial sea, and shall also exercise its criminal jurisdiction with a view to prosecuting the perpetrators of violations of such regulations.

MEASURES WITH RESPECT TO VIOLATIONS IN THE CONTIGUOUS ZONE

ARTICLE 39. When it is reported that a foreign non-military ship lying in the contiguous zone has violated or intends to violate the provisions of the preceding article, the services of the Ministry of the Interior and the Ministry of National Defence shall have the right to stop the ship, conduct the necessary inspection and take the necessary steps to prevent the violation or arrest the ship with a view to prosecuting the perpetrators of the violation.

CHAPTER 5

CONTINENTAL SHELF

SCOPE

ARTICLE 40. The continental shelf of the People's Republic of Bulgaria shall comprise the sea-bed and subsoil of the marine area that constitute a natural prolongation of its land territory and extend beyond the territorial sea to the limits established by the continental shelf of other States with adjacent or opposite coasts.

DELIMITATION OF THE CONTINENTAL SHELF OF BORDERING STATES

ARTICLE 41. The external limits of the continental shelf shall be established by an agreement between States with adjacent or opposite coasts on the Black Sea on the basis of international law, in order to achieve an equitable solution.

RIGHTS OF THE PEOPLE'S REPUBLIC OF BULGARIA OVER THE
CONTINENTAL SHELF

ARTICLE 42. (1) The People's Republic of Bulgaria shall exercise over the continental shelf sovereign rights of exploration, development, exploitation, conservation and management of its natural resources, including the energy, mineral and other non-living resources of the sea-bed and subsoil together with living organisms belonging to sedentary species.

(2) The People's Republic of Bulgaria shall exercise exclusive rights over the continental shelf in respect of:

1. The execution, authorization and regulation of drilling for all purposes;
2. The construction and authorization of the construction of artificial islands, installations and structures and the regulation of their construction and use.

EXPLORATION, DEVELOPMENT AND EXPLOITATION

ARTICLE 43. The Geological Committee of the council of Ministers, in co-ordination with the Ministry of National Defence and the Environmental Protection Committee, shall authorize Bulgarian scientific or economic organizations to carry out the exploration, development and exploitation of natural resources, as well as any other activity relating to the continental shelf.

LAYING OF CABLES AND PIPELINES

ARTICLE 44. (1) Other States shall be entitled to lay cables and pipelines provided that the interests of the People's Republic of Bulgaria pertaining to the exploration, development and exploitation of the natural resources of the continental shelf and the protection of the marine environment are not prejudiced.

(2) The delineation of the course for the laying of such cables and pipelines shall be determined by an agreement between the People's Republic of Bulgaria and the State concerned.

MEASURES WITH RESPECT TO VIOLATIONS ON THE CONTINENTAL SHELF

ARTICLE 45. (1) When it is reported that a foreign non-military ship situated within the limits of the continental shelf has violated or intends to violate the sovereign rights and jurisdiction of the People's Republic of Bulgaria, the services of the Ministry of the Interior, the Ministry of National Defence and the Ministry of Transport shall take the necessary steps to prevent or stop the violation. They may carry out inspections on board and arrest the ship with a view to prosecuting the guilty parties.

(2) In the event that measures are taken under the preceding paragraph, a diplomatic agent or consular officer of the flag State shall be duly notified thereof.

CHAPTER 6

EXCLUSIVE ECONOMIC ZONE

SCOPE

ARTICLE 46. The exclusive economic zone of the People's Republic of Bulgaria shall extend beyond the limits of the territorial sea to a distance not greater than 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

EXTERNAL LIMITS

ARTICLE 47. The external limits of the exclusive economic zone shall be established by an agreement between States with adjacent or opposite coasts on the basis of international law, in order to achieve an equitable solution.

RIGHTS OF THE PEOPLE'S REPUBLIC OF BULGARIA

ARTICLE 48. In the exclusive economic zone, the People's Republic of Bulgaria shall exercise:

1. Its sovereign rights for the purpose of exploring, developing, exploiting, protecting and managing the living, mineral and energy resources of the sea-bed, its subsoil and the waters superjacent to the sea-bed, and with regard to other activities for the exploration and exploitation of the zone;

2. Its exclusive rights and its jurisdiction with regard to:

(a) The construction and use of artificial islands, installations and structures;

(b) Marine scientific research;

(c) The protection of the marine environment;

3. Other rights which are provided for in the international agreements to which the People's Republic of Bulgaria is a party and derive from universally recognized principles and rules of international laws.

RIGHTS OF OTHER STATES

ARTICLE 49. In the exclusive economic zone, all States shall enjoy the freedoms of navigation, overflight, the laying of cables and pipelines and other internationally lawful procedures related to the use of the sea for such purposes.

REGIME GOVERNING FISHING

ARTICLE 50. (1) Foreign ships may not engage in commercial fishing in the exclusive economic zone of the People's Republic of Bulgaria, save in the case of an agreement between the People's Republic of Bulgaria and the flag State.

(2) Foreign ships passing through the exclusive economic zone may not maintain their fishing gear in working order.

MEASURES WITH RESPECT TO VIOLATIONS OF THE REGIME GOVERNING THE EXCLUSIVE ECONOMIC ZONE

ARTICLE 51. When it is reported that a foreign non-military ship situated within the limits of the exclusive economic zone has violated or intends to violate the sovereign rights and jurisdiction of the People's Republic of Bulgaria, the relevant provisions of article 45 shall be applicable.

MONITORING OF COMPLIANCE WITH THE REGIME

ARTICLE 52. Monitoring of compliance with the régime governing the exclusive economic zone shall be carried out in accordance with the conditions and rules established by the Council of Ministers.

CHAPTER 7

MARINE SCIENTIFIC RESEARCH

SCIENTIFIC RESEARCH CONDUCTED BY BULGARIAN ORGANIZATIONS

ARTICLE 53. Scientific research and exploration in the ocean space of the People's Republic of Bulgaria shall be conducted by Bulgarian organizations on the basis of co-ordinated programmes approved by the competent authorities.

SCIENTIFIC RESEARCH CONDUCTED BY FOREIGN NATIONALS AND AGENCIES
IN INTERNAL WATERS AND THE TERRITORIAL SEA

ARTICLE 54. Foreign nationals and agencies may conduct scientific research and exploration only with the authorization of the Council of Ministers, in accordance with the conditions decided on by the Council.

SCIENTIFIC RESEARCH CONDUCTED BY FOREIGN NATIONALS AND AGENCIES
ON THE CONTINENTAL SHELF AND IN THE EXCLUSIVE ECONOMIC ZONE

ARTICLE 55. (1) Foreign nationals and agencies may conduct scientific research and exploration on the continental shelf and in the exclusive economic zone with the authorization of the Council of Ministers. Such research shall be authorized provided that it is intended exclusively for peaceful purposes and to increase knowledge of the marine environment. Such research shall be conducted by non-dangerous methods and means, without interfering with the exercise of the sovereign rights and jurisdiction of the People's Republic of Bulgaria.

(2) When requesting such authorization, foreign nationals and agencies shall submit, through official channels, full information concerning the nature, purpose and location of the proposed research, the methods and means to be used and other relevant data.

(3) The Council of Ministers may deny authorization in the following cases:

1. When the scientific research relates directly to the exploration and exploitation of the natural wealth of the continental shelf and of the exclusive economic zone;

2. When the scientific research involves drilling into the sea-bed or the use of explosives or of substances harmful to the marine environment;

3. When the scientific research involves the construction or use of artificial islands, installations and structures;

4. When the information submitted is inaccurate or if obligations arising from previously authorized projects have not been honoured.

OBLIGATIONS OF FOREIGN NATIONALS AND AGENCIES DURING THE EXECUTION
OF SCIENTIFIC RESEARCH ACTIVITIES ON THE CONTINENTAL SHELF
AND IN THE EXCLUSIVE ECONOMIC ZONE

ARTICLE 56. During the execution of scientific research activities foreign nationals and agencies shall be bound:

1. To ensure the right of Bulgarian organizations to participate in the execution of the scientific research project;

2. To ensure that Bulgarian organizations have access to the preliminary data, final results and conclusions of the research and to samples and other findings derived from the research and to information which concerns them;

3. To inform the Council of Ministers immediately of any major change in the research programme;

4. Unless otherwise agreed, to dismantle and remove within a reasonable period the equipment utilized for the scientific research activities once they are completed.

SUSPENSION OR CESSATION OF SCIENTIFIC RESEARCH ACTIVITIES

ARTICLE 57. The Council of Ministers or a body authorized by it may order the suspension or cessation of scientific research activities carried out by foreign nationals and agencies if such activities do not comply with the conditions set forth in the authorization granted.

CHAPTER 8

PROTECTION OF THE MARINE ENVIRONMENT. PROHIBITION REGARDING POLLUTION OF THE MARINE ENVIRONMENT

ARTICLE 58. (1) The discharge, introduction and dumping of any kind of solid or liquid waste and of substances harmful to human health or to the living resources of the sea by vessels, aircraft, platforms or other artificial structures, or from land-based sources, shall be forbidden, as shall any other pollution of the marine environment in the internal waters and the territorial sea.

(2) It shall be forbidden to pollute the marine environment in the exclusive economic zone in a way that interferes with the interests of the People's Republic of Bulgaria, or to deposit and discharge the waste and substances referred to in the preceding paragraph in amounts exceeding the international standards recognized by the People's Republic of Bulgaria.

MEASURES WITH RESPECT TO NON-MILITARY VESSELS IN THE EVENT OF POLLUTION OF OCEAN SPACE

ARTICLE 59. (1) If there are clear grounds for believing that a non-military vessel navigating through the internal waters, territorial sea and exclusive economic zone has violated the provisions of this Act, or any other regulation or international agreement concerning the prevention of pollution of the marine environment, the relevant sections of the Environmental Protection Committee, the Ministry of Transport and the Committee on the Peaceful Utilization of Atomic Energy may take appropriate steps, including:

1. Requesting the master of the vessel to provide necessary information for purposes of investigating the incident;
2. Inspecting the vessel, if there is reason to believe that the information was incomplete;
3. Seizing the vessel for purposes of prosecution.

(2) The bodies referred to in the preceding paragraph may, if necessary, request the collaboration of the services of the Ministry of the Interior and the Ministry of Defence.

LEGAL ASSISTANCE IN THE EVENT OF POLLUTION OF THE MARINE
ENVIRONMENT OF ANOTHER STATE

ARTICLE 60. (1) In the event of serious pollution of the marine environment in the internal waters, territorial sea or exclusive economic zone of another State, the People's Republic of Bulgaria shall provide legal assistance at the request of that other State by undertaking interrogations and inspecting the documents or technical condition of the vessel responsible for the pollution when it is lying in a port or in the internal waters of that country. Such assistance shall also be provided at the request of the flag State.

(2) The legal assistance referred to in the preceding paragraph shall be provided on the basis of reciprocity.

MEASURES IN THE EVENT OF MARITIME CASUALTIES

ARTICLE 61. In the event of a breakdown, damage or other maritime casualty in the ocean space of the People's Republic of Bulgaria, which presents a danger of pollution of the marine environment or coastline or which might harm related interests, the Ministry of Transport, in collaboration with the organizations concerned, shall take all necessary steps to prevent, reduce or eliminate the danger.

PROHIBITION OF VESSELS WHICH RISK POLLUTING
THE MARINE ENVIRONMENT FROM SAILING

ARTICLE 62. The services of the Ministry of Transport shall prohibit a vessel lying in internal waters, in a port or roadstead, from sailing if the vessel's technical condition is such that compliance with the standards for the prevention and reduction of pollution of the marine environment adopted by the People's Republic of Bulgaria cannot be guaranteed.

MONITORING OF THE PREVENTION OF DAMAGE AND RELEASE
OF POLLUTANTS

ARTICLE 63. In the course of drilling operations, exploratory work or other activities relating to the development and exploitation of natural resources in the ocean space of the People's Republic of Bulgaria, the Environmental Protection Committee and the Ministry of Transport shall monitor compliance with the measures adopted for the prevention of damage or release of oil or other pollutants and for the immediate elimination of their effects.

NOTIFICATION IN THE EVENT OF POLLUTION

ARTICLE 64. Where there is a real danger that pollution in the ocean space of the People's Republic of Bulgaria might spread into the waters of another coastal State on the Black Sea, that State shall be informed thereof through the diplomatic channel.

CHAPTER 9

SAFETY AT SEA

SEA LANES AND TRAFFIC SEPARATION SCHEMES

ARTICLE 65. In the interest of safety of navigation and in accordance with national security regulations and generally accepted international regulations, the Council of Ministers shall establish the régime governing the designation, substitution or cancellation of traffic separation schemes, recommended navigational lanes, navigable channels and navigational lanes established in the territorial sea for transit passage and for calling at open ports, which shall be mandatory for ships and shall be published in the bulletin "Notice to Mariners".

SAFETY OF NAVIGATION

ARTICLE 66. (1) Safety of navigation shall be ensured by the Ministry of National Defence in internal waters and the territorial sea and by the Ministry of Transport in ports and canals.

(2) The Ministry of National Defence and the Ministry of Transport may authorize other departments to build water-supply or navigational facilities.

DISPOSAL OF LOADS OF EARTH AND OF SEDIMENT

ARTICLE 67. The disposal of loads of earth and of sediment in ocean space shall be authorized solely in places designated by the Ministry of National Defence in co-ordination with the Ministry of Transport and the Environmental Protection Committee.

GUARANTEEING SAFETY OF NAVIGATION DURING THE CONSTRUCTION OF
ARTIFICIAL ISLANDS AND OTHER STRUCTURES

ARTICLE 68. (1) Artificial islands, installations and structures may be constructed on the continental shelf and in the exclusive economic zone outside sea lanes of essential importance to international navigation. Their location shall be marked by lighted or other signals.

(2) Safety zones shall be established around artificial islands, installations and structures at a distance of no more than 500 metres from their outer edge. These zones shall include the water column between the surface of the sea and the sea-bed. They may extend further if their dimensions conform to generally accepted international standards.

(3) Installations no longer in use must be dismantled and removed within a reasonable time by the organization which operates them, in such a way as to ensure safety of navigation.

NOTIFICATION OF CHANGES IN NAVIGATIONAL CONDITIONS

ARTICLE 69. Any changes in navigational conditions in internal waters, the territorial sea and the exclusive economic zone in the cases provided for in the preceding article shall be published in the bulletin "Notice to Mariners".

ORGANIZATION OF RESCUE EFFORTS

ARTICLE 70. In the search and rescue zone for which the People's Republic of Bulgaria is responsible, the Ministry of Transport shall organize efforts to rescue individuals, ships and aircraft in distress.

CHAPTER 10

RIGHT OF HOT PURSUIT

CONDITIONS

ARTICLE 71. A foreign non-military ship may be pursued and arrested if the competent bodies of the People's Republic of Bulgaria consider that there is sufficient reason to take appropriate measures, in the following cases:

1. Violation of national laws while a ship is lying in the internal waters or territorial sea of the People's Republic of Bulgaria;
2. Violation or attempt to violate financial, customs, health and immigration regulations in the contiguous zone;
3. Violation of regulations regarding the protection of the marine environment from pollution and the legal status of the continental shelf and the exclusive economic zone, including safety zones around artificial islands and other structures.

ORDER TO UNDERTAKE HOT PURSUIT

ARTICLE 72. (1) Hot pursuit may be commenced when a foreign ship or one of its boats is: within the internal waters or the territorial sea, in the case of the violation referred to in article 71, subparagraph 1; within the contiguous zone, in the case of the violation referred to in article 71, subparagraph 2; within the exclusive economic zone or above the continental shelf, in the case of the violation referred to in article 71, subparagraph 3.

(2) Hot pursuit shall be commenced when the foreign ship does not obey a signal to stop which has been given to it.

(3) The right of hot pursuit shall be exercised by ships and aircraft of the Ministry of the Interior and the Ministry of National Defence or by other government ships and aircraft authorized to that effect and bearing the appropriate external markings. The pursuit shall continue until the ship pursued enters the territorial sea of its own State or of a third State.

ESCORT INTO A BULGARIAN PORT

ARTICLE 73. In accordance with the provisions of this chapter, the ship arrested may be escorted into the nearest Bulgarian port for the purposes of an inquiry.

COMPENSATION FOR DAMAGE

ARTICLE 74. Where a foreign non-military ship has been arrested without justification outside the territorial sea, it shall be compensated for any damage sustained.

CHAPTER 11

ADMINISTRATIVE AND PENAL PROVISIONS;
MONETARY PENALTIES WITH RESPECT TO THE SCUTTLING OR
ABANDONMENT OF VESSELS

ARTICLE 75. (1) The master of a foreign non-military vessel who scuttles or abandons a vessel in the territorial sea or in internal waters shall be fined between 20,000 and 1,000,000 leva.

(2) The same penalty shall apply to a shipowner who orders or permits the scuttling of such a vessel or its abandonment on shore.

MONETARY PENALTIES WITH RESPECT TO POLLUTION
AND COMMERCIAL FISHING

ARTICLE 76. (1) A fine of between 500 and 100,000 leva shall be imposed on:

1. Anyone committing or permitting a violation of the provisions of article 58, paragraph 2;

2. The master of a foreign non-military vessel who orders or permits commercial fishing in the exclusive economic zone.

(2) The penalty provided for in the preceding paragraph shall be imposed on the master of a foreign non-military nuclear-powered vessel or of a foreign non-military vessel transporting nuclear or radioactive substances or other hazardous or toxic substances who enters into internal waters without authorization or does not submit to the inspection of documents, to dosimetric inspection or to any other inspection on board the vessel in connection with protection of the environment.

MONETARY PENALTIES FOR VIOLATIONS COMMITTED IN INTERNAL
WATERS DURING INNOCENT PASSAGE AND IN THE COURSE OF
MARINE SCIENTIFIC RESEARCH

ARTICLE 77. (1) A fine of between 200 and 50,000 leva shall be imposed on the master of a foreign non-military vessel who:

1. Enters into a closed port or roadstead;
2. Keeps a submarine submerged in internal waters or the territorial sea;
3. Orders or permits a violation of the provisions of article 13 and article 20, subparagraphs 5, 6 and 11;
4. Commits a violation of the provisions of article 19, paragraph 2, article 23, paragraph 3, subparagraphs 1 to 5 and 7, article 24 and article 26;

(2) The penalty provided for in the preceding paragraph shall be imposed on any person conducting scientific research or activities of exploration in the ocean space of the People's Republic of Bulgaria without due authorization or in violation of the authorization granted.

MONETARY PENALTIES FOR OTHER VIOLATIONS

ARTICLE 78. Any violation of other provisions of this Act or of the regulation giving effect to this Act shall be punishable by a fine of between 50 and 5,000 leva, and is subject to a heavier penalty.

SPECIAL REGULATIONS GOVERNING ADMINISTRATIVE AND PENAL PROCEDURE

ARTICLE 79. (1) Violations of the provisions of this chapter shall be recorded in reports drawn up by officials of the ministries and other departments responsible for investigations with respect to the ocean space of the State.

(2) A report thus drawn up shall be issued to the offender, who may, before or after signing it, submit objections to it to the appropriate administrative and penal body within 48 hours after the issuance of the report. The report, together with the written objections and the evidence gathered, shall be transmitted to the administrative and penal body, which must make a decision on the case within 24 hours of the expiry of the time-limit set for entering objections. If the case is factually or legally a complicated one or if further evidence is needed, the administrative and penal body may take more time to make a decision.

(3) Rulings imposing penalties for violations with respect to protection of the marine environment shall be handed down by the Chairman of the Environmental Protection Committee or the Minister of Transport or by officials authorized by them. Penalties for all other violations shall be imposed by the Minister of Transport or by officials authorized by him.

(4) A ruling may provide for monetary compensation covering the entire amount of any damage caused.

(5) The part of the ruling relating to compensation may be appealed by the shipowner. The date on which the ruling is delivered to the master of the vessel shall be considered to be the date it is delivered to the shipowner.

(6) A ruling imposing an administrative penalty consisting of a fine or of compensation exceeding 20,000 leva may be appealed before the appropriate departmental tribunal. In such a case, the decision of the departmental tribunal is, in turn, subject to appeal before the Supreme Court within a time-limit of one year from the date on which it was handed down. The Supreme Court shall also rule on any proposal to review the case.

APPLICATION OF GENERAL LEGISLATION

ARTICLE 80. The official recording of violations, the handing down of rulings, the apportionment of monetary compensation for damage caused, the appeal of rulings and their enforcement shall be regulated by the Administrative Violations and Penalties Act, unless otherwise provided in the present Act.

INTERIM PRECAUTIONARY MEASURES

ARTICLE 81. (1) A foreign non-military vessel, regardless of its legal ownership, may be arrested at the time an official report is drawn up regarding a violation committed, in order to guarantee recovery of the fine or compensation provided for in this chapter.

(2) A foreign non-military vessel may be arrested also in order to guarantee recovery of the sum due by reason of an act of quasi delicti under article 31, paragraph 1. The arrest shall be made by the National Navigation Inspection Service and shall end within 72 hours unless, upon expiry of that period, the competent tribunal at the place where the vessel is being held takes interim precautionary measures.

(3) In the cases referred to in the preceding paragraphs, a vessel shall be released after having deposited with a Bulgarian bank a monetary or bank guarantee equivalent to the amount determined by the ruling and corresponding to the claim giving rise to the interim precautionary measures.

SUPPLEMENTARY PROVISIONS

1. The provisions of article 9, paragraphs 2 to 5, article 23, paragraph 3, subparagraphs 4 to 7, and articles 24, 26, 28, 30, 39, 58, 59, 62 and 65 shall apply also to Bulgarian vessels.

2. For the purposes of the Act:

(1) "Warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing its nationality, under the command of an officer duly commissioned by the Government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;

(2) "Government ship operated for non-commercial purposes" means a ship belonging to the State whose flag it flies and intended for activities of exploration or other non-economic activities;

(3) "Non-military ship" means any ship other than those referred to in subparagraphs (1) and (2);

(4) "Submarine" means a ship intended to navigate under water;

(5) "Nuclear-powered ship" means a ship as referred to in subparagraphs (2), (3) and (4) which is equipped with nuclear-powered devices;

(6) "Nuclear-powered warship" means a ship as referred to in subparagraph (1) which is equipped with nuclear-powered devices or nuclear weapons.

3. For the purposes of this Act:

(1) "Port" means a coastal zone with a contiguous area of water, equipped with facilities for berthing ships and for loading and unloading operations and with other structures; a port is operated by a port authority;

(2) "Roadstead" means a given area of ocean space situated outside a port, in which ships can lie at anchor;

(3) "Maritime base" means a guarded area of the sea coast with the contiguous area of water, equipped with facilities and structures where ships can anchor and be protected;

(4) "Underwater dive" means each penetration by man under water involving the use of respiratory equipment and lasting longer than one held respiration;

(5) "Sedentary species" means organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil;

4. For the purposes of this Act, "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in deleterious effects on living marine resources and hazards to human health, and which hinders the legitimate use of the sea, including impairment of quality of water and deterioration of conditions for tourism and leisure activities.

5. For the purposes of this Act, a nautical mile equals 1,852 metres.

FINAL PROVISIONS

6. This Act shall enter into force on 1 September 1987 and shall replace the Decree on the territorial sea and the internal waters of the People's Republic of Bulgaria, published in the newspaper Izvestiya (No. 85 of 1951), with amendments published in the Official Gazette (No. 7 of 1978).

7. The regulation giving effect to this Act shall be published by the Council of Ministers.

8. The Council of Ministers shall be responsible for the application of this Act.

This Act has been adopted by the ninth National Assembly at the second meeting of its fifth session, held on 8 July 1987, and it has been sealed with the State seal.

3. BRAZIL

Extract from the Brazilian Constitution on the
Organization of the State,
adopted on 5 October 1988*

[Original: English]

CHAPTER II
ON THE UNION

Article 20

The public domain of the Union shall consist of:

- i. Such property as belongs to the Union at present or may in future be attributed to it;
- ii. Unoccupied lands essential for the defence of the frontiers, military fortifications and works, and federal communication links, and for the preservation of the environment, as provided for by law;
- iii. Lakes, rivers and any waterways which are situated within its domain, or which wash up on more than one State, constitute the frontier with other States, or flow into or originate in foreign territory, as well as riversides and river beaches;
- iv. Islands in rivers and lakes in areas bordering on other countries; ocean beaches; oceanic and continental islands, with the exception of the areas referred to in article 26, II;
- v. The natural resources of the continental shelf and the exclusive economic zone;
- vi. The territorial sea;
- vii. Coastlands and coastal accumulations;
- viii. Potential sources of hydroelectric power;
- ix. Mineral resources, including the resources of the subsoil;
- x. Subterranean natural caves and archaeological and prehistoric sites;
- xi. Land traditionally occupied by the Indians.

* Communicated by the Permanent Mission of Brazil to the United Nations.

1. Under the conditions prescribed by law, the States, the Federal District, the Municipalities and the Union's organs of direct administration shall receive a share of the proceeds from the exploitation of oil or natural gas, of water resources for the purpose of generating electric power and of other mineral resources in the respective territories, continental shelf, territorial sea or exclusive economic zone, or financial compensation for such exploitation.

2. A 150-km-wide zone along the land frontiers, called the frontier zone, is considered essential for the defence of the national territory and its occupation and use shall be regulated by law.

4. CHILE

Law No. 18.565 of 13 October 1986 amending the Civil Code
with regard to maritime space*

[Original: Spanish]

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

1. Article 593 is replaced by the following:

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

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

2. Insert the following as article 596:

"Article 596. - The adjacent sea extending up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and beyond the latter shall be designated the exclusive economic zone. In that zone, the State shall have sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed, and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone.

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

* Published in the Diario Oficial of the Republic of Chile of 23 October 1986.

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

3. Replace article 611 by the following:

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

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

5. FRANCE

Act of 31 December 1987 concerning the campaign against drug trafficking
and amending certain provisions of the Penal Code*

[Original: French]

Art. 9. After article 44 of the Customs Code, insert article 44 bis, to read as follows:

"Art. 44 bis. In a contiguous zone lying between 12 and 24 nautical miles measured from the baselines of the territorial sea and subject to delimitation agreements with neighbouring States, the Customs Service may exercise the control necessary to:

"(a) Prevent infringement of the laws and regulations which the customs authorities are responsible for enforcing in their sphere of operations;

"(b) Punish infringement of these laws and regulations committed in their sphere of operations." 1/

Art. 10. After article 60 of the Customs Code, insert article 60 bis, to read as follows:

"Art. 60 bis. When there is good reason to believe that a person crossing a frontier is transporting narcotic drugs concealed within his body, customs agents may require him to undergo medical examination after first obtaining his express consent thereto.

"In the event of refusal, the customs agents shall make application for a court order to the president of the court of first instance having jurisdiction in the area (tribunal de grande instance) or to a judge designated by him. Such application may be made to the judge by any means.

"The judge may authorize the customs agents to proceed with the medical examination. He shall then appoint a physician to perform the examination as quickly as possible.

* Published in the Official Gazette, 5 January 1988, p. 159.

1/ Customs Code, art. 44:

"1. The sphere of operations of the customs authorities shall comprise a maritime zone and land zone.

"2. The maritime zone shall consist of the area situated between the coast and a seaward limit situated 12 nautical miles from the baseline of the territorial sea, as determined by a decree (...)."

"The results of the examination reported by the physician, the comments of the person concerned and an account of the proceedings must be included in a report submitted to the judge.

"Any person who refuses to undergo a medical examination ordered by the judge shall be given a sentence of imprisonment for between one month and one year and a fine of from 500 to 15,000 francs." 2/

Art. 11. Article 62 of the Customs Code shall be reworded as follows:

"Art. 62. Customs agents may search any vessel under 1,000 gross register tons situated in the maritime zone within the sphere of operations of the customs authorities and in the zone provided for in article 44 bis under the terms of that article." 3/

2/ Customs Code, art. 60:

"For purposes of enforcing this Code, and with a view to detecting smuggling, customs agents may carry out inspections of goods and vehicles and of persons."

3/ Former art. 62:

"Customs agents may search any vessel under 100 net register tons or 500 gross register tons situated in the maritime zone within the sphere of operations of the customs authorities.

6. IRELAND

Maritime Jurisdiction (Amendment) Act, 1988*

An Act to amend the Maritime Jurisdiction Act, 1959 [4th May, 1988]

[Original: English]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

"Principal Act". 1. - In this Act "the Principal Act" means the Maritime Jurisdiction Act, 1959.

Extension of outer 2. - (1) Section 3 (which specifies the outer limit of territorial seas. limit of the territorial seas) of the Principal Act is hereby amended by the substitution of "12 nautical miles" for "three nautical miles" and the said section 3, as so amended, is set out in Part I of the Table to this section.

(2) Section 4 (which specifies the baseline) of the Principal Act is hereby amended by the substitution in paragraph (b) of subsection (1) of "12 nautical miles" for "three nautical miles" and the said paragraph (b), as so amended, is set out in Part II of the Table to this section.

(3) Section 14 (which provides for the adaptation of enactments) of the Principal Act is hereby amended by the insertion in subsection (1) after "three miles" of ", three nautical miles" and the said subsection (1), as so amended, is set out in Part III of the Table to this section.

TABLE

PART I

3. For the purposes of this Act, the outer limit of the territorial seas is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.

PART II

(b) on any low-tide elevation situated wholly or partly at a distance not exceeding 12 nautical miles from the mainland or an island.

* Communicated by the Permanent Mission of Ireland to the United Nations in a note verbale dated 8 September 1988.

PART III

(1) References in any enactment to sea areas and waters within three miles, three nautical miles or one league of the coast or shore and cognate expressions shall be construed as references to sea areas and waters lying within the outer limit of the territorial seas.

3.- (1) This Act may be cited as the Maritime Jurisdiction (Amendment) Act, 1988.

