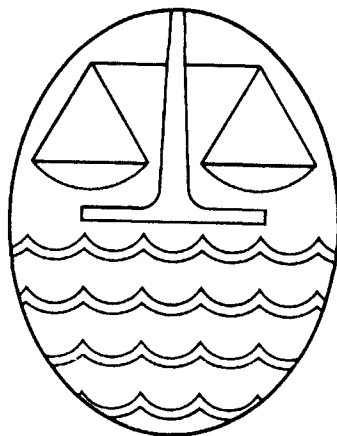


Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs

# *Law of the Sea*



*Bulletin No. 48*



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## NOTE

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PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN.

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I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

1. Table recapitulating the status of the Convention and of the related Agreements, as at 31 March 2002

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐•declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐•declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐•declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐•declaration)
<b>TOTALS</b>	157 (☐•35)	138 (☐•51)	79	104	59(☐•5)	31(☐•8)
Afghanistan						
Albania						
Algeria	☐	☐ 11 June 1996		11 June 1996 (p)		
Andorra						
Angola	☐	5 December 1990				
Antigua and Barbuda		2 February 1989				
Argentina	☐	☐ 1 December 1995		1 December 1995		
Armenia						
Australia		5 October 1994		5 October 1994		23 December 1999
Austria		☐ 14 July 1995		14 July 1995		

<sup>1</sup> States bound by the Agreement by having ratified, acceded or succeeded to the Convention under article 4, paragraph 1, of the Agreement.

<sup>2</sup> States bound by the Agreement under the simplified procedure set out in article 5 of the Agreement.

<sup>3</sup> In accordance with its article 40, the Agreement shall enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐•declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐•declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐•declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐•declaration)
<i>Azerbaijan</i>						
Bahamas		29 July 1983		28 July 1995		16 January 1997(a)
Bahrain		30 May 1985				
Bangladesh		☐27 July 2001		27 July 2001 (a)		
Barbados		12 October 1993		28 July 1995 (sp)		22 September 2000(a)
Belarus						
Belgium		☐13 November 1998		13 November 1998		
Belize		13 August 1983		21 October 1994 (ds)		
Benin		16 October 1997		16 October 1997 (p)		
Bhutan						
Bolivia		28 April 1995		28 April 1995 (p)		
Bosnia and Herzegovina		12 January 1994 (s)				
Botswana		2 May 1990				
Brazil		☐22 December 1988				8 March 2000
Brunei Darussalam		5 November 1996		5 November 1996 (p)		
Bulgaria		15 May 1996		15 May 1996 (a)		
Burkina Faso						
Burundi						
Cambodia						
Cameroon		19 November 1985				
Canada						☐3 August 1999
Cape Verde		☐10 August 1987				
Central African Republic						
Chad						



State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐=declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐=declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐=declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐=declaration)
<i>Chile</i>	☐	☐25 August 1997		25 August 1997 (a)		
China	✍	☐7 June 1996	✍	7 June 1996 (p)	☐	
Colombia	✍					
Comoros	✍	21 June 1994				
Congo	✍					
<i>Cook Islands</i>	✍	15 February 1995		15 February 1995 (a)		1 April 1999 (a)
Costa Rica	☐	21 September 1992		20 September 2001 (a)		18 June 2001 (a)
Côte d'Ivoire	✍	26 March 1984	✍	28 July 1995 (sp)	✍	
Croatia		☐5 April 1995 (s)		5 April 1995 (p)		
Cuba	☐	☐15 August 1984				
Cyprus	✍	12 December 1988	✍	27 July 1995		
Czech Republic	✍	☐21 June 1996	✍	21 June 1996		
Democratic People's Republic of Korea	✍					
Democratic Republic of the Congo	✍	17 February 1989				
Denmark	✍		✍		✍	
Djibouti	✍	8 October 1991				
Dominica	✍	24 October 1991				
Dominican Republic	✍					
Ecuador						
Egypt	✍	☐26 August 1983	✍		✍	
El Salvador	✍					
Equatorial Guinea	✍	21 July 1997		21 July 1997 (p)		
Eritrea						

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐=declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐=declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐=declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐=declaration)
<i>Estonia</i>						
<i>Ethiopia</i>						
<i>European Community</i>		☐1 April 1998 (fc)		1 April 1998(fc)		
<i>Fiji</i>		10 December 1982		28 July 1995		12 December 1996
<i>Finland</i>		☐21 June 1996		21 June 1996		
<i>France</i>		☐11 April 1996		11 April 1996		
<i>Gabon</i>		11 March 1998		11 March 1998 (p)		
<i>Gambia</i>		22 May 1984				
<i>Georgia</i>		21 March 1996 (a)		21 March 1996 (p)		
<i>Germany</i>		☐14 October 1994 (a)		14 October 1994		
<i>Ghana</i>		7 June 1983				
<i>Greece</i>		☐21 July 1995		21 July 1995		
<i>Grenada</i>		25 April 1991		28 July 1995 (sp)		
<i>Guatemala</i>		☐11 February 1997		11 February 1997 (p)		
<i>Guinea</i>		6 September 1985		28 July 1995 (sp)		
<i>Guinea-Bissau</i>		☐25 August 1986				
<i>Guyana</i>		16 November 1993				
<i>Haiti</i>		31 July 1996		31 July 1996 (p)		
<i>Holy See</i>						
<i>Honduras</i>		5 October 1993				
<i>Hungary</i>		☐5 February 2002		5 February 2002(a)		
<i>Iceland</i>		☐21 June 1985		28 July 1995 (sp)		14 February 1997
<i>India</i>		☐29 June 1995		29 June 1995		
<i>Indonesia</i>		3 February 1986		2 June 2000		
<i>Iran (Islamic Republic of)</i>						17 April 1998(a)

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐•declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐•declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐•declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐•declaration)
<i>Iraq</i>	☐	30 July 1985				
Ireland	✍	☐21 June 1996	✍	21 June 1996	✍	
Israel					✍	
Italy	☐	☐13 January 1995	✍	13 January 1995	✍	<sup>4</sup>
Jamaica	✍	21 March 1983	✍	28 July 1995 (sp)	✍	
Japan	✍	20 June 1996	✍	20 June 1996	✍	
Jordan		27 November 1995 (a)		27 November 1995 (p)		
Kazakhstan						
Kenya	✍	2 March 1989		29 July 1994 (ds)		
Kiribati						
Kuwait	✍	☐2 May 1986				
Kyrgyzstan						
Lao People's Democratic Republic	✍	5 June 1998	✍	5 June 1998 (p)		
Latvia						
Lebanon	✍	5 January 1995		5 January 1995 (p)		
Lesotho	✍					
Liberia	✍					
Libyan Arab Jamahiriya	✍					
Liechtenstein	✍					

<sup>4</sup> On 4 June 1999, the Government of Italy informed the Secretary-General that "Italy intends to withdraw the instrument of ratification it deposited on 4 March 1999, in order to proceed subsequently to complete that formality in conjunction with all the States members of the European Union".

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐-declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐-declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐-declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐-declaration)
<i>Lithuania</i>						
Luxembourg	☐	5 October 2000	☐	5 October 2000	☐	<sup>5</sup>
Madagascar	☐	22 August 2001		22 August 2001 (p)		
Malawi	☐					
Malaysia	☐	☐ 14 October 1996	☐	14 October 1996 (p)		
Maldives	☐	7 September 2000	☐	7 September 2000	☐	30 December 1998
Mali	☐	16 July 1985				
Malta	☐	☐ 20 May 1993	☐	26 June 1996		☐ 11 November 2001(a)
Marshall Islands		9 August 1991 (a)			☐	
Mauritania	☐	17 July 1996	☐	17 July 1996 (p)	☐	
Mauritius	☐	4 November 1994		4 November 1994 (p)		☐ 25 March 1997(a)
Mexico	☐	18 March 1983				
Micronesia (Federated States of)		29 April 1991 (a)	☐	6 September 1995	☐	23 May 1997
Monaco	☐	20 March 1996	☐	20 March 1996 (p)		9 June 1999(a)
Mongolia	☐	13 August 1996	☐	13 August 1996 (p)		

<sup>5</sup> On 21 December 2000, the Government of Luxembourg informed the Secretary-General of the following:

“The Permanent Mission of the Grand Duchy of Luxembourg had indeed received instructions to deposit the instrument of ratification of the above-mentioned Agreement with the Secretary-General of the United Nations; this was done on 5 October 2000. It turned out, however, that deposit on that date was premature since, in accordance with decision 98-414-CE of the Council of the European Union, of 8 June 1998, the instrument was to be deposited simultaneously with the instruments of ratification of all States members of the European Union.

“Accordingly, I should be grateful if you would note that Luxembourg wishes to withdraw the instrument of ratification deposited on 5 October 2000. A simultaneous deposit of the instruments of the Community and of all member States is to take place subsequently.”





State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐=declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐=declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐=declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐=declaration)
<i>Italicized text indicates non-members of the United Nations;</i>						
<i>Shaded row indicates landlocked States</i>						
Morocco						
Mozambique		13 March 1997		13 March 1997 (a)		
Myanmar		21 May 1996		21 May 1996 (a)		
Namibia		18 April 1983		28 July 1995 (sp)		8 April 1998
Nauru		23 January 1996		23 January 1996 (p)		10 January 1997(a)
Nepal		2 November 1998		2 November 1998 (p)		
Netherlands		☐28 June 1996		28 June 1996		
New Zealand		19 July 1996		19 July 1996		18 April 2001
Nicaragua		☐3 May 2000		3 May 2000 (p)		
Niger						
Nigeria		14 August 1986		28 July 1995 (sp)		
Niue						
Norway		☐24 June 1996		24 June 1996 (a)		☐30 December 1996
Oman		☐17 August 1989		26 February 1997 (a)		
Pakistan		☐26 February 1997		26 February 1997 (p)		
Palau		30 September 1996 (a)		30 September 1996 (p)		
Panama		☐1 July 1996		1 July 1996 (p)		
Papua New Guinea		14 January 1997		14 January 1997 (p)		4 June 1999
Paraguay		26 September 1986		10 July 1995		
Peru						
Philippines		☐8 May 1984		23 July 1997		
Poland		13 November 1998		13 November 1998		
Portugal		☐3 November 1997		3 November 1997		
Qatar						
Republic of Korea		29 January 1996		29 January 1996		
Republic of Moldova						

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐•declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐•declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐•declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐•declaration)
<i>Romania</i>	☐	☐17 December 1996		17 December 1996 (a)		
Russian Federation	☐	☐12 March 1997		12 March 1997 (a)		☐4 August 1997
Rwanda						
Saint Kitts and Nevis		7 January 1993				
Saint Lucia		27 March 1985				9 August 1996
Saint Vincent and the Grenadines		1 October 1993				
Samoa		14 August 1995		14 August 1995 (p)		25 October 1996
San Marino						
Sao Tome and Principe	☐	3 November 1987				
Saudi Arabia		☐24 April 1996		24 April 1996 (p)		
Senegal		25 October 1984		25 July 1995		30 January 1997
Seychelles		16 September 1991		15 December 1994		20 March 1998
Sierra Leone		12 December 1994		12 December 1994 (p)		
Singapore		17 November 1994		17 November 1994 (p)		
Slovakia		8 May 1996		8 May 1996		
Slovenia		☐16 June 1995 (s)		16 June 1995		
Solomon Islands		23 June 1997		23 June 1997 (p)		13 February 1997(a)
Somalia		24 July 1989				
South Africa	☐	☐23 December 1997		23 December 1997		
Spain	☐	☐15 January 1997		15 January 1997		
Sri Lanka		19 July 1994		28 July 1995 (sp)		24 October 1996
Sudan	☐	23 January 1985				
Suriname		9 July 1998		9 July 1998 (p)		
Swaziland						