(2) The Maritime Jurisdiction Acts, 1959 and 1964, and this Act may be cited together as the Maritime Jurisdiction Acts, 1959 to 1988.

(3) This Act shall come into operation on the 1st day of September, 1988.

Short title,
collective
citation and
commencement.

7. MAURITANIA

Ordinance 88-120 of 31 August 1988 establishing the limits and the legal régime of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of the Islamic Republic of Mauritania*

[Original: French]

THE MILITARY COMMITTEE FOR NATIONAL SALVATION HAS DELIBERATED AND ADOPTS,

THE CHAIRMAN OF THE MILITARY COMMITTEE FOR NATIONAL SALVATION, HEAD OF STATE, PROMULGATES THE ORDINANCE WHICH READS AS FOLLOWS:

ARTICLE 1: The territorial sea of the Islamic Republic of Mauritania extends to a breadth of 12 nautical miles measured from the following baselines:

- (a) A straight baseline drawn between Cap Blanc and Cap Timiris; and
- (b) The low-water line everywhere else.

The waters located on the landward side of the baseline form part of the internal waters of the State.

ARTICLE 2: A zone shall be established contiguous to the territorial sea, having a breadth of 24 nautical miles measured from the baselines specified in article 1 of this Ordinance.

ARTICLE 3: An exclusive economic zone shall be established, having a breadth of 200 nautical miles measured from the baselines specified in article 1 of this Ordinance.

ARTICLE 4: The continental shelf of the Islamic Republic of Mauritania shall comprise the sea-bed and subsoil of the submarine areas that extend beyond its territorial sea throughout the prolongation of its land territory to the outer edge of the territorial margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the edge of the continental margin does not extend up to that distance.

ARTICLE 5: The Islamic Republic of Mauritania shall exercise its sovereignty beyond its territory and internal waters, over the full breadth of its territorial sea, including the sea-bed and subsoil thereof, without prejudice to the right of innocent passage enjoyed by all foreign ships in accordance with international law.

ARTICLE 6: In the contiguous zone, the Islamic Republic of Mauritania may exercise the control necessary to:

(a) Prevent infringement of its customs, fiscal, sanitary or immigration laws and regulations within its territory or territorial sea;

(b) Punish infringement of the above laws and regulations committed within its territory or territorial sea.

* Communicated by the Government of Mauritania.

ARTICLE 7: In the exclusive economic zone, the Islamic Republic of Mauritania reserves its sovereign and exclusive rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds, and, in general, with regard to other rights and obligations recognized under international law.

ARTICLE 8: The Islamic Republic of Mauritania shall exercise sovereign and exclusive rights over the full breadth of the continental shelf for the purpose of exploring it and exploiting its natural resources.

ARTICLE 9: All earlier provisions contrary to this Ordinance, and in particular articles 179 to 191 of Act No. 78.043 of 28 February 1978, setting out the Merchant Marine and Maritime Fishery Code, shall be abrogated.

ARTICLE 10: This Ordinance shall be published with all due urgency and shall be carried out as a State law.

Nouakchott, 31 August 1988

8. TRINIDAD AND TOBAGO

Act No. 24 of 1986

Archipelagic Waters and Exclusive Economic Zone Act, 1986*

[Original: English]

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

[Assented to 11th November, 1986]

Enactment

Enacted by the Parliament of Trinidad and Tobago as follows:

Short title

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

PART I

PRELIMINARY

Interpretation

2. In this Act:

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

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

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

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

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

* Legal Supplement Part A to the Trinidad and Tobago Gazette, vol. 25, No. 311, 17 November 1986.

(b) Designed to ensure that:

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

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

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

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

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

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

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

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

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

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

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

"nautical mile" means 1,852 metres;

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

PART II

ARCHIPELAGIC STATE

Declaration of Trinidad and Tobago as an archipelagic State

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

Archipelagic waters

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

Legal status of archipelagic waters, airspace, bed and subsoil

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

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

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

Archipelagic baselines

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

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

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

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

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

Internal waters

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

Existing agreements

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

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

Submarine cables

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

Right of innocent passage

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

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

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

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

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

Meaning of innocent passage

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

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

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

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

(c) Any act aimed at collecting information to the prejudice of the defence or security of Trinidad and Tobago;

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

Suspension of innocent passage

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

PART III

EXCLUSIVE ECONOMIC ZONE

Establishment of exclusive economic zone

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

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

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

Minister may reduce outer limits of exclusive economic zone

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

Outer limits of exclusive economic zone to be shown on charts

17. The Minister:

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

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

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

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

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

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

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

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

(a) Sovereign rights over:

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

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

(b) Jurisdiction over:

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

(ii) marine scientific research; and

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

Other States in the exclusive economic zone

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

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

Conservation and management of living resources

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Trinidad and Tobago to authorize fishing
by agreement or treaty

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

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

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

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

(a) A foreign fishing craft; and

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

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

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

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

Foreign fishing craft not to exceed
prescribed allowable catch

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

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

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

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

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

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

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

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

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

Exemption

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

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

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

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

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

Offences

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

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

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

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

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

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

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

Release of arrested crafts and their crews

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

Regulations

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

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

(i) land-based sources including rivers, estuaries, pipelines and outfall structures;

(ii) sea-bed activities under the jurisdiction of Trinidad and Tobago and artificial islands, installations and structures under its jurisdiction;

(iii) dumping;

(iv) vessels; and

(v) the atmosphere;

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

(c) Construction operation and use of:

(i) artificial islands;

(ii) installations and structures for economic purposes;

(iii) installations and structures which may interfere with the exercise of the rights of Trinidad and Tobago,

within the exclusive economic zone;

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

(e) Administration of the Act;

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

(g) Payment of licence fees;

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

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

(j) Regulating seasons and areas of fishing;

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

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

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

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

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

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

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

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

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

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

9. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(a) Territorial Sea Act 1987*

[Entry into force: 1 October 1987]

[Original: English]

1987 Chapter 49

An Act to provide for the extent of the territorial sea adjacent to the British Islands. [15 May 1987]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of territorial sea

1. (1) Subject to the provisions of this Act:

(a) the breadth of the territorial sea adjacent to the United Kingdom shall for all purposes be 12 nautical miles; and

(b) the baselines from which the breadth of that territorial sea is to be measured shall for all purposes be those established by Her Majesty by Order in Council.

(2) Her Majesty may, for the purpose of implementing any international agreement or otherwise, by Order in Council provide that any part of the territorial sea adjacent to the United Kingdom shall extend to such line other than that provided for by subsection (1) above as may be specified in the Order.

(3) In any legal proceedings a certificate issued by or under the authority of the Secretary of State stating the location of any baseline established under subsection (1) above shall be conclusive of what is stated in the certificate.

(4) As from the coming into force of this section the Territorial Waters Order in Council 1964 and the Territorial Waters (Amendment) Order in Council 1979 shall have effect for all purposes as if they were Orders in Council made by virtue of subsection (1) (b) above; and subsection (5) below shall apply to those Orders as it applies to any other instrument.

(5) Subject to the provisions of this Act, any enactment or instrument which (whether passed or made before or after the coming into force of this section) contains a reference (however worded) to the territorial sea adjacent to, or to any part of, the United Kingdom shall be construed in accordance with this section and with any provision made, or having effect as if made, under this section.

* Communicated by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale dated 30 September 1987.

(6) Without prejudice to the operation of subsection (5) above in relation to a reference to the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured, nothing in that subsection shall require any reference in any enactment or instrument to a specified distance to be construed as a reference to a distance equal to the breadth of that territorial sea.

(7) In this section "nautical miles" means international nautical miles of 1,852 metres.

Enactments and instruments not affected

2. (1) Except in so far as Her Majesty may by Order in Council otherwise provide, nothing in section 1 above shall affect the operation of any enactment contained in a local Act passed before the date on which that section comes into force.

(2) Nothing in section 1 above, or in any Order in Council under that section or subsection (1) above, shall affect the operation of so much of any enactment passed or instrument made before the date on which that section comes into force as for the time being settles the limits within which any harbour authority or port health authority has jurisdiction or is able to exercise any power.

(3) Where any area which is not part of the territorial sea adjacent to the United Kingdom becomes part of that sea by virtue of section 1 above or an Order in Council under that section, subsection (2) of section 1 of the Continental Shelf Act 1964 (vesting and exercise of rights with respect to coal) shall continue, on and after the date on which section 1 above or that Order comes into force, to have effect with respect to coal in that area as if the area were not part of the territorial sea.

(4) Nothing in section 1 above, or in any Order in Council under that section, shall affect:

1934 c.36. (a) any regulations made under section 6 of the Petroleum (Production) Act 1934 before the date on which that section or Order comes into force; or
(b) any licences granted under the said Act of 1934 before that date or granted on or after that date in pursuance of regulations made under that section before that date.

(5) In this section:

1946 c.59. "Coal" has the same meaning as in the Coal Industry Nationalization Act 1946;

1964 c.40. "Harbour authority" means a harbour authority within the
1970 c.I. meaning of the Harbours Act 1964 or the Harbours Act (Northern
(N.I) Ireland) 1970; and

1984 c.22. "Port health authority" means a port health authority for the purposes of the Public Health (Control of Disease) Act 1984.

Amendments and Repeals

3. (1) The enactments mentioned in Schedule 1 to this Act shall have effect with the amendments there specified (being minor amendments and amendments consequential on the provisions of this Act).

(2) Her Majesty may by Order in Council:

(a) make, in relation to any enactment passed or instrument made before the date on which section 1 above comes into force, any amendment corresponding to any of those made by Schedule 1 to this Act;

1981 c.69. (b) amend subsection (1) of section 36 of the Wildlife and Countryside Act 1981 (marine nature reserves) so as to include such other parts of the territorial sea adjacent to Great Britain as may be specified in the Order in the waters and parts of the sea which, by virtue of paragraph 6 of Schedule 1 to this Act, may be designated under that section;

S.I.
1985/170
(N.I.I.) (c) amend paragraph 1 of article 20 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (marine nature reserves) so as to include such other parts of the territorial sea adjacent to Northern Ireland as may be specified in the Order in the waters and parts of the sea which, by virtue of paragraph 9 of Schedule 1 to this Act, may be designated under that Article.

1964 c.29. (3) Her Majesty may by Order in Council make such modifications of the effect of any Order in Council under section 1 (7) of the Continental Shelf Act 1964 (designated areas) as appear to Her to be necessary or expedient in consequence of any provision made by or under this Act.

(4) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, commencement and extent

4. (1) This Act may be cited as the Territorial Sea Act 1987.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint, and different days may be so appointed for different provisions and for different purposes.

(3) This Act extends to Northern Ireland.

(4) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, to any of the Channel Islands or to the Isle of Man.

SCHEDULES

Section 3

Schedule 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Coast Protection Act 1949

1949 c.74. 1. (1) In section 18 (3) of the Coast Protection Act 1949 (prohibition of excavation, etc., of materials on or under the sea-shore) for the words "lying to seaward therefrom" there shall be substituted the words "of the sea-shore lying to seaward of their area but within three nautical miles of the baselines from which the breadth of the territorial sea adjacent to Great Britain is measured,".

(2) In section 49 (1) of that Act (interpretation) after the definition of "mortgage" there shall be inserted the following definition:

"'nautical miles' means international nautical miles of 1,852 metres;".

The Mineral Workings (Offshore Installations) Act 1971

1971 c.61. 2. For the definition of "foreign sector of the continental shelf" in section 1 (4) of the Mineral Workings (Offshore Installations) Act 1971 there shall be substituted the following definition:

"'foreign sector of the continental shelf' means an area within which rights are exercisable with respect to the sea-bed and subsoil and their natural resources by a country or territory outside the United Kingdom;".

The Salmon and Freshwater Fisheries Act 1975

1975 c.51. 3. In section 6 (1) of the Salmon and Freshwater Fisheries Act 1975 (offence of placing unauthorized fixed engine in inland or tidal waters) after the words "inland or tidal Waters" there shall be inserted the words "which are within the area of any water authority".

The Customs and Excise Management Act 1979

1979 c.2. 4. (1) In section 1 (1) of the Customs and Excise Management Act 1979 (interpretation) after the definition of "transit shed" there shall be inserted the following definition:

"'United Kingdom waters' means any waters (including inland waters) within the seaward limits of the territorial sea of the United Kingdom;".

(2) In section 35 (7) of that Act (report inwards of ships and aircraft) for the words "within 12 nautical miles of the coast of the United Kingdom" there shall be substituted the words "in or over United Kingdom waters".

(3) In that Act the words "in United Kingdom waters" shall be substituted:

- (a) In section 64 (4) (clearance outwards of ships and aircraft) for the words "within the limits of a port or within 3 nautical miles of the coast of the United Kingdom";
- (b) In section 88 (forfeiture of ship, aircraft or vehicle constructed, etc., for concealing goods) for the words "within the limits of any port or within 3 or, being a British ship, 12 nautical miles of the coast of the United Kingdom";
- (c) In section 89 (1) and (2) (forfeiture of ship jettisoning cargo, etc.) for the words "within 3 nautical miles of the coast of the United Kingdom";
- (d) In section 142 (2) (special provision as to forfeiture of larger ships) for the words "within 3 nautical miles of the coast of the United Kingdom".

The Alcoholic Liquor Duties Act 1979

1979 c.4. 5. (1) In the table in section 4 (3) of the Alcoholic Liquor Duties Act 1979 (expressions defined in the Management Act) after the expression "tons register" there shall be inserted the expression "United Kingdom waters".

(2) In section 26 (4) of that Act (importation and exportation of spirits) for the words "in the case of a British ship, within 12 or, in any other case, within 3 nautical miles of the coast of the United Kingdom" there shall be substituted the words "in the United Kingdom waters".

The Wildlife and Countryside Act 1981

1981 c.69. 6. In section 36 of the Wildlife and Countryside Act 1981 (marine nature reserves):

(a) In subsection (1) for the words "in or adjacent to Great Britain up to the seaward limits of territorial waters" there shall be substituted the words "which are landward of the baselines from which the breadth of the territorial sea adjacent to Great Britain is measured or are seaward of those baselines up to a distance of three nautical miles"; and

(b) In subsection (7) after the definition of "local authority" there shall be inserted the following definition:

"'nautical miles'" means international nautical miles of 1,852 metres;".

The Oil and Gas (Enterprise) Act 1982

1982 c.23. 7. (1) For the definition of "cross-boundary field" in section 22 (6) of the Oil and Gas (Enterprise) Act 1982 there shall be substituted the following definition:

"'cross-boundary field' means a field that extends across the boundary between waters falling within paragraph (a) or (b) of subsection (4) above and a foreign sector of the continental shelf;"

(2) For the definition of "foreign sector of the continental shelf" in section 28 (1) of that Act there shall be substituted the following definition:

"'foreign sector of the continental shelf' means an area within which rights are exercisable with respect to the sea-bed and subsoil and their natural resources by a country or territory outside the United Kingdom;"

The Public Health (Control of Disease) Act 1984

1984 c.22. 8. In section 6 of the Public Health (Control of Disease) Act 1984 (under which the Port of London is for the purposes of that Act not to extend outside territorial waters) for the words "are for the time being" there shall be substituted the words "immediately before the coming into force of the Territorial Sea Act 1987 were".

The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985

S.I. 1985/ 9. In article 20 of the Nature Conservation and Amenity Lands 170(N.I.1). (Northern Ireland) Order 1985 (marine nature reserves):

(a) In paragraph (1) for the words "in or adjacent to Northern Ireland up to the seaward limits of territorial waters" there shall be substituted the words "which are landward of the baselines from which the breadth of the territorial sea adjacent to Northern Ireland is measured or are seaward of those baselines up to a distance of three nautical miles"; and

(b) In paragraph (6) before the definition of "relevant body" there shall be inserted the following definition:

"'nautical miles' means international nautical miles of 1,852 metres;"

Schedule 2

Section 3

REPEALS

Chapter	Short title	Extent of repeal
41 and 42 Vict. c. 73.	The Territorial Waters Jurisdiction Act 1978.	In section 7, the definition of "the territorial waters of Her Majesty's dominions", including the words from "and for the purpose of any offence" to "the territorial waters of Her Majesty's dominions".
1967 c.41.	The Marine, etc., Broadcasting Offences Act 1967.	Section 9 (2).
1967 c.72.	The Wireless Telegraphy Act 1967.	Section 9 (1).
1979 c.2.	The Customs and Excise Management Act 1979.	In section 1 (1), the definition of "nautical mile".
1979 c.4.	The Alcoholic Duties Act 1979.	In section 4 (3), the words "nautical mile".

(b) The Territorial Sea (Limits) Order 1987*

[Original: English]

1. This Order may be cited as the Territorial Sea (Limits) Order 1987 and shall come into force on 1 October 1987.
2. The seaward limit of the territorial sea adjacent to the United Kingdom between Point 1 and Point 6 indicated in the Schedule to this Order shall consist of a series of straight lines joining, in the sequence given, Points 1 to 6 indicated in the Schedule to this Order.
3. The seaward limit of the territorial sea adjacent to the United Kingdom shall be the median line where the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured are less than 24 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.
4. In this Order:
 - (a) "Straight line" means a loxodromic line;
 - (b) All positions given by means of co-ordinates are defined on European Datum (1st Adjustment 1950);
 - (c) "Median line" is a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea adjacent to the United Kingdom and the Isle of Man respectively is measured.

Schedule

List of Points

<u>Point</u>	<u>Position of point</u>	
1	50° 49' 23" N	1° 15' 51" E
2	50° 53' 47" N	1° 16' 58" E
3	50° 57' 00" N	1° 21' 25" E
4	51° 02' 19" N	1° 32' 53" E
5	51° 05' 58" N	1° 43' 31" E
6	51° 12' 04" N	1° 53' 21" E

* Communicated by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale dated 30 September 1987.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order establishes the seaward limit of the territorial sea adjacent to the United Kingdom in the narrow part of the Straits of Dover and in the vicinity of the Isle of Man. The limit in the Straits of Dover is constituted by straight lines joining the points indicated in the Schedule and follows the line already agreed for the continental shelf by the Agreement of 24 June 1982 with the Government of France (T.S. No. 20 (1983) Cmd. 8859) where that line is within twelve miles of the baselines of the United Kingdom. The limit in the vicinity of the Isle of Man is the median line.

Extract from the speech made in the second reading debate in
the House of Lords by the Minister of State in the Foreign
and Commonwealth Office on 5 February 1987
concerning passage in straits*
(Hansard, HL 5 February 1987 Col 382)

[Original: English]

We also have had to consider the position of straits. With a territorial sea of only three miles, there is a stretch of high seas through most straits, though not all. If the territorial sea is extended to 12 miles, many more straits - including some of the most important such as the Straits of Dover, Hormuz in the Gulf, and Bab el Mandeb in the Red Sea - would be brought within the territorial sea of the neighbouring countries.

For this reason, it has been recognized in State practice, international negotiations and the case law of the International Court that a special régime for navigation is appropriate in straits. This is not so, of course, where a strait lies between an island and a mainland and there is a convenient alternative route outside the island.

International law and practice have now developed to the point where, if the United Kingdom extends to 12 miles, we should afford to others the essential rights in some internationally important straits for which there is no alternative route, namely, the Straits of Dover, the North Channel lying between Scotland and Northern Ireland and the passage between Shetland and Orkney. These rights, which are widely recognized as necessary, include: a right of unimpeded passage through such straits for merchant vessels and warships; a right of overflight; the right of submarines to pass through the straits submerged; and appropriate safeguards for the security and other interests of the coastal State.

In other straits used for international navigation, such as the Pentland Firth south of Orkney and the passage between the Scilly Isles and the mainland of Cornwall, as in other parts of the territorial sea, a right of innocent passage will continue to exist in accordance with the practice of States.

* A similar statement was made in the Second Reading Committee of the House of Commons by the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, Mr. Eggar, on 28 April 1987.

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

[Original: English]

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

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

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

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

This Declaration of limits is effective immediately.

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

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

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

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

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

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

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

(d) Proclamation No. 4 of 1986: Interim Fishery
Conservation and Management Zone*

[Original: English]

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

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

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

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

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

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

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

* Communicated by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a letter dated 5 December 1986.

(e) The Fisheries (Conservation and Management) Ordinance 1986

Falkland Islands*

[Original: English]

Arrangement of sections

Section

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

* Communicated by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a letter dated 5 December 1986.

AN ORDINANCE

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

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

Citation and commencement

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

Interpretation

2. In this Ordinance unless the context otherwise requires:

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

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

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

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

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

"fishing" means:

- (a) The catching or taking of fish;
- (b) Any other activity which can reasonably be expected to result in the catching or taking of fish; or
- (c) Any operations at sea in support of, or in preparation for, any activity described in (a) and (b);

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

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

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

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

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

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

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

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

Fishing waters

3. The fishing waters of the Falkland Islands comprise:

(a) The internal waters;

(b) The territorial sea;

(c) The Interim Fishery Conservation and Management Zone; and

(d) Any other marine waters over which exclusive rights of fishing or fisheries management are claimed by proclamation, law or convention for the time being in force in the Falkland Islands.

Fishing prohibited without a licence

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

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

PENALTY: £100,000.

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

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

(a) The area within which fishing is authorized;

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

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

(d) The method of fishing.

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

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

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

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

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

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

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

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

PENALTY: £20,000.

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

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

PENALTY: £75,000.

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

PENALTY: £15,000.

- (8) A fishing licence may be:
- (a) Varied from time to time, and
 - (b) Revoked or suspended,

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

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

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

Notification of fish on board by fishing boats entering
fishing waters

5. (1) The master of a fishing boat that has fish on board shall:
- (a) Prior to entry of the boat into the fishing waters, or
 - (b) Prior to the boat leaving an area of the fishing waters in which the master, owner or charterer of that boat is licensed to fish,

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

PENALTY: £50,000.

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

Stowage of gear

6. (1) At any time when a fishing boat is in any area of the fishing waters and either:
- (a) It is prohibited by section 4 from fishing in that area; or
 - (b) It is permitted by fishing licence to fish only for certain descriptions of fish in that area;

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

- (2) If this section is contravened in the case of any fishing boat:
- (a) The master of the boat shall be liable on conviction to a fine; and

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

PENALTY: £100,000.

Trans-shipment and export of fish prohibited without a licence

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

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

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

PENALTY: £50,000.

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

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

- (a) The area within which the fish is to be trans-shipped;
- (b) The periods or times during which the fish is to be trans-shipped or transported;
- (c) The number of trans-shipments that may be undertaken;
- (d) The descriptions and quantities of fish that may be transported out of the fishing waters; or
- (e) The number of times that the fishing boat specified in the licence may transport fish out of the fishing waters.

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

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

PENALTY: £20,000.

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

PENALTY: £15,000.

(8) Any person who:

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

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

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

PENALTY: £20,000.

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

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

(b) May be revoked or suspended,

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

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

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

Manner of exercise of licensing powers

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

Director of Fisheries and Fisheries Protection Officers

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

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

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

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

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

General Powers of Fisheries Protection Officers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Release of boat or thing if no proceedings instituted

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

Security for release of fishing boat

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

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

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

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

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

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

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

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

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

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

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

Indemnity

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

Obstruction of Fisheries Protection Officers

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

PENALTY: £50,000.

Offences, penalties and proceedings

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

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

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

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

(a) Within the fishing waters and

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

unless the contrary is proved.

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

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

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

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

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

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

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

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

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

Jurisdiction of Summary and Magistrates Court

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

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

Forfeiture of licence

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

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

Administrative penalties for minor offences

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

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

(b) The offence is of a minor nature;

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

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

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

(a) The date and nature of the offence;

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

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

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

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

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

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

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

(a) Admit the offence; and

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

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

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

(b) Admit the offence;

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

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

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

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

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

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

(11) Nothing in this section shall apply:

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

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

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

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

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

Regulations

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

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

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

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

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

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

Restriction on the application of Fisheries Ordinance
Cap 27 and saving

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

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

10. UNITED REPUBLIC OF TANZANIA

Territorial Sea and Exclusive Economic Zone Act, 1989*

[Original: English]

An Act to establish the territorial sea and to establish an exclusive economic zone, of the United Republic adjacent to the territorial sea, and in the exercise of the sovereign rights of the United Republic to make provisions for the exploration, exploitation and conservation and management, of the resources of the sea and for matters connected with those purposes

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act, 1989, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

(2) This Act shall extend to Zanzibar.

Interpretation

2. In this Act, unless the context otherwise requires:

"Exclusive Economic Zone" means the marine zone described under section 7 of this Act;

"Law of the Sea Convention" means the Law of the Sea Convention of 1982 which is attached as a schedule to this Act, and whose provisions this Act seeks to implement;

"a marine authorized officer" means an authorized officer mentioned under section 13;

"Minister" means the Minister responsible for Foreign Affairs.

PART II

TERRITORIAL SEA

The Territorial Sea

3. (1) There is established a marine zone to be known as the Territorial Sea.

* Communicated by the Permanent Mission of the United Republic of Tanzania to the United Nations.

(2) The breadth of the Territorial Sea of the United Republic shall comprise those areas of the sea extending up to 12 nautical miles measured from the coastal low-water line as determined under section 5 of this Act.

Internal Waters

4. The Internal waters of the United Republic of Tanzania include any areas of the sea that are on the landward side of the baseline of the Territorial Sea of the United Republic.

Baseline of territorial sea

5. The baseline from which the breadth of the Territorial Sea of the United Republic is measured shall be the low-water line along the coast of the United Republic including the coast of all islands, as marked on a large-scale chart or map officially recognized by the Government of the United Republic.

The sea-bed and internal waters vested in government

6. The sea-bed and subsoil of submarine areas bounded on the landward side by the low-water line along the coast of Tanzania and on the seaward side by the outer limits of the Territorial Sea of the United Republic shall be deemed to be and always to have been vested in the Government of the United Republic.

PART II

THE EXCLUSIVE ECONOMIC ZONE OF THE UNITED REPUBLIC

The Exclusive Economic Zone

7. (1) There is established contiguous to the territorial waters, a marine zone to be known as the Exclusive Economic Zone.

(2) Subject to subsection (3), the Exclusive Economic Zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the Territorial Sea is measured.

(3) Notwithstanding subsection (1), where the median line as defined by subsection (4) between the United Republic and any adjacent or opposite State is less than 200 miles from the baselines of the territorial waters, the outer boundary limit of the Zone shall be that fixed by agreement between the United Republic and that other States, but where there is no such agreement, the outer boundary limit shall be the median line.

(4) The median line is a line every point of which is equidistant from the nearest points of the baseline of the territorial waters, on the one hand, and the corresponding baselines of the territorial waters of any adjacent or opposite State as recognized by the Minister, on the other hand.

Making boundary lines of Zone on Charts or Maps

8. (1) The Minister shall cause the boundary lines of the Zone to be marked on a sealed map or chart, and that map or that chart shall be judicially noticed.

(2) The Director of Land Surveying in the Ministry responsible for lands, shall keep safe custody of the map or chart referred to in subsection (1), and anybody may at reasonable time inspect that map or chart, or purchase a certified copy thereof.

Rights in, and jurisdiction over, the Zone

9. There is vested in the government of the United Republic:

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

(2) Jurisdiction 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;

(3) Other rights and duties provided for under international law.

Exploitation of resources

10. (1) Subject to this Act, no person shall, within the Zone, except under or in accordance with an agreement with the Government of the United Republic:

(a) Explore or exploit any resources thereof;

(b) Carry out any search or excavation;

(c) Conduct any research;

(d) Drill in or construct, maintain or operate any structure or device;

or

(e) Carry out any economic activity.

(2) This section shall not apply to fishing by a citizen of the United Republic in or from a vessel registered in the United Republic.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than U.S. dollars two hundred and fifty thousand or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment; and in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Freedom of navigation, overflight and laying of cables, etc.

11. The United Republic shall recognize within its Exclusive Economic Zone the right of other States, whether coastal or land-locked, to freedom of navigation and overflight, the laying of cables and pipelines and other uses of the sea relating law to navigation and communication, such as are recognized under international law or embodied in a bilateral agreement.

Application of certain laws

12. Any laws enacted by the National Assembly and the House of Representatives relating to fisheries, national environment management, merchant shipping, petroleum and mining shall apply in relation for the exploration of natural resources and the question of marine pollution in the Territorial Sea and the Exclusive Economic Zone.

AUTHORIZED OFFICERS

Authorized officers

13. For the purposes of this Act, the following persons are designated authorized officers:

- (a) Fisheries officers of the Government Ministries responsible for fisheries;
- (b) Members of the Defence Forces;
- (c) Members of the Police Forces;
- (d) Officers of the Customs and Sales Tax Department;
- (e) Kikosi Maalum Cha Kuzuia Magendo, otherwise commonly known as "KMKM";
- (f) Any other person approved by the Minister.

Powers of authorized officers

14. (1) An authorized officer may, in performing his duties, exercise all the powers conferred on him by this Act in respect of:

- (a) A government vessel or structure that is at sea or in port; or
- (b) A foreign vessel or foreign structure that he reasonably suspects of being used in connection with fishing or any other activity carried on in contravention of this Act or the regulations.

(2) In the performance of his duties under this section, an authorized officer may:

- (a) Reasonably call on any person to assist him;
- (b) Use such forces as is reasonably necessary;

(c) Require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;

(d) Order that any vessel or structure be stopped;

(e) Board any vessel;

(f) Search or examine any vessel or structure or any fish equipment or thing on board thereof;

(g) Require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof.

(3) An authorized officer who has reasonable grounds to suspect that an offence has been committed under this Act or the regulations by any person, including any person on board a vessel or structure, may, without warrant or other process:

(a) Seize the vessel or structure together with any fish, fishing gear or other equipment suspected of being used in the commission of the offence; or

(b) Detain the person he suspects.

(4) Where a vessel, structure or thing is seized or a person is detained under subsection (3) an authorized officer shall, where possible, take the vessel, structure, thing or person as soon as practicable to the nearest port and within a reasonable time, cause the person detained to be brought before a Magistrate's court to answer a charge in connection with the offence that gave rise to the seizure and detention.

(5) A court may order that any vessel, structure, fishing gear or other equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within one month of the seizure under that subsection.

Sale of fish likely to spoil

15. (1) An authorized officer may, to avoid spoilage or decay of any fish he seizes under section 14, sell that fish in such manner as a fisheries officer of the Ministry responsible for fisheries directs.

(2) All moneys resulting from a sale of fish under subsection (1) shall be paid into the Consolidated Fund.

(3) An authorized officer who makes a sale of fish under subsection (1) shall give to the person from whom he seizes the fish a receipt containing:

(a) The date of the sale;

(b) The quantity of fish;

(c) The amount realized by the sale,

and the receipt shall be signed by the officer.

(4) Where a court dismisses a charge against a person brought before it under section 14, it shall, in any case where the fish in the possession of that person was sold, order compensation not exceeding the net amount realized by the sale to be paid to that person.

(5) Compensation payable under subsection (4) shall be charged on and paid out of the Consolidated Fund.

Exemption from liability

16. No liability shall attach to the United Republic, an authorized officer in respect of acts done by that officer in good faith in the performance of his duties under this Act.

PART V

OFFENCES AND MISCELLANEOUS PROVISIONS

General offences

17. Any person who:

(a) Assaults, resists, obstructs or intimidates an authorized officer or any person, assisting him in the execution of his duty;

(b) Uses indecent, abusive or insulting language to an authorized officer in the execution of his duty;

(c) Interferes with or hinders an authorized officer in the execution of his duty;

(d) By any gratuity, bribe, promise or other inducement, prevents an authorized officer from carrying out his duty;

(e) Without the authority of an authorized officer, is found in possession of any articles seized under section 14;

(f) Contravenes any provision of this Act for which no penalty is provided or the regulation,

shall be guilty of an offence and shall, on conviction, be liable to a fine not less than U.S. dollars one hundred thousand or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment and, in addition the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Return of property seized

18. Subject to the provision of section 15, a court may order that property seized under subsection (3) of section 14 be returned to the person from whom it was taken or to a person named by that person where:

(a) The court dismisses a charge brought against that person under this Act or the regulations, and it is of the opinion that the property can be returned consistently with the interest of justice; or

(b) No charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.

Regulations

19. The Minister may, after consultation with the Minister responsible for the administration of the relevant laws applicable in the Mainland Tanzania and Zanzibar, make regulations generally for carrying into effect the provisions of this Act, and in particular respecting:

- (a) Any activity relating to the exploration or exploitation of the Zone;
- (b) Any activity relating to the economic exploration or exploitation of the Zone;
- (c) The authorization, control and regulation of scientific research in the Zone;
- (d) The safety and protection of structures or devices in the Zone;
- (e) The preservation of the marine environment of the United Republic and the prevention and control of pollution thereto;
- (f) The regulation of the conduct of any person in or upon the Zone;
- (g) The conservation measures to protect the living resources of the sea.

Government Notice No. 209 of 1973 Revoked

20. The Proclamation published as Government Notice No. 209 of 1973 is hereby revoked.

11. UNITED STATES OF AMERICA

Proclamation by the President of the United States of America on the
territorial sea of the United States of America,
27 December 1988*

[Original: English]

International law recognizes that coastal nations may exercise sovereignty and jurisdiction over their territorial seas.

The territorial sea of the United States is a maritime zone extending beyond the land territory and internal waters of the United States over which the United States exercises sovereignty and jurisdiction, a sovereignty and jurisdiction that extend to the airspace over the territorial sea, as well as to its bed and subsoil.

Extension of the territorial sea by the United States to the limits permitted by international law will advance the national security and other significant interests of the United States.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution of the United States of America, and in accordance with international law, do hereby proclaim the extension of the territorial sea of the United States of America, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States exercises sovereignty.

The territorial sea of the United States henceforth extends to 12 nautical miles from the baselines of the United States determined in accordance with international law.

In accordance with international law, as reflected in the applicable provisions of the 1982 Convention on the Law of the Sea, within the territorial sea of the United States, the ships of all countries enjoy the right of innocent passage and the ships and aircraft of all countries enjoy the right of transit passage through international straits.

Nothing in this Proclamation:

(a) extends or otherwise alters existing federal or State law or any jurisdiction, rights, legal interests, or obligations derived therefrom, or

(b) impairs the determination, in accordance with international law, of any maritime boundary of the United States with a foreign jurisdiction.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of December, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and thirteenth.

RONALD REAGAN

* Communicated by the United States Mission to the United Nations.

II. COMMUNICATIONS

1. SINGAPORE

Note dated 5 December 1986 setting out the position of the Government of the Republic of Singapore on the Vietnamese claims concerning the so-called historical waters and the drawing of baselines 1/

[Original: English]

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

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

(b) The statement of 12 November 1982 by the Government of the Socialist Republic of Viet Nam on the territorial sea baseline of Viet Nam, which was circulated as an official document of the General Assembly (A/37/697, annex); 2/

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

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

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

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

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

2/ Reproduced in Current Developments in State Practice (United Nations publication, Sales No. E.87.V.3), p. 143.

Furthermore, in regard to the "Agreement on the historical waters of the Socialist Republic of Viet Nam and the People's Republic of Kampuchea", the Government of the Republic of Singapore wishes to state that the so-called Government of the People's Republic of Kampuchea does not represent, and cannot be considered to represent, Kampuchea in any manner whatsoever, as only the Coalition Government of Democratic Kampuchea, which is the sole legitimate Government of Kampuchea, overwhelmingly recognized as such in the United Nations, can represent Kampuchea. Therefore, any agreement or declaration that purports to be concluded or made by the so-called Government of the People's Republic of Kampuchea is devoid of any legal effect.

2. UNITED STATES OF AMERICA

Note dated 17 June 1987 from the United States Mission to the United Nations referring to an accord entitled "Agreement on the historical waters of the Socialist Republic of Viet Nam and the People's Republic of Kampuchea", 7 July 1982

The Permanent Mission of the United States to the United Nations sent to the Secretary-General of the United Nations a note dated 17 June 1987 which reads as follows:

"The United States refers to an accord entitled 'Agreement on the historical waters of the Socialist Republic of Viet Nam and the People's Republic of Kampuchea', signed July 7, 1982.

"Under the terms of this agreement the parties purportedly claim as historic certain waters in the Gulf of Thailand extending from the mainland to Tho Chu and Poulo Wai Islands.

"As is well known under long-standing standards of customary international law and State practice, historic waters are recognized as valid only if the following prerequisites are satisfied: (A) the State asserting claims thereto has done so openly and notoriously; (B) the State has effectively exercised its authority over a long and continuous period; and (C) other States have acquiesced therein.

"In the case of the historic waters claim made by the parties to the above agreement, the claim was first made internationally no earlier than July 7, 1982, less than five years ago, notwithstanding the assertion in the agreement that the waters 'have for a very long time belonged to Viet Nam and Kampuchea due to their special geographical conditions and their important significance towards each country's national defence and economy'.

"The brief period of time since the claim's promulgation is insufficient to meet the second criterion for establishing a claim to historic waters, and there is no evidence of effective exercise of authority over the claimed waters by either country before or after the date of the agreement. Moreover, without commenting on the substantive merits or lack thereof attaching to the 'special geographic conditions' of the waters in question and their 'important significance towards each country's defence and economy', such considerations do not fulfil any of the stated customary international legal prerequisites of a valid claim to historic waters.

"Finally, the United States has not acquiesced in this claim, nor can the community of States be said to have done so. Given the nature of the claim first promulgated in 1982, such a brief period of time would not permit sufficient acquiescence to mature.

"Therefore, the United States views the historic claim to the waters in question as without foundation and reserves its rights and those of its nationals in this regard."

3. VIET NAM

Note dated 12 February 1987 from the Permanent Mission of the Socialist Republic of Viet Nam on the Truong Sa Archipelago*

[Original: English]

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

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

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

* Communicated by the Permanent Mission of Viet Nam to the United Nations in a note dated 22 February 1987.

1/ See Status of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.85.V.5).

III. DECLARATIONS MADE UPON RATIFICATION OF THE 1982 UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA*

1. BRAZIL

[Original: English]

Date of deposit of the instrument of ratification: 22 December 1988

In accordance with article 310 of the United Nations Convention on the Law of the Sea, the Government of the Federative Republic of Brazil makes the following statement:

(I) The Brazilian Government understands that the provisions of article 301 prohibiting "any threat or use of force against the territorial integrity of any State, or in other manner inconsistent with the principles of international law embodied in the Charter of the United Nations" apply in particular to the maritime areas under the sovereignty or jurisdiction of the coastal State.

(II) The Brazilian Government understands that the provisions of the Convention do not authorize other States to carry out military exercises or manoeuvres, in particular those involving the use of weapons or explosives, in the exclusive economic zone without the consent of the coastal State.

(III) The Brazilian Government understands that in accordance with the provisions of the Convention the coastal State has, in the exclusive economic zone and on the continental shelf, the exclusive right to construct and to authorize and to regulate the construction, operation and use of all kinds of installations and structures, without exception, whatever their nature or purpose.

* The declarations made upon ratification which are not contained in the present publication can be found in Status of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.85.V.5), pp. 34-39.

2. CAPE VERDE

[Original: English]

Date of deposit of the instrument of ratification: 10 August 1987

1. The Republic of Cape Verde reaffirms in its entirety its declaration dated 10 December 1982, handed over upon signature of the United Nations Convention on the Law of the Sea. [See depositary notification C.N.7.1983.TREATIES-1 of 23 February 1983, annex B.]
2. The Republic of Cape Verde declares, without prejudice to article 303 of the United Nations Convention on the Law of the Sea, that any objects of an archaeological and historical nature found within the maritime areas over which it exerts sovereignty or jurisdiction, shall not be removed without its prior notification and consent.
3. The Republic of Cape Verde declares that, in the absence of or failing any other peaceful means, it chooses, in order of preference and in accordance with article 287 of the United Nations Convention on the Law of the Sea, the following procedures for the settlement of disputes regarding the interpretation or application of the said Convention:
 - (a) The International Tribunal for the Law of the Sea;
 - (b) The International Court of Justice.
4. The Republic of Cape Verde, in accordance with article 298 of the United Nations Convention on the Law of the Sea, declares that it does not accept the procedures provided for in Part XV, section 2, of the said Convention for the settlement of disputes concerning military activities, including military activities by government-operated vessels and aircraft engaged in non-commercial service, as well as disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraphs 2 and 3, of the aforementioned Convention.

3. DEMOCRATIC YEMEN

[Original: Arabic]

Date of deposit of the instrument of ratification: 21 July 1987

1. The People's Democratic Republic of Yemen will give precedence to its national laws in force which require prior permission for the entry or transit of foreign warships or of submarines or ships operated by nuclear power or carrying radioactive materials.

2. With regard to the delimitation of the maritime borders between the People's Democratic Republic of Yemen and any State having coasts opposite or adjacent to it, the median line basically adopted shall be drawn in a way such that every point of it is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of any State is measured. This shall be applicable to the maritime borders of the mainland territory of the People's Democratic Republic of Yemen and also of its islands.

4. GUINEA-BISSAU

[Original: French]

Date of deposit of the instrument of ratification: 25 August 1986

The Government of the Republic of Guinea-Bissau declares that, as regards article 287 on the choice of a procedure for the settlement of disputes concerning the interpretation or application of the United Nations Convention on the Law of the Sea, it does not accept the jurisdiction of the International Court of Justice and consequently will not accept that jurisdiction with respect to articles 297 and 298.

5. KUWAIT

[Original: Arabic]

Date of deposit of the instrument of ratification: 2 May 1986

Understanding

It is understood that the ratification of the State of Kuwait of the United Nations Convention on the Law of the Sea, signed at Montego Bay on the 10 of December 1982, does not mean in any way a recognition of Israel by the Government of the State of Kuwait.

Furthermore, no treaty relations will arise between the State of Kuwait and Israel.

6. UNITED REPUBLIC OF TANZANIA

[Original: English]

Date of deposit of the instrument of ratification: 30 September 1985

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

7. YUGOSLAVIA

[Original: English]

Date of deposit of the instrument of ratification: 5 May 1986

1. Proceeding from the right that State parties have on the basis of article 310 of the United Nations Convention on the Law of the Sea, the Government of the Socialist Federal Republic of Yugoslavia considers that a coastal State may, by its laws and regulations, subject the passage of foreign warships to the requirement of previous notification to the respective coastal State and limit the number of ships simultaneously passing, on the basis of the international customary law and in compliance with the right of innocent passage (articles 17-32 of the Convention).

2. The Government of the Socialist Federal Republic of Yugoslavia also considers that it may, on the basis of article 38, paragraph 1, and article 45, paragraph 1 (a), of the Convention, determine by its laws and regulations which of the straits used for international navigation in the territorial sea of the Socialist Federal Republic of Yugoslavia will retain the régime of innocent passage, as appropriate.

3. Due to the fact that the provisions of the Convention relating to the contiguous zone (article 33) do not provide rules on the delimitation of the contiguous zone between States with opposite or adjacent coasts, the Government of the Socialist Federal Republic of Yugoslavia considers that the principles of the customary international law, codified in article 24, paragraph 3, of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, will apply to the delimitation of the contiguous zone between the parties to the United Nations Convention on the Law of the Sea.

IV. OBJECTIONS TO DECLARATIONS

1. AUSTRALIA

Objection by Australia to the Understanding
recorded upon signature by the Philippines
and confirmed upon ratification*

On 3 August 1988, the Secretary-General received from the Government of Australia the following objection concerning the understanding recorded by the Philippines:

[Original: English]

"Australia considers that this declaration made by the Republic of the Philippines is not consistent with article 309 of the Law of the Sea Convention, which prohibits the making of reservations, nor with article 310 which permits declarations to be made 'provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State'.

"The declaration of the Republic of the Philippines asserts that the Convention shall not affect the sovereign rights of the Philippines arising from its Constitution, its domestic legislation and any treaties to which the Philippines is a party. This indicates, in effect, that the Philippines does not consider that it is obliged to harmonize its laws with the provisions of the Convention. By making such an assertion, the Philippines is seeking to modify the legal effect of the Convention's provisions.

"This view is supported by the specific reference in the declaration to the status of archipelagic waters. The declaration states that the concept of archipelagic waters in the Convention is similar to the concept of internal waters held under former constitutions of the Philippines and recently reaffirmed in article 1 of the New Constitution of the Philippines in 1987. It is clear, however, that the Convention distinguishes the two concepts and that different obligations and rights are applicable to archipelagic waters from those which apply to internal waters. In particular, the Convention provides for the exercise by foreign ships of the rights of innocent passage and of archipelagic sea lanes passage in archipelagic waters.

"Australia cannot, therefore, accept that the statement of the Philippines has any legal effect or will have any effect when the Convention comes into force and considers that the provisions of the Convention should be observed without being made subject to the restrictions asserted in the declaration of the Republic of the Philippines."

* Communicated to Member States by Depository Notification C.N.173.1988.TREATIES-1 of the United Nations Secretariat.

2. PHILIPPINES

Declaration by the Philippines concerning an objection by Australia to the Understanding recorded upon signature by the Philippines and confirmed upon ratification*

On 26 October 1988, the Secretary-General received from the Government of the Philippines the following declaration concerning the said objection made by Australia:

[Original: English]

"The Philippine declaration was made in conformity with article 310 of the United Nations Convention on the Law of the Sea. The declaration consists of interpretative statements concerning certain provisions of the Convention.

"The Philippine Government intends to harmonize its domestic legislation with the provisions of the Convention.

"The necessary steps are being undertaken to enact legislation dealing with archipelagic sea lanes passage and the exercise of Philippine sovereign rights over archipelagic waters, in accordance with the Convention.

"The Philippine Government, therefore, wishes to assure the Australian Government and the States Parties to the Convention that the Philippines will abide by the provisions of said Convention."

* Communicated to Member States by Depositary Notification C.N.254.1988.TREATIES-2 of the United Nations Secretariat.

3. BULGARIA

Objection by Bulgaria to the Understanding recorded upon signature
by the Philippines and confirmed upon ratification

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

[Original: English]

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

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

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

ANNEX

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

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

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

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

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

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

V. TREATIES

1. MULTILATERAL TREATIES

- (a) Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, 24 November 1986

THE PARTIES,

FULLY AWARE of the economic and social value of the natural resources of the environment of the South Pacific Region;

TAKING INTO ACCOUNT the traditions and cultures of the Pacific people as expressed in accepted customs and practices;

CONSCIOUS of their responsibility to preserve their natural heritage for the benefit and enjoyment of present and future generations;

RECOGNIZING the special hydrological, geological and ecological characteristics of the region which require special care and responsible management;

RECOGNIZING FURTHER the threat to the marine and coastal environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the insufficient integration of an environmental dimension into the development process;

SEEKING TO ENSURE that resource development shall be in harmony with the maintenance of the unique environmental quality of the region and the evolving principles of sustained resource management;

REALIZING FULLY the need for co-operation amongst themselves and with competent international, regional and subregional organizations in order to ensure a co-ordinated and comprehensive development of the natural resources of the region;

RECOGNIZING the desirability for the wider acceptance and national implementation of international agreements already in existence concerning the marine and coastal environment;

NOTING, however, that existing international agreements concerning the marine and coastal environment do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and environmental degradation and do not entirely meet the special requirements of the South Pacific Region;

DESIROUS to adopt the regional convention to strengthen the implementation of the general objectives of the Action Plan for Managing the Natural Resources and Environment of the South Pacific Region adopted at Rarotonga, Cook Islands, on 11 March 1982;

HAVE AGREED AS FOLLOWS:

Article 1

GEOGRAPHICAL COVERAGE

1. This Convention shall apply to the South Pacific Region, hereinafter referred to as "the Convention Area" as defined in paragraph (a) of article 2.
2. Except as may be otherwise provided in any Protocol to this Convention, the Convention Area shall not include internal waters or archipelagic waters of the Parties as defined in accordance with international law.

Article 2

DEFINITIONS

For the purposes of this Convention and its Protocols unless otherwise defined in any such Protocol:

(a) The "Convention Area" shall comprise:

- (i) the 200-nautical-mile zones established in accordance with international law off:

American Samoa	Northern Mariana Islands
Australia (East Coast and Islands to eastward including Macquarie Island)	
Cook Islands	Palau
Federated States of Micronesia	Papua New Guinea
Fiji	Pitcairn Islands
French Polynesia	Solomon Islands
Guam	Tokelau
Kiribati	Tonga
Marshall Islands	Tuvalu
Nauru	Vanuatu
New Caledonia and Dependencies	Wallis and Futuna
New Zealand	Western Samoa
Niue	

- (ii) those areas of high seas which are enclosed from all sides by the 200-nautical-mile zones referred to in subparagraph (i);
- (iii) areas of the Pacific Ocean which have been included in the Convention Area pursuant to article 3;

(b) "dumping" means:

- any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
- any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea;

"dumping" does not include:

- the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

- placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention;

(c) "wastes or other matter" means material and substances of any kind, form or description;

(d) The following wastes or other matter shall be considered to be non-radioactive: sewage sludge, dredge spoil, fly ash, agricultural wastes, construction materials, vessels, artificial reef building materials and other such materials, provided that they have not been contaminated with radio nuclides of anthropogenic origin (except dispersed global fall-out from nuclear weapons testing), nor are potential sources of naturally occurring radio nuclides for commercial purposes, nor have been enriched in natural or artificial radio nuclides;

If there is a question as to whether the material to be dumped should be considered non-radioactive, for the purposes of this Convention, such material shall not be dumped unless the appropriate national authority of the proposed dumper confirms that such dumping would not exceed the individual and collective dose limits of the International Atomic Energy Agency general principles for the exemption of radiation sources and practices from regulatory control. The national authority shall also take into account the relevant recommendations, standards and guidelines developed by the International Atomic Energy Agency;

(e) "vessels" and "aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft, whether self-propelled or not;

(f) "pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

In applying this definition to the Convention obligations, the Parties shall use their best endeavours to comply with the appropriate standards and recommendations established by competent international organizations, including the International Atomic Energy Agency;

(g) "Organization" means the South Pacific Commission;

(h) "Director" means the Director of the South Pacific Bureau for Economic Co-operation.

Article 3

ADDITION TO THE CONVENTION AREA

Any Party may add areas under its jurisdiction within the Pacific Ocean between the Tropic of Cancer and 60 degrees south latitude and between 130 degrees east longitude and 120 degrees west longitude to the Convention Area. Such addition shall be notified to the Depositary who shall promptly notify the other Parties and the Organization. Such areas shall be incorporated within the Convention Area ninety days after notification to the Parties by the Depositary, provided there has been no objection to the proposal to add new areas by any Party affected by that proposal. If there is any such objection the Parties concerned will consult with a view to resolving the matter.

Article 4

GENERAL PROVISIONS

1. The Parties shall endeavour to conclude bilateral or multilateral agreements, including regional or subregional agreements, for the protection, development and management of the marine and coastal environment of the Convention Area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organization and through it to all Parties to this Convention.
2. Nothing in this Convention or its Protocols shall be deemed to affect obligations assumed by a Party under agreements previously concluded.
3. Nothing in this Convention and its Protocols shall be construed to prejudice or affect the interpretation and application of any provision or term in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.
4. This Convention and its Protocols shall be construed in accordance with international law relating to their subject-matter.
5. Nothing in this Convention and its Protocols shall prejudice the present or future claims and legal views of any Party concerning the nature and extent of maritime jurisdiction.
6. Nothing in this Convention shall affect the sovereign right of States to exploit, develop and manage their own natural resources pursuant to their own policies, taking into account their duty to protect and preserve the environment. Each Party shall ensure that activities within its jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of its national jurisdiction.

Article 5

GENERAL OBLIGATIONS

1. The Parties shall endeavour, either individually or jointly, to take all appropriate measures in conformity with international law and in accordance with this Convention and those Protocols in force to which they are party to prevent, reduce and control pollution of the Convention Area, from any source, and to ensure sound environmental management and development of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities. In doing so the Parties shall endeavour to harmonize their policies at the regional level.
2. The Parties shall use their best endeavours to ensure that the implementation of this Convention shall not result in an increase in pollution in the marine environment outside the Convention Area.
3. In addition to the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping and the Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region, the Parties shall co-operate in the formulation and adoption of other Protocols prescribing agreed measures, procedures and standards to prevent, reduce and control pollution from all sources or in promoting environmental management in conformity with the objectives of this Convention.
4. The Parties shall, taking into account existing internationally recognized rules, standards, practices and procedures, co-operate with competent global, regional and subregional organizations to establish and adopt recommended practices, procedures and measures to prevent, reduce and control pollution from all sources and to promote sustained resource management and to ensure the sound development of natural resources in conformity with the objectives of this Convention and its Protocols, and to assist each other in fulfilling their obligations under this Convention and its Protocols.
5. The Parties shall endeavour to establish laws and regulations for the effective discharge of the obligations prescribed in this Convention. Such laws and regulations shall be no less effective than international rules, standards and recommended practices and procedures.

Article 6

POLLUTION FROM VESSELS

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by discharges from vessels, and to ensure the effective application in the Convention Area of the generally accepted international rules and standards established through the competent international organization or general diplomatic conference relating to the control of pollution from vessels.

Article 7

POLLUTION FROM LAND-BASED SOURCES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures, or any other sources in their territory.

Article 8

POLLUTION FROM SEA-BED ACTIVITIES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting directly or indirectly from exploration and exploitation of the sea-bed and its subsoil.

Article 9

AIRBORNE POLLUTION

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting from discharges into the atmosphere from activities under their jurisdiction.

Article 10

DISPOSAL OF WASTES

1. The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by dumping from vessels, aircraft, or man-made structures at sea, including the effective application of the relevant internationally recognized rules and procedures relating to the control of dumping of wastes and other matter. The Parties agree to prohibit the dumping of radioactive wastes or other radioactive matter in the Convention Area. Without prejudice to whether or not disposal into the sea-bed and subsoil of wastes or other matter is "dumping", the Parties agree to prohibit the disposal into the sea-bed and subsoil of the Convention Area of radioactive wastes or other radioactive matter.

2. This article shall also apply to the continental shelf of a Party where it extends, in accordance with international law, outward beyond the Convention Area.

Article 11

STORAGE OF TOXIC AND HAZARDOUS WASTES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting from the storage of toxic and hazardous wastes. In particular, the Parties shall prohibit the storage of radioactive wastes or other radioactive matter in the Convention Area.

Article 12

TESTING OF NUCLEAR DEVICES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area which might result from the testing of nuclear devices.

Article 13

MINING AND COASTAL EROSION

The Parties shall take all appropriate measures to prevent, reduce and control environmental damage in the Convention Area, in particular coastal erosion caused by coastal engineering, mining activities, sand removal, land reclamation and dredging.

Article 14

SPECIALLY PROTECTED AREAS AND PROTECTION OF WILD FLORA AND FAUNA

The Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems and depleted, threatened or endangered flora and fauna as well as their habitat in the Convention Area. To this end, the Parties shall, as appropriate, establish protected areas, such as parks and reserves, and prohibit or regulate any activity likely to have adverse effects on the species, ecosystems or biological processes that such areas are designed to protect. The establishment of such areas shall not affect the rights of other Parties or third States under international law. In addition, the Parties shall exchange information concerning the administration and management of such areas.

Article 15

CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

1. The Parties shall co-operate in taking all necessary measures to deal with pollution emergencies in the Convention Area, whatever the cause of such emergencies, and to prevent, reduce and control pollution or the threat of pollution resulting therefrom. To this end, the Parties shall develop and promote individual contingency plans and joint contingency plans for responding to incidents involving pollution or the threat thereof in the Convention Area.

2. When a Party becomes aware of a case in which the Convention Area is in imminent danger of being polluted or has been polluted, it shall immediately notify other countries and territories it deems likely to be affected by such pollution, as well as the Organization. Furthermore it shall inform, as soon as feasible, such other countries and territories and the Organization of any measures it has itself taken to reduce or control pollution or the threat thereof.

Article 16

ENVIRONMENTAL IMPACT ASSESSMENT

1. The Parties agree to develop and maintain, with the assistance of competent global, regional and subregional organizations as requested, technical guidelines and legislation giving adequate emphasis to environmental and social factors to facilitate balanced development of their natural resources and planning of their major projects which might affect the marine environment in such a way as to prevent or minimize harmful impacts on the Convention Area.

2. Each Party shall, within its capabilities, assess the potential effects of such projects on the marine environment, so that appropriate measures can be taken to prevent any substantial pollution of, or significant and harmful changes within, the Convention Area.

3. With respect to the assessment referred to in paragraph 2, each Party shall, where appropriate, invite:

(a) Public comment according to its national procedures;

(b) Other Parties that may be affected to consult with it and submit comments.

The results of these assessments shall be communicated to the Organization, which shall make them available to interested Parties.

Article 17

SCIENTIFIC AND TECHNICAL CO-OPERATION

1. The Parties shall co-operate, either directly or with the assistance of competent global, regional and subregional organizations, in scientific research, environmental monitoring, and the exchange of data and other scientific and technical information related to the purposes of the Convention.

2. In addition, the Parties shall, for the purposes of this Convention, develop and co-ordinate research and monitoring programmes relating to the Convention Area and co-operate, as far as practicable, in the establishment and implementation of regional, subregional and international research programmes.

Article 18

TECHNICAL AND OTHER ASSISTANCE

The Parties undertake to co-operate, directly and when appropriate through the competent global, regional and subregional organizations, in the provision to other Parties of technical and other assistance in fields relating to pollution and sound environmental management of the Convention Area, taking into account the special needs of the island developing countries and territories.

Article 19

TRANSMISSION OF INFORMATION

The Parties shall transmit to the Organization information on the measures adopted by them in the implementation of this Convention and of Protocols to which they are Parties, in such form and at such intervals as the Parties may determine.

Article 20

LIABILITY AND COMPENSATION

The Parties shall co-operate in the formulation and adoption of appropriate rules and procedures in conformity with international law in respect of liability and compensation for damage resulting from pollution of the Convention Area.

Article 21

INSTITUTIONAL ARRANGEMENTS

1. The Organization shall be responsible for carrying out the following secretariat functions:

- (a) To prepare and convene the meetings of Parties;
- (b) To transmit to the Parties notifications, reports and other information received in accordance with this Convention and its Protocols;
- (c) To perform the functions assigned to it by the Protocols to this Convention;
- (d) To consider enquiries by, and information from, the Parties and to consult with them on questions relating to this Convention and the Protocols;
- (e) To co-ordinate the implementation of co-operative activities agreed upon by the Parties;
- (f) To ensure the necessary co-ordination with other competent global, regional and subregional bodies;
- (g) To enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions;
- (h) To perform such other functions as may be assigned to it by the Parties; and
- (i) To transmit to the South Pacific Conference and the South Pacific Forum the reports of ordinary and extraordinary meetings of the Parties.

2. Each Party shall designate an appropriate national authority to serve as the channel of communication with the Organization for the purposes of this Convention.

Article 22

MEETINGS OF THE PARTIES

1. The Parties shall hold ordinary meetings once every two years. Ordinary meetings shall review the implementation of this Convention and its Protocols and, in particular, shall:

(a) Assess periodically the state of the environment in the Convention Area;

(b) Consider the information submitted by the Parties under article 19;

(c) Adopt, review and amend as required annexes to this Convention and to its Protocols, in accordance with the provisions of article 25;

(d) Make recommendations regarding the adoption of any Protocols or any amendments to this Convention or its Protocols in accordance with the provisions of articles 23 and 24;

(e) Establish working groups as required to consider any matters concerning this Convention and its Protocols;

(f) Consider co-operative activities to be undertaken within the framework of this Convention and its Protocols, including their financial and institutional implications and adopt decisions relating thereto;

(g) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its Protocols; and

(h) Adopt by consensus financial rules and budget, prepared in consultation with the Organization, to determine, inter alia, the financial participation of the Parties under this Convention and those Protocols to which they are party.