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐=declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐=declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐=declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐=declaration)
Sweden	☐	☐25 June 1996		25 June 1996		
<i>Switzerland</i>						
Syrian Arab Republic						
Tajikistan						
Thailand						
The former Yugoslav Republic of Macedonia		19 August 1994 (s)		19 August 1994 (p)		
Togo		16 April 1985		28 July 1995 (sp)		
Tonga		2 August 1995 (a)		2 August 1995 (p)		31 July 1996
Trinidad and Tobago		25 April 1986		28 July 1995 (sp)		
Tunisia		☐24 April 1985				
Turkey						
Turkmenistan						
Tuvalu						
Uganda		9 November 1990		28 July 1995 (sp)		
Ukraine	☐	☐26 July 1999		26 July 1999		
United Arab Emirates						
United Kingdom		☐25 July 1997 (a)		25 July 1997		☐10 December 2001 <sup>5</sup>

<sup>5</sup> On 4 December 1995, the Agreement was signed by the Government of the United Kingdom of Great Britain and Northern Ireland on behalf of Bermuda, British Indian Ocean Territory, British Virgin Islands, Falkland Islands, Pitcairn Islands, South Georgia and the South Sandwich Islands, St. Helena including Ascension Island, and Turks and Caicos Islands.

Subsequently, on 27 June 1996, the Agreement was signed by the United Kingdom for the United Kingdom of Great Britain and Northern Ireland.

United Republic of Tanzania		<input type="checkbox"/> 30 September 1985		25 June 1998		
United States of America						<input type="checkbox"/> 21 August 1996

On 3 December 1999, an instrument of ratification was lodged by the United Kingdom on behalf of Pitcairn, Henderson, Ducie and Oeno Islands, Falkland Islands, South Georgia and South Sandwich Islands, Bermuda, Turks and Caicos Islands, British Indian Ocean Territory, British Virgin Islands and Anguilla, with the following declarations:

"1. The United Kingdom understands that the terms 'geographical particularities', 'specific characteristics of the subregion or region', 'socio-economic geographical and environmental factors', 'natural characteristics of that sea' or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law.

"2. The United Kingdom understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, recognized by international law.

"3. The United Kingdom understands that the term 'States whose nationals fish on the high seas' shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

"4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in article 21(3). Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement."

Upon a request for clarification as to why the above ratification excluded the metropolitan territory of the United Kingdom of Great Britain and Northern Ireland, and subsequent consultations, the following additional declaration was provided by the United Kingdom of Great Britain and Northern Ireland on 10 December 2001:

"1. The United Kingdom is a keen supporter of the Straddling Fish Stocks Agreement. Legislation of the European Communities (Council decision 10176/97 of 8 June 1998) binds the United Kingdom as a matter of EC law to deposit its instrument of ratification in relation to the metropolitan territory simultaneously with the European Community and the other member States.

It is hoped that this event will take place later this year. The constraints imposed by that Council decision only apply in respect of the United Kingdom metropolitan territory and those overseas territories to which the EC treaties apply.

"2. In the light of its temporary inability to ratify the Agreement in relation to the metropolitan territory, and the strong desire of the United Kingdom to implement the Agreement in respect of those overseas territories to which the EC treaty does not apply, because of the advantages it will bring to them, the United Kingdom lodged its instrument of ratification to the Agreement, with declarations, in respect of those overseas territories on 3 December 1999.

"3. The United Kingdom is concerned that upon entry into force of the Agreement, the overseas territories covered by this ratification should enjoy the rights and obligations accruing under the Agreement. I would therefore be grateful if you would arrange for the above formal declaration to be circulated in order to make it clear to all concerned the nature of the United Kingdom's approach to ratification of this convention".

Accordingly, the above action was accepted in deposit on 10 December 2001, the date on which the second declaration was lodged with the Secretary-General.



State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (☐-declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐-declaration)	Signature ☐	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (☐-declaration or statement)	Ratification; accession(a) <sup>3</sup> (☐-declaration)
<i>Uruguay</i>		☐10 December 1992				☐10 September 1999
<i>Uzbekistan</i>						
<i>Vanuatu</i>		10 August 1999		10 August 1999(p)		
<i>Venezuela</i>						
<i>Viet Nam</i>		☐25 July 1994				
<i>Yemen</i>		☐21 July 1987				
<i>Yugoslavia</i>		☐12 March 2001 (s)		28 July 1995 (sp) <sup>8</sup>		
<i>Zambia</i>		7 March 1983		28 July 1995 (sp)		
<i>Zimbabwe</i>		24 February 1993		28 July 1995 (sp)		

<sup>1</sup> The former Yugoslavia had signed and ratified the Convention on 10 December 1982 and 5 May 1986, respectively.

<sup>8</sup> The former Yugoslavia had signed the Agreement and notified the Secretary-General that it had selected the application of the simplified procedure set out in articles 4 (3) (c) and 5 of the Agreement, on 12 May 1995 and 28 July 1995, respectively. On 12 March 2001, the Secretary-General received from the Government of Yugoslavia a notification confirming the signature and the notification of application of the simplified procedure under article 5.

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (in force as from 11 December 2001)	
	Signature (□-declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (□-declaration)	Signature □	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); <sup>1</sup> simplified procedure (sp); <sup>2</sup>	Signature (□-declaration or statement)	Ratification; accession(a) <sup>3</sup> (□-declaration)
<i>Italicized text indicates non-members of the United Nations;</i> <i>Shaded row indicates landlocked States</i>						
<b>TOTALS</b>	<b>157 (□-35)</b>	<b>138 (□-51)</b>	<b>79</b>	<b>104</b>	<b>59(□-5)</b>	<b>31(□-8)</b>

2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 March 2002

(a) The Convention

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

84. Republic of Korea (29 January 1996)
85. Monaco (20 March 1996)
86. Georgia (21 March 1996)
87. France (11 April 1996)
88. Saudi Arabia (24 April 1996)
89. Slovakia (8 May 1996)
90. Bulgaria (15 May 1996)
91. Myanmar (21 May 1996)
92. China (7 June 1996)
93. Algeria (11 June 1996)
94. Japan (20 June 1996)
95. Czech Republic (21 June 1996)
96. Finland (21 June 1996)
97. Ireland (21 June 1996)
98. Norway (24 June 1996)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatemala (11 February 1997)
113. Pakistan (26 February 1997)
114. Russian Federation (12 March 1997)
115. Mozambique (13 March 1997)
116. Solomon Islands (23 June 1997)
117. Equatorial Guinea (21 July 1997)
118. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
119. Chile (25 August 1997)
120. Benin (16 October 1997)
121. Portugal (3 November 1997)
122. South Africa (23 December 1997)
123. Gabon (11 March 1998)
124. European Community (1 April 1998)
125. Lao People's Democratic Republic (5 June 1998)
126. Suriname (9 July 1998)
127. Nepal (2 November 1998)
128. Belgium (13 November 1998)
129. Poland (13 November 1998)
130. Ukraine (26 July 1999)
131. Vanuatu (10 August 1999)
132. Nicaragua (3 May 2000)
133. Maldives (7 September 2000)
134. Luxembourg (5 October 2000)
135. Yugoslavia (12 March 2001)
136. Bangladesh (27 July 2001)
137. Madagascar (22 August 2001)
138. Hungary (5 February 2002)

(b) Agreement relating to the implementation of Part XI of the Convention

1. Kenya (29 July 1994)
2. The former Yugoslav Republic of Macedonia (19 August 1994)
3. Australia (5 October 1994)
4. Germany (14 October 1994)
5. Belize (21 October 1994)
6. Mauritius (4 November 1994)
7. Singapore (17 November 1994)
8. Sierra Leone (12 December 1994)
9. Seychelles (15 December 1994)
10. Lebanon (5 January 1995)
11. Italy (13 January 1995)
12. Cook Islands (15 February 1995)
13. Croatia (5 April 1995)
14. Bolivia (28 April 1995)
15. Slovenia (16 June 1995)
16. India (29 June 1995)
17. Paraguay (10 July 1995)
18. Austria (14 July 1995)
19. Greece (21 July 1995)
20. Senegal (25 July 1995)
21. Cyprus (27 July 1995)
22. Bahamas (28 July 1995)
23. Barbados (28 July 1995)
24. Côte d'Ivoire (28 July 1995)
25. Fiji (28 July 1995)
26. Grenada (28 July 1995)
27. Guinea (28 July 1995)
28. Iceland (28 July 1995)
29. Jamaica (28 July 1995)
30. Namibia (28 July 1995)
31. Nigeria (28 July 1995)
32. Sri Lanka (28 July 1995)
33. Togo (28 July 1995)
34. Trinidad and Tobago (28 July 1995)
35. Uganda (28 July 1995)
36. Yugoslavia (28 July 1995)
37. Zambia (28 July 1995)
38. Zimbabwe (28 July 1995)
39. Tonga (2 August 1995)

40. Samoa (14 August 1995)
41. Micronesia (Federated States of)  
(6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)
47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)
53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (30 September 1996)
69. Malaysia (14 October 1996)
70. Brunei Darussalam (5 November 1996)
71. Romania (17 December 1996)
72. Papua New Guinea (14 January 1997)
73. Spain (15 January 1997)
74. Guatemala (11 February 1997)
75. Oman (26 February 1997)
76. Pakistan (26 February 1997)
77. Russian Federation (12 March 1997)
78. Mozambique (13 March 1997)
79. Solomon Islands (23 June 1997)
80. Equatorial Guinea (21 July 1997)
81. Philippines (23 July 1997)
82. United Kingdom of Great Britain  
and Northern Ireland (25 July 1997)
83. Chile (25 August 1997)
84. Benin (16 October 1997)
85. Portugal (3 November 1997)
86. South Africa (23 December 1997)
87. Gabon (11 March 1998)
88. European Community (1 April 1998)
89. Lao People's Democratic Republic  
(5 June 1998)
90. United Republic of Tanzania (25 June 1998)
91. Suriname (9 July 1998)
92. Nepal (2 November 1998)
93. Belgium (13 November 1998)
94. Poland (13 November 1998)
95. Ukraine (26 July 1999)
96. Vanuatu (10 August 1999)
97. Nicaragua (3 May 2000)
98. Indonesia (2 June 2000)
99. Maldives (7 September 2000)
100. Luxembourg (5 October 2000)
101. Bangladesh (27 July 2001)
102. Madagascar (22 August 2001)
103. Costa Rica (20 September 2001)
104. Hungary (5 February 2002)

(c) Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)
3. United States of America (21 August 1996)
4. Sri Lanka (24 October 1996)
5. Samoa (25 October 1996)
6. Fiji (12 December 1996)
7. Norway (30 December 1996)
8. Nauru (10 January 1997)
9. Bahamas (16 January 1997)
10. Senegal (30 January 1997)
11. Solomon Islands (13 February 1997)
12. Iceland (14 February 1997)
13. Mauritius (25 March 1997)
14. Micronesia (Federated States of)  
(23 May 1997)
15. Russian Federation (4 August 1997)
16. Seychelles (20 March 1998)
17. Namibia (8 April 1998)
18. Iran (Islamic Republic of) (17 April 1998)
19. Maldives (30 December 1998)
20. Cook Islands (1 April 1999)
21. Papua New Guinea (4 June 1999)
22. Monaco (9 June 1999)
23. Canada (3 August 1999)
24. Uruguay (10 September 1999)
25. Australia (23 December 1999)

26. Brazil (8 March 2000)
27. Barbados (22 September 2000)
28. New Zealand (18 April 2001)
29. Costa Rica (18 June 2001)
30. Malta (11 November 2001)
31. United Kingdom on behalf of Pitcairn, Henderson, Ducie and Oeno Islands, Falkland Islands, South Georgia and South Sandwich Islands, Bermuda, Turks and Caicos Islands, British Indian Ocean Territory, British Virgin Islands and Anguilla (10 December 2001)

3. Declarations by States

(a) Hungary

*Declaration pursuant to article 287 of the United Nations Convention on the Law of the Sea*

In accordance with article 287 of the said Convention, the Government of the Republic of Hungary shall choose the following means for the settlement of disputes concerning the interpretation or application of the Convention in the following order:

1. The International Tribunal for the Law of the Sea;
2. The International Court of Justice;
3. A special tribunal constructed in accordance with Annex VIII for all the categories of disputes specified therein.

(b) Australia

*Declaration of 21 March 2002 under articles 287 and 298 of the United Nations Convention on the Law of the Sea*

The Government of Australia declares, under paragraph 1 of article 287 of the United Nations Convention on the Law of the Sea done at Montego Bay on the tenth day of December one thousand nine hundred and eighty-two, that it chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention, without specifying that one has precedence over the other:

(a) The International Tribunal for the Law of the Sea established in accordance with Annex VI of the Convention; and

(b) The International Court of Justice.

The Government of Australia further declares, under paragraph 1 (a) of article 298 of the United Nations Convention on the Law of the Sea done at Montego Bay on the tenth day of December one thousand nine hundred and eighty-two, that it does not accept any of the procedures provided for in section 2 of Part XV (including the procedures referred to in paragraphs (a) and (b) of this declaration) with respect of disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles.

These declarations by the Government of Australia are effective immediately.

(c) Equatorial Guinea

*Declaration of 20 February 2002 under article 298  
of the United Nations Convention on the Law of the Sea*

The Government of the Republic of Equatorial Guinea hereby enters a reservation and declares that, under article 298, paragraph 1, of the United Nations Convention on the Law of the Sea of 1982, it does not recognize as mandatory ipso facto with respect to any other State any of the procedures provided for in part XV, section 2, of the Convention as regards the categories of disputes set forth in article 298, paragraph 1 (a).

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

A. National legislation

Seychelles: Maritime Zones Act, 1999 (Act No. 2 of 1999)<sup>1</sup>

AN ACT to repeal the Maritime Zones Act (Cap 122) and to provide for the determination of the Maritime Zones of Seychelles in accordance with the United Nations Law of the Sea Convention and for other matters connected therewith.

ENACTED by the President and the National Assembly.

PART I  
PRELIMINARY

1. This Act may be cited as the Maritime Zones Act, 1999 and shall come into operation on such date as the President may, by notice in the Gazette, appoint and the President may appoint different dates for different provisions of the Act.

2. In this Act:

”Archipelagic waters” means the archipelagic waters of Seychelles as defined in section 6;

”Archipelagic sea lanes passage” has the meaning assigned by section 18;

”Authorized officer” means an authorized officer appointed under section 23(5);

”Baselines” means the baselines as determined in accordance with section 3;

”Contiguous zone” means the contiguous zone of Seychelles as defined in section 8;

”Continental shelf” means the continental shelf of Seychelles as defined in section 11;

”Convention” means the United Nations Law of the Sea Convention of 1982;

”Equidistance line” as between Seychelles and a foreign State means the line every point of which is equidistant from the nearest point of the baselines and the corresponding baselines of the foreign State;

”Exclusive economic zone” means the exclusive economic zone of Seychelles, as defined in section 9;

”Foreign State” means a State other than Seychelles;

”Foreign ship” means a ship of or registered in a foreign State;

”Innocent passage” has the meaning assigned by section 17;

”Internal waters” has the meaning assigned by section 5;

”Limit” in relation to archipelagic waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone means the limit of such waters, sea, shelf or zone with reference to the individual or composite group or groups of islands constituting the territory of Seychelles;

”Low-water line” means the low-water line of the coast of Seychelles at the lowest astronomical tide;

”Operator”, in respect of a ship, means the owner or operator of the ship;

”Nautical mile” means the international nautical mile of 1852 metres;

”Regulations” means the regulations made under section 33;

”Ship” means a vessel, boat or sea-craft of any kind and includes a submarine;

”Submarine” means an underwater vehicle however propelled;

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<sup>1</sup> Signed by the President of Seychelles, F.A. René, on 25 March 1999. Source: Supplement to Official Gazette, 5 April 1999.



”Territorial sea” means the territorial sea of Seychelles as defined in section 4.

**PART II**  
**TERRITORIAL SEA, INTERNAL WATERS,**  
**ARCHIPELAGIC WATERS AND CONTIGUOUS ZONE**

3. (1) The baselines for the purpose of this Act shall be:
  - (a) The low-water line; or
  - (b) Where the President has prescribed straight archipelagic baselines under subsection (2), the archipelagic baselines.
- (2) The President may, by Order published in the Gazette, prescribe, subject to such limitation and exception as the President may specify in the Order, as baselines straight archipelagic baselines.
- (3) The President shall, in the Order published under subsection (2), identify the straight archipelagic baselines:
  - (a) By reference to charts of a scale which is adequate to ascertain the position of the baselines; or
  - (b) By listing the geographical coordinates of points of the baselines, specifying the geodetic datum.
4. The limit of the territorial sea is the line every point of which is at a distance of 12 nautical miles from the nearest point on the baselines.
5. (1) The internal waters of Seychelles comprise the areas of the sea that are on the landward side:
  - (a) Of the low-water line; or
  - (b) Where the President has, by Order published in the Gazette, prescribed closing lines under subsection (2), of the closing lines.
- (2) The President may, by Order published in the Gazette, prescribe closing lines for the purpose of delimiting any of the internal waters of Seychelles.
6. The archipelagic waters of Seychelles comprise the areas of the sea on the landward side of any straight archipelagic baselines, established as provided under section 3, up to the seaward limit of the internal waters.
7. The sovereign jurisdiction of Seychelles extends and has always extended to the internal waters, territorial sea and archipelagic waters of Seychelles and the seabed and subsoil underlying, and the airspace over, such sea and waters.
8. (1) Subject to subsection (2), the contiguous zone of Seychelles comprises the areas of the sea that are beyond and adjacent to the territorial sea having, as their seaward limit, a line measured seaward from the baselines every point of which is 24 nautical miles distant from the nearest point on the baselines.
- (2) The contiguous zone shall not extend into any part of the territorial sea of a foreign State, determined in accordance with the Convention, and, where appropriate, subsection (1) shall operate as though it were modified to the extent necessary to meet the requirement of this subsection in any particular case.
- (3) Seychelles has and may exercise in respect of the contiguous zone such powers and authorities as may be necessary to prevent or punish the infringement within Seychelles, including the territorial sea and archipelagic waters, of any written law with respect to customs, fiscal, immigration or sanitation.

**PART III**  
**EXCLUSIVE ECONOMIC ZONE**  
**AND CONTINENTAL SHELF**

9. Subject to any Order made under section 13(2) with respect to the delimitation of the exclusive economic zone, the exclusive economic zone of Seychelles comprises the areas beyond and adjacent to the territorial sea, having, as their seaward limit, a line measured seaward every point of which is at a distance of 200 nautical miles from the nearest point on the baselines.

10. Subject to this Act, Seychelles has, and has always had, in relation to the exclusive economic zone:

(a) Sovereign rights for the purpose of the exploration, exploitation, conservation and management of the natural resources, whether living or non-living, of the seabed of the zone and the subsoil of and superjacent waters to the seabed as well as for producing energy from tides, winds and currents;

(b) Exclusive rights to construct and to authorize and regulate the construction, operation and use of:

(i) Artificial islands;

(ii) Installations and structures, for the purposes provided for under paragraph (a) or any other economic purposes;

(c) Exclusive rights to authorize and to regulate the construction, operation and use of, and jurisdiction over installations and structures which may interfere with the exercise by Seychelles of rights in respect of the exclusive economic zone;

(d) Exclusive jurisdiction over artificial islands, installations and structures referred to in paragraph (b);

(e) Exclusive jurisdiction to regulate, authorize and control marine scientific research;

(f) Jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(g) Such other rights and jurisdiction as are recognized by international law.

11. (1) Subject to an Order made under section 13(2) with respect to the continental shelf, the continental shelf of Seychelles comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial sea throughout the natural prolongation of the land territory of Seychelles:

(a) To the outer edge of the continental margin; or

(b) To a distance of 200 nautical miles from the baseline where the outer edge of the continental margin does not extend up to that distance.

(2) For the purposes of subsection (1), wherever the continental margin extends beyond 200 nautical miles from the nearest point on the baselines, the outer limits of the continental shelf shall be established and delineated with due regard to the requirements and limitations of international law.

(3) For the purposes of this section, the continental margin comprises the submerged prolongation of the land mass of Seychelles consisting of the seabed and subsoil of the shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

12. (1) Subject to this Act, Seychelles has, and has always had, on or over the continental shelf:

(a) Exclusive sovereign rights for the purpose of the exploration and exploitation of natural resources;

(b) Rights and jurisdictions as are referred to in section 10(b) to (g) and for this purpose a reference to the exclusive economic zone in section 10(b) to (g) shall be deemed to be a reference to the continental shelf.

(2) In subsection (1) (a), “natural resources” means mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to the sedentary species being organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

13. (1) Where the exclusive economic zone or the continental shelf of Seychelles determined in accordance with this Act would extend into the exclusive economic zone or the continental shelf, determined in accordance with the Convention, of an adjacent or opposite State, the exclusive economic zone or the continental shelf of Seychelles shall be determined by agreement between Seychelles and the other State or, in the absence of an agreement, in accordance with international law.

(2) The President may, for the purpose of giving effect to an agreement or other determination under subsection (1), by Order published in the Gazette, specify the limit of the exclusive economic zone or the continental shelf of Seychelles generally or with regard to a particular area of the exclusive economic zone or the continental shelf.

14. (1) Seychelles shall:

(a) Respect submarine cables laid by any foreign State before the coming into operation of this Act and passing through archipelagic waters without making a landfall; and

(b) Permit the maintenance and replacement of any such cables upon receiving notice of their location and the intention to repair or replace them.

(2) Seychelles shall not impede the laying or maintenance by a foreign State of submarine cables and pipelines on the seabed of the exclusive economic zone or the continental shelf.