2. The Organization shall convene the first ordinary meeting of the Parties not later than one year after the date on which the Convention enters into force in accordance with article 31.

3. Extraordinary meetings shall be convened at the request of any Party or upon the request of the Organization, provided that such requests are supported by at least two thirds of the Parties. It shall be the function of an extraordinary meeting of the Parties to consider those items proposed in the request for the holding of the extraordinary meeting and any other items agreed to by all the Parties attending the meeting.

4. The Parties shall adopt by consensus at their first ordinary meeting, rules of procedure for their meetings.

Article 23

ADOPTION OF PROTOCOLS

1. The Parties may, at a conference of plenipotentiaries, adopt Protocols to this Convention pursuant to paragraph 3 of article 5.
2. If so requested by a majority of the Parties, the Organization shall convene a conference of plenipotentiaries for the purpose of adopting Protocols to this Convention.

Article 24

AMENDMENT OF THE CONVENTION AND ITS PROTOCOLS

1. Any Party may propose amendments to this Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of two thirds of the Parties.
2. Any Party to this Convention may propose amendments to any Protocol. Such amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of two thirds of the Parties to the Protocol concerned.
3. A proposed amendment to the Convention or any Protocol shall be communicated to the Organization, which shall promptly transmit such proposal for consideration to all the other Parties.
4. A conference of plenipotentiaries to consider a proposed amendment to the Convention or any Protocol shall be convened not less than ninety days after the requirements for the convening of the Conference have been met pursuant to paragraphs 1 or 2, as the case may be.
5. Any amendment to this Convention shall be adopted by a three-fourths majority vote of the Parties to the Convention which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Parties to the Convention. Amendments to any Protocol shall be adopted by a three-fourths majority vote of the Parties to the Protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Parties to the Protocol.
6. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments shall enter into force between Parties having accepted such amendments on the thirtieth day following the date of receipt by the Depositary of the instruments of at least three fourths of the Parties to this Convention or to the Protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Party on the thirtieth day after the date on which that Party deposits its instruments.
7. After the entry into force of an amendment to this Convention or to a Protocol, any new Party to the Convention or such protocol shall become a Party to the Convention or Protocol as amended.

Article 25

ANNEXES AND AMENDMENT OF ANNEXES

1. Annexes to this Convention or to any Protocol shall form an integral part of the Convention or such Protocol respectively.

2. Except as may be otherwise provided in any Protocol with respect to its annexes, the following procedures shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to annexes to any Protocol:

(a) Any Party may propose amendments to the annexes to this Convention or annexes to any Protocol;

(b) Any proposed amendment shall be notified by the Organization to the Parties not less than sixty days before the convening of a meeting of the Parties unless this requirement is waived by the meeting;

(c) Such amendments shall be adopted at a meeting of the Parties by a three-fourths majority vote of the Parties to the instrument in question;

(d) The Depositary shall without delay communicate the amendments so adopted to all Parties;

(e) Any Party that is unable to approve an amendment to the annexes to this Convention or to annexes to any Protocol shall so notify in writing to the Depositary within one hundred days from the date of the communication of the amendment by the Depositary. A Party may at any time substitute an acceptance for a previous declaration of objection, and the amendment shall thereupon enter into force for that Party;

(f) The Depositary shall without delay notify all Parties of any notification received pursuant to the preceding subparagraph; and

(g) On expiry of the period referred to in subparagraph (e) above, the amendment to the annex shall become effective for all Parties to this Convention or to the Protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph.

3. The adoption and entry into force of a new annex shall be subject to the same procedure as that for the adoption and entry into force of an amendment to an annex as set out in the provisions of paragraph 2, provided that, if any amendment to the Convention or the Protocol concerned is involved, the new annex shall not enter into force until such time as that amendment enters into force.

4. Amendments to the Annex on Arbitration shall be considered to be amendments to this Convention or its Protocols and shall be proposed and adopted in accordance with the procedures set out in article 24.

Article 26

SETTLEMENT OF DISPUTES

1. In case of a dispute between Parties as to the interpretation or application of this Convention or its Protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice. If the Parties concerned cannot reach agreement, they should seek the good offices of, or jointly request mediation by, a third Party.
2. If the Parties concerned cannot settle their dispute through the means mentioned in paragraph 1, the dispute shall, upon common agreement, except as may be otherwise provided in any Protocol to this Convention, be submitted to arbitration under conditions laid down in the Annex on Arbitration to this Convention. However, failure to reach common agreement on submission of the dispute to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by means referred to in paragraph 1.
3. A Party may at any time declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any other Party accepting the same obligation, the application of the arbitration procedure set out in the Annex on Arbitration. Such declaration shall be notified in writing to the Depositary who shall promptly communicate it to the other Parties.

Article 27

RELATIONSHIP BETWEEN THIS CONVENTION AND ITS PROTOCOLS

1. No State may become a Party to this Convention unless it becomes at the same time a Party to one or more Protocols. No State may become a Party to a Protocol unless it is, or becomes at the same time, a Party to this Convention.
2. Decisions concerning any Protocol pursuant to articles 22, 24 and 25 of this Convention shall be taken only by the Parties to the Protocol concerned.

Article 28

SIGNATURE

This Convention, the Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region, and the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping shall be open for signature at the South Pacific Commission Headquarters in Noumea, New Caledonia on 25 November 1986 and at the South Pacific Bureau for Economic Co-operation Headquarters, Suva, Fiji from 26 November 1986 to 25 November 1987 by States which were invited to participate in the Plenipotentiary Meeting of the High-Level Conference on the Protection of the Natural Resources and Environment of the South Pacific Region held at Noumea, New Caledonia from 24 November 1986 to 25 November 1986.

Article 29

RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention and any Protocol thereto shall be subject to ratification, acceptance or approval by States referred to in article 28. Instruments of ratification, acceptance or approval shall be deposited with the Director who shall be the Depositary.

Article 30

ACCESSION

1. This Convention and any Protocol thereto shall be open to accession by the States referred to in article 28 as from the day following the date on which the Convention or Protocol concerned was closed for signature.
2. Any State not referred to in paragraph 1 may accede to the Convention and to any Protocol subject to prior approval by three fourths of the Parties to the Convention or the Protocol concerned.
3. Instruments of accession shall be deposited with the Depositary.

Article 31

ENTRY INTO FORCE

1. This Convention shall enter into force on the thirtieth day following the date of deposit of at least ten instruments of ratification, acceptance, approval or accession.
2. Any Protocol to this Convention, except as otherwise provided in such Protocol, shall enter into force on the thirtieth day following the date of deposit of at least five instruments of ratification, acceptance or approval of such Protocol, or of accession thereto, provided that no Protocol shall enter into force before the Convention. Should the requirements for entry into force of a Protocol be met prior to those for entry into force of the Convention pursuant to paragraph 1, such Protocol shall enter into force on the same date as the Convention.
3. Thereafter, this Convention and any Protocol shall enter into force with respect to any State referred to in articles 28 or 30 on the thirtieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 32

DENUNCIATION

1. At any time after two years from the date of entry into force of this Convention with respect to a Party, that Party may denounce the Convention by giving written notification to the Depositary.
2. Except as may be otherwise provided in any Protocol to this Convention, any Party may, at any time after two years from the date of entry into force of such Protocol with respect to that Party, denounce the Protocol by giving written notification to the Depositary.
3. Denunciation shall take effect ninety days after the date on which notification of denunciation is received by the Depositary.
4. Any Party which denounces this Convention shall be considered as also having denounced any Protocol to which it was a Party.
5. Any Party which, upon its denunciation of a Protocol, is no longer a Party to any Protocol to this Convention, shall be considered as also having denounced this Convention.

Article 33

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall inform the Parties, as well as the Organization:
 - (a) Of the signature of this Convention and of any Protocol thereto and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 29 and 30;
 - (b) Of the date on which the Convention and any Protocol will come into force in accordance with the provisions of article 31;
 - (c) Of notification of denunciation made in accordance with article 32;
 - (d) Of notification of any addition to the Convention Area in accordance with article 3;
 - (e) Of the amendments adopted with respect to the Convention and to any Protocol, their acceptance by the Parties and the date of their entry into force in accordance with the provisions of article 24; and
 - (f) Of the adoption of new annexes and of the amendments of any annex in accordance with article 25.
2. The original of this Convention and of any Protocol thereto shall be deposited with the Depositary who shall send certified copies thereof to the Signatories, the Parties, to the Organization and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

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

DONE at Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six in a single copy in the English and French languages, the two texts being equally authentic.

ANNEX ON ARBITRATION

Article 1

Unless the agreement referred to in article 26 of the Convention provides otherwise, the arbitration procedure shall be in accordance with the rules set out in this Annex.

Article 2

The claimant Party shall notify the Organization that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 2, or that paragraph 3 of article 26 of the Convention is applicable. The notification shall state the subject-matter of the arbitration and include the provisions of the Convention or any Protocol thereto, the interpretation or application of which is the subject of disagreement. The Organization shall transmit this information to all Parties to the Convention or Protocol concerned.

Article 3

1. The Tribunal shall consist of a single arbitrator if so agreed between the Parties to the dispute within thirty days from the date of receipt of the notification for arbitration.
2. In the case of the death, disability or default of the arbitrator, the Parties to a dispute may agree upon a replacement within thirty days of such death, disability or default.

Article 4

1. Where the Parties to a dispute do not agree upon a Tribunal in accordance with article 3 of this Annex, the Tribunal shall consist of three members:
 - (a) One arbitrator nominated by each Party to the dispute, and
 - (b) A third arbitrator who shall be nominated by agreement between the two first named and who shall act as its Chairman.
2. If the Chairman of a Tribunal is not nominated within thirty days of nomination of the second arbitrator, the Parties to a dispute shall, upon the request of one Party, submit to the Secretary-General of the Organization within a further period of thirty days, an agreed list of qualified persons. The Secretary-General shall select the Chairman from such list as soon as possible. He shall not select a Chairman who is, or has been, a national of one Party to the dispute except with the consent of the other Party to the dispute.
3. If one Party to a dispute fails to nominate an arbitrator as provided in subparagraph 1 (a) within sixty days from the date of receipt of the notification for arbitration, the other Party may request the submission to the Secretary-General of the Organization within a period of thirty days of an agreed list of qualified persons. The Secretary-General shall select the Chairman of the Tribunal from such list as soon as possible. The Chairman shall then request the Party which has not nominated an arbitrator to do so. If this Party does not nominate an arbitrator within fifteen days of such request, the Secretary-General shall, upon request of the Chairman, nominate the arbitrator from the agreed list of qualified persons.

4. In the case of the death, disability or default of an arbitrator, the Party to the dispute who nominated him shall nominate a replacement within thirty days of such death, disability or default. If the Party does not nominate a replacement, the arbitration shall proceed with the remaining arbitrators. In the case of the death, disability or default of the Chairman, a replacement shall be nominated in accordance with paragraphs 1 (b) and 2 within ninety days of such death, disability or default.

5. A list of arbitrators shall be maintained by the Secretary-General of the Organization and composed of qualified persons nominated by the Parties. Each Party may designate for inclusion in the list four persons who shall not necessarily be its nationals. If the Parties to the dispute have failed within the specified time-limits to submit to the Secretary-General an agreed list of qualified persons as provided for in paragraphs 2, 3 and 4, the Secretary-General shall select from the list maintained by him the arbitrator or arbitrators not yet nominated.

Article 5

The Tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 6

The Tribunal may, at the request of one of the Parties to the dispute, recommend interim measures of protection.

Article 7

Each Party to the dispute shall be responsible for the costs entailed by the preparation of its own case. The remuneration of the members of the Tribunal and of all general expenses incurred by the arbitration shall be borne equally by the Parties to the dispute. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof to the Parties.

Article 8

Any Party which has an interest of a legal nature which may be affected by the decision in the case may, after giving written notice to the Parties to the dispute which have originally initiated the procedure, intervene in the arbitration procedure with the consent of the Tribunal which should be freely given. Any intervenor shall participate at its own expense. Any such intervenor shall have the right to present evidence, briefs and oral arguments on the matter giving rise to its intervention, in accordance with procedures established pursuant to article 9 of this Annex, but shall have no rights with respect to the composition of the Tribunal.

Article 9

A Tribunal established under the provisions of this Annex shall decide its own rules of procedure.

Article 10

1. Unless a Tribunal consists of a single arbitrator, decisions of the Tribunal as to its procedure, its place of meeting, and any question related to the dispute laid before it shall be taken by majority vote of its members. However, the absence or abstention of any member of the Tribunal who was nominated by a Party to the dispute shall not constitute an impediment to the Tribunal reaching a decision. In case of equal voting, the vote of the Chairman shall be decisive.

2. The Parties to the dispute shall facilitate the work of the Tribunal and in particular shall, in accordance with their legislation and using all means at their disposal:

(a) Provide the Tribunal with all necessary documents and information, and

(b) Enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene of the subject-matter of the arbitration.

3. The failure of a Party to the dispute to comply with the provisions of paragraph 2 or to defend its case shall not preclude the Tribunal from reaching a decision and rendering an award.

Article 11

The Tribunal shall render its award within five months from the time it is established unless it finds it necessary to extend that time-limit for a period not to exceed five months. The award of the Tribunal shall be accompanied by a statement of reasons for the decision. It shall be final and without appeal and shall be communicated to the Secretary-General of the Organization, who shall inform the Parties. The Parties to the dispute shall immediately comply with the award.

- (i) Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 25 November 1986

THE PARTIES TO THE PROTOCOL,

BEING PARTIES to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

RECOGNIZING the danger posed to the marine environment by pollution caused by the dumping of waste or other matter;

CONSIDERING that they have a common interest to protect the South Pacific Region from this danger, taking into account the unique environmental quality of the region;

DESIRING to enter into a regional agreement consistent with the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as provided in article VIII thereof, according to which the Contracting Parties to that Convention have undertaken to endeavour to act consistently with the objectives and provisions of such regional agreement;

HAVE AGREED AS FOLLOWS:

Article 1

DEFINITIONS

For the purpose of this Protocol "Convention" means the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia, on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six.

Article 2

GEOGRAPHICAL COVERAGE

The area to which this Protocol applies, hereinafter referred to as the "Protocol Area", shall be the Convention Area as defined in article 2 of the Convention together with the continental shelf of a Party where it extends, in accordance with international law, outward beyond the Convention Area.

Article 3

GENERAL OBLIGATIONS

1. The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Protocol Area by dumping.
2. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf of a Party as defined in international law shall not be carried out without the express prior approval of that Party, which has the right to permit, regulate and control such dumping taking fully into account the provisions of this Protocol, and after due consideration of the matter with other Parties which by reason of their geographical situation may be adversely affected thereby.

3. National laws, regulations and measures adopted by the Parties shall be no less effective in preventing, reducing and controlling pollution by dumping than the relevant internationally recognized rules and procedures relating to the control of dumping established within the framework of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

Article 4

PROHIBITED SUBSTANCES

1. The dumping in the Protocol Area of wastes or other matter listed in Annex I to this Protocol is prohibited except as provided in this Protocol.
2. No provision of this Protocol is to be interpreted as preventing a Party from prohibiting, in so far as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organization.

Article 5

SPECIAL PERMITS

The dumping in the Protocol Area of wastes or other matter listed in Annex II to this Protocol requires, in each case, a prior special permit.

Article 6

GENERAL PERMITS

The dumping in the Protocol Area of all wastes or other matter not listed in Annexes I and II to this Protocol requires a prior general permit.

Article 7

FACTORS GOVERNING THE ISSUE OF PERMITS

The permits referred to in articles 5 and 6 shall be issued only after careful consideration of all the factors set forth in Annex III to this Protocol. The Organization shall receive records of such permits.

Article 8

ALLOCATION OF SUBSTANCES TO ANNEXES

Substances are allocated to Annexes I and II of this Protocol in accordance with Annex IV.

Article 9

FORCE MAJEURE

The provisions of articles 4, 5 and 6 shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of force majeure caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures

at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life. Such dumping shall immediately be reported to the Organization and, either through the Organization or directly, to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 10

EMERGENCIES

1. A Party may issue a special permit as an exception to article 4, in emergencies arising in the Protocol Area, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organization which, after consulting other Parties, and international organizations as appropriate, shall in accordance with article 15 promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organization of the action it takes. The Parties pledge themselves to assist one another in such situations.

2. This article does not apply with respect to materials in whatever form produced for biological and chemical warfare referred to in paragraph 6 of Section A of Annex I.

3. Any Party may waive its rights under paragraph 1 at the time of, or subsequent to ratification, acceptance or approval of, or accession to this Protocol.

Article 11

ISSUANCE OF PERMITS

1. Each Party shall designate an appropriate authority or authorities to:

(a) Issue the special permits provided for in article 5 and in the emergency circumstances provided for in article 10;

(b) Issue the general permits provided for in article 6;

(c) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping; and

(d) Monitor individually, or in collaboration with other Parties, and competent international organizations, the condition of the Protocol Area for the purposes of this Protocol.

2. The appropriate authority or authorities of each Party shall issue the permits provided for in articles 5 and 6 and in the emergency circumstances provided for in article 10 in respect of the wastes or other matter intended for dumping:

(a) Loaded in its territory or at its offshore terminals; or

(b) Loaded by vessels flying its flag or vessels or aircraft of its registry when the loading occurs in the territory or at the offshore terminals of a State not party to this Protocol.

3. In issuing permits under paragraphs 1 (a) and (b) the appropriate authority or authorities shall comply with Annex III together with such additional criteria, measures and requirements as they may consider relevant.

Article 12

IMPLEMENTATION AND ENFORCEMENT

1. Each Party shall apply the measures required to implement this Protocol to all:

(a) Vessels flying its flag and vessels and aircraft of its registry;

(b) Vessels and aircraft loading in its territory or at its offshore terminals wastes or other matter which are to be dumped; and

(c) Vessels, aircraft and fixed or floating platforms believed to be engaged in dumping in areas under its jurisdiction.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Protocol.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Protocol particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Protocol.

4. This Protocol shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However, each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Protocol and shall inform the Organization accordingly.

Article 13

ADOPTION OF OTHER MEASURES

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping.

Article 14

REPORTING OF DUMPING INCIDENTS

Each Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Protocol area which give rise to suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other Party concerned.

Article 15

INSTITUTIONAL ARRANGEMENTS

The Parties designate the Organization to carry out the following functions:

(a) To assist the Parties, upon request, in the communication of reports in accordance with articles 9 and 14;

(b) To convey to the Parties concerned all notifications received by the Organization in accordance with articles 4 (2) and 10;

(c) To transmit to the International Maritime Organization as the Organization responsible for the secretariat functions under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, records and any other information received in accordance with article 7;

(d) To keep itself informed on evolving international standards and the results of research and investigation, and to advise meetings of Parties to the Protocol of such developments and any modification of the Annexes which may become desirable; and

(e) To carry out other duties assigned to it by the Parties.

Article 16

MEETINGS OF THE PARTIES

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Parties to the Convention held pursuant to article 22 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 22 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol to:

(a) Keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;

(b) Study and consider the records of the permits issued in accordance with articles 5, 6, 7 and the emergency situation in article 10, and of the dumping which has taken place;

(c) Review and amend as required any annex to this Protocol taking into account Annex IV;

(d) Adopt as necessary guidelines for the preparation of records and procedures to be followed in submitting such records for the purposes of article 7;

(e) Develop, adopt and implement in consultation with the Organization and other competent international organizations procedures pursuant to article 10 including basic criteria for determining emergency circumstances and procedures for consultative advice and the safe disposal, storage or destruction of matter in such circumstances;

(f) Invite, as necessary, the appropriate scientific body or bodies to collaborate with and to advise the Parties and the Organization on any scientific or technical aspects relevant to this Protocol, including particularly the content and applicability of the Annexes; and

(g) Perform such other functions as may be appropriate for the implementation of this Protocol.

3. The adoption of amendments to the Annexes to this Protocol pursuant to article 25 of the Convention shall require a three-fourths majority vote of the Parties to this Protocol.

Article 17

RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 22 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Noumea, New Caledonia, on the twenty-fifth day of November in the year one thousand nine hundred and eighty-six, in a single copy in the English and French languages, the two texts being equally authentic.

ANNEX I

- A -

The following substances and materials are listed for the purposes of article 4 of this Protocol.

1. Organohalogen compounds.
2. Mercury and cadmium compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude oil and its wastes, refined petroleum products, petroleum distillate residues and any mixtures containing any of these taken on board for the purpose of dumping.
6. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases, or in a living state) produced for biological and chemical warfare.
7. Organophosphorous compounds.

- B -

Section A does not apply to substances, other than substances produced for biological or chemical warfare, which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- make edible marine organisms unpalatable; or
- endanger human health or that of marine biota.

The consultative procedure provided for under article 10 shall be followed by a Party if there is doubt about the harmlessness of the substance.

- C -

This Annex does not apply to wastes or other materials, such as sewage sludges and dredged spoils, containing the matters referred to in paragraphs 1-5 of Section A as trace contaminants. The dumping of such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of article 5 of this Protocol.

- A -

Wastes containing a significant amount of the matters listed below:

arsenic)
lead)
copper) and their compounds
zinc)

organosilicon compounds
cyanides
fluorides
pesticides and their by-products not covered in Annex I.

- B -

In the issue of permits for the dumping of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in section A to the following additional substances:

beryllium)
chromium)
nickel) and their compounds
vanadium)

- C -

Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account article 7 of this Protocol, include:

- A -

Characteristics and Composition of the Matter

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form (e.g. solid, sludge, liquid, or gaseous).
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (e.g. fish, shellfish, etc.).
9. In issuing a permit for dumping, Parties should consider whether an adequate scientific basis and sufficient knowledge of the composition and characteristics of the waste or other matter proposed for dumping exist for assessing the impact of such material on the marine environment and human health.

- B -

Characteristics of Dumping Site and Method of Deposit

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.

5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution - dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD) - nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. In issuing a permit for dumping, Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

- C -

General Considerations and Conditions

1. Possible effects on amenities (e.g. presence of floating or stranded materials, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structure, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

- D -

References

References should also be made to "Guidelines for the Implementation and Uniform Interpretation of Annex III" as adopted by the Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

ANNEX IV

ALLOCATION OF SUBSTANCES TO ANNEXES

1. Substances are allocated to Annexes I and II on the grounds of any combination of the following criteria:

Persistence and degradability,

Bioaccumulation potential,

Toxicity to marine life,

Toxicity to man, domestic animals, marine mammals and birds preying on marine organisms,

Carcinogenicity and mutagenicity,

Ability to interfere with other legitimate uses of the sea.

2. Annex I substances are those which have a high degree of persistence coupled with:

(a) The ability to accumulate to harmful levels in terms of toxicity to marine organisms and their predators, to domestic animals or to man; or

(b) The ability to accumulate through marine pathways to levels harmful in terms of carcinogenicity or mutagenicity to domestic animals or to man; or

(c) The ability to cause interference with fisheries, amenities or other legitimate uses of the sea.

3. Annex II substances are all those considered suitable for inclusion in the Annexes except for those allocated to Annex I.

(ii) Protocol concerning co-operation in Combating Pollution Emergencies in the South Pacific Region, 25 November 1986

THE PARTIES TO THIS PROTOCOL,

BEING PARTIES to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

CONSCIOUS that the exploration, development and use of offshore and near-shore minerals and the use of hazardous substances, as well as related vessel traffic, pose the threat of significant pollution emergencies in the South Pacific Region;

AWARE that the islands of the region are particularly vulnerable to damage resulting from significant pollution due to the sensitivity of their ecosystems and their economic reliance on the continuous utilization of their coastal areas;

RECOGNIZING that in the event of a pollution emergency or threat thereof, prompt and effective action should be taken initially at the national level to organize and co-ordinate prevention, mitigation and clean-up activities;

RECOGNIZING FURTHER the importance of rational preparation and mutual co-operation and assistance in responding effectively to pollution emergencies or the threat thereof;

DETERMINED to avert ecological damage to the marine environment and coastal areas of the South Pacific Region through the adoption of national contingency plans to be co-ordinated with appropriate bilateral and subregional contingency plans;

HAVE AGREED as follows:

Article 1

DEFINITIONS

For the purposes of this Protocol:

(a) "Convention" means the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia, on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

(b) "South Pacific Region" means the Convention Area as defined in article 2 of the Convention and adjacent coastal areas;

(c) "related interests" of a Party refer, inter alia, to:

(i) maritime, coastal, port, or estuarine activities;

- (ii) fishing activities and the management and conservation of living and non-living resources, including coastal ecosystems;
- (iii) the cultural value of the area concerned and the exercise of traditional customary rights therein;
- (iv) the health of the coastal population;
- (v) tourist and recreational activities;

(d) "pollution incident" means a discharge or significant threat of a discharge of oil or other hazardous substance, however caused, resulting in pollution or an imminent threat of pollution to the marine and coastal environment or which adversely affects the related interests of one or more of the Parties and of a magnitude that requires emergency action or other immediate response for the purpose of minimizing its effects or eliminating its threat.

Article 2

APPLICATION

This Protocol applies to pollution incidents in the South Pacific Region.

Article 3

GENERAL PROVISIONS

1. The Parties to this Protocol shall, within their respective capabilities, co-operate in taking all necessary measures for the protection of the South Pacific Region from the threat and effects of pollution incidents.
2. The parties shall, within their respective capabilities, establish and maintain, or ensure the establishment and maintenance of, the means of preventing and combating pollution incidents, and reducing the risk thereof. Such means shall include the enactment, as necessary, of relevant legislation, the preparation of contingency plans, the development or strengthening of the capability to respond to a pollution incident and the designation of a national authority responsible for the implementation of this Protocol.

Article 4

EXCHANGE OF INFORMATION

Each Party shall periodically exchange with other Parties, either directly or through the Organization, current information relating to the implementation of this Protocol, including the identification of the officials charged with carrying out the activities covered by it, and information on its laws, regulations, institutions and operational procedures relating to the prevention and the means of reducing and combating the harmful effects of pollution incidents.

Article 5

COMMUNICATION OF INFORMATION CONCERNING, AND REPORTING OF,
POLLUTION INCIDENTS

1. Each Party shall establish appropriate procedures to ensure that information regarding pollution incidents is reported as rapidly as possible and shall, inter alia:

(a) Require appropriate officials of its Government to report to it the occurrence of any pollution incident which comes to their attention;

(b) Require masters of vessels flying its flag and persons in charge of offshore facilities operating under its jurisdiction to report to it the existence of any pollution incident involving their vessel or facilities;

(c) Establish procedures to encourage masters of vessels flying its flag or of its registry to report, to the extent practicable, the existence of any pollution incident involving their vessel to any coastal State in the South Pacific Region which they deem likely to be seriously affected;

(d) Request masters of all vessels and pilots of all aircraft operating in the vicinity of its coasts to report to it any pollution incident of which they are aware.

2. In the event of receiving a report regarding a pollution incident, each Party shall promptly inform all other Parties whose interests are likely to be affected by such incident as well as the flag State of any vessel involved in it. Each Party shall also inform the Organization and, directly or through the Organization, the competent international organizations. Furthermore, it shall inform, as soon as feasible, such other Parties and organizations of any measures it has itself taken to minimize or reduce pollution or the threat thereof.

Article 6

MUTUAL ASSISTANCE

1. Each Party requiring assistance to deal with a pollution incident may request, either directly or through the Organization, the assistance of the other Parties. The Party requesting assistance shall specify the type of assistance it requires. The Parties whose assistance is requested under this article shall, within their capabilities, provide this assistance based on an agreement with the requesting Party or Parties and taking into account, in particular in the case of pollution by hazardous substances other than oil, the technological means available to them. If the Parties responding jointly within the framework of this article so request, the Organization may co-ordinate the activities undertaken as a result.

2. Each Party shall facilitate the movement of technical personnel, equipment and material necessary for responding to a pollution incident, into, out of and through its territory.

Article 7

OPERATIONAL MEASURES

Each Party shall, within its capabilities, take steps including those outlined below in responding to a pollution incident:

(a) Make a preliminary assessment of the incident, including the type and extent of existing or likely pollution effects;

(b) Promptly communicate information concerning the situation to other Parties and the Organization pursuant to article 5;

(c) Promptly determine its ability to take effective measures to respond to the pollution incident and the assistance that might be required and to communicate any request for such assistance to the Party or Parties concerned or the Organization in accordance with article 6;

(d) Consult, as appropriate, with other affected or concerned Parties or the Organization in determining the necessary response to a pollution incident;

(e) Carry out the necessary measures to prevent, eliminate or control the effects of the pollution incident, including surveillance and monitoring of the situation.

Article 8

SUBREGIONAL ARRANGEMENTS

1. The Parties should develop and maintain appropriate subregional arrangements, bilateral or multilateral, in particular to facilitate the steps provided for in articles 6 and 7 and taking into account the general provisions of this Protocol.

2. The Parties to any arrangements shall notify the other Parties to this Protocol as well as the Organization of the conclusion of such subregional arrangements and the provisions thereof.