(3) Nothing in subsection (2) shall operate to prejudice:

(a) The exercise by Seychelles in relation to the exclusive economic zone or continental shelf of any rights or the jurisdiction referred to in section 10 or section 12;

(b) The right of Seychelles to establish conditions for cables and pipelines entering its territory or to exercise its jurisdiction over cables and pipelines constructed or used in connection with the exploration of the exclusive economic zone or the continental shelf or the exploitation of its natural resources, or the operation of artificial islands, installations and structures under its jurisdiction.

#### **PART IV RIGHTS OF PASSAGE**

15. Subject to the exercise by Seychelles of its sovereign rights and exclusive jurisdiction within its exclusive economic zone or over its continental shelf, ships and aircraft of foreign States shall, in accordance with the principles, practice and provisions of international law as are provided for under this Act, enjoy in the exclusive economic zone and over the continental shelf:

(a) Freedom of navigation; and

(b) Freedom of overflight.

16. (1) Without prejudice to any other written law but subject to subsections (2), (3) and (4), foreign ships shall enjoy the right of innocent passage through the territorial sea and archipelagic waters.

(2) Foreign warships may only enter or pass through the territorial sea or archipelagic waters after giving notice to, and obtaining prior authorization of, the Port Authorities of Seychelles.

(3) Submarines shall, while passing through the archipelagic waters or territorial sea, navigate on the surface and show their flag.

(4) A nuclear-powered foreign ship or foreign ship carrying any nuclear substance or any other radioactive substances or materials, wishing to exercise the right of innocent passage shall give notice to and obtain the prior authorization of, the Port Authorities of Seychelles before doing so.

(5) The President may, by Order published in the Gazette, suspend the right of innocent passage for such temporary period, and in such parts of the archipelagic waters or the territorial sea, as are specified in the Order, where the President is satisfied that it is essential to do so for the protection of the security of Seychelles, including weapons exercises.

17. (1) Innocent passage means passage that is continuous and expeditious and not prejudicial to the peace, good order or security of Seychelles, for the purpose of:

(a) Traversing the territorial sea or archipelagic waters without entering internal waters or calling at a roadstead or port facility outside internal waters; or

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

(2) Subject to subsection (3), the passage of a foreign ship is prejudicial to the peace, good order and security of Seychelles if, without the authority for doing so, the ship engages, within the archipelagic waters or territorial sea, in any of the following activities:

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

(b) The launching, landing or taking on board of any aircraft or military device;

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

(d) Any act aimed at collecting information to the prejudice of the defence or security of Seychelles;

(e) Any act by way of propaganda aimed at affecting the defence or security of Seychelles;

(f) The taking on board or off-landing of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws and regulations of Seychelles;

(g) Any fishing activities or extracting of living and non-living resources;

(h) Any act of pollution calculated or likely to cause damage or harm to Seychelles, its people, resources or environment;

(i) The carrying out of research or survey activities;

(j) Any act aimed at interfering with any system of communication or telecommunication or other facilities or installations whether such system, facilities or installations are on land or on the sea or under the sea;

(k) Such other activity not having a direct bearing on passage or designed to hamper international navigation.

(3) The passage of a foreign warship in the territorial sea or archipelagic waters is prejudicial to the peace, good order or security of Seychelles if the warship navigates in the archipelagic waters or the territorial sea without the prior notice and authorization required under section 16(2).

(4) For the purposes of this section:

(a) The passage of a foreign ship does not cease to be continuous and expeditious by reason only of the ship stopping or anchoring, if the stopping or anchoring is:

(i) Incidental to ordinary navigation;

- (ii) Rendered necessary by force majeure or distress; or
  - (iii) For the purpose of rendering assistance to persons, ships or aircraft in danger or distress; and
- (b) A foreign ship has authority to engage in an activity of the kind referred to in subsection (2) if it does so with:
- (i) The prior permission of the Port Authorities of Seychelles; or
  - (ii) Under the authority of a written law, or of a licence, lease or other authority lawfully given or issued under a written law of Seychelles.
- (5) In exercising the right of innocent passage, a foreign ship shall comply with:
- (a) The laws of Seychelles, order, direction, licence or any other authority relating to the exercise of innocent passage through the archipelagic waters or territorial sea with respect to:
- (i) The safety of navigation and the regulation of maritime traffic;
  - (ii) The protection of navigational aids and facilities and other facilities or installations;
  - (iii) The protection of cables and pipelines;
  - (iv) The conservation of the living resources of the sea;
  - (v) The prevention of the infringement of fisheries laws and regulations of Seychelles;
  - (vi) The prevention of the infringement of customs, fiscal, immigration or sanitary laws and regulations of Seychelles;
  - (vii) Marine scientific research and hydrographic surveys;
  - (viii) The preservation of the environment of Seychelles and the prevention, reduction and control of pollution;
- (b) All generally accepted international regulations relating to the prevention of collisions at sea.
18. (1) Every foreign ship or aircraft may, subject to and in accordance with this Act and international law, exercise the right of archipelagic sea lanes passage.
- (2) Subject to subsection (5), the right of archipelagic sea lanes passage shall be exercised only through sea lanes or air routes designated pursuant to section 19.
- (3) In exercising the right of archipelagic sea lanes passage, a foreign ship shall observe:
- (a) Generally accepted international regulations, procedures and practices for safety at sea, or for the prevention, reduction and control of pollution from ships which have effect in the archipelagic waters;
- (b) The provisions of any written law, order, direction, licence and any other authority which have effect in the archipelagic waters for or with respect to:
- (i) The safety of navigation, the regulation of maritime traffic or the use of sea lanes, or traffic separation schemes;
  - (ii) Fishing vessels and the prevention of fishing, including the stowage of fishing gear;
  - (iii) Customs, excise, fiscal, immigration or sanitary laws and regulations in relation to the loading or unloading of any commodity, currency or person; and
  - (iv) The prevention, reduction and control of pollution, which give effect to international regulations regarding the discharge of oil, oily wastes and other noxious substances in the archipelagic waters.

(4) In exercising the right of archipelagic sea lanes passage, a foreign aircraft shall:

(a) Observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft, and a foreign aircraft shall normally comply with such safety measures, and shall at all times operate with due regard for safety of navigation; and

(b) At all times monitor the radio frequency assigned by the appropriate internationally designated air traffic control authority or the appropriate international distress radio frequency.

(5) Where no sea lanes or air routes through or over archipelagic waters have been designated under section 19, the right of archipelagic sea lanes passage may be exercised through lanes or routes normally used for international navigation.

(6) Navigation by a foreign ship or aircraft through or over archipelagic waters does not cease to be continuous and expeditious by reason only of any activity of the ship or aircraft rendered necessary by force majeure.

(7) In this section, “right of archipelagic sea lanes passage” means the right of navigation and overflight in normal mode for the purpose of continuous, expeditious and unobstructed transit between:

(a) One part of the high seas or the exclusive economic zone; and

(b) Another part of the high seas or the exclusive economic zone.

19. The President may, by Order published in the Gazette:

(a) Designate sea lanes and air routes to be used for or in connection with the exercise of the right of archipelagic sea lanes passage under this Act; and

(b) Prescribe traffic separation schemes.

#### **PART V JURISDICTION, ENFORCEMENT AND OFFENCES**

20. (1) Subject to subsection (2) and section 23, Seychelles does not have criminal jurisdiction in respect of an offence committed on board a foreign ship during its passage in the territorial sea and the authorities of Seychelles may not arrest a person or conduct an investigation on board the ship in respect of the offence.

(2) Subsection (1) does not apply:

(a) To an offence under this Act which is committed by a person on board a foreign ship, or under a written law which is made applicable under this Act to a person on board a foreign ship, while the foreign ship is in the territorial waters of Seychelles;

(b) Where the foreign ship is a merchant ship or a ship which belongs to a foreign Government and is being operated for commercial purposes and:

(i) The consequences of the offence extend to Seychelles;

(ii) The offence is of a kind likely to disturb the peace of Seychelles or good order of the territorial sea;

(iii) The assistance of the authorities of Seychelles has been requested by the master of the ship or a diplomatic agent or consular officer of the flag State of the ship;

(iv) The arrest or investigation is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances; or

(v) The ship is passing through the territorial sea after leaving the internal waters of Seychelles.

(3) The authorities of Seychelles may not:

(a) Arrest a person on board a foreign ship which is proceeding from a foreign port and passing through the territorial sea without entering internal waters of Seychelles in respect of a contravention committed before the ship entered the territorial sea; or

(b) Conduct an investigation on board a foreign ship in respect of the contravention:

Unless the authorities of Seychelles:

(c) Have reasonable ground for believing that as a result of the contravention there has been a substantial discharge causing or threatening significant pollution of the marine environment; or

(d) Have reasonable ground for believing that as a result of the contravention there has been a discharge causing major damage or the threat of major damage to the coastline of Seychelles or any resource of its territorial sea or exclusive economic zone.

(4) Where subsection (3)(c) applies, the authorities of Seychelles may, where the ship refuses to give the authorities information about its identity, port of registry, last and next ports of call and any other information required to establish whether contravention of a kind referred to in subsection (3)(c) has occurred, undertake a physical inspection of the ship.

(5) Where subsection (3)(d) applies, the authorities of Seychelles may, unless the ship has posted reasonable bond or other security, detain the ship until the determination of the case.

21. (1) Subject to this section, a foreign 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.

(2) Subject to subsection (3), a person shall not arrest or levy execution against a foreign ship passing through the territorial sea for the purpose of any civil proceedings except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the ship in the course, or for the purpose, of its voyage through the territorial sea.

(3) Subsection (2), in so far as it prohibits the arrest of, or levying execution against, a foreign ship, shall not apply in the case of a foreign ship which is lying in or passing through the territorial sea after leaving internal waters.

22. (1) A court in Seychelles has jurisdiction over the territory of Seychelles which includes the internal waters, the archipelagic waters and the territorial sea of Seychelles.

(2) The jurisdiction and power of the courts in Seychelles extend to the exclusive economic zone and the continental shelf of Seychelles for the purposes of giving effect to this Act and any other written law extended to the exclusive economic zone or the continental shelf under section 30.

23. (1) Where an authorized officer has reasonable ground to suspect that a foreign ship has contravened this Act or a written law which is enforceable under this Act or is involved in an activity which is prejudicial to the peace, good order or security of Seychelles in terms of section 17, the authorized officer may, in an area of the sea which falls within the jurisdiction of Seychelles under this Act or where international law confers such jurisdiction, without a warrant:

(a) Stop, board and search the ship for the purpose of investigating the contravention or the activity;

(b) Require to be produced, examine and make copies of any licence or logbook, ship record or other shipping document;

(c) Arrest the ship;

(d) Arrest the captain or person in charge of the ship or any other person on the ship or who participated in the contravention or activity referred to in this subsection.

(2) Where a ship has been arrested, the ship and its crew shall be taken into port and delivered into the custody of the court and be dealt with in accordance with this Act.

(3) Where a ship is brought before the court under subsection (2), the court may:

(a) Order that the ship be detained until the investigation in relation to the ship has been completed;

(b) Order that the ship be released upon the posting of reasonable bond or security;

(c) Order the release of the captain or any other person referred to in subsection (1)(d) upon the posting of reasonable bond or security;

(d) Where any bond or security cannot be posted under paragraph (b) or paragraph (c), order the detention of the ship, captain or other person, as the case may be.

(4) In the exercise of the functions under this section, an authorized officer shall take care not to endanger the safety of navigation or otherwise create any hazard to the ship or shall not bring the ship to an unsafe port or anchorage or expose the marine environment to any unreasonable risks.

(5) The President may, for the purpose of this Act, appoint any person as an authorized officer.

24. (1) Subject to subsection (2), where a foreign ship has contravened this Act or a written law which is enforceable under this Act or is involved in an activity which is prejudicial to the peace, good order or security of Seychelles in terms of section 17, each of the operator, captain, person in charge of the ship and members of the crew of the ship who participated in the contravention or activity is guilty of an offence and liable on conviction to a fine of R500,000 and imprisonment for 10 years.

(2) Unless an agreement to which the Republic of Seychelles and the foreign State where the ship is registered so provides, a court shall not, under subsection (1), impose a term of imprisonment on the operator, captain, person in charge or members of the crew of a ship in respect of an offence relating to the contravention of the fisheries laws of Seychelles.

(3) Notwithstanding any other written law, the court may, in addition to any sentence passed under subsection (1), order a person who has been convicted of an offence under the subsection to refund any expenses incurred by the authorities of Seychelles in connection with the pursuit, arrest and bringing into port of the ship and to make good any damage caused by or by the use of the ship or by a person on board the ship.

(4) An amount ordered to be paid under subsection (3) if unpaid is a civil debt in favour of the Republic of Seychelles and may be enforced as such.

(5) On a prosecution for an offence under subsection (1) it is a sufficient defence if the accused proves that the ship had, under section 17(4)(b), authority under this Act to do or engage in the act or activity which is the subject of the offence.

25. (1) Subject to this Act, a person shall not within the exclusive economic zone or on the continental shelf:

(a) Explore or exploit any resources of the exclusive economic zone or the continental shelf;

(b) Carry out any search or excavation;

(c) Conduct any research;

(d) Drill on or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device; or



(e) Carry out any economic activity,

except under or in accordance with an agreement with Seychelles under this Act or another written law.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of R500,000 and imprisonment for 10 years.

26. A person who obstructs or hinders an authorized officer in the exercise of the officer's function, or prevents the officer in carrying out the officer's function, under this Act is guilty of an offence and liable on conviction to a fine of R500,000 and imprisonment for 10 years.

## **PART VI GENERAL**

27. The President shall cause to be prepared charts or lists of geographical coordinates specifying the geodetic datum, as the President thinks fit, showing all or any of the following matters:

- (a) The baselines, low-water lines and any closing lines prescribed pursuant to section 5 (2);
- (b) The seaward limits of the territorial sea, the continental shelf, or the exclusive economic zone;
- (c) The axis of sea lanes, air routes or traffic separation schemes designated pursuant to section 19.

28. A document purporting to be certified by the President to be a true copy of a chart or list of geographical coordinates prepared pursuant to section 27 shall be received in any proceedings as conclusive evidence of any matter referred to in that section and shown in the document.

29. The President shall cause:

(a) Publicity to be given, in such manner as the President thinks appropriate, to charts or lists of geographical coordinates prepared pursuant to section 27; and

(b) A copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

30. (1) The President may, by Order published in the Gazette, extend, with such exceptions and modifications as may be specified in the Order, the application of any written law to the exclusive economic zone or the continental shelf or any part thereof, and an enactment so extended shall have effect in relation to the exclusive economic zone or the continental shelf as the case may be.

(2) An Order made under subsection (1) shall be consistent with the international obligations of Seychelles.

31. Where a provision of this Act is in conflict with the provision of any other written law, the provision of this Act shall prevail.

32. (1) A reference in a written law:

(a) To "territorial waters" shall, in relation to any period after the commencement of this Act, be deemed to be a reference to the territorial sea construed in accordance with section 4;

(b) To a maritime zone shall, in relation to any such period, be construed in accordance with the provision of this Act relating to that zone.

(2) In subsection (1)(b), "maritime zone" means:

- (a) The internal waters;
- (b) The archipelagic waters;
- (c) The territorial sea;

- (d) The contiguous zone;
- (e) The exclusive economic zone; or
- (f) The continental shelf.

33. (1) The President may make such regulations as the President considers necessary for carrying out the purposes of this Act and, without prejudice to the foregoing, the President may make regulations for all or any of the following matters:

(a) The regulation of the conduct of any person in the archipelagic waters or territorial sea, in the exclusive economic zone or on the continental shelf;

(b) Regulating, in relation to the exclusive economic zone:

- (i) The exploration for, and exploitation, conservation and management of, natural resources (other than sedentary species), whether living or non-living, of the seabed, subsoil and superjacent waters;
- (ii) Other activities for the economic exploitation of the exclusive economic zone;
- (iii) The protection and preservation of the marine environment and the prevention and control of marine pollution;
- (iv) The construction, operation and use of artificial islands, installations and structures; and
- (v) The authorization and control of marine scientific research;

(c) Regulating, in relation to the continental shelf:

- (i) The exploration for, and exploitation and management of, natural resources;
- (ii) The preservation of the marine environment and the prevention and control of marine pollution;
- (iii) The construction, operation and use of artificial islands, installations and structures; and
- (iv) The authorization and control of marine scientific research;

(d) Providing for such other matters as are necessary or expedient for giving full effect to the rights and jurisdiction of Seychelles in relation to the exclusive economic zone or the continental shelf;

(e) Regulating, generally, the use of the internal waters, archipelagic waters or the territorial sea;

(f) Providing for the exercise of powers and authorities in relation to the contiguous zone for the purposes of section 8(3);

(g) Prescribing fees to be paid under this Act whether in connection with any activity or otherwise; and

(h) Providing as punishment for the contravention of regulations made under this Act for a fine not exceeding R100,000 or imprisonment not exceeding 5 years or for both such fine and imprisonment.

34. (1) The Maritime Zones Act, 1977 is repealed.

(2) Notwithstanding the repeal of the Maritime Zones Act, 1977 by this Act, a statutory instrument made under the repealed Act and in force immediately before the commencement of this Act, shall continue in force as if made under this Act, until it is amended or repealed under this Act.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 16 March 1999.

Sheila Banks  
Clerk to the National Assembly

B. Other documents

1. Convention on the Protection of the Underwater Cultural Heritage,  
UNESCO, Paris, 2 November 2001

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 15 October to 3 November 2001, at its 31<sup>st</sup> session,

Acknowledging the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations, and their relations with each other concerning their common heritage,

Realizing the importance of protecting and preserving the underwater cultural heritage and that responsibility therefor rests with all States,

Noting growing public interest in and public appreciation of underwater cultural heritage,

Convinced of the importance of research, information and education to the protection and preservation of underwater cultural heritage,

Convinced of the public's right to enjoy the educational and recreational benefits of responsible non-intrusive access to in situ underwater cultural heritage, and of the value of public education to contribute to awareness, appreciation and protection of that heritage,

Aware of the fact that underwater cultural heritage is threatened by unauthorized activities directed at it, and of the need for stronger measures to prevent such activities,

Conscious of the need to respond appropriately to the possible negative impact on underwater cultural heritage of legitimate activities that may incidentally affect it,

Deeply concerned by the increasing commercial exploitation of underwater cultural heritage, and in particular by certain activities aimed at the sale, acquisition or barter of underwater cultural heritage,

Aware of the availability of advanced technology that enhances discovery of and access to underwater cultural heritage,

Believing that cooperation among States, international organizations, scientific institutions, professional organizations, archaeologists, divers, other interested parties and the public at large is essential for the protection of underwater cultural heritage,

Considering that survey, excavation and protection of underwater cultural heritage necessitate the availability and application of special scientific methods and the use of suitable techniques and equipment as well as a high degree of professional specialization, all of which indicate a need for uniform governing criteria,

Realizing the need to codify and progressively develop rules relating to the protection and preservation of underwater cultural heritage in conformity with international law and practice, including the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970, the UNESCO Convention for the Protection of the World Cultural and Natural Heritage of 16 November 1972 and the United Nations Convention on the Law of the Sea of 10 December 1982,

Committed to improving the effectiveness of measures at the international, regional and national levels for the preservation in situ or, if necessary for scientific or protective purposes, the careful recovery of underwater cultural heritage,

Having decided at its twenty-ninth session that this question should be made the subject of an international convention,

Adopts this second day of November 2001 this Convention.

Article 1  
Definitions

For the purposes of this Convention:

1. (a) “Underwater cultural heritage” means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years, such as:
  - (i) Sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;
  - (ii) Vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and
  - (iii) Objects of prehistoric character.
- (b) Pipelines and cables placed on the seabed shall not be considered as underwater cultural heritage.
- (c) Installations other than pipelines and cables, placed on the seabed and still in use, shall not be considered as underwater cultural heritage.
2. (a) “States Parties” means States which have consented to be bound by this Convention and for which this Convention is in force.
  - (b) This Convention applies *mutatis mutandis* to those territories referred to in article 26, paragraph 2(b), which become Parties to this Convention in accordance with the conditions set out in that paragraph, and to that extent “States Parties” refers to those territories.
3. “UNESCO” means the United Nations Educational, Scientific and Cultural Organization.
4. “Director-General” means the Director-General of UNESCO.
5. “Area” means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.
6. “Activities directed at underwater cultural heritage” means activities having underwater cultural heritage as their primary object and which may, directly or indirectly, physically disturb or otherwise damage underwater cultural heritage.
7. “Activities incidentally affecting underwater cultural heritage” means activities which, despite not having underwater cultural heritage as their primary object or one of their objects, may physically disturb or otherwise damage underwater cultural heritage.
8. “State vessels and aircraft” means warships, and other vessels or aircraft that were owned or operated by a State and used, at the time of sinking, only for government non-commercial purposes, that are identified as such and that meet the definition of underwater cultural heritage.
9. “Rules” means the Rules concerning activities directed at underwater cultural heritage, as referred to in article 33 of this Convention.

Article 2  
Objectives and general principles

1. This Convention aims to ensure and strengthen the protection of underwater cultural heritage.
2. States Parties shall cooperate in the protection of underwater cultural heritage.
3. States Parties shall preserve underwater cultural heritage for the benefit of humanity in conformity with the provisions of this Convention.
4. States Parties shall, individually or jointly as appropriate, take all appropriate measures in conformity with this Convention and with international law that are necessary to protect underwater cultural heritage, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.
5. The preservation in situ of underwater cultural heritage shall be considered as the first option before allowing or engaging in any activities directed at this heritage.
6. Recovered underwater cultural heritage shall be deposited, conserved and managed in a manner that ensures its long-term preservation.
7. Underwater cultural heritage shall not be commercially exploited.
8. Consistent with State practice and international law, including the United Nations Convention on the Law of the Sea, nothing in this Convention shall be interpreted as modifying the rules of international law and State practice pertaining to sovereign immunities, nor any State's rights with respect to its State vessels and aircraft.
9. States Parties shall ensure that proper respect is given to all human remains located in maritime waters.
10. Responsible non-intrusive access to observe or document in situ underwater cultural heritage shall be encouraged to create public awareness, appreciation and protection of the heritage except where such access is incompatible with its protection and management.
11. No act or activity undertaken on the basis of this Convention shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

Article 3  
Relationship between this Convention  
and the United Nations Convention on the Law of the Sea

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under international law, including the United Nations Convention on the Law of the Sea. This Convention shall be interpreted and applied in the context of and in a manner consistent with international law, including the United Nations Convention on the Law of the Sea.