Article 9

INSTITUTIONAL ARRANGEMENTS

The Parties designate the Organization to carry out the following functions:

(a) Assisting Parties, upon request, in the communication of reports of pollution incidents in accordance with article 5;

(b) Assisting Parties, upon request, in the organization of a response action to a pollution incident, in accordance with article 6;

(c) Assisting Parties, upon request, in the following areas:

- (i) the preparation, periodic review, and updating of the contingency plans, referred to in paragraph 2 of article 3, with a view, inter alia, to promoting the compatibility of the plans of the Parties; and
- (ii) the identification of training courses and programmes;

(d) Assisting the Parties upon request, on a regional or subregional basis, in the following areas:

- (i) the co-ordination of emergency response activities; and
- (ii) the provision of a forum for discussions concerning emergency response and other related topics;

(e) Establishing and maintaining liaison with:

- (i) appropriate regional and international organizations; and
- (ii) appropriate private organizations, including producers and transporters of substances which could give rise to a pollution incident in the South Pacific Region and clean-up contractors and co-operatives;

(f) Maintaining an appropriate current inventory of available emergency response equipment;

(g) Disseminating information related to the prevention and control of pollution incidents and the removal of pollutants resulting therefrom;

(h) Identifying or maintaining emergency response communications systems;

(i) Encouraging research by the Parties, as well as by appropriate international and private organizations, on the environmental effects of pollution incidents, the environmental effects of pollution incident control materials and other matters related to pollution incidents;

(j) Assisting Parties in the exchange of information pursuant to article 4; and

(k) Preparing reports and carrying out other duties assigned to it by the Parties.

Article 10

MEETINGS OF THE PARTIES

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Parties to the Convention, held pursuant to article 22 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided for in article 22 of the Convention.

2. It shall be the function of the meetings of the Parties:

(a) To review the operation of this Protocol and to consider special technical arrangements and other measures to improve its effectiveness;

(b) To consider any measures to improve co-operation under this Protocol including, in accordance with article 24 of the Convention, amendments to this Protocol.

Article 11

RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 22 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Noumea, New Caledonia, on the twenty-fifth day of November in the year one thousand nine hundred and eighty-six, in a single copy in the English and French languages, the two texts being equally authentic.

(b) Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America, 2 April 1987

The Governments of the Pacific Island States party to this Treaty and the Government of the United States of America:

ACKNOWLEDGING that in accordance with international law, coastal States have sovereign rights for the purposes of exploring and exploiting, conserving and managing the fisheries resources of their exclusive economic zones or fisheries zones;

RECOGNIZING the strong dependence of the Pacific Island parties on fisheries resources and the importance of the continued abundance of those resources;

BEARING IN MIND that some species of fish are found within and beyond the jurisdiction of any of the parties and range throughout a broad region; and

DESIRING to maximize benefits flowing from the development of the fisheries resources within the exclusive economic zones or fisheries zones of the Pacific Island parties;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

DEFINITIONS AND INTERPRETATION

1.1. In this Treaty:

- (a) "Administrator" means that person or organization designated by the Pacific Island parties to act as such on their behalf pursuant to this Treaty and notified to the Government of the United States;
- (b) "final judgement" means a judgement from which no appeal proceedings have been initiated within sixty days;
- (c) "fishing" means:
 - (i) searching for, catching, taking or harvesting fish;
 - (ii) attempting to search for, catch, take or harvest fish;
 - (iii) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;

- (iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
- (v) any operations at sea directly in support of, or in preparation for any activity described in this paragraph; or
- (vi) aircraft use, relating to the activities described in this paragraph except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;

(d) "fishing vessel of the United States" or "vessel" means any boat, ship or other craft which is used for, equipped to be used for, or of a type normally used for commercial fishing, which is documented under the laws of the United States;

(e) "Licensing Area" means all waters in the Treaty Area except for:

- (i) waters subject to the jurisdiction of the United States in accordance with international law; and
- (ii) waters closed to fishing by fishing vessels of the United States in accordance with Annex I;

(f) "operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master;

(g) "Pacific Island party" means a Pacific Island State party to this Treaty and "Pacific Island parties" means all such States from time to time;

(h) "Pacific Island State" means a party to the South Pacific Forum Fisheries Agency Convention, 1979;

(i) "party" means a State party to this Treaty, and "parties" means all such States, from time to time;

(j) "this Treaty" means this Treaty, its Annexes and Schedules; and

(k) "Treaty Area" means all waters north of 60 degrees south latitude and east of 90 degrees east longitude, subject to the fisheries jurisdiction of Pacific Island parties, and all other waters within rhumb lines connecting the following geographic co-ordinates, designated for the purposes of this Treaty, except for waters subject to the jurisdiction in accordance with international law of a State which is not a party to this Treaty:

2° 35' 39" S	141° 00' 00" E
1° 01' 35" N	140° 48' 35" E
1° 01' 35" N	129° 30' 00" E
10° 00' 00" N	129° 30' 00" E
14° 00' 00" N	140° 00' 00" E
14° 00' 00" N	142° 00' 00" E
12° 30' 00" N	142° 00' 00" E
12° 30' 00" N	158° 00' 00" E
15° 00' 00" N	158° 00' 00" E
15° 00' 00" N	165° 00' 00" E

18° 00' 00" N	165° 00' 00" E
18° 00' 00" N	174° 00' 00" E
12° 00' 00" N	174° 00' 00" E
12° 00' 00" N	176° 00' 00" E
5° 00' 00" N	176° 00' 00" E
1° 00' 00" N	180° 00' 00"
1° 00' 00" N	164° 00' 00" W
8° 00' 00" N	164° 00' 00" W
8° 00' 00" N	158° 00' 00" W
0° 00' 00"	150° 00' 00" W
6° 00' 00" S	150° 00' 00" W
6° 00' 00" S	146° 00' 00" W
12° 00' 00" S	146° 00' 00" W
26° 00' 00" S	157° 00' 00" W
26° 00' 00" S	174° 00' 00" W
40° 00' 00" S	174° 00' 00" W
40° 00' 00" S	171° 00' 00" W
46° 00' 00" S	171° 00' 00" W
55° 00' 00" S	180° 00' 00"
59° 00' 00" S	160° 00' 00" E
59° 00' 00" S	152° 00' 00" E

and north along the 152 degrees of east longitude until intersecting the Australian 200-nautical-mile limit.

1.2 Nothing in this Treaty shall be deemed to affect the applicability of any provision of a Pacific Island party's law which is not identified or otherwise described in this Treaty.

ARTICLE 2

BROADER CO-OPERATION

2.1 The Government of the United States shall, as appropriate, co-operate with the Pacific Island parties through the provision of technical and economic support to assist the Pacific Island parties to achieve the objective of maximizing benefits from the development of their fisheries resources.

2.2 The Government of the United States shall, as appropriate, promote the maximization of benefits generated for the Pacific Island parties from the operations of fishing vessels of the United States licensed pursuant to this Treaty, including:

(a) The use of canning, trans-shipment, slipping and repair facilities located in the Pacific Island parties;

(b) The purchase of equipment and supplies, including fuel supplies, from suppliers located in the Pacific Island parties; and

(c) The employment of nationals of the Pacific Island parties on board licensed fishing vessels of the United States.

ARTICLE 3

ACCESS TO THE TREATY AREA

3.1 Fishing vessels of the United States shall be permitted to engage in fishing in the Licensing Area in accordance with the terms and conditions referred to in Annex I and licences issued in accordance with the procedures set out in Annex II.

3.2 It shall be a condition of any licence issued pursuant to this Treaty that the vessel in respect of which the licence is issued is operated in accordance with the requirements of Annex I. No fishing vessel of the United States shall be used for fishing in the Licensing Area without a licence issued in accordance with Annex II or in waters closed to fishing pursuant to Annex I, except in accordance with paragraph 3 of this article, or unless the vessel is used for fishing albacore tuna by the trolling method in high seas areas of the Treaty Area.

3.3 A Pacific Island party may permit fishing vessels of the United States to engage in fishing in waters under the jurisdiction of that party which are:

(a) Within the Treaty Area but outside the Licensing Area; or

(b) Except for purse seine vessels, within the Licensing Area but otherwise than in accordance with the terms and conditions referred to in Annex I,

in accordance with such terms and conditions as may be agreed from time to time with the owners of the said vessels or their representatives. In such a case, if the Pacific Island party gives notice to the Government of the United States of such arrangements, and if the Government of the United States concurs, the procedures of articles 4 and 5.6 shall be applicable to such arrangements.

ARTICLE 4

FLAG STATE RESPONSIBILITY

4.1 The Government of the United States shall enforce the provisions of this Treaty and licences issued thereunder. The Government of the United States shall take the necessary steps to ensure that nationals and fishing vessels of the United States refrain from fishing in the Licensing Area and in waters closed to fishing pursuant to Annex I, except as authorized in accordance with article 3.

4.2 The Government of the United States shall, at the request of the Government of a Pacific Island party, take all reasonable measures to assist that party in the investigation of an alleged breach of this Treaty by a fishing vessel of the United States and promptly communicate all the requested information to that party.

4.3 The Government of the United States shall ensure that:

(a) Each fishing vessel of the United States licensed pursuant to this Treaty is fully insured against all risks and liabilities;

(b) All measures are taken to facilitate:

- (i) Any claim arising out of the activities of a fishing vessel of the United States, including a claim for the total market value of any fish taken from the Licensing Area without authorization pursuant to this Treaty, and the prompt settlement of that claim;
- (ii) The service of legal process by or on behalf of a national or the Government of a Pacific Island party in any action arising out of the activities of a fishing vessel of the United States;
- (iii) The prompt and full adjudication in the United States of any claim made pursuant to this Treaty;
- (iv) The prompt and full satisfaction of any final judgement or other final determination made pursuant to this Treaty; and
- (v) The provision of a reasonable level of financial assurances, if, after consultation with the Government of the United States, all Pacific Island parties agree that the collection of any civil or criminal judgement or judgements or determination or determinations made pursuant to this Treaty has become a serious enforcement problem;

(c) An amount equivalent to the total value of any forfeiture, fine, penalty or other amount collected by the Government of the United States incurred as a result of any actions, judicial or otherwise, taken pursuant to this article is paid to the Administrator as soon as possible following the date that the amount is collected.

4.4 The Government of the United States shall, at the request of the Government of a Pacific Island party, fully investigate any alleged infringement of this Treaty involving a vessel of the United States, and report as soon as practicable and in any case within two months to that Government on that investigation and on any action taken or proposed to be taken by the Government of the United States in relation to the alleged infringement.

4.5 In the event that a report provided pursuant to paragraph 4 of this article shows that a fishing vessel of the United States:

(a) While fishing in the Licensing Area did not have a licence to fish in the Licensing Area, except in accordance with paragraph 2 of article 3; or

(b) Was involved in any incident in which an authorized officer or observer was allegedly assaulted with resultant bodily harm, physically threatened, forcefully resisted, refused boarding or subjected to physical intimidation or physical interference in the performance of his or her duties as authorized pursuant to this Treaty; or

that there was probable cause to believe that a fishing vessel of the United States:

(c) Was used for fishing in waters closed to fishing pursuant to Annex I, except as authorized in accordance with paragraph 3 of article 3;

(d) Was used for fishing in any Limited Area described in Annex I, except as authorized in accordance with that Annex I;

(e) Was used for fishing by any method other than the purse seine method, except in accordance with paragraph 2 of article 3;

(f) Was used for directed fishing for southern bluefin tuna or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch;

(g) Used an aircraft for fishing which was not identified on a form provided pursuant to Schedule 1 of Annex II in relation to that vessel; or

(h) Was involved in an incident in which evidence which otherwise could have been used in proceedings concerning the vessel has been intentionally destroyed;

and that such vessel has not submitted to the jurisdiction of the Pacific Island party concerned, the Government of the United States shall, at the request of that party, take all necessary measures to ensure that the vessel concerned leaves the Licensing Area and waters closed to fishing pursuant to Annex I immediately and does not return except for the purpose of submitting to the jurisdiction of the party, or after action has been taken by the Government of the United States to the satisfaction of that party.

4.6 In the event that a report provided pursuant to paragraph 4 of this article shows that a fishing vessel of the United States has been involved in a probable infringement of this Treaty, including an infringement of an applicable national law as identified in Schedule 1 of Annex I, other than an infringement of the kind described in paragraph 5 of this article, and that the vessel has not submitted to the jurisdiction of the Pacific Island party concerned, the Government of the United States shall, at the request of that party, take all necessary measures to ensure that the vessel concerned:

(a) Submits to the jurisdiction of that party; or

(b) Is penalized by the Government of the United States at such level as may be provided for like violations in United States law relating to foreign fishing vessels licensed to fish in the exclusive economic zone of the United States but not to exceed the sum of \$US 250,000.

4.7 Financial assurances provided pursuant to this Treaty may be drawn against by any Pacific Island party to satisfy any civil or criminal judgement or other determination in favour of a national or the Government of a Pacific Island party.

4.8 Prior to instituting any legal proceedings pursuant to this article concerning an alleged infringement of this Treaty in waters within the jurisdiction, for any purpose, as recognized by international law, of a Pacific Island party, the Government of the United States shall notify the Government of that Pacific Island party that such proceedings shall be instituted. Such notice shall include a statement of the facts believed to show an infringement of this Treaty and the nature of the proposed proceedings, including the proposed charges and the proposed penalties to be sought. The Government of the United States shall not institute such proceedings if the Government of that Pacific Island party objects within 30 days of the effective date of such notice.

4.9 The Government of the United States shall ensure that an agent is appointed and maintained in accordance with the requirements of subparagraphs (a) and (b) of this paragraph, with authority to receive and respond to any legal process issued by a Pacific Island party in respect of an operator of any fishing vessel of the United States (identified in the form set out in Schedule 1 of Annex II) and shall notify the Administrator of the name and address of such agent, who:

(a) Shall be located in Port Moresby for the purpose of receiving and responding to any legal process issued in accordance with this article; and

(b) Shall, within 21 days of notification that legal process has been issued in accordance with this article, travel to any Pacific Island party, at no expense to that party, for the purpose of receiving and responding to that process.

ARTICLE 5

COMPLIANCE POWERS

5.1 It is recognized that the respective Pacific Island parties may enforce the provisions of this Treaty and licences issued thereunder, including arrangements made pursuant to article 3.3 and licences issued thereunder, in waters under their respective jurisdictions.

5.2 The Governments of the Pacific Island parties shall promptly notify the Government of the United States of any arrest of a fishing vessel of the United States or any of its crew and of any charges filed or proceedings instituted following the arrest, in accordance with this article.

5.3 Fishing vessels of the United States and their crews arrested for breach of this Treaty shall be promptly released upon the posting of a reasonable bond or other security. Penalties applied in accordance with this Treaty for fishing violations shall not be unreasonable in relation to the offence and shall not include imprisonment or corporal punishment.

5.4 The Government of the United States shall not apply sanctions of any kind including deductions, however effected, from any amounts which might otherwise have been paid to any Pacific Island party, and restrictions on trade with any Pacific Island party, as a result of any enforcement measure taken by a Pacific Island party in accordance with this article.

5.5 The Governments of the parties shall adopt and inform the other parties of such provisions in their national laws as may be necessary to give effect to this Treaty.

5.6 Where legal proceedings have been instituted by the Government of the United States pursuant to article 4, no Pacific Island party shall proceed with any legal action in respect of the same alleged infringement as long as such proceedings are maintained. Where penalties are levied or proceedings are otherwise concluded by the Government of the United States pursuant to article 4, the Pacific Island party which has received notice of such final determination shall withdraw any legal charges or proceedings in respect of the same alleged infringement.

5.7 During any period in which a party is investigating any infringement of this Treaty involving a fishing vessel of the United States, being an infringement which is alleged to have taken place in waters within the jurisdiction, for any purpose, as recognized by international law, of a Pacific Island party, and if that Pacific Island party so notifies the other parties, any licence issued in respect of that vessel shall, for the purposes of article 3, be deemed not to authorize fishing in the waters of that Pacific Island party.

5.8 If full payment of any amount due as a result of a final judgement or other final determination deriving from an occurrence in waters within the jurisdiction, for any purpose, of a Pacific Island party is not made to that party within sixty (60) days, the licence for the vessel involved shall be suspended at the request of that party and that vessel shall not be authorized to fish in the Licensing Area until that amount is paid to that party.

ARTICLE 6

CONSULTATIONS AND DISPUTE SETTLEMENT

6.1 At the request of any party, consultations shall be held with any other party within sixty (60) days of the date of receipt of the request. All other parties shall be notified of the request for consultations and any party shall be permitted to participate in such consultations.

6.2 Any dispute between the Government of the United States and the Government of one or more Pacific Island parties in relation to or arising out of this Treaty may be submitted by any such party to an arbitral tribunal for settlement by arbitration no earlier than one hundred and twenty (120) days following a request for consultations under article 6.1. Unless the parties to the dispute agree otherwise, the Arbitration Rules of the United Nations Commission on International Trade Law, as at present in force, shall be used.

6.3 The Government or Governments of the Pacific Island party or parties to the dispute shall appoint one arbitrator and the Government of the United States shall appoint one arbitrator. The third arbitrator, who shall act as presiding arbitrator of the tribunal, shall be appointed by agreement of the parties to the dispute. In the event of a failure to appoint any arbitrator within the time period provided in the Rules, the arbitrator shall be appointed by the Secretary-General of the Permanent Court of Arbitration at The Hague.

6.4 Unless the parties to the dispute agree otherwise, the place of arbitration shall be Port Moresby. The tribunal may hold meetings at such other place or places within the territory of a Pacific Island party or elsewhere within the Pacific Islands region as it may determine. An award or other decision shall be final and binding on the parties to the arbitration, and, unless the parties agree otherwise, shall be made public. The parties shall promptly carry out any award or other decision of the tribunal.

6.5 The fees and expenses of the tribunal shall be paid half by the Government or Governments of the Pacific Island party or parties to the arbitration and half by the Government of the United States, unless the parties to the arbitration agree otherwise.

ARTICLE 7

REVIEW OF THE TREATY

7. The parties shall meet once each year for the purpose of reviewing the operation of this Treaty.

ARTICLE 8

AMENDMENT OF THE TREATY

8. The following procedures shall apply to the adoption and entry into force of any amendment to this Treaty:

(a) Any party may propose amendments to this Treaty;

(b) A proposed amendment shall be notified to the depositary not less than forty-five (45) days before the meeting at which the proposed amendment will be considered;

(c) The depositary shall promptly notify all parties of such proposal;

(d) The parties shall consider proposed amendments to this Treaty at the annual meeting described in article 7, or at any other time that may be agreed by all parties;

(e) Any amendment to this Treaty shall be adopted by the approval of all the parties, and shall enter into force upon receipt by the depositary of instruments of ratification, acceptance or approval by the parties;

(f) The depositary shall promptly notify all parties of the entry into force of the amendment.

ARTICLE 9

AMENDMENT OF ANNEXES

9. The following procedures may apply to the adoption and entry into force of any amendment to an Annex of this Treaty, at the request of the party proposing the amendment, in lieu of the procedure set out in article 8, unless otherwise provided in the Annex:

(a) Any party may propose an amendment to an Annex of this Treaty at any time by notifying such proposal to the depositary, which shall promptly notify all parties of the proposed amendment;

(b) A party approving a proposed amendment to an Annex shall notify its acceptance to the depositary, which shall promptly notify all the parties of each acceptance. Upon receipt by the depositary of notices of acceptance from all parties, such amendment shall be incorporated in the appropriate Annex and shall have effect from that date, or from such other date as may be specified in such amendment. The depositary shall promptly notify all parties of the adoption of the amendment and its effective date.

ARTICLE 10

NOTIFICATION

10.1 The Administrator and each party shall notify the depositary of their current addresses for the receipt of notices given pursuant to this Treaty, and the depositary shall notify the Administrator and each of the parties of such addresses or any changes thereof. Unless otherwise specified in this Treaty, any notice given in accordance with this Treaty shall be in writing and may be served by hand or sent by telex or, where either method cannot readily be effected, by registered airmail to the address of the party or the Administrator as currently listed with the depositary.

10.2 Delivery by hand shall be effective when made. Delivery by telex shall be deemed to be effective on the business day following the day when the "answer back" appears on the sender's telex machine. Delivery by registered airmail shall be deemed to be effective twenty-one (21) days after posting.

ARTICLE 11

DEPOSITARY

11. The depositary for this Treaty shall be the Government of Papua New Guinea.

ARTICLE 12

FINAL CLAUSES

12.1 This Treaty shall be open for signature by the Governments of all the Pacific Island States and the Government of the United States of America.

12.2 This Treaty is subject to ratification by the States referred to in paragraph 1 of this article. The instruments of ratification shall be deposited with the depositary.

12.3 This Treaty shall remain open for accession by States referred to in paragraph 1 of this article. The instruments of accession shall be deposited with the depositary.

12.4 This Treaty shall enter into force upon receipt by the depositary of instruments of ratification by the Government of the United States and by the Governments of ten Pacific Island States which shall include the Federated States of Micronesia, the Republic of Kiribati and Papua New Guinea.

12.5 This Treaty shall enter into force for any State ratifying or acceding after the entry into force of this Treaty on the thirtieth day after the date on which its instrument of ratification or accession is received by the depositary.

12.6 This Treaty shall cease to have effect at the expiry of one year following the receipt by the depositary of an instrument signifying withdrawal or denunciation by the United States, any of the Pacific Island States named in article 12.4, or such number of Pacific Island States as would leave fewer than ten such States as parties.

12.7 This Treaty shall cease to have effect for a party at the expiry of the sixth month following the receipt by the depositary of an instrument signifying withdrawal or denunciation by that party, except that where this Treaty would cease to have effect under the last preceding paragraph as the result of the receipt of the said instrument, it shall cease to have effect for that party in the manner provided in the last preceding paragraph.

12.8 Any licence in force pursuant to this Treaty shall not cease to have effect as a result of this Treaty ceasing to have effect either generally or for any party, and articles 1, 3, 4 and 5 shall be regarded as continuing in force between the United States and the Pacific Island State party in respect of such licence until such licence expires in accordance with its terms.

12.9 No reservations may be made to this Treaty.

12.10 Paragraph 9 of this article does not preclude a State, when signing, ratifying or acceding to this Treaty, from making declarations or statements, provided that such declarations or statements do not purport to exclude or modify the legal effect of the provisions of this Treaty in their application to that State.

DONE at Port Moresby on the second day of April, 1987.

ANNEX I

PART 1

INTRODUCTORY

1. In this Annex:

(a) "applicable national law" means any provision of a law, however described, of a Pacific Island party which governs the fishing activities of foreign fishing vessels, being a law identified in Schedule 1, and which is not inconsistent with the requirements of this Treaty and shall be taken to exclude any provision which imposes a requirement which is also imposed by this Treaty;

(b) "Closed Area" means an area of a Pacific Island party as described in Schedule 2;

(c) "Limited Area" means an area described in Schedule 3; and

(d) "the vessel" means the vessel in respect of which a licence is issued.

2. Schedule 1 may be amended from time to time by the inclusion by any Pacific Island party of any applicable national law and, for the purposes of this Treaty, except as provided in this paragraph, the amendment shall take effect from the date that the amended Schedule has been notified to the Government of the United States. For the purposes of any obligation on the United States pursuant to paragraphs 4 and 5 of article 4, the amendment shall take effect sixty (60) days from the date that the amended Schedule has been notified to the Government of the United States. The Government of the Pacific Island party shall use its best endeavours to provide advance notice to the Government of the United States of the amendment.

3. Nothing in this Annex and its Schedules, nor acts or activities taking place thereunder, shall constitute recognition of the claims or the positions of any of the parties concerning the legal status and extent of waters and zones claimed by any party. In the claimed waters and zones, the freedoms of navigation and overflight and other uses of the sea related to such freedoms are to be exercised in accordance with international law.

PART 2

COMPLIANCE WITH APPLICABLE NATIONAL LAWS

4. The operator of the vessel shall comply with each of the applicable national laws, and shall be responsible for the compliance by the vessel and its crew with each of the applicable national laws, and the vessel shall be operated in accordance with those laws.

PART 3

PROHIBITIONS

5. The vessel shall not be used for directed fishing for southern bluefin tuna, or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch.
6. The vessel shall not be used for fishing by any method, except the purse seine method.
7. The vessel shall not be used for fishing in any Closed Area.
8. Except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, no aircraft may be used in association with the fishing activities of the vessel unless it is identified in item 6 or 7 of Schedule 1 of Annex II.
9. The vessel shall not be used for fishing in any Limited Area except in accordance with the requirements set out in Schedule 3, which are applicable to that Limited Area.

PART 4

REPORTING

10. Information relating to the position of and catch on board the vessel, as described in Part 1 of Schedule 4, shall be provided by telex to the Administrator at the following times:
 - (a) Before departure from port for the purpose of beginning a fishing trip in the Licensing Area;
 - (b) Each Wednesday while within the Licensing Area or a Closed Area; and
 - (c) Before entry into port for the purpose of unloading fish from any trip involving fishing in the Licensing Area.
11. Information relating to the position of and catch on board the vessel, as described in Part 2 of Schedule 4, shall be provided to each Pacific Island party in the manner notified to the Government of the United States by that party as follows:
 - (a) At the time of entry into and of departure from waters which are, for any purpose, subject to the jurisdiction of the Pacific Island party;
 - (b) At least 24 hours prior to the estimated time of entry into any port of that party; and
 - (c) As otherwise set out in Part 3 of Schedule 4.

12. At the end of each day that the vessel is in the Licensing Area, an entry or entries for that day shall be completed on the catch report form as set out in Schedule 5, in accordance with the requirements of that form, and such forms shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the next entry into a port for the purpose of unloading its fish catch.

13. Immediately following the unloading of any fish from the vessel, a report shall be completed in the form set out in Schedule 6 and shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the completion of that unloading operation, or in the case of unloading by trans-shipment, within fourteen (14) days following unloading of that trans-shipment at the processing site.

PART 5

ENFORCEMENT

14. The master and each member of the crew of the vessel shall immediately comply with every instruction and direction given by an authorized and identified officer of a Pacific Island party, including to stop, to move to a specified location, and to facilitate safe boarding and inspection of the vessel, gear, equipment, records, fish and fish products. Such boarding and inspection shall be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel. The operator and each member of the crew shall facilitate and assist in any action by an authorized officer of a Pacific Island party and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorized officer in the performance of his or her duties.

15. The international distress frequency, 2.182 MHz, and 156.8 MHz (Channel 16, VHF) shall be monitored continuously from the vessel for the purpose of facilitating communication with the surveillance and enforcement authorities of the parties.

16. The international radio call sign of the vessel shall be painted in white on a black background, or in black on a white background, in the following manner:

(a) Amidships on both sides immediately below the gunwale, and on a horizontal plane on the superstructure, in letters and figures 20 centimetres apart, with each letter and figure being at least one metre high and 50 centimetres wide and with each line at least 12.5 centimetres wide;

(b) If a helicopter is being carried, on the body of the helicopter in a place clearly visible from sea level, in letters and figures five centimetres apart, with each letter and figure being at least 25 centimetres high, 10 centimetres wide and with each line being at least 2.5 centimetres wide; and

(c) On any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, in letters and figures clearly legible to the naked eye;

and at all times while the vessel is within the Licensing Area or a Closed Area, all parts of these markings shall be clear, distinct and uncovered.

17. The licence shall be carried on board the vessel and produced at the request of an authorized enforcement official of any of the parties. Prior to receipt of the licence, the correct citation of the licence number shall satisfy this requirement.

PART 6

OBSERVERS

18. The operator and each member of the crew of the vessel shall allow and assist any person identified as an observer by the Pacific Island parties to:

(a) Board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island parties to the Government of the United States;

(b) Have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its log and documentation for the purpose of inspection and copying; and gather any other information relating to fisheries in the Licensing Area; without interfering unduly with the lawful operation of the vessel;

(c) Disembark at the point and time notified by the Pacific Island parties to the Government of the United States; and

(d) Carry out his or her duties safely;

and no operator or crew member of the vessel shall assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

19. The operator shall provide the observer, while on board the vessel, at no expense to the Pacific Island parties, with food, accommodation and medical facilities of such reasonable standard as may be acceptable to the Pacific Island party whose representative is serving as the observer.

20. Any operator of the vessel from which any fish taken in the Licensing Area is unloaded shall allow, or arrange for, and assist any person authorized for this purpose by the Pacific Island parties to have full access to any place where such fish is unloaded, to remove samples and to gather any other information relating to fisheries in the Licensing Area.

21. An observer programme shall be conducted in accordance with this Treaty and provisions that may be agreed from time to time.

PART 7

MISCELLANEOUS REQUIREMENTS

22. At all times while the vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in such a manner as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations; the helicopter, if any, shall be tied down, and launches shall be secured.

23. The vessel shall be operated in such a way that the activities of traditional and locally based fishermen and fishing vessels are not disrupted or in any other way adversely affected.

24. Any information required to be recorded, or to be notified, communicated or reported pursuant to a requirement of this Treaty shall be true, complete and correct. Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Administrator immediately.

SCHEDULE 1

APPLICABLE NATIONAL LAWS

The following laws and any regulations or other instruments having the force of law which have been implemented pursuant to those laws, as amended at the time this Treaty enters into force, shall be considered as applicable national laws for the purposes of this Treaty.