Article 4  
Relationship to law of salvage and law of finds

Any activity relating to underwater cultural heritage to which this Convention applies shall not be subject to the law of salvage or law of finds, unless it:

- (a) Is authorized by the competent authorities, and
- (b) Is in full conformity with this Convention, and
- (c) Ensures that any recovery of the underwater cultural heritage achieves its maximum protection.

Article 5

Activities incidentally affecting underwater cultural heritage

Each State Party shall use the best practicable means at its disposal to prevent or mitigate any adverse effects that might arise from activities under its jurisdiction incidentally affecting underwater cultural heritage.

Article 6

Bilateral, regional or other multilateral agreements

1. States Parties are encouraged to enter into bilateral, regional or other multilateral agreements or develop existing agreements, for the preservation of underwater cultural heritage. All such agreements shall be in full conformity with the provisions of this Convention and shall not dilute its universal character. States may, in such agreements, adopt rules and regulations which would ensure better protection of underwater cultural heritage than those adopted in this Convention.
2. The parties to such bilateral, regional or other multilateral agreements may invite States with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned to join such agreements.
3. This Convention shall not alter the rights and obligations of States Parties regarding the protection of sunken vessels arising from other bilateral, regional or other multilateral agreements concluded before its adoption, and, in particular, those that are in conformity with the purposes of this Convention.

Article 7

Underwater cultural heritage  
in internal waters, archipelagic waters and territorial sea

1. States Parties, in the exercise of their sovereignty, have the exclusive right to regulate and authorize activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.
2. Without prejudice to other international agreements and rules of international law regarding the protection of underwater cultural heritage, States Parties shall require that the Rules be applied to activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.
3. Within their archipelagic waters and territorial sea, in the exercise of their sovereignty and in recognition of general practice among States, States Parties, with a view to cooperating on the best methods of protecting State vessels and aircraft, should inform the flag State Party to this Convention and, if applicable, other States with a verifiable link, especially a cultural, historical or archaeological link, with respect to the discovery of such identifiable State vessels and aircraft.

Article 8

Underwater cultural heritage in the contiguous zone

Without prejudice to and in addition to articles 9 and 10, and in accordance with article 303, paragraph 2, of the United Nations Convention on the Law of the Sea, States Parties may regulate and authorize activities directed at underwater cultural heritage within their contiguous zone. In so doing, they shall require that the Rules be applied.

Article 9  
Reporting and notification  
in the exclusive economic zone and on the continental shelf

1. All States Parties have a responsibility to protect underwater cultural heritage in the exclusive economic zone and on the continental shelf in conformity with this Convention.

Accordingly:

(a) A State Party shall require that when its national, or a vessel flying its flag, discovers or intends to engage in activities directed at underwater cultural heritage located in its exclusive economic zone or on its continental shelf, the national or the master of the vessel shall report such discovery or activity to it;

(b) In the exclusive economic zone or on the continental shelf of another State Party:

(i) States Parties shall require the national or the master of the vessel to report such discovery or activity to them and to that other State Party;

(ii) Alternatively, a State Party shall require the national or master of the vessel to report such discovery or activity to it and shall ensure the rapid and effective transmission of such reports to all other States Parties.

2. On depositing its instrument of ratification, acceptance, approval or accession, a State Party shall declare the manner in which reports will be transmitted under paragraph 1(b) of this article.

3. A State Party shall notify the Director-General of discoveries or activities reported to it under paragraph 1 of this article.

4. The Director-General shall promptly make available to all States Parties any information notified to him under paragraph 3 of this article.

5. Any State Party may declare to the State Party in whose exclusive economic zone or on whose continental shelf the underwater cultural heritage is located its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned.

Article 10  
Protection of underwater cultural heritage  
in the exclusive economic zone and on the continental shelf

1. No authorization shall be granted for an activity directed at underwater cultural heritage located in the exclusive economic zone or on the continental shelf except in conformity with the provisions of this article.

2. A State Party in whose exclusive economic zone or on whose continental shelf underwater cultural heritage is located has the right to prohibit or authorize any activity directed at such heritage to prevent interference with its sovereign rights or jurisdiction as provided for by international law, including the United Nations Convention on the Law of the Sea.

3. Where there is a discovery of underwater cultural heritage or it is intended that activity shall be directed at underwater cultural heritage in a State Party's exclusive economic zone or on its continental shelf, that State Party shall:

(a) Consult all other States Parties which have declared an interest under article 9, paragraph 5, on how best to protect the underwater cultural heritage;

(b) Coordinate such consultations as “Coordinating State”, unless it expressly declares that it does not wish to do so, in which case the States Parties which have declared an interest under article 9, paragraph 5, shall appoint a Coordinating State.

4. Without prejudice to the duty of all States Parties to protect underwater cultural heritage by way of all practicable measures taken in accordance with international law to prevent immediate danger to the underwater cultural heritage, including looting, the Coordinating State may take all practicable measures, and/or issue any necessary authorizations in conformity with this Convention and, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activities or any other cause, including looting. In taking such measures assistance may be requested from other States Parties.

5. The Coordinating State:

(a) Shall implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures;

(b) Shall issue all necessary authorizations for such agreed measures in conformity with the Rules, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations;

(c) May conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn will make such information promptly available to other States Parties.

6. In coordinating consultations, taking measures, conducting preliminary research and/or issuing authorizations pursuant to this article, the Coordinating State shall act on behalf of the States Parties as a whole and not in its own interest. Any such action shall not in itself constitute a basis for the assertion of any preferential or jurisdictional rights not provided for in international law, including the United Nations Convention on the Law of the Sea.

7. Subject to the provisions of paragraphs 2 and 4 of this article, no activity directed at State vessels and aircraft shall be conducted without the agreement of the flag State and the collaboration of the Coordinating State.

#### Article 11

##### Reporting and notification in the Area

1. States Parties have a responsibility to protect underwater cultural heritage in the Area in conformity with this Convention and article 149 of the United Nations Convention on the Law of the Sea. Accordingly when a national, or a vessel flying the flag of a State Party, discovers or intends to engage in activities directed at underwater cultural heritage located in the Area, that State Party shall require its national, or the master of the vessel, to report such discovery or activity to it.

2. States Parties shall notify the Director-General and the Secretary-General of the International Seabed Authority of such discoveries or activities reported to them.

3. The Director-General shall promptly make available to all States Parties any such information supplied by States Parties.

4. Any State Party may declare to the Director-General its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link to the underwater cultural heritage concerned, particular regard being paid to the preferential rights of States of cultural, historical or archaeological origin.



Article 12

Protection of underwater cultural heritage in the Area

1. No authorization shall be granted for any activity directed at underwater cultural heritage located in the Area except in conformity with the provisions of this article.
2. The Director-General shall invite all States Parties which have declared an interest under article 11, paragraph 4, to consult on how best to protect the underwater cultural heritage, and to appoint a State Party to coordinate such consultations as the “Coordinating State”. The Director-General shall also invite the International Seabed Authority to participate in such consultations.
3. All States Parties may take all practicable measures in conformity with this Convention, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activity or any other cause, including looting.
4. The Coordinating State shall:
  - (a) Implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures; and
  - (b) Issue all necessary authorizations for such agreed measures, in conformity with this Convention, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations.
5. The Coordinating State may conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn shall make such information available to other States Parties.
6. In coordinating consultations, taking measures, conducting preliminary research, and/or issuing authorizations pursuant to this article, the Coordinating State shall act for the benefit of humanity as a whole, on behalf of all States Parties. Particular regard shall be paid to the preferential rights of States of cultural, historical or archaeological origin in respect of the underwater cultural heritage concerned.
7. No State Party shall undertake or authorize activities directed at State vessels and aircraft in the Area without the consent of the flag State.

Article 13

Sovereign immunity

Warships and other government ships or military aircraft with sovereign immunity, operated for non-commercial purposes, undertaking their normal mode of operations, and not engaged in activities directed at underwater cultural heritage, shall not be obliged to report discoveries of underwater cultural heritage under articles 9, 10, 11 and 12 of this Convention. However States Parties shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of their warships or other government ships or military aircraft with sovereign immunity operated for non-commercial purposes, that they comply, as far as is reasonable and practicable, with articles 9, 10, 11 and 12 of this Convention.

Article 14

Control of entry into the territory, dealing and possession

States Parties shall take measures to prevent the entry into their territory, the dealing in, or the possession of, underwater cultural heritage illicitly exported and/or recovered, where recovery was contrary to this Convention.

Article 15

Non-use of areas under the jurisdiction of States Parties

States Parties shall take measures to prohibit the use of their territory, including their maritime ports, as well as artificial islands, installations and structures under their exclusive jurisdiction or control, in support of any activity directed at underwater cultural heritage which is not in conformity with this Convention.

Article 16

Measures relating to nationals and vessels

States Parties shall take all practicable measures to ensure that their nationals and vessels flying their flag do not engage in any activity directed at underwater cultural heritage in a manner not in conformity with this Convention.

Article 17

Sanctions

1. Each State Party shall impose sanctions for violations of measures it has taken to implement this Convention.
2. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance with this Convention and to discourage violations wherever they occur and shall deprive offenders of the benefit deriving from their illegal activities.
3. States Parties shall cooperate to ensure enforcement of sanctions imposed under this article.

Article 18

Seizure and disposition of underwater cultural heritage

1. Each State Party shall take measures providing for the seizure of underwater cultural heritage in its territory that has been recovered in a manner not in conformity with this Convention.
2. Each State Party shall record, protect and take all reasonable measures to stabilize underwater cultural heritage seized under this Convention.
3. Each State Party shall notify the Director-General and any other State with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned of any seizure of underwater cultural heritage that it has made under this Convention.
4. A State Party which has seized underwater cultural heritage shall ensure that its disposition be for the public benefit, taking into account the need for conservation and research; the need for reassembly of a dispersed collection; the need for public access, exhibition and education; and the interests of any State with a verifiable link, especially a cultural, historical or archaeological link, in respect of the underwater cultural heritage concerned.

Article 19

Cooperation and information-sharing

1. States Parties shall cooperate and assist each other in the protection and management of underwater cultural heritage under this Convention, including, where practicable, collaborating in the investigation, excavation, documentation, conservation, study and presentation of such heritage.

2. To the extent compatible with the purposes of this Convention, each State Party undertakes to share information with other States Parties concerning underwater cultural heritage, including discovery of heritage, location of heritage, heritage excavated or recovered contrary to this Convention or otherwise in violation of international law, pertinent scientific methodology and technology, and legal developments relating to such heritage.
3. Information shared between States Parties, or between UNESCO and States Parties, regarding the discovery or location of underwater cultural heritage shall, to the extent compatible with their national legislation, be kept confidential and reserved to competent authorities of States Parties as long as the disclosure of such information might endanger or otherwise put at risk the preservation of such underwater cultural heritage.
4. Each State Party shall take all practicable measures to disseminate information, including where feasible through appropriate international databases, about underwater cultural heritage excavated or recovered contrary to this Convention or otherwise in violation of international law.

#### Article 20

##### Public awareness

Each State Party shall take all practicable measures to raise public awareness regarding the value and significance of underwater cultural heritage and the importance of protecting it under this Convention.

#### Article 21

##### Training in underwater archaeology

States Parties shall cooperate in the provision of training in underwater archaeology, in techniques for the conservation of underwater cultural heritage and, on agreed terms, in the transfer of technology relating to underwater cultural heritage.

#### Article 22

##### Competent authorities

1. In order to ensure the proper implementation of this Convention, States Parties shall establish competent authorities or reinforce the existing ones where appropriate, with the aim of providing for the establishment, maintenance and updating of an inventory of underwater cultural heritage, the effective protection, conservation, presentation and management of underwater cultural heritage, as well as research and education.
2. States Parties shall communicate to the Director-General the names and addresses of their competent authorities relating to underwater cultural heritage.

#### Article 23

##### Meetings of States Parties

1. The Director-General shall convene a Meeting of States Parties within one year of the entry into force of this Convention and thereafter at least once every two years. At the request of a majority of States Parties, the Director-General shall convene an Extraordinary Meeting of States Parties.
2. The Meeting of States Parties shall decide on its functions and responsibilities.
3. The Meeting of States Parties shall adopt its own Rules of Procedure.
4. The Meeting of States Parties may establish a Scientific and Technical Advisory Body composed of experts nominated by the States Parties with due regard to the principle of equitable geographical distribution and the desirability of a gender balance.

5. The Scientific and Technical Advisory Body shall appropriately assist the Meeting of States Parties in questions of a scientific or technical nature regarding the implementation of the Rules.

Article 24  
Secretariat for this Convention

1. The Director-General shall be responsible for the functions of the Secretariat for this Convention.
2. The duties of the Secretariat shall include:
  - (a) Organizing Meetings of States Parties as provided for in article 23, paragraph 1; and
  - (b) Assisting States Parties in implementing the decisions of the Meetings of States Parties.

Article 25  
Peaceful settlement of disputes

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention shall be subject to negotiations in good faith or other peaceful means of settlement of their own choice.
2. If those negotiations do not settle the dispute within a reasonable period of time, it may be submitted to UNESCO for mediation, by agreement between the States Parties concerned.
3. If mediation is not undertaken or if there is no settlement by mediation, the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea apply mutatis mutandis to any dispute between States Parties to this Convention concerning the interpretation or application of this Convention, whether or not they are also parties to the United Nations Convention on the Law of the Sea.
4. Any procedure chosen by a State Party to this Convention and to the United Nations Convention on the Law of the Sea pursuant to article 287 of the latter shall apply to the settlement of disputes under this article, unless that State Party, when ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, chooses another procedure pursuant to article 287 for the purpose of the settlement of disputes arising out of this Convention.
5. A State Party to this Convention which is not a party to the United Nations Convention on the Law of the Sea, when ratifying, accepting, approving or acceding to this Convention or at any time thereafter shall be free to choose, by means of a written declaration, one or more of the means set out in article 287, paragraph 1, of the United Nations Convention on the Law of the Sea for the purpose of settlement of disputes under this article. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is party, which is not covered by a declaration in force. For the purpose of conciliation and arbitration, in accordance with annexes V and VII of the United Nations Convention on the Law of the Sea, such State shall be entitled to nominate conciliators and arbitrators to be included in the lists referred to in Annex V, article 2, and Annex VII, article 2, for the settlement of disputes arising out of this Convention.

Article 26  
Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States members of UNESCO.
2. This Convention shall be subject to accession:

(a) By States that are not members of UNESCO but are Members of the United Nations or of a specialized agency within the United Nations system or of the International Atomic Energy Agency, as well as by States parties to the Statute of the International Court of Justice and any other State invited to accede to this Convention by the General Conference of UNESCO;

(b) By Territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General.

Article 27

Entry into force

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument referred to in article 26, but solely with respect to the twenty States or territories that have so deposited their instruments. It shall enter into force for each other State or territory three months after the date on which that State or territory has deposited its instrument.

Article 28

Declaration as to inland waters

When ratifying, accepting, approving or acceding to this Convention or at any time thereafter, any State or territory may declare that the Rules shall apply to inland waters not of a maritime character.

Article 29

Limitations to geographical scope

At the time of ratifying, accepting, approving or acceding to this Convention, a State or Territory may make a declaration to the depositary that this Convention shall not be applicable to specific parts of its territory, internal waters, archipelagic waters or territorial sea, and shall identify therein the reasons for such declaration. Such State shall, to the extent practicable and as quickly as possible, promote conditions under which this Convention will apply to the areas specified in its declaration, and to that end shall also withdraw its declaration in whole or in part as soon as that has been achieved.

Article 30

Reservations

With the exception of article 29, no reservations may be made to this Convention.

Article 31

Amendments

1. A State Party may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Director-General shall present such proposal to the next Meeting of States Parties for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.
3. Once adopted, amendments to this Convention shall be subject to ratification, acceptance, approval or accession by the States Parties.
4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this article by two thirds of the States Parties. Thereafter, for each State or Territory that ratifies, accepts, approves or accedes to it, the amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.
5. A State or Territory which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this article shall, failing an expression of different intention by that State or Territory, be considered:
  - (a) As a Party to this Convention as so amended; and
  - (b) As a Party to the unamended Convention in relation to any State Party not bound by the amendment.

Article 32  
Denunciation

1. A State Party may, by written notification addressed to the Director-General, denounce this Convention.
2. The denunciation shall take effect twelve months after the date of receipt of the notification, unless the notification specifies a later date.
3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

Article 33  
The Rules

The Rules annexed to this Convention form an integral part of it and, unless expressly provided otherwise, a reference to this Convention includes a reference to the Rules.

Article 34  
Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General.

Article 35  
Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

ANNEX

RULES CONCERNING ACTIVITIES  
DIRECTED AT UNDERWATER CULTURAL HERITAGE

I. General principles

**Rule 1.** The protection of underwater cultural heritage through in situ preservation shall be considered as the first option. Accordingly, activities directed at underwater cultural heritage shall be authorized in a manner consistent with the protection of that heritage, and subject to that requirement may be authorized for the purpose of making a significant contribution to the protection or knowledge or enhancement of underwater cultural heritage.

**Rule 2.** The commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal is fundamentally incompatible with the protection and proper management of underwater cultural heritage. Underwater cultural heritage shall not be traded, sold, bought or bartered as commercial goods.

This Rule cannot be interpreted as preventing:

(a) The provision of professional archaeological services or necessary services incidental thereto whose nature and purpose are in full conformity with this Convention and are subject to the authorization of the competent authorities;

(b) The deposition of underwater cultural heritage, recovered in the course of a research project in conformity with this Convention, provided such deposition does not prejudice the scientific or cultural interest or integrity of the recovered material or result in its irretrievable dispersal; is in accordance with the provisions of rules 33 and 34; and is subject to the authorization of the competent authorities.

**Rule 3.** Activities directed at underwater cultural heritage shall not adversely affect the underwater cultural heritage more than is necessary for the objectives of the project.

**Rule 4.** Activities directed at underwater cultural heritage must use non-destructive techniques and survey methods in preference to recovery of objects. If excavation or recovery is necessary for the purpose of scientific studies or for the ultimate protection of the underwater cultural heritage, the methods and techniques used must be as non-destructive as possible and contribute to the preservation of the remains.

**Rule 5.** Activities directed at underwater cultural heritage shall avoid the unnecessary disturbance of human remains or venerated sites.

**Rule 6.** Activities directed at underwater cultural heritage shall be strictly regulated to ensure proper recording of cultural, historical and archaeological information.

**Rule 7.** Public access to in situ underwater cultural heritage shall be promoted, except where such access is incompatible with protection and management.

**Rule 8.** International cooperation in the conduct of activities directed at underwater cultural heritage shall be encouraged in order to further the effective exchange or use of archaeologists and other relevant professionals.

II. Project design

**Rule 9.** Prior to any activity directed at underwater cultural heritage, a project design for the activity shall be developed and submitted to the competent authorities for authorization and appropriate peer review.

**Rule 10.** The project design shall include:

- (a) An evaluation of previous or preliminary studies;
- (b) The project statement and objectives;
- (c) The methodology to be used and the techniques to be employed;
- (d) The anticipated funding;
- (e) An expected timetable for completion of the project;
- (f) The composition of the team and the qualifications, responsibilities and experience of each team member;
- (g) Plans for post-fieldwork analysis and other activities;
- (h) A conservation programme for artefacts and the site in close cooperation with the competent authorities;
- (i) A site management and maintenance policy for the whole duration of the project;
- (j) A documentation programme;
- (k) A safety policy;
- (l) An environmental policy;
- (m) Arrangements for collaboration with museums and other institutions, in particular scientific institutions;
- (n) Report preparation;
- (o) Deposition of archives, including underwater cultural heritage removed; and
- (p) A programme for publication.

**Rule 11.** Activities directed at underwater cultural heritage shall be carried out in accordance with the project design approved by the competent authorities.

**Rule 12.** Where unexpected discoveries are made or circumstances change, the project design shall be reviewed and amended with the approval of the competent authorities.

**Rule 13.** In cases of urgency or chance discoveries, activities directed at the underwater cultural heritage, including conservation measures or activities for a period of short duration, in particular site stabilization, may be authorized in the absence of a project design in order to protect the underwater cultural heritage.

### III. Preliminary work

**Rule 14.** The preliminary work referred to in rule 10 (a) shall include an assessment that evaluates the significance and vulnerability of the underwater cultural heritage and the surrounding natural environment to damage by the proposed project, and the potential to obtain data that would meet the project objectives.

**Rule 15.** The assessment shall also include background studies of available historical and archaeological evidence, the archaeological and environmental characteristics of the site, and the consequences of any potential intrusion for the long-term stability of the underwater cultural heritage affected by the activities.

### IV. Project objective, methodology and techniques

**Rule 16.** The methodology shall comply with the project objectives, and the techniques employed shall be as non-intrusive as possible.



#### V. Funding

**Rule 17.** Except in cases of emergency to protect underwater cultural heritage, an adequate funding base shall be assured in advance of any activity, sufficient to complete all stages of the project design, including conservation, documentation and curation of recovered artefacts, and report preparation and dissemination.

**Rule 18.** The project design shall demonstrate an ability, such as by securing a bond, to fund the project through to completion.

**Rule 19.** The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption of anticipated funding.

#### VI. Project duration - timetable

**Rule 20.** An adequate timetable shall be developed to assure in advance of any activity directed at underwater cultural heritage the completion of all stages of the project design, including conservation, documentation and curation of recovered underwater cultural heritage, as well as report preparation and dissemination.

**Rule 21.** The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption or termination of the project.

#### VII. Competence and qualifications

**Rule 22.** Activities directed at underwater cultural heritage shall only be undertaken under the direction and control of, and in the regular presence of, a qualified underwater archaeologist with scientific competence appropriate to the project.

**Rule 23.** All persons on the project team shall be qualified and have demonstrated competence appropriate to their roles in the project.

#### VIII. Conservation and site management

**Rule 24.** The conservation programme shall provide for the treatment of the archaeological remains during the activities directed at underwater cultural heritage, during transit and in the long term. Conservation shall be carried out in accordance with current professional standards.

**Rule 25.** The site management programme shall provide for the protection and management in situ of underwater cultural heritage, in the course of and upon termination of fieldwork. The programme shall include public information, reasonable provision for site stabilization, monitoring, and protection against interference.

#### IX. Documentation

**Rule 26.** The documentation programme shall set out through documentation, including a progress report of activities directed at underwater cultural heritage, in accordance with current professional standards of archaeological documentation.