Australia

Antarctic Marine Living Resources Conservation Act, 1981
Continental Shelf (Living Natural Resources) Act, 1968
Continental Shelf (Living Natural Resources) Regulations
Fisheries Act, 1952
Fisheries Regulations
Torres Strait Fisheries Act, 1984
Whale Protection Act, 1980

Cook Islands

Cook Islands Commercial Fishing Regulations, 1951
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1979
Fisheries Protection Act, 1976
Fishing Ordinance, 1950
Territorial Sea and Exclusive Economic Zone Act, 1977

Federated States of Micronesia

Titles 18 and 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 2-28, 2-31, 3-9, 3-10, 3-34, and 3-80

Fiji

Fisheries Act, 1942
Fisheries Ordinance (Cap 135)
Fisheries Regulations (Cap 135)
Marine Spaces Act, 1978
Marine Spaces (Foreign Fishing Vessels) Regulations, 1979

Kiribati

Fisheries Ordinance, 1979
Fisheries (Amendment) Act, 1984
Marine Zones (Declaration) Act, 1983

Marshall Islands

Marine Resources Jurisdiction Act, 1978
Marine Zones (Declaration) Act, 1984

Nauru

Interpretation Act, 1971
Interpretation Act, 1975
Marine Resources Act, 1978

New Zealand

Antarctic Marine Living Resources Act, 1981
Continental Shelf Act, 1984
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1978
Fisheries Act, 1983
Marine Mammals Protection Act, 1978
Territorial Sea and Exclusive Economic Act, 1977
Tokelau (Territorial Sea and Exclusive Economic Zone Act), 1977

Niue

Territorial Sea and Exclusive Economic Zone Act, 1978

Palau

Palau National Code, Title 27

Papua New Guinea

Fisheries Act (Cap 214)
Fisheries Regulations (Cap 214)
Fisheries (Torres Strait Protected Zone) Act, 1984
Tuna Resources Management (National Seas) Act (Cap 224)
Whaling Act (Cap 225)

Solomon Islands

Delimitation of Marine Waters Act, 1978
Fisheries Act, 1972
Fisheries Limits Act, 1977
Fisheries Regulations, 1972
Fisheries (Foreign Fishing Vessels) Regulations, 1981

Tonga

Fisheries Protection Act, 1973
Fisheries Regulation Act, 1923
Whaling Industry (Amendment) Act, 1979

Tuvalu

Fisheries Act (Cap 45)
Foreign Fishing Vessel Regulations, 1982
Fisheries (Foreign Fishing Vessel) (Amendment) Regulations, 1984
Marine Zones (Declaration) Act, 1983

Vanuatu

Fisheries Act, 1982
Fisheries Regulations, 1983
Maritime Zones Act, 1981

Western Samoa

Exclusive Economic Zone Act, 1977
Fisheries Protection Act, 1972
Territorial Sea Act, 1971

SCHEDULE 2

CLOSED AREAS

Australia. All waters within the seaward boundary of the Australian Fishing Zone (AFZ) west of a line connecting the point of intersection of the outer limit of the AFZ by the parallel of latitude 25° 30' south with the point of intersection of the meridian of longitude 151° east by the outer limit of the AFZ and all waters south of the parallel of latitude 25° 30' south.

Cook Islands. Territorial sea.

Federated States of Micronesia. Three-nautical-mile territorial sea and nine-nautical-mile exclusive fishery zone and on all named banks and reefs as depicted on the following charts:

DMAHTC No. 81019 (2nd ed., Mar. 1945; revised 7/17/72; corrected through NM 3/78 of June 21, 1978).

DMAHTC No. 81023 (3rd ed., Aug. 7, 1976).

DMAHTC No. 81002 (4th ed., Jan. 26, 1980; corrected through NM 4/80).

Fiji. Internal waters, archipelagic waters and territorial seas of Fiji and Rotuma and its Dependencies.

Kiribati. Within archipelagic waters as established in accordance with Marine Zones Declaration Act 1983; within 12 nautical miles drawn from the baselines from which the territorial sea is measured; within 2 nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical co-ordinates.

Marshall Islands. Twelve-nautical-mile territorial sea and area within two nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical co-ordinates.

Nauru. The Territorial waters as defined by Nauru Interpretation Act, 1971, Section 2.

New Zealand. Territorial waters; waters within six nautical miles of outer boundary of territorial waters; all waters to west of New Zealand main islands and south of 39° south latitude; all waters to east of New Zealand main islands south of 40° south latitude; and in respect of Tokelau: areas within 12 nautical miles of all island and reef baselines; twelve-and-one-half nautical miles either side of a line joining Atafu and Nukunonu and Faka'ofu; and co-ordinates as follows:

Atafu: 8° 35' 10" S, 172° 29' 30" W

Nukunonu: 9° 06' 25" S, 171° 52' 10" W

9° 11' 30" S, 171° 47' 00" W

Faka'ofu: 9° 22' 30" S, 171° 16' 30" W

Niue. Territorial sea and within three nautical miles of Beveridge Reef, Antiope Reef and Hanan Reef as depicted by appropriate symbols on NZ 225F (chart showing the territorial sea and exclusive economic zone of Niue pursuant to the Niue Territorial Sea and Exclusive Economic Zone Act of 1978).

Palau. Within 12 nautical miles of all island baselines in the Palau Islands; within a 50-nautical-mile arc measured from the entrance to Malakal Harbour (7° 16' 44" N, 134° 28' 18" E) and extending from where the arc intersects the territorial sea limit to the northeast of Babelthuap Island to the 134° east meridian of longitude, southwest of Angaur Island then due north along the 134° east meridian of longitude to the intersection with the territorial sea limit.

Papua New Guinea. In addition to its territorial sea and internal waters, within the area bounded by the following parallels and meridians - from latitude 0° 30' south to latitude 3° 30' south, and from longitude 149° east to longitude 153° east.

Solomon Islands. All waters within the fishery limits of the Solomon Islands (including internal waters, territorial sea and archipelagic waters) except that part of the fishery limits east and north of the following lines: commencing at a point 161° east, 4° 20' south, then extending due south along 161° to a point 6° 30' south, then by a line extending due east to a point 165° east, then by a line due south to a point 8° south, then by a line due east to a point 169° 55' east.

Tonga. All waters with depths of not more than 1,000 metres, within the area bounded by the fifteenth and twenty-third and one half degrees of south latitudes and the one hundred and seventy-third and the one hundred and seventy-seventh degrees of west longitudes; also within a radius of 12 nautical miles from the islands of Teleki Tonga and Teleki Tokelau.

Tuvalu. Territorial sea and waters within two nautical miles of all named banks, i.e. Macaw, Kosciusko, Rose, Bayonnaise and Hera, in Tuvalu EEZ, as depicted on the chart entitled "Tuvalu Fishery Limits" prepared by the United Kingdom Hydrographic Department, Taunton, January 11, 1981.

Vanuatu. Archipelagic waters and the territorial sea, and internal waters.

Western Samoa. Territorial sea; reefs, banks and areas bounded/enclosed by the following parallels and meridians to the extent such areas are within Western Samoa fisheries jurisdiction:

1. From latitude 12° 58' south to latitude 13° 11.5' south and longitude 174° 5.5' west to longitude 174° 26' west;
2. From latitude 12° 12' south to latitude 12° 38.5' south and longitude 173° 47' west to longitude 174° 25' west;
3. From latitude 13° 7' south to latitude 13° 19' south and longitude 172° 59' west to longitude 173° 38.5' west;
4. From latitude 14° 51' south to latitude 15° 3.4' south and longitude 172° 10.7' west to longitude 172° 19.1' west;
5. From latitude 14° 20.5' south to latitude 14° 28' south and longitude 171° 8' west to longitude 171° 17' west.

and within two nautical miles of any anchored fish aggregating device within the EEZ for which notification of its location shall be given by geographical co-ordinates.

* * *

Only the Closed Areas, as described above, of Pacific Island States which are parties to this Treaty shall be applicable under the terms of this Treaty.

SCHEDULE 3

LIMITED AREAS

Solomon Islands

1. The Solomon Islands Limited Area is all of the Licensing Area within the fishery limits of Solomon Islands as described in the Fishery Limits Act 1977 of Solomon Islands.

2. "Fishing day" means any day or part of a day of the week in which a vessel is used for fishing in the Solomon Islands Limited Area.

3. There shall be no fishing in the Solomon Islands Limited Area after the expiry of the five-hundredth fishing day from the earliest date on which any Licensing Period takes effect in any given year.

SCHEDULE 4

REPORTING DETAILS

PART 1

LICENSING AREA REPORTS TO THE ADMINISTRATOR

(a) Port departure and entry into port for unloading

(1) report type (LBEG for port departure to begin fishing and LFIN for port entry for unloading)

(2) date

(3) call sign

(4) port name

(5) catch on board by species (in short tons)

as: LBEG (or LFIN) / ddmmy / CALL SIGN / PORT / SJ xxx YF
yyy OTH zzz

(b) Weekly reports

(1) report type (WEEK)

(2) date

(3) call sign

(4) position (to one minute of arc)

(5) catch on board by species

as: WEEK / ddmmy / CALL SIGN / LA 1111 / LO 11111 / SJ
xxx YF yyy OTH zzz

PART 2

REPORTS TO NATIONAL AUTHORITIES

(a) Zone entry and exit

(1) report type (ZENT for entry and ZEXT for exit)

(2) date

(3) call sign

(4) position (to one minute of arc)

(5) catch on board by species

as: ZENT (or ZEXT) / ddmmy / CALL SIGN / TIME / LA 1111 /
LO 11111 / SJ xxx YF yyy OTH zzz

(b) Port entry reports

(1) report type (PENT)

(2) date

(3) call sign

(4) estimated time of entry into port (GMT)

(5) port name

as: PENT / ddmmy / CALL SIGN / TIME / PORT NAME

PART 3

OTHER NATIONAL REPORTING REQUIREMENTS

1. Australia

(a) Report of position each two days while within the Australian Fishing Zone;

(b) Twenty-four hours' notice of intention to enter the Australian Fishing Zone; and

(c) Report of catch by species every six days while within the Australian Fishing Zone.

2. Fiji

(a) While in Fiji fisheries waters, daily position reporting of the name, call sign, and country of registration of the craft, and its position at that specified time; and

(b) While in Fiji fisheries waters, weekly report of catch by species.

3. Kiribati

While in the Kiribati exclusive economic zone, report on entry into or exit from Closed Areas.

4. New Zealand

(a) While in the New Zealand exclusive economic zone, notification of daily noon positions, to be received no later than noon on the following day;

(b) Notice of catch on board the vessel at the time of entry into the New Zealand exclusive economic zone;

(c) A weekly report of catch taken in the New Zealand exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday; and

(d) Twenty-four hours' notice of intention to enter the New Zealand exclusive economic zone.

5. Solomon Islands

Report on:

(a) Expected vessel position, date and time of entry at least 24 hours before entry into the Solomon Islands Fishery Limits;

(b) Entry to or exit from Solomon Islands Limited Area together with the catch on board by weight and volume; and

(c) A weekly report of catch taken and fishing days in the Solomon Islands exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday.

6. Tonga

While in the Tonga exclusive economic zone, daily position report by radio or telex.

7. Tuvalu

(a) Report not less than 24 hours before entry into the Tuvalu fishery limits on:

- (i) The name, call sign and country of registration of the vessel;
- (ii) The licence number;
- (iii) Position on entry; and
- (iv) Catch by species.

SCHEDULE 6

PURSE SEINE UNLOADING LOGSHEET

VESSEL NAME _____ RADIO CALL SIGN OR REGIONAL REGISTER No. _____

(1) PORT _____

OR, IF AT SEA, POSITION: LAT _____ LONG _____

(2) DATES

(a) AT UNLOADING POINT

ARRIVAL _____ DEPARTURE _____

(b) AT UNLOADING

COMMENCEMENT _____ COMPLETION _____

(3) PARTIAL OR COMPLETE UNLOADING _____

(4) UNLOADING TO _____

(5)

(a) CARRIER VESSEL NAME _____

and RADIO CALL SIGN OR REGIONAL REGISTER No. _____

or

(b) NAME AND ADDRESS OF COMPANY ACCEPTING FISH _____

(6) DESTINATION OF FISH _____

(7) QUANTITY UNLOADED

	YELLOWFIN	SKIPJACK	BIGEYE	MARLIN	OTHER	UNIT OF MEASUREMENT
ACCEPTED	_____	_____	_____	_____	_____	_____
REJECTED	_____	_____	_____	_____	_____	_____

SIGNATURES

VESSEL MASTER

RECEIVING AGENT

ANNEX II

1. For the purposes of this Annex:

"Licensing Period" means the period of validity of licences issued in accordance with this Treaty.

2. The Government of the United States shall make application for a licence in respect of any fishing vessel of the United States intended by the operator to be used for purse seine fishing in the Licensing Area at any time in the Licensing Period by providing to the Administrator a complete application form as set out in Schedule 1.

3. Licences issued pursuant to this Treaty shall not take effect until the Administrator has received payment, free of any charges whatsoever, of the amounts set out in Part 1 of Schedule 2 for that Licensing Period in the manner described in that Schedule. Other financial commitments shall be provided during the Licensing Period pursuant to Part 2 of Schedule 2.

4. Subject to paragraph 5, a licence may be denied:

(a) Where the application is not in accordance with the requirements of paragraph 2;

(b) Where the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, unless reasonable financial assurances have been provided to the Administrator;

(c) Where the vessel in respect of which application for a licence has been made does not have good standing on the Regional Register of Foreign Fishing Vessels, maintained by the South Pacific Forum Fisheries Agency, provided that:

(i) good standing is withdrawn only as a result of:

- a. the commission of a serious offence against fisheries laws or regulations of a Pacific Island State and the operator has not fully complied with any civil or criminal judgement rendered with respect to such an offence;
- b. evidence existing that gives reasonable cause to believe that the operator has committed a serious offence against the fisheries laws or regulations of any Pacific Island State and that it has not been possible to bring the vessel operator to trial; or
- c. the vessel operator has failed to comply with information requirements for registration as notified by the Administrator to the Government of the United States;

- (ii) the Pacific Island party requesting withdrawal of good standing has first consulted the Government of the United States and has made all reasonable efforts to resolve the dispute in question before utilizing the procedures for withdrawal of good standing;
- (iii) in the event of a request for withdrawal of good standing from the Regional Register of Foreign Fishing Vessels of a vessel licensed pursuant to this Treaty, the Pacific Island parties agree to take into consideration that vessel's compliance with the terms of this Treaty in determining whether to approve such a request; and
- (iv) following a withdrawal of good standing the Pacific Island party involved promptly advises the Government of the United States in writing of the reason for the withdrawal and the requirements which must be fulfilled to reinstate good standing;

(d) Where there has been a failure to satisfy a final judgement or other final determination for a breach of this Treaty by the owner, charterer or master of the vessel in respect of which application for a licence has been made, until such time as the final judgement or other final determination is satisfied, and subsequent change in ownership of a vessel shall not affect the application of this provision; or

(e) Where an operator has committed, or the vessel has been used for:

- (i) a violation of this Treaty, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that the violation is of a serious nature; or
- (ii) any violation of this Treaty on more than one occasion, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that such multiple violations constitute a serious disregard of this Treaty.

5. A maximum number of licences may be issued for any Licensing Period as set out in Schedule 2, and, upon request by the Government of the United States, the Pacific Island parties may agree to vary such number.

6. On receipt of an application for a licence in accordance with this Annex, the Administrator shall take the necessary steps to ensure that:

(a) A licence in the form set out in Schedule 3 in respect of the vessel identified in the application; or

(b) A statement setting out the reasons that a licence in respect of the vessel identified in the application is denied together with a refund of the amount or amounts provided with the application;

is promptly provided to the Government of the United States.

SCHEDULE 1

TREATY ON FISHERIES BETWEEN THE GOVERNMENT OF CERTAIN PACIFIC ISLAND STATES
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

APPLICATION FORM

Application is hereby made for a licence authorizing the use of the vessel named in this application for fishing in the Licensing Area.

1. FULL NAME OF VESSEL: _____
2. RADIO CALL SIGN OF VESSEL: _____
3. REGIONAL REGISTER NUMBER OF VESSEL: _____
4. FULL NAME AND ADDRESS OF EACH PERSON WHO IS AN OPERATOR OF THE VESSEL,
AND STATE WHETHER OWNER, CHARTERER, MASTER OR OTHER.
IF OTHER, SPECIFY DETAILS: _____

5. FULL NAME AND ADDRESS OF INSURER FOR PURPOSES OF ARTICLE 4.3(a) OF THE
TREATY: _____

6. REGISTRATION NUMBER AND MAKE OF HELICOPTER, IF ANY, TO BE CARRIED ON
VESSEL: _____

7. REGISTRATION NUMBER AND MAKE OF ANY AIRCRAFT TO BE USED IN ASSOCIATION
WITH FISHING ACTIVITIES AND NAME AND ADDRESS OF OPERATOR: _____

8. STATE WHETHER OWNER OR CHARTERER IS THE SUBJECT OF PROCEEDINGS UNDER
THE BANKRUPTCY LAWS OF THE UNITED STATES: _____

9. STATE WHETHER OPERATOR OR VESSEL HAS BEEN INVOLVED IN A VIOLATION OF
THIS TREATY. IF YES, SPECIFY DETAILS: _____

Date of application

Director of the Southwest Region
National Marine Fisheries Service
National Oceanic and Atmospheric
Administration

SCHEDULE 2

PAYMENTS

The following amounts are payable annually for a period of five (5) years pursuant to paragraph 3 of Annex II.

PART 1

1. The amounts payable as set forth in this paragraph.

(a) Annual industry payments shall be made as follows:

- (i) For the first annual Licensing Period, a lump sum of \$US 1.75 million for 35 vessels, with the next five licences to be made available for the same pro-rata payment as the first 35 licences, and an additional 10 licences to be made available at \$US 60,000 per vessel;
- (ii) For subsequent annual Licensing Periods, 40 vessel licences calculated on the same basis as the first 40 vessel licences in subparagraph (a) and indexed to the price of fish as set forth below, with 10 additional licences to be made available at \$US 60,000 per vessel and indexed to the price of fish as set forth below.

(b) The indexation shall be applied as follows:

(i) DEFINITIONS

- a. Base Vessel Payment: The Base Vessel Payment is \$US 50,000 for the first 40 vessels to be licensed and \$US 60,000 for vessels to be licensed in excess of 40 vessels.
- b. Adjusted Individual Vessel Payment: The Adjusted Individual Vessel Payment is the individual vessel payment of each annual Licensing Period after the first annual Licensing Period. The Adjusted Individual Vessel Payment will always apply to the Licensing Period immediately following its calculation.
- c. Landed Price: The Landed Price is the published standard price per ton (American Tuna Sales Association) for fish delivered to American Samoa prevailing at the time a United States purse seine vessel arrives in port for the purpose of offloading its catch.
- d. Average Landed Price: The Average Landed Price is calculated by averaging the established landed price categories for yellowfin and skipjack tuna in American Samoa. The landed price categories to be used are: over 7.5 pounds, 4 to 7.5 pounds and 3 to 4 pounds for skipjack; over 20 pounds, 7.5 to 20 pounds and 4 to 7.5 pounds for yellowfin.

- e. Base Price: The Base Price is the Average Landed Price for the three months prior to the Treaty entering into force.
- f. Estimated Landed Value: The Estimated Landed Value is the Average Landed Price in effect at the time of a vessel's Landing weighted by the yellowfin/skipjack mix ratio to be calculated from information on Schedule 6 for that vessel.
- g. Average Estimated Landed Value: The Average Estimated Landed Value is the Estimated Landed Value for all landings by United States purse seine vessels in American Samoa in the four quarters preceding the final quarter of the applicable Licensing Period divided by the total number of those landings for the same period.

(ii) CALCULATION AND APPLICATION OF INDEXING FACTOR

- a. To obtain the indexing factor by which the Adjusted Individual Vessel Payment shall be calculated, divide the Average Estimated Landed Value for the preceding four quarters by the Base Price.
- b. To obtain the Adjusted Individual Vessel Payment, multiply the Base Vessel Payment by the indexing factor obtained in paragraph (ii) a.
- c. In no case shall the Adjusted Individual Vessel Payment be less than the Base Vessel Payment.

(iii) NOTIFICATIONS

The established prices and any changes shall be supplied to the Administrator by the Government of the United States within ten (10) days of their publication. The Administrator shall notify the Government of the United States sixty (60) days before the start of each Licensing Period of the Adjusted Individual Vessel Payment along with the computation used to arrive at the Adjusted Individual Vessel Payment. The Adjusted Individual Vessel Payment shall become final thirty (30) days after receipt by the Government of the United States, unless the Government of the United States advises the Administrator otherwise, in which case consultations shall be held.

(iv) CONSULTATIONS

If the established price categories are revised, or if there is a change in the tuna industry structure which makes the price calculations as set forth above inappropriate, the Administrator may consult with representatives of the Government of the United States as necessary to revise the formula.

(c) There shall be no pro-ration of the Base Vessel Payment or the Adjusted Individual Vessel Payment. There shall be no refunds of the Base Vessel Payment or the Adjusted Individual Vessel Payment following licence issuance pursuant to Annex II.

2. Sums payable pursuant to the related Agreement between the South Pacific Forum Fisheries Agency and the Government of the United States.

PART 2

3. Technical assistance, including provision of assistance by technicians, by the United States tuna industry valued at \$US 250,000 annually in response to requests co-ordinated through the Administrator.

SCHEDULE 3

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

LICENCE FORM

The vessel described in this licence is hereby authorized to engage in fishing in the Licensing Area for the period described in this licence, in accordance with the terms and conditions referred to in Annex I.

FULL NAME OF VESSEL: _____

RADIO CALL SIGN OF VESSEL: _____

REGIONAL REGISTER NUMBER OF VESSEL: _____

HELICOPTER OR OTHER AIRCRAFT WHICH MAY BE USED IN ASSOCIATION WITH THE
FISHING ACTIVITIES OF THE VESSEL: _____

PERIOD OF VALIDITY:

The period of validity of this licence shall be no longer than one year:

FROM _____, 19 _____

TO _____, 19 _____

FOR AND ON BEHALF OF THE PACIFIC
ISLAND PARTIES

DATE OF ISSUE: _____

LICENCE NUMBER: _____

WARNING: IT IS AN OFFENCE AGAINST THE LAWS OF MANY NATIONS, INCLUDING THE
UNITED STATES OF AMERICA, TO VIOLATE THE REQUIREMENTS OF ANNEX I.
PENALTIES MAY INCLUDE SUBSTANTIAL FINES AND VESSEL FORFEITURE.

(c) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 10 March 1988*

The States Parties to this Convention,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of friendly relations and co-operation among States,

RECOGNIZING in particular that everyone has the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

DEEPLY CONCERNED about the world-wide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,

CONSIDERING that unlawful acts against the safety of maritime navigation jeopardize the safety of persons and property, seriously affect the operation of maritime services, and undermine the confidence of the peoples of the world in the safety of maritime navigation,

CONSIDERING that the occurrence of such acts is a matter of grave concern to the international community as a whole,

BEING CONVINCED of the urgent need to develop international co-operation between States in devising and adopting effective and practical measures for the prevention of all unlawful acts against the safety of maritime navigation, and the prosecution and punishment of their perpetrators,

RECALLING resolution 40/61 of the General Assembly of the United Nations of 9 December 1985 which, inter alia, "urges all States unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien occupation, that may give rise to international terrorism and may endanger international peace and security",

RECALLING FURTHER that resolution 40/61 "unequivocally condemns, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize friendly relations among States and their security",

RECALLING ALSO that by resolution 40/61, the International Maritime Organization was invited to "study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures",

* International Maritime Organization (IMO) document SUA/CONF/15/Rev.1 dated 10 March 1988.

HAVING IN MIND resolution A.584(14) of 20 November 1985, of the Assembly of the International Maritime Organization, which called for development of measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews,

NOTING that acts of the crew which are subject to normal shipboard discipline are outside the purview of this Convention,

AFFIRMING the desirability of monitoring rules and standards relating to the prevention and control of unlawful acts against ships and persons on board ships, with a view to updating them as necessary, and, to this effect, taking note with satisfaction of the Measures to Prevent Unlawful Acts against Passengers and Crews on Board Ships, recommended by the Maritime Safety Committee of the International Maritime Organization,

AFFIRMING FURTHER that matters not regulated by this Convention continue to be governed by the rules and principles of general international law,

RECOGNIZING the need for all States, in combating unlawful acts against the safety of maritime navigation, strictly to comply with rules and principles of general international law,

HAVE AGREED as follows:

ARTICLE 1

For the purposes of this Convention, "ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft.

ARTICLE 2

1. This Convention does not apply to:
 - (a) A warship; or
 - (b) A ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or
 - (c) A ship which has been withdrawn from navigation or laid up.
2. Nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

ARTICLE 3

1. Any person commits an offence if that person unlawfully and intentionally:
 - (a) Seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or
 - (b) Performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or
 - (c) Destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or

(d) Places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or

(e) Destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or

(f) Communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or

(g) Injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (f).

2. Any person also commits an offence if that person:

(a) Attempts to commit any of the offences set forth in paragraph 1; or

(b) Abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or

(c) Threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b), (c) and (e), if that threat is likely to endanger the safe navigation of the ship in question.

ARTICLE 4 1/

1. This Convention applies if the ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single State, or the lateral limits of its territorial sea with adjacent States.

2. In cases where the Convention does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State referred to in paragraph 1.

1/ This article is to be understood in conjunction with paragraph 23 of the Final Act of the International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, which reads as follows:

"23. In relation to article 4 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, some delegations were in favour of the inclusion in article 4, paragraph 1, of straits used for international navigation. Other delegations pointed out that it was unnecessary to include them since navigation in such straits was one of the situations envisaged in article 4, paragraph 1. Therefore, the Convention will apply in straits used for international navigation, without prejudice to the legal status of the waters forming such straits in accordance with relevant conventions and other rules of international law."

ARTICLE 5

Each State Party shall make the offences set forth in article 3 punishable by appropriate penalties which take into account the grave nature of those offences.

ARTICLE 6

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 when the offence is committed:

(a) Against or on board a ship flying the flag of the State at the time the offence is committed; or

(b) In the territory of that State, including its territorial sea; or

(c) By a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) It is committed by a stateless person whose habitual residence is in that State; or

(b) During its commission a national of that State is seized, threatened, injured or killed; or

(c) It is committed in an attempt to compel that State to do or abstain from doing any act.

3. Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Secretary-General"). If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 7

1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its law, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts, in accordance with its own legislation.

3. Any person regarding whom the measures referred to in paragraph 1 are being taken shall be entitled to:

(a) Communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;

(b) Be visited by a representative of that State.

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the proviso that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify the States which have established jurisdiction in accordance with article 6, paragraph 1, and if it considers it advisable, any other interested States, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 8

1. The master of a ship of a State Party (the "flag State") may deliver to the authorities of any other State Party (the "receiving State") any person who he has reasonable grounds to believe has committed one of the offences set forth in article 3.

2. The flag State shall ensure that the master of its ship is obliged, whenever practicable, and if possible before entering the territorial sea of the receiving State carrying on board any person whom the master intends to deliver in accordance with paragraph 1, to give notification to the authorities of the receiving State of his intention to deliver such person and the reasons therefor.

3. The receiving State shall accept the delivery, except where it has grounds to consider that the Convention is not applicable to the acts giving rise to the delivery, and shall proceed in accordance with the provisions of article 7. Any refusal to accept a delivery shall be accompanied by a statement of the reasons for refusal.

4. The flag State shall ensure that the master of its ship is obliged to furnish the authorities of the receiving State with the evidence in the master's possession which pertains to the alleged offence.

5. A receiving State which has accepted the delivery of a person in accordance with paragraph 3 may, in turn, request the flag State to accept delivery of that person. The flag State shall consider any such request, and if it accedes to the request it shall proceed in accordance with article 7. If the flag State declines a request, it shall furnish the receiving State with a statement of the reasons therefor.

ARTICLE 9

Nothing in this Convention shall affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag.

ARTICLE 10

1. The State Party in the territory of which the offender or the alleged offender is found shall, in cases to which article 6 applies, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 3 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided for such proceedings by the law of the State in the territory of which he is present.

ARTICLE 11

1. The offences set forth in article 3 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 3. Extradition shall be subject to the other conditions provided by the law of the requested State Party.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 3 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 3 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

5. A State Party which receives more than one request for extradition from States which have established jurisdiction in accordance with article 7 and which decides not to prosecute shall, in selecting the State to which the offender or alleged offender is to be extradited, pay due regard to the interests and responsibilities of the State Party whose flag the ship was flying at the time of the commission of the offence.

6. In considering a request for the extradition of an alleged offender pursuant to this Convention, the requested State shall pay due regard to whether his rights as set forth in article 7, paragraph 3, can be effected in the requesting State.

7. With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention.

ARTICLE 12

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 3, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties on mutual assistance that may exist between them. In the absence of such treaties, States Parties shall afford each other assistance in accordance with their national law.

ARTICLE 13

1. States Parties shall co-operate in the prevention of the offences set forth in article 3, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories;

(b) Exchanging information in accordance with their national law, and co-ordinating administrative and other measures taken as appropriate to prevent the commission of offences set forth in article 3.

2. When, due to the commission of an offence set forth in article 3, the passage of a ship has been delayed or interrupted, any State Party in whose territory the ship or passengers or crew are present shall be bound to exercise all possible efforts to avoid a ship, its passengers, crew or cargo being unduly detained or delayed.

ARTICLE 14

Any State Party having reason to believe that an offence set forth in article 3 will be committed shall, in accordance with its national law, furnish as promptly as possible any relevant information in its possession to those States which it believes would be the States having established jurisdiction in accordance with article 6.

ARTICLE 15

1. Each State Party shall, in accordance with its national law, provide to the Secretary-General, as promptly as possible, any relevant information in its possession concerning:

(a) The circumstances of the offence;

(b) The action taken pursuant to article 13, paragraph 2;

(c) The measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

2. The State Party where the alleged offender is prosecuted shall, in accordance with its national law, communicate the final outcome of the proceedings to the Secretary-General.

3. The information transmitted in accordance with paragraphs 1 and 2 shall be communicated by the Secretary-General to all States Parties, to members of the International Maritime Organization (hereinafter referred to as "the Organization"), to the other States concerned, and to the appropriate international intergovernmental organizations.

ARTICLE 16

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by any or all of the provisions of paragraph 1. The other States Parties shall not be bound by those provisions with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may, at any time, withdraw that reservation by notification to the Secretary-General.

ARTICLE 17

1. This Convention shall be open for signature at Rome on 10 March 1988 by States participating in the International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and at the Headquarters of the Organization by all States from 14 March 1988 to 9 March 1989. It shall thereafter remain open for accession.