**Rule 27.** Documentation shall include, at a minimum, a comprehensive record of the site, including the provenance of underwater cultural heritage moved or removed in the course of the activities directed at underwater cultural heritage, field notes, plans, drawings, sections, and photographs or recording in other media.

X. Safety

**Rule 28.** A safety policy shall be prepared that is adequate to ensure the safety and health of the project team and third parties and that is in conformity with any applicable statutory and professional requirements.

XI. Environment

**Rule 29.** An environmental policy shall be prepared that is adequate to ensure that the seabed and marine life are not unduly disturbed.

XII. Reporting

**Rule 30.** Interim and final reports shall be made available according to the timetable set out in the project design, and deposited in relevant public records.

**Rule 31.** Reports shall include:

- (a) An account of the objectives;
- (b) An account of the methods and techniques employed;
- (c) An account of the results achieved;
- (d) Basic graphic and photographic documentation on all phases of the activity;
- (e) Recommendations concerning conservation and curation of the site and of any underwater cultural heritage removed; and
- (f) Recommendations for future activities.

XIII. Curation of project archives

**Rule 32.** Arrangements for curation of the project archives shall be agreed to before any activity commences, and shall be set out in the project design.

**Rule 33.** The project archives, including any underwater cultural heritage removed and a copy of all supporting documentation, shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.

**Rule 34.** The project archives shall be managed according to international professional standards, and subject to the authorization of the competent authorities.

XIV. Dissemination

**Rule 35.** Projects shall provide for public education and popular presentation of the project results where appropriate.

**Rule 36.** A final synthesis of a project shall be:

- (a) Made public as soon as possible, having regard to the complexity of the project and the confidential or sensitive nature of the information; and
- (b) Deposited in relevant public records.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its thirty-first session, which was held in Paris and declared closed the third day of November 2001.

IN WITNESS WHEREOF we have appended our signatures this 6th day of November 2001.

*The President of the General Conference* ..... *The Director-General*

Certified Copy

Paris,

Legal Adviser

United Nations Educational, Scientific and Cultural Organization

DONE in Paris this 6th day of November 2001 in two authentic copies bearing the signature of the President of the thirty-first session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization and certified true copies of which shall be delivered to all the States and Territories referred to in article 26 as well as to the United Nations.

2. Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific

The Contracting Parties,

Mindful of the need to protect and preserve the marine and coastal environment of the Northeast Pacific against all kinds and sources of environmental pollution and degradation.

Convinced of the ecological, economic, social and cultural value of the Northeast Pacific as a means of bonding between the countries of the region,

Considering the need to establish a regional cooperation framework to support and complement the coastal States of the Northeast Pacific in the effective implementation of the various international instruments relating to marine pollution and other forms of environmental degradation,

Mindful that, in conformity with the provisions of chapter 17 of Agenda 21 of the United Nations Conference on Environment and Development, the conservation and sustainable use of the marine and coastal environment and its natural resources in the Northeast Pacific is a joint responsibility of both national and municipal authorities and of civil society in its various organized manifestations,

Recognizing that the financial and human resources to implement the measures set out in this Convention will come, inter alia, from the public and private sectors, and that it is important to ensure the participation of the latter as associates,

Recognizing also the importance of international and non-governmental bodies responsible for facilitating funding giving priority in their general policies to the activities and projects aimed at implementing the Convention,

Recognizing further the benefits of cooperation at the regional level, directly or with the assistance of the competent international organizations and the rest of the international community, for the protection and preservation of the marine environment and the coastal areas mentioned,

Mindful that they share various ecosystems and resources of the marine environment in the Northeast Pacific,

Have agreed as follows:

Article 1

Purpose

The principal purpose of the Convention is to establish a regional cooperation framework to encourage and facilitate the sustainable development of marine and coastal resources of the countries of the Northeast Pacific for the benefit of present and future generations of the region.

Article 2

Scope of application of this Convention

1. The scope of application of this Convention comprises the maritime areas of the Northeast Pacific, defined in conformity with the United Nations Convention on the Law of the Sea.
2. No provision of this Convention or its protocols shall be considered as affecting the rights, present or future claims or legal opinions of any Contracting Party relating to the boundaries of its maritime areas or maritime jurisdiction. No Party shall be entitled to call upon the norms and conduct agreed as generating rights or precedents.

Article 3  
Definitions

For the purposes of this Convention:

(a) “Sustainable development” means the process of progressive change in the quality of life of human beings, which places it as the centre and primordial subject of development, by means of economic growth with social equity and the transformation of methods of production and consumption patterns, and which is sustained in the ecological balance and vital support of the region. This process implies respect for regional, national and local ethnic and cultural diversity, and the full participation of people in peaceful coexistence and in harmony with nature, without prejudice to and ensuring the quality of life of future generations;

(b) “Economic assessment” means the assignment of monetary value to environmental goods and services for which no market values exist, so that their value may be explicitly reflected in every decision-making process based on monetary benefits and costs;

(c) “Environmental services” means the services provided by the functions of nature itself (for example, the protection of soil by trees, the natural filtration and purification of water, the protection of habitat for biodiversity, etc.);

(d) “Pollution of the marine environment” means the introduction by man, directly or indirectly, of substances or of energy into the marine environment (including estuaries and wetlands) which cause or may give rise to harmful effects such as damage to living resources or marine life, risks to human health, obstacles to maritime activities including fisheries and other legitimate uses of the sea, deterioration of sea water quality for their use, and impairment of leisure and aquaculture areas;

(e) “Other forms of environmental deterioration” means activities of man-made origin that may alter the quality of the marine environment and its resources and affect them in such a way as to reduce their natural recovery and regeneration capacity, such as erosion, the introduction of exotic species, protection capacity against natural phenomena, etc.;

(f) The term “discharges” refers to the pollution of the marine and coastal environment deriving from spills, disposal or dumping of wastes and hazardous substances from ships, aircraft, the atmosphere or land-based sources of pollution;

(g) “Dumping” means the deliberate discharge of substances or other materials into the sea or from ships or aircraft;

(h) “Monitoring” means the periodic measurement of environmental quality indicators;

(i) “National authority” means the authority designated by each Contracting Party in accordance with article 9, paragraph 2, and article 11, paragraph 1, subparagraphs (a), (b) and (d), of this Convention;

(j) “Executive Secretariat” means the body indicated in article 14 of this Convention.

Article 4  
General provision

The provisions of this Convention shall not affect the rights and obligations that the Contracting Parties may have assumed pursuant to special Conventions and accords that they may have concluded in respect of the protection of the marine and coastal environment of the region.

Article 5  
General obligations

1. The Contracting Parties shall, unilaterally, bilaterally or multilaterally, adopt appropriate measures pursuant to the provisions of this Convention, to prevent, reduce, control and avoid pollution of the marine and coastal environment of the Northeast Pacific, as well as other forms of deterioration that may affect these, and ensure the sustainable environmental management of the marine and coastal areas and the effective development of their natural resources.
2. The Contracting Parties shall collaborate in the drafting, adoption and implementation of other protocols and Conventions that may establish effective rules, norms, practices and procedures for the implementation of this Convention.
3. Each Contracting Party shall adopt and bring into force the necessary legislative and administrative measures to make this Convention and its protocols effective.
4. The Contracting Parties shall collaborate as necessary at the regional level, directly or in cooperation with competent international organizations, in the drafting, adoption and implementation of rules, norms, practices and procedures for the effective protection and development of the marine and coastal environment of the Northeast Pacific against all types and sources of pollution, and for the sound planning and development of that environment and those areas and their appropriate environmental management, taking into account the special characteristics of the region. Such rules, norms, practices and procedures shall be communicated to the Executive Secretariat of the Convention.
5. The Contracting Parties shall adopt all necessary measures so that activities under their jurisdiction or control shall be carried out in such a way as not to cause detriment through pollution or other forms of environmental deterioration to other Parties or their environment, and so that pollution caused by accidents or activities under their jurisdiction or control may not, as far as possible, extend beyond the areas over which the Contracting Parties exercise sovereignty and jurisdiction. In cases where it is foreseen that such transboundary effects may cause harm, other interested Parties should be informed and consulted in the course of planning the activity.
6. In order to protect the environment and contribute to the sustainable management, protection and conservation of the marine environment of the region, the Contracting Parties shall:
  - (a) Apply, in accordance with their capacity, the precautionary principle, by virtue of which, when confronted with serious or irreversible threats to the environment, the absence of complete scientific certainty should not serve as a pretext for delaying the adoption of effective measures to prevent environmental degradation, because of the costs involved;
  - (b) Promote the application of the “polluter pays” principle, by virtue of which those responsible for pollution should pay the full costs of measures to prevent, control, reduce and remedy such pollution, with due regard for the public interest;
  - (c) Encourage cooperation between States with respect to environmental impact procedures related to activities under their jurisdiction or control that may have adverse effects on the marine environment of other States or in areas outside the boundaries of their national jurisdiction, by means of notifications, exchange of information and consultations;
  - (d) Encourage the integrated development and management of coastal areas and shared water basins, taking into account the protection of areas of ecological and scenic interest and the sustainable use of natural resources;
  - (e) Promote the participation of local authorities and civil society in the processes of adopting decisions that affect the marine environment or their livelihood;

(f) Make available to civil society and local authorities information on the status of the marine environment of the region, on the measures adopted or about to be adopted to prevent, control, reduce and remedy adverse effects and the effectiveness of such measures;

(g) Exchange, through the competent authorities, the available data and information on the management of the use of the marine and coastal environment and on the implementation of this Convention.

#### Article 6

##### Measures to prevent, reduce, control and remedy pollution and other forms of deterioration of the marine and coastal environment

1. The Contracting Parties shall adopt measures to prevent, reduce, control and remedy pollution and other forms of deterioration of the marine and coastal environment, including:

(a) Discharge of toxic, injurious or harmful substances into the sea and coastal areas, especially those that are persistent, originating from sources or activities including:

(i) Land-based sources;

(ii) Atmospheric, including those effected through the atmosphere, and

(iii) Dumping;

(b) Pollution caused by ships and any other arrangement or installation that operates in the marine environment; in particular, measures to avoid discharges, accidental or not, addressing emergencies in accordance with generally accepted international standards;

(c) Biophysical modifications, including alteration and destruction of habitats.

2. Without prejudice to the foregoing, the Contracting Parties shall adopt measures aimed at:

(a) The planning and environmental management of uses and activities in marine and coastal areas;

(b) Improvement as necessary of the environmental impact assessment of installations and activities that it is thought may affect marine and coastal areas;

(c) The identification of areas to be protected and the rehabilitation of degraded habitats and ecosystems;

(d) The identification and protection of endangered species of flora and fauna, and those that may possibly require protection measures;

(e) The application of prevention and precaution criteria to the uses and development of activities that may affect the marine and coastal resources of the region;

(f) The identification of marine coastal areas that are vulnerable to the action of extreme natural phenomena or events and a rise in sea level;

(g) The identification of marine coastal areas vulnerable to man-made activities.

#### Article 7

##### Erosion of coastal areas

The Contracting Parties shall adopt all appropriate measures to prevent, reduce, control and remedy erosion in coastal areas resulting from man-made activities and reduce the vulnerability of coasts to a rise in sea level and to sea-air and climatic interaction phenomena.

Article 8  
Cooperation in cases of pollution and other forms  
of environmental deterioration resulting from emergency situations

1. The