2. States may express their consent to be bound by this Convention by:
 - (a) Signature without reservation as to ratification, acceptance or approval; or
 - (b) Signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) Accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 18

1. This Convention shall enter into force ninety days following the date on which fifteen States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession in respect thereof.
2. For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Convention after the conditions for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

ARTICLE 19

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

ARTICLE 20

1. A conference for the purpose of revising or amending this Convention may be convened by the Organization.
2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of one third of the States Parties, or ten States Parties, whichever is the higher figure.
3. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

ARTICLE 21

1. This Convention shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) Inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:
 - (i) Each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;
 - (ii) The date of the entry into force of this Convention;
 - (iii) The deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect;
 - (iv) The receipt of any declaration or notification made under this Convention;
 - (b) Transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.
3. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 22

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

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

DONE at Rome this tenth day of March one thousand nine hundred and eighty-eight.

Protocol for the Suppression of Unlawful Acts against the Safety of
Fixed platforms located on the Continental Shelf, 10 March 1988*

The States Parties to this Protocol,

BEING PARTIES to the Convention for the Suppression of Unlawful Acts
against the Safety of Maritime Navigation,

RECOGNIZING that the reasons for which the Convention was elaborated also
apply to fixed platforms located on the continental shelf,

TAKING INTO ACCOUNT the provisions of that Convention,

AFFIRMING that matters not regulated by this Protocol continue to be
governed by the rules and principles of general international law,

HAVE AGREED as follows:

ARTICLE 1

1. The provisions of articles 5 and 7 and of articles 10 to 16 of the
Convention for the Suppression of Unlawful Acts against the Safety of Maritime
Navigation (hereinafter referred to as "the Convention") shall also apply
mutatis mutandis to the offences set forth in article 2 of this Protocol where
such offences are committed on board or against fixed platforms located on the
continental shelf.

2. In cases where the Protocol does not apply pursuant to paragraph 1, it
nevertheless applies when the offender or the alleged offender is found in the
territory of a State Party other than the State in whose internal waters or
territorial sea the fixed platform is located.

3. For the purposes of this Protocol, "fixed platform" means an artificial
island, installation or structure permanently attached to the sea-bed for the
purpose of exploration or exploitation of resources or for other economic
purposes.

ARTICLE 2

1. Any person commits an offence if that person unlawfully and intentionally:

(a) Seizes or exercises control over a fixed platform by force or threat
thereof or any other form of intimidation; or

(b) Performs an act of violence against a person on board a fixed
platform if that act is likely to endanger its safety; or

(c) Destroys a fixed platform or causes damage to it which is likely to
endanger its safety; or

(d) Places or causes to be placed on a fixed platform, by any means
whatsoever, a device or substance which is likely to destroy that fixed
platform or likely to endanger its safety; or

(e) Injures or kills any person in connection with the commission or the
attempted commission of any of the offences set forth in subparagraphs (a) to
(d).

* IMO document SUA/CONF/16/Rev.2 dated 10 March 1988.

2. Any person also commits an offence if that person:

(a) Attempts to commit any of the offences set forth in paragraph 1; or

(b) Abets the commission of any such offences perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or

(c) Threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b) and (c), if that threat is likely to endanger the safety of the fixed platforms.

ARTICLE 3

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when the offence is committed:

(a) Against or on board a fixed platform while it is located on the continental shelf of that State; or

(b) By a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) It is committed by a stateless person whose habitual residence is in that State;

(b) During its commission a national of that State is seized, threatened, injured or killed; or

(c) It is committed in an attempt to compel that State to do or abstain from doing any act.

3. Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Secretary-General"). If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

5. This Protocol does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 4

Nothing in this Protocol shall affect in any way the rules of international law pertaining to fixed platforms located on the continental shelf.

ARTICLE 5

1. This Protocol shall be open for signature at Rome on 10 March 1988 and at the headquarters of the International Maritime Organization (hereinafter referred to as "the Organization") from 14 March 1988 to 9 March 1989 by any State which has signed the Convention. It shall thereafter remain open for accession.
2. States may express their consent to be bound by this Protocol by:
 - (a) Signature without reservation as to ratification, acceptance or approval; or
 - (b) Signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) Accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
4. Only a State which has signed the Convention without reservation as to ratification, acceptance or approval, or has ratified, accepted, approved or acceded to the Convention may become a Party to this Protocol.

ARTICLE 6

1. This Protocol shall enter into force ninety days following the date on which three States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession in respect thereof. However, this Protocol shall not enter into force before the Convention has entered into force.
2. For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the conditions for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

ARTICLE 7

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

ARTICLE 8

1. A conference for the purpose of revising or amending this Protocol may be convened by the Organization.
2. The Secretary-General shall convene a conference of the States Parties to this Protocol for revising or amending the Protocol, at the request of one third of the States Parties, or five States Parties, whichever is the higher figure.
3. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Protocol shall be deemed to apply to the Protocol as amended.

ARTICLE 9

1. This Protocol shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) Inform all States which have signed this Protocol or acceded thereto, and all Members of the Organization, of:
 - (i) Each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) The date of entry into force of this Protocol;
 - (iii) The deposit of any instrument of denunciation of this Protocol together with the date on which it is received and the date on which the denunciation takes effect;
 - (iv) The receipt of any declaration or notification made under this Protocol or under the Convention, concerning this Protocol;
 - (b) Transmit certified true copies of this Protocol to all States which have signed this Protocol or acceded thereto.
3. As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 10

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

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

DONE at Rome this tenth day of March one thousand nine hundred and eighty-eight.

2. BILATERAL TREATIES

- (a) Maritime Delimitation Agreement between the Government of His Most Serene Highness the Prince of Monaco and the Government of the French Republic, 16 February 1984

[Original: French]

SOVEREIGN ORDERS

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

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

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

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

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

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

HAVE AGREED as follows:

Article 1

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

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

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

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

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

	<u>East longitude</u>	<u>North latitude</u>
A0	7° 26' 22.14"	43° 45' 01.49"
A1	7° 27' 12.6"	43° 44' 35.5"

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

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

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

Article 2

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

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

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

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

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

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

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

Article 3

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

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

Article 4

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

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

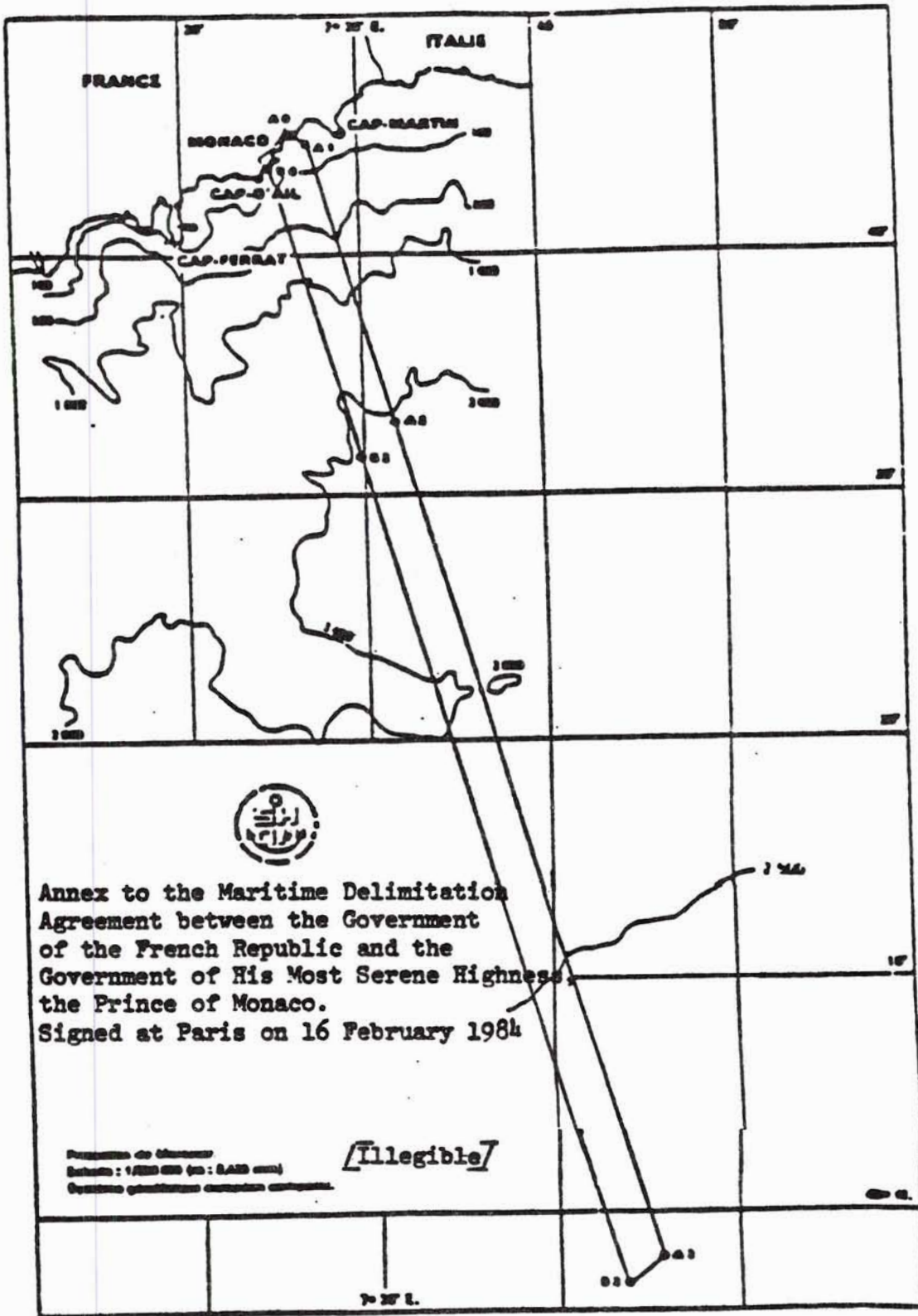
Article 5

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

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

IN WITNESS WHEREOF the undersigned, duly authorized for this purpose, have signed this Agreement.

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



(b) Exchange of Notes constituting an Agreement between Finland and Sweden confirming part of the national frontier between the two States, 14 June 1985

[Original: English]

I

The Ambassador of Sweden at Helsinki to the
Minister for Foreign Affairs of Finland

Helsinki, 14 June 1985

Sir,

I have the honour to inform you herewith that the Swedish Parliament approves the 1981 survey of the Swedish-Finnish State frontier, as the survey is reported in the frontier document prepared by the competent Swedish and Finnish frontier commissions, with the exception of an area near the Vähänära rapids in the commune of Overtornea.

The excepted frontier segment is bounded on the north by the point of intersection of the present State frontier and latitude 65° 56' 00" N and on the south by the point of intersection of the present State frontier and latitude 65° 55' 28" N. The latitude figures refer to the Finnish system. According to the Swedish system the corresponding latitude figures are 65° 56' 05.8" N and 65° 55' 33.8" N.

The Swedish Government proposes that the course of the State frontier should be established in accordance with the proposal made jointly by the frontier commissioners as a result of the 1981 frontier survey, with the exception of the above-mentioned frontier segment near the Vähänära rapids, and should enter into force on 1 August 1985.

In the matter of the frontier segment near the Vähänära rapids, the Swedish Government proposes that a new frontier survey should be carried out and the position of the thalweg should be established. The determination of the thalweg shall be governed by the same principles with regard to the frontier segment as in the 1981 frontier survey. The survey shall be carried out jointly by one Swedish and one Finnish frontier commission as soon as possible during the year 1985. Each State shall establish instructions for its frontier commission.

I have the honour to propose that this letter and your reply to it should together constitute an agreement in the matter between the Swedish and Finnish Governments.

Accept, Sir, the assurances of my highest and most distinguished consideration.

C. K. Thyberg

II

The Minister for Foreign Affairs of Finland to the
Ambassador of Sweden at Helsinki

Helsinki, 14 June 1985

Sir,

I have the honour to acknowledge herewith receipt of your letter of today's date, which reads as follows:

[See note I]

In reply, I have the honour to inform you that the Finnish Government approves the proposal made in the letter and to confirm that your letter and this reply shall constitute an agreement in the matter between the Finnish and Swedish Governments.

Accept, Sir, the assurances of my highest and most distinguished consideration.

Paavo Väyrynen

- (c) Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics concerning the Prevention of Incidents at Sea beyond the Territorial Sea, 15 July 1986*

[Original: English]

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics;

Desiring to ensure the safety of navigation of the ships of their respective armed forces, and of the flight of their military aircraft beyond the territorial sea;

Acknowledging that actions prohibited by this Agreement should also not be taken against non-military ships of the Parties;

Guided by the principles and rules of international law;

Have agreed as follows:

ARTICLE I

For the purposes of this Agreement the following definitions shall apply:

1. "Ship" means:

(a) A warship belonging to the armed forces of the Parties bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the Government and whose name appears in the appropriate service list or its equivalent, and manned by a crew who are under regular armed forces discipline; and

(b) Auxiliary ships belonging to the armed forces of the Parties, which include all ships authorized to fly the auxiliary ship flag where such a flag has been established by either Party;

2. "Aircraft" means all military manned heavier-than-air and lighter-than-air craft, excluding space craft;

3. "Formation" means an ordered arrangement of two or more ships proceeding in company and normally manoeuvring together.

This Agreement shall apply to ships and aircraft operating beyond the territorial sea.

ARTICLE II

The Parties shall take measures to instruct the Commanding Officers of their respective ships to observe strictly the letter and spirit of the 1972 International Regulations for Preventing Collisions at Sea, 1/ hereinafter referred to as "the 1972 Collision Regulations". The Parties recognize that

* The Agreement entered into force on 15 July 1986.

1/ United Kingdom, Treaty Series, No. 77 (1977), Cmnd. 6962, as amended by United Kingdom, Treaty Series, No. 68 (1984), Cmnd. 9340.

their freedom to conduct operations beyond the territorial sea is based on the principles established under recognized international law and codified in the 1958 Geneva Convention on the High Seas. ^{2/}

ARTICLE III

1. In all cases ships of the Parties operating in proximity to each other, except when required to maintain course and speed under the 1972 Collision Regulations, shall remain well clear to avoid risk of collision.

2. Ships meeting or operating in the vicinity of a formation of the other Party shall, while conforming to the 1972 Collision Regulations, avoid manoeuvring in a manner which would hinder the evolutions of the formation.

3. Formations shall not conduct manoeuvres through areas of heavy traffic where internationally recognized traffic separation schemes are in effect.

4. Ships engaged in surveillance of ships of the other Party shall stay at a distance which avoids the risk of collision and shall also avoid executing manoeuvres embarrassing or endangering the ships under surveillance. Except when required to maintain course and speed under the 1972 Collision Regulations, a surveillant shall take positive early action so as, in the exercise of good seamanship, not to embarrass or endanger ships under surveillance.

5. When ships of both Parties manoeuvre in sight of one another, such signals (flag, sound and light) as are prescribed by the 1972 Collision Regulations, the International Code of Signals and the Table of Special Signals set forth in the Annex to this Agreement shall be adhered to for signalling operations and intentions. At night or in conditions of reduced visibility, or under conditions of lighting and at such distances when signal flags are not distinct, flashing light or Very High Frequency Radio Channel 16 (156.8 MHz) should be used.

6. Ships of the Parties shall not simulate attacks by aiming guns, missile launchers, torpedo tubes and other weapons in the direction of passing ships of the other Party, nor launch any object in the direction of passing ships of the other Party in such a manner as to be hazardous to those ships or to constitute a hazard to navigation; nor use searchlights or other powerful illumination devices for the purpose of illuminating the navigation bridges of passing ships of the other Party.

Such actions shall also not be taken by ships of each Party against non-military ships of the other Party.

7. When conducting exercises with submerged submarines, supporting ships shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals set forth in the Annex to this Agreement, to warn ships of the presence of submarines in the area.

^{2/} United Kingdom, Treaty Series, No. 5 (1963), Cmnd. 1929.

8. Ships of one Party, when approaching ships of the other Party conducting operations which in accordance with Rule 3 (g) of the 1972 Collision Regulations are restricted in their ability to manoeuvre, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment underway, shall take appropriate measures not to hinder manoeuvres of such ships and shall remain well clear.

ARTICLE IV

1. Commanders of aircraft of the Parties shall use the greatest caution and prudence in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit simulated attacks by the simulated use of weapons against aircraft and ships of the other Party, or the performance of aerobatics over ships of the other Party, or dropping objects near them in such a manner as to be hazardous to ships or to constitute a hazard to navigation.

Such actions shall also not be taken by aircraft of each Party against non-military ships of the other Party.

2. Aircraft of the Parties flying in darkness or under instrument conditions shall, whenever feasible, display navigation lights.

ARTICLE V

The Parties shall take measures to notify the non-military ships of each Party about the provisions of this Agreement directed at securing mutual safety.

ARTICLE VI

The Parties shall provide through the established system of radio broadcasts of information and warning to mariners, normally not less than three to five days in advance, notification of actions beyond the territorial sea which represent a danger to navigation or to aircraft in flight.

ARTICLE VII

The Parties shall exchange in a timely manner appropriate information concerning instances of collisions, incidents which result in damage, and other incidents at sea between ships and aircraft of the Parties. The Royal Navy shall provide such information through the Soviet Naval or other Military Attaché in London and the Soviet Navy shall provide such information through the British Naval or other Military Attaché in Moscow.

ARTICLE VIII

This Agreement shall enter into force on the date of its signature. It may be terminated by either Party giving six months' written notice of termination to the other Party.

ARTICLE IX

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms, as well as possible ways of promoting a higher level of safety of navigation of their ships and flight of their aircraft beyond the territorial sea. Similar consultations shall be held thereafter annually, or more frequently as the Parties may decide.

IN WITNESS WHEREOF the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at London this 15th day of July, 1986, in the English and Russian languages, both texts being equally authoritative.

ANNEX

TABLE OF SPECIAL SIGNALS 1/

YANKEE VICTOR ONE (YV1)

The following signals are to be preceded by the above group:

<u>Signal</u>	<u>Meaning of Signals</u>
IR1	I am engaged in oceanographic operations.
IR2 (...)	I am streaming/towing hydrographic survey equipment metres astern.
IR3	I am recovering hydrographic survey equipment.
IR4	I am conducting salvage operations.
JH1	I am attempting to retract a grounded vessel.
MH1	Request you not cross my course ahead of me.
NB1 (...)	I have my unattached hydrographic survey equipment bearing in a direction from me as indicated (Table 3 of ICS).
PJ1	I am unable to alter course to my starboard.
PJ2	I am unable to alter course to my port.
PJ3	Caution, I have a steering casualty.
PP8 (...)	Dangerous operations in progress. Request you keep clear of the direction indicated from me (Table 3 of ICS).
QF1	Caution, I have stopped the engines.
QS6 (...)	I am proceeding to anchorage on course
QV2	I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.
QV3	I am anchored in deep water with hydrographic survey equipment streamed.
RT2	I intend to pass you on your port side.
RT3	I intend to pass you on your starboard side.
RT4	I will overtake you on your port side.
RT5	I will overtake you on your starboard side.
RT6 (...)	I am manoeuvring (or the formation is manoeuvring). Request you keep clear of the direction indicated from me.(Table 3 of ICS).
RT7 (...)	I shall approach your ship on starboard side to a distance of 100's of metres (yards).
RT8 (...)	I shall approach your ship on port side to a distance of 100's of metres (yards).
RT9 (...)	I shall cross astern at a distance of 100's of metres (yards).
RU2 (...)	I am beginning a port turn in approximately minutes.
RU3 (...)	I am beginning a starboard turn in approximatelyminutes.
RU4	The formation is preparing to alter course to port.

1/ Both Parties will issue mutually agreed instructions for the use of the signals of this Table. The representatives of the Parties may by mutual agreement introduce into this Table necessary alterations and additions.

Signals

Meaning of Signals

RU5	The formation is preparing to alter course to starboard.
RU6	I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.
RU7	I am preparing to submerge.
RU8	A submarine will surface within two miles of me within 30 minutes. Request you remain clear.
SL2	Request your course speed and passing intention.
TX1	I am engaged in fisheries patrol.
UY1 (...)	I am preparing to launch/recover aircraft on course
UY2 (...)	I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me (Table 3 of ICS).
UY3 (...)	I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me (Table 3 of ICS).
UY4	I am preparing to conduct/am conducting operations employing explosive charges.
UY5 (...)	I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated(Table 3 of ICS).
UY6 (...)	I am preparing to conduct/am conducting underway replenishment on course..... Request you remain clear.
UY7	I am preparing to conduct extensive small boat and ship-to-shore amphibious training operations.
UY8	I am manoeuvring to launch/recover landing craft/boats.
UY9	I am preparing to conduct/am conducting helicopter operations over my stern.
UY10	I am checking gunnery systems.*
UY11	I am checking rocket systems.*
UY12	I am preparing to conduct/I am conducting/gunnery exercises/bombing/by aircraft of the towed target. Request you keep clear of the direction indicated from me (Table 3 of ICS).
ZL1	I have received and understood your signal.
ZL2	Do you understand? Request acknowledgement.

* Those signals are transmitted by ships when they conduct their routine checking work and testings of gunnery and rocket rotating mechanisms, the activities provided for by certain technical requirements.

(d) Maritime Delimitation Treaty between Colombia and Honduras,
2 August 1986

[Original: Spanish]

The Government of the Republic of Colombia and the Government of the Republic of Honduras,

Reaffirming the friendship bonds that rule the relationships between the two States and aware of the need to establish a marine frontier between the two States;

Have decided to execute a Treaty and for such purpose have appointed their plenipotentiaries:

His Excellency the President of the Republic of Colombia appoints Dr. August Ramírez Ocampo, Minister of Foreign Affairs; His Excellency the President of the Republic of Honduras appoints Mr. Carlos López Contreras, Attorney, Secretary of Foreign Affairs,

Who have entered the following agreement:

Article I

The marine frontier between the Republic of Colombia and the Republic of Honduras is constituted by geodetic lines that connect the points located in the following co-ordinates:

Point No. 1	Lat. 14° 59' 08" N	Long. 82° 00' 00" W
No. 2	Lat. 14° 59' 08" N	Long. 79° 56' 00" W
No. 3	Lat. 15° 30' 10" N	Long. 79° 56' 00" W
No. 4	Lat. 15° 46' 00" N	Long. 80° 03' 55" W
No. 5	Lat. 15° 58' 40" N	Long. 79° 56' 40" W

Between points 4 and 5, the marine frontier shall be constituted by a circular line, the radius of which shall be measured from a point located in co-ordinates 15° 47' 50" N and 79° 51' 20" W.

No. 6	Lat. 16° 04' 15" N	Long. 79° 50' 32" W
-------	--------------------	---------------------

From the above point, the marine frontier shall continue towards the east by parallel 16° 04' 15" N, up to the point where a delimitation must be made with a third State.

The marine frontier agreed upon is indicated only for illustration purposes in the nautical chart No. 28000, published by the Defense Mapping Agency Hydrographic/Topographic Center, Washington D.C., 74th Edition, March 30, 1985, which, duly signed by the Plenipotentiaries, is attached to the foregoing Treaty, in the understanding that in all events, the contents of the same shall prevail.

Article II

The delimitation stated in the above article shall not overrule the layout of the marine frontiers which have been established or can be established in the future between any of the Parties herein and third States, as long as said layout does not affect the jurisdiction acknowledged to the other Contracting Party by the foregoing instrument.

Article III

The hydrocarbons or natural gas deposits or fields which are found on both sides of the line established shall be exploited in a manner such that the distribution of the volumes of the resource extracted from said deposit or field is proportional to the volume of the same which is correspondingly found on each side of the line.

Article IV

Any disagreement between the Contracting Parties regarding the interpretation and application of the foregoing Treaty shall be decided by the pacific means established in international law.

2 August 1986

(e) Agreement between the Government of the French Republic and the Government of the Italian Republic on the Delimitation of the Maritime Boundaries in the Area of the Strait of Bonifacio, done at Paris on 28 November 1986

The Government of the French Republic and the Government of the Italian Republic,

Desiring to strengthen the ties of good-neighbourliness and friendship between the two countries,

Aware of the need to delimit, precisely and equitably, the maritime spaces over which the two States exercise or shall exercise, respectively, their sovereignty or sovereign rights,

Relying on the rules and principles of international law applicable in this matter,

Considering the "Agreement between France and Italy of 18 January 1908 for the purpose of determining the exclusive fishing zones for French and Italian fishermen, respectively, in the waters between Corsica and Sardinia",

Have agreed as follows:

Article 1

1. The demarcation line between the territorial waters of the two States in the area of the Strait of Bonifacio shall be defined by the loxodromic curves joining the following points, in the order in which they are listed, whose co-ordinates shall be:

	Longitude E	Latitude N
Point 1.....	008° 48' 49,2"	41° 15' 31,2"
Point 2.....	009° 08' 09,1"	41° 19' 09,0"
Point 3.....	009° 16' 15,0"	41° 17' 34,2"
Point 4.....	009° 19' 03,0"	41° 20' 13,8"
Point 5.....	009° 27' 03,6"	41° 24' 27,0"
Point 6.....	009° 37' 54,0"	41° 26' 04,8"

2. The geographical co-ordinates indicated in this article are expressed in the compensated European geodesic system (Europe 50).

3. The line defined in paragraph 1 is indicated on the map annexed to this Agreement.

Article 2

1. For the purpose of ensuring that this Agreement shall not interfere with the established fishing practices of the professional fishermen of the two countries, the Parties hereby agree, by way of neighbourly arrangement, to allow French and Italian coastal fishing vessels to continue their activities in the traditional fishing areas located within a zone defined as follows:

In the north, by the 41° 20' 40" parallel;
In the west, by the 9° meridian;
In the east, by the 9° 6' meridian;
In the south, by the 4° 16' 20" parallel.

2. The zone defined in paragraph 1 is indicated on the map referred to in article 1 above.

Article 3

1. The alignment of points 2 and 3 shall be marked in Italian territory by the two white-painted stonework pillars constructed pursuant to the Agreement of 18 January 1908, as follows:

A pillar eight metres high, erected on the site of the triangulation marker at Guardia del Turco;

A pillar 10 metres high, erected on the rocks of the southern tip of Budelli Island.

2. The alignment of points 3 and 4 shall be marked in Italian territory by the two white-painted stonework pillars constructed pursuant to the Agreement of 18 January 1908, as follows:

A pillar 10 metres high, erected on the rock 500 metres in front of the Contro di li Scala signal station;

A pillar 12 metres high, erected on the shore near Punta Marmorata.

Article 4

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

The "Agreement between France and Italy of 18 January 1908 for the purpose of determining the exclusive fishing zones for French and Italian fishermen, respectively, in waters between Corsica and Sardinia" shall be abrogated as of that date.

IN WITNESS WHEREOF, the undersigned, duly authorized for this purpose, have signed this Agreement.

DONE at Paris, on 28 November 1986, in duplicate, in the French and Italian languages, both texts being equally authentic.

- (f) Agreement between the Socialist Republic of the Union of Burma and the Republic of India on the Delimitation of the Maritime Boundary in the Andaman Sea, in the Coco Channel and in the Bay of Bengal, 23 December 1986

THE SOCIALIST REPUBLIC OF THE UNION OF BURMA AND THE REPUBLIC OF INDIA,

DESIRING TO strengthen the existing historical bonds of friendship between the two countries,

DESIRING to delimit by mutual agreement the maritime boundary between the two countries in the Andaman Sea, in the Coco Channel and in the Bay of Bengal,

HAVE AGREED as follows:

ARTICLE I

The maritime boundary between Burma and India in the Andaman Sea and in the Coco Channel is the straight lines connecting points 1 to 14, the geographical co-ordinates of which are in the sequence given below:

<u>Points</u>	<u>Latitude north</u>	<u>Longitude east</u>
1	09° 38' 00"	95° 35' 25"
2	09° 53' 14"	95° 28' 00"
3	10° 18' 42"	95° 16' 02"
4	10° 28' 00"	95° 15' 58"
5	10° 44' 53"	95° 22' 00"
6	11° 43' 17"	95° 26' 00"
7	12° 19' 43"	95° 30' 00"
8	12° 54' 07"	95° 41' 00"
9	13° 48' 00"	95° 02' 00"
10	13° 48' 00"	93° 50' 00"
11	13° 34' 18"	93° 40' 59"
12	13° 49' 11"	93° 08' 05"
13	13° 57' 29"	92° 54' 50"
14	14° 00' 59"	92° 50' 02"

The extension of the maritime boundary beyond point 1 up to the maritime boundary trijunction point between Burma, India and Thailand will be done subsequently after the trijunction point is established by agreement between the three countries.

Article II

The Maritime Boundary between Burma and India in the Bay of Bengal is the straight lines connecting points 14 to 16, the geographical co-ordinates of which are in the sequence given below:

<u>Points</u>	<u>Latitude north</u>	<u>Longitude east</u>
14	14° 00' 59"	92° 50' 02"
15	14° 17' 42"	92° 24' 17"
16	15° 42' 50"	90° 14' 01"

The extension of the maritime boundary beyond point 16 in the Bay of Bengal will be done subsequently

ARTICLE III

The co-ordinates of the points specified in articles I and II are the geographical co-ordinates and the straight lines connecting them are as indicated in Indian Chart No. 41 of 1 December 1979 (Andaman Sea) and Indian Chart No. 31 of 1 November 1976 (Bay of Bengal) annexed hereto, which form an integral part of this Agreement and which have been signed by the competent authorities of the two Parties.

ARTICLE IV

The actual location at sea and on the sea-bed and on the continental shelf of the points specified in articles I and II shall be determined by a method to be mutually agreed upon by the Hydrographic Surveyors authorized for the purpose by the two Parties.

ARTICLE V

Each Party has sovereignty over the existing islands and any islands that may emerge, falling on its side of the maritime boundary.

ARTICLE VI

Each Party has sovereignty, sovereign rights and jurisdictions in its respective maritime zones, falling on its side of the maritime boundary, in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea, 1982.

ARTICLE VII

Any dispute concerning the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation between the two Parties.

ARTICLE VIII

This Agreement shall be ratified in accordance with the constitutional requirements of each Party. It shall enter into force on the date of the exchange of the instruments of ratification, which will take place at New Delhi as soon as possible.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Rangoon, this twenty-third day of December, one thousand nine hundred and eighty-six, in duplicate, each being drawn up in three authentic texts in the Burmese, Hindi and English languages. In the event of any conflict between the texts the English text shall prevail.

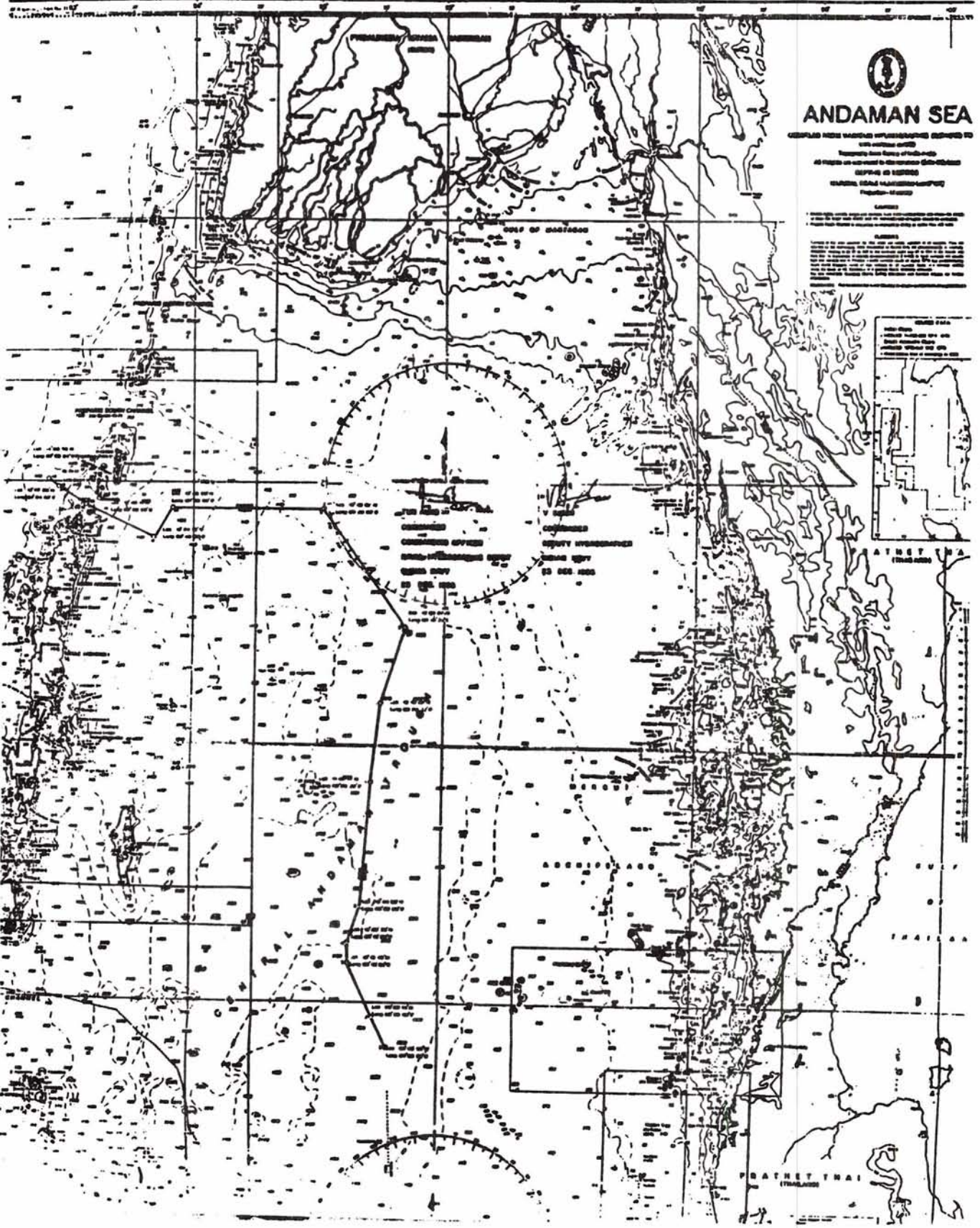
NAVY DEPARTMENT
OFFICE OF THE CHIEF OF BUREAU OF NAUTICAL INFORMATION
WASHINGTON, D. C.



ANDAMAN SEA

COMPILED FROM VARIOUS SURVEYING REPORTS BY
THE OFFICE OF THE
CHIEF OF BUREAU OF NAUTICAL INFORMATION
OFFICE OF THE CHIEF OF BUREAU OF NAUTICAL INFORMATION
WASHINGTON, D. C.

NOTE
This chart is based on the latest available information and is subject to change without notice.
It is not intended for use in navigation.
It is not intended for use in navigation.
It is not intended for use in navigation.



INSET MAP
Showing the location of the Andaman Sea in the Indian Ocean.

(g) Agreement between the Government of the Kingdom of Sweden and the Government of the Union of Soviet Socialist Republics concerning the delimitation of the continental shelf and of the Swedish fishing zone and the Soviet economic zone in the Baltic Sea, 18 April 1988

The Government of the Kingdom of Sweden and the Government of the Union of Soviet Socialist Republics,

On the basis of the Agreement between the Kingdom of Sweden and the Union of Soviet Socialist Republics concerning the principles of the delimitation of sea areas in the Baltic Sea of 13 January 1988,

Have agreed as follows:

Article 1

The line of delimitation between the regions of the continental shelf over which Sweden and the Soviet Union respectively exercise sovereign rights in respect of prospecting and the exploitation of their natural resources, and between the Swedish fishing zone and the Soviet economic zone, shall follow the straight lines (loxodromes) linking the points with the geographical co-ordinates indicated in article 2.

The delimitation line has been calculated, on the one hand, in conformity with the current Swedish system of co-ordinates (RT 38) employed in Swedish maritime charts Nos. 7 and 8, issued in 1988, and on the other hand, in conformity with the Soviet system of co-ordinates employed in Soviet maritime chart No. 1150, issued in 1987. The above-mentioned maritime charts shall be attached to this Agreement and shall form an integral part of it.

Article 2

The co-ordinates referred to in article 1 are as follows:

Co-ordinates in the Swedish system

Points

A 1	58° 46,836'	north latitude	20° 28,672'	east longitude
A 2	58° 29,000'	north latitude	20° 26,590'	east longitude
A 3	58° 12,000'	north latitude	20° 22,502'	east longitude
A 4	57° 54,691'	north latitude	20° 24,920'	east longitude
A 5	57° 44,000'	north latitude	20° 14,139'	east longitude
A 6	57° 33,800'	north latitude	20° 03,965'	east longitude
A 7	57° 26,717'	north latitude	20° 02,160'	east longitude
A 8	57° 14,192'	north latitude	19° 53,565'	east longitude
A 9	56° 58,000'	north latitude	19° 40,270'	east longitude
A 10	56° 45,000'	north latitude	19° 31,720'	east longitude
A 11	56° 35,000'	north latitude	19° 25,070'	east longitude
A 12	56° 27,000'	north latitude	19° 21,070'	east longitude
A 13	56° 15,000'	north latitude	19° 13,565'	east longitude
A 14	56° 02,433'	north latitude	19° 05,669'	east longitude
A 15	55° 58,863'	north latitude	19° 04,876'	east longitude
A 16	55° 57,300'	north latitude	19° 04,049'	east longitude
A 17	55° 53,482'	north latitude	18° 56,777'	east longitude

Co-ordinates in the Soviet system

Points

A 1	58° 46,836'	north latitude	20° 28,582'	east longitude
A 2	58° 29,000'	north latitude	20° 26,500'	east longitude
A 3	58° 12,000'	north latitude	20° 22,412'	east longitude
A 4	57° 54,691'	north latitude	20° 24,830'	east longitude
A 5	57° 44,000'	north latitude	20° 14,049'	east longitude
A 6	57° 33,800'	north latitude	20° 03,875'	east longitude
A 7	57° 26,717'	north latitude	20° 02,070'	east longitude
A 8	57° 14,192'	north latitude	19° 53,475'	east longitude
A 9	56° 58,000'	north latitude	19° 40,200'	east longitude
A 10	56° 45,000'	north latitude	19° 31,650'	east longitude
A 11	56° 35,000'	north latitude	19° 25,000'	east longitude
A 12	56° 27,000'	north latitude	19° 21,000'	east longitude
A 13	56° 15,000'	north latitude	19° 13,500'	east longitude
A 14	56° 02,433'	north latitude	19° 05,604'	east longitude
A 15	55° 58,863'	north latitude	19° 04,811'	east longitude
A 16	55° 57,300'	north latitude	19° 03,984'	east longitude
A 17	55° 53,482'	north latitude	18° 56,717'	east longitude

The two systems of co-ordinates shall be equally valid. From point A 1 in the north and from point A 17 in the south, the delimitation line shall be continued up to points to be agreed upon with the third countries concerned.

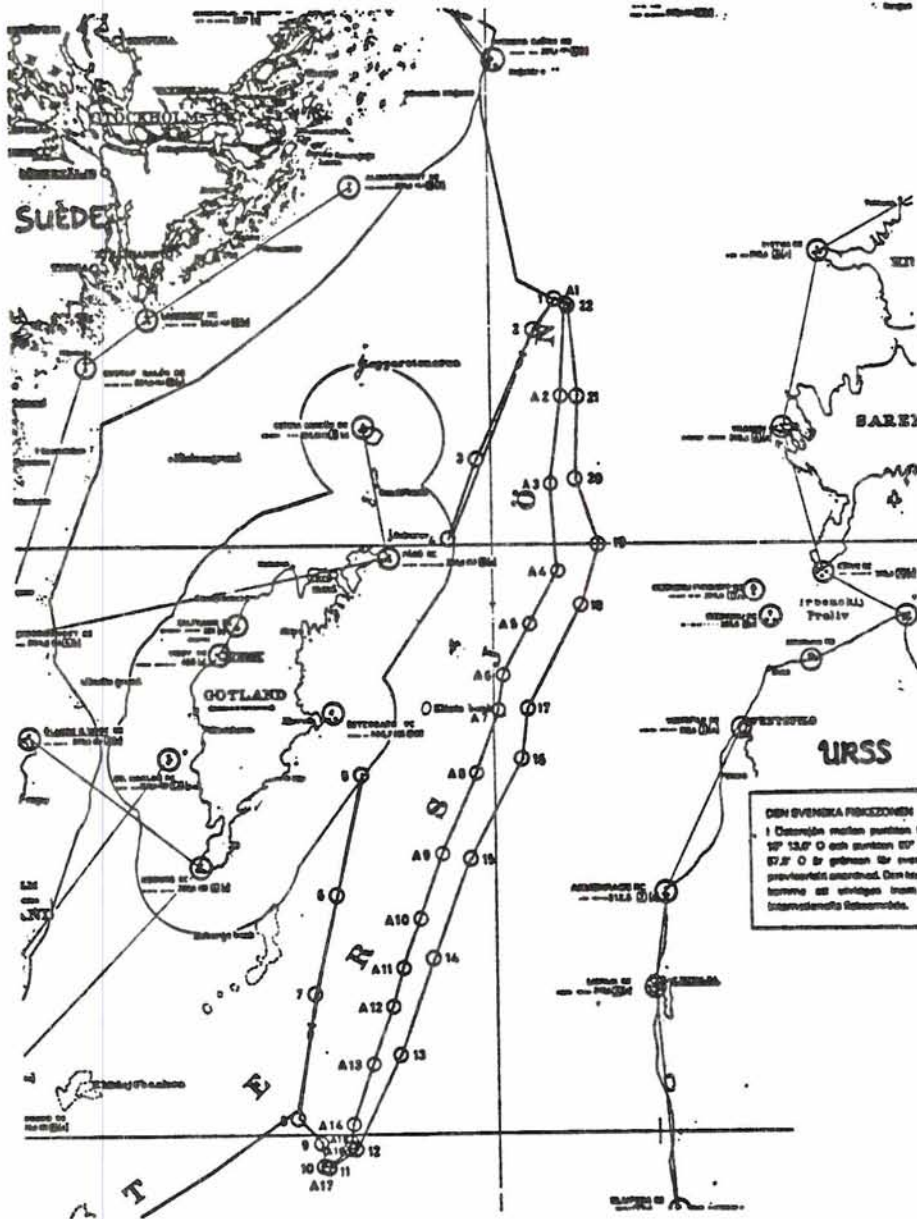
Article 3

This Agreement is concluded on the basis of the Agreement between the Kingdom of Sweden and the Union of Soviet Socialist Republics concerning the principles of the delimitation of sea areas in the Baltic Sea of 13 January 1988 and shall be subject to approval in accordance with the legislation of each of the Parties.

This Agreement shall enter into force on the date of the exchange of notes notifying its approval.

DONE at Moscow on 18 April 1988 in duplicate, in the Swedish and Russian languages, both texts being equally authentic.

Prop. 1987/88:175
Bilaga 5



Nordstedt Tryckeri, Stockholm 1988

Source: Revue Générale de Droit International Public (Editions
A. Pedone, Paris), vol. 92/1988/4, p. 1055.

(h) Agreement between the Government of Solomon Islands and the Government of Australia establishing certain sea and sea-bed boundaries, 13 September 1988*

The Government of Solomon Islands and the Government of Australia;

DESIRING to strengthen the bonds of friendship between the two countries;

RECOGNIZING the need to effect a precise and equitable delimitation of the respective maritime areas in which the two States exercise sovereign rights;

BASING THEMSELVES on the rules and principles of relevant international law and taking into account the United Nations Convention on the Law of the Sea;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Seaward of Australian reefs in the Coral Sea on the one hand and Solomon Islands reefs on the other hand, the line of delimitation between the Australian Fishing Zone and the Solomon Islands Exclusive Economic Zone and between areas of continental shelf over which each State respectively exercises sovereign rights in accordance with international law lies along the geodesics connecting the following points, defined by their co-ordinates, in the order stated:

<u>Point</u>	<u>Latitude S</u>	<u>Longitude E</u>
U	14° 04' 00"	157° 00' 00"
V	14° 41' 00"	157° 43' 00"
R1	15° 44' 07"	158° 45' 39"

2. The geographical co-ordinates referred to in this Article are expressed in terms of the Australian Geodetic Datum 1966 (AGD 66) in respect of point U, and in terms of the World Geodetic System 1972 (WGS 72) in respect of points V and R1. Where for the purposes of this Agreement it is necessary to determine the position on the surface of the Earth of a point, line or area, that position may be determined by reference to either AGD 66 or WGS 72. In the case of AGD 66, that reference shall be in respect of a spheroid having its centre at the centre of the Earth, and a major (equatorial) radius of 6,378,160 metres and a flattening of 100/29825. In the case of WGS 72, that reference shall be in respect of a spheroid having its centre at the centre of the Earth, and a major (equatorial) radius of 6,378,135 metres and a flattening of 100/29826.

3. The line described in paragraph 1 of this Article is shown on the maps annexed to this Agreement as Annex 1 and Annex 2.

* Transmitted by the Permanent Mission of Australia to the United Nations in a note verbale dated 2 October 1988.

ARTICLE 2

If any accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the sea-bed, extends across the line specified in Article 1 of this Agreement and the part of such accumulation or deposit that is situated on one side of the line is exploitable wholly or in part from the other side of the line, the two Governments will seek to reach agreement on the manner in which the accumulation or deposit may be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

ARTICLE 3

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

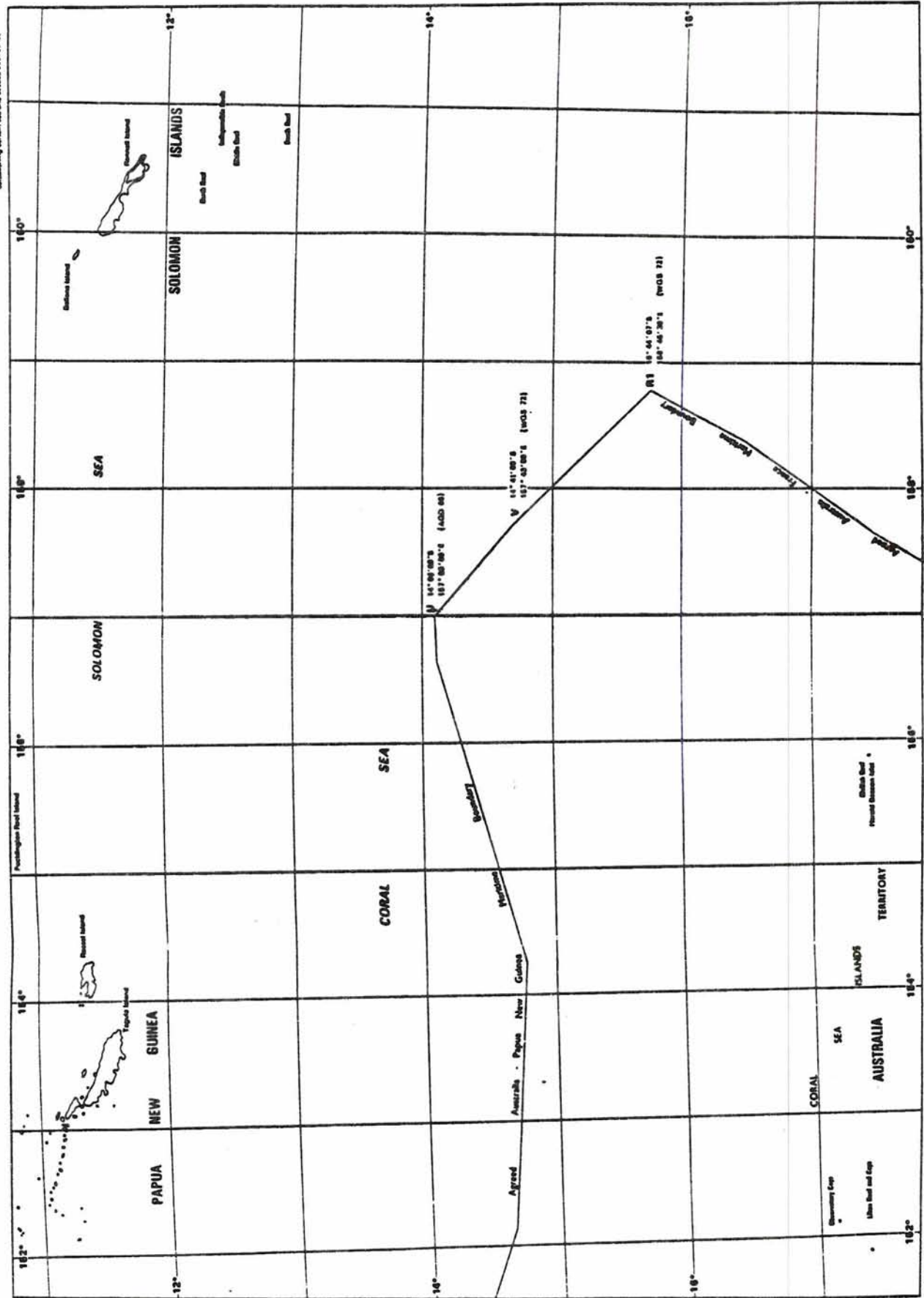
ARTICLE 4

Each Party shall notify the other of the completion of its constitutional procedures necessary to bring this Agreement into force. The Agreement shall enter into force on the day of receipt of the later of those notifications.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at Honiara on 13 September 1988 in the English language.

ANNEX 2 to the Agreement between the Government of Solomon Islands and the Government of Australia establishing certain sea and seabed boundaries

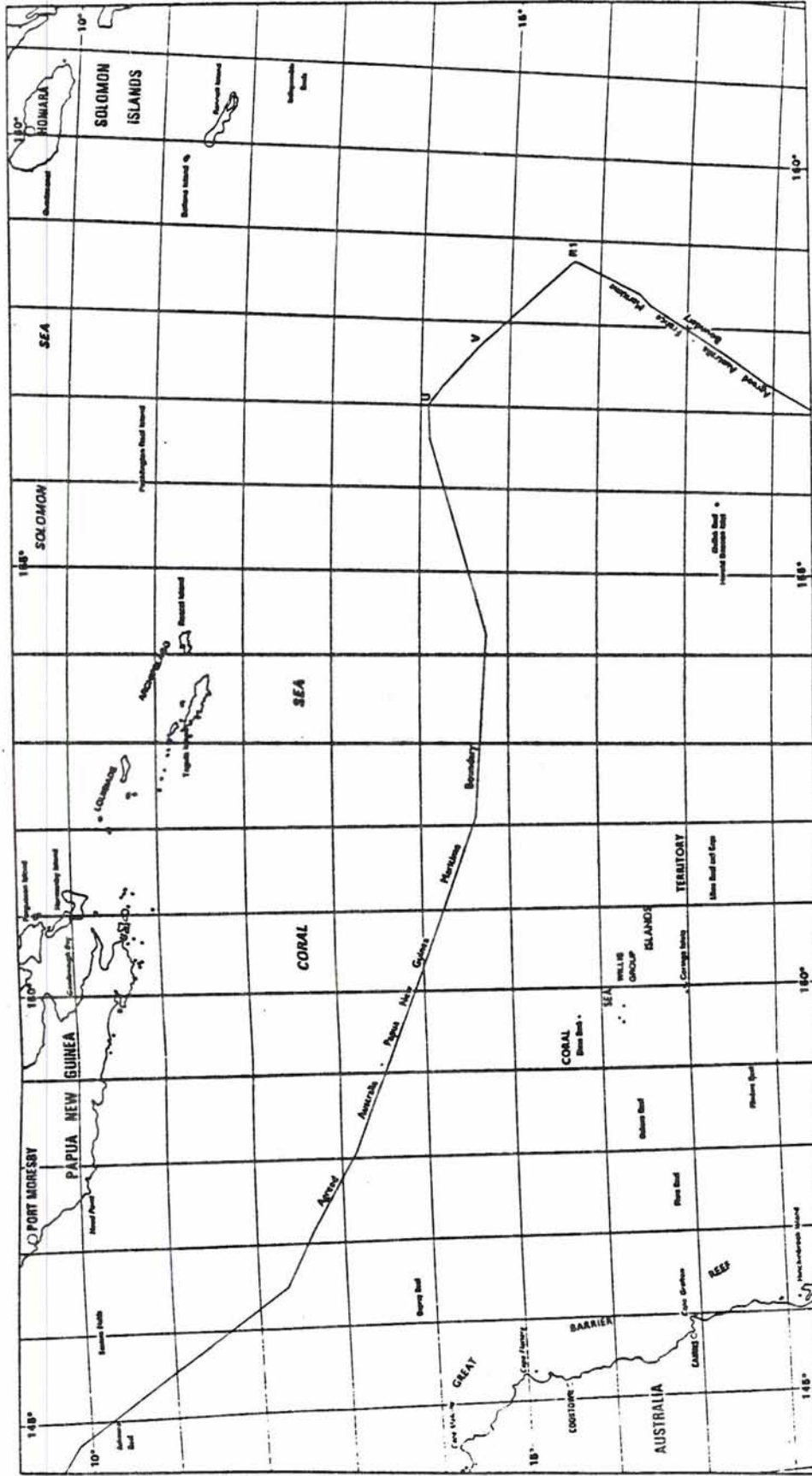


MAP 87 003 24



Agreed Boundaries and Features Jurisdiction Line

APPENDIX 2 to the Agreement between the Government of Australia and the Government of the Solomon Islands relating to certain sea and air areas



Agreed boundary and features Australia 1:50,000

0 50 100 150 200
NAUTICAL MILES

For details of the Australia-Port Moresby Maritime Boundary, see Australian Treaty Series 1988 No. 4, and for details of the Port Moresby-Port Vila Maritime Boundary, see Australian Treaty Series 1993 No. 4.

(i) Agreement between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the delimitation of the territorial sea in the Straits of Dover, 2 November 1988

The Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland;

Considering that the boundary delimiting the parts of the continental shelf appertaining to France and the United Kingdom, respectively, in the area east of 30 minutes west of the Greenwich Meridian has been defined by the Agreement between the two Governments signed at London on 24 June 1982;

Desiring to establish a part of that boundary as the limit between the territorial sea of the French Republic and that of the United Kingdom in the Straits of Dover;

Have agreed as follows:

Article 1

1. The boundary between the territorial sea of the French Republic and the territorial sea of the United Kingdom shall be a line composed of loxodromes joining in the sequence given the points defined as follows by means of their co-ordinates:

POSITION	LATITUDES	LONGITUDES
I	50° 49' 30" 95 N	01° 15' 53" 43 E
II	50° 53' 47" 00 N	01° 16' 58" 00 E
III	50° 57' 00" 00 N	01° 21' 25" 00 E
IV	51° 02' 19" 00 N	01° 32' 53" 00 E
V	51° 05' 58" 00 N	01° 43' 31" 00 E
VI	51° 12' 00" 72 N	01° 53' 20" 07 E

2. The positions of points I to VI in paragraph 1 are defined on European Datum (1st Adjustment 1950).

3. The boundary line defined in paragraph 1 has been drawn solely by way of illustration on the chart annexed to this Agreement.

Article 2

Points I and VI as defined above shall be the new final points of the boundaries delimiting the parts of the continental shelf appertaining respectively to France and to the United Kingdom in the area east of 30 minutes west of the Greenwich Meridian.

These boundaries are composed of loxodromes joining:

- a) points 1, 2, 3, 4, 5, 6, 7 and I, and
- b) points VI, 12, 13 and 14,

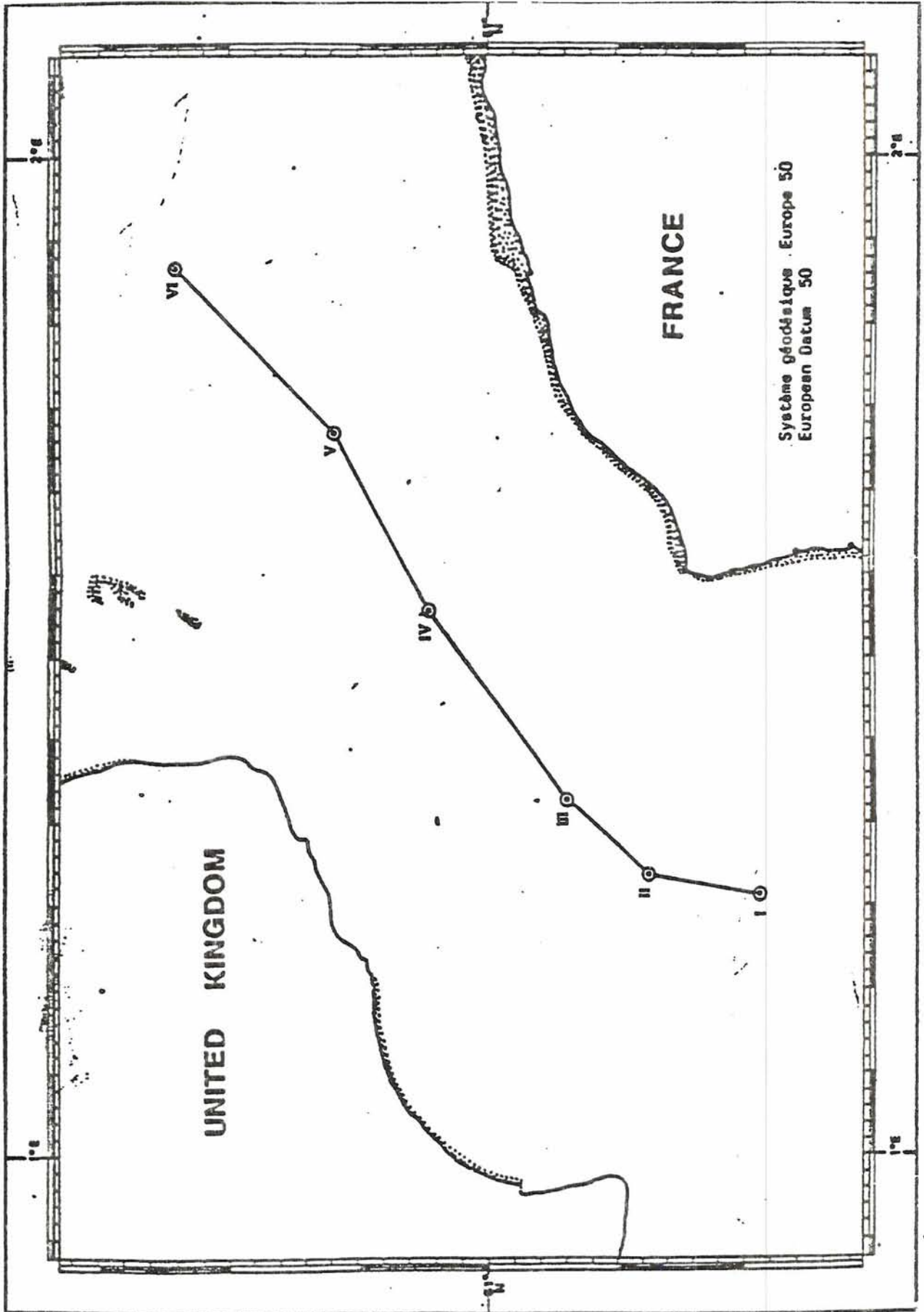
as defined by the Agreement of 24 June 1982 and by this Agreement.

Article 3

Each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement. The Agreement shall enter into force on the date when the last notification is received.

IN WITNESS WHEREOF the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Paris this 2nd day of November 1988, in the French and English languages, both texts being equally authoritative.



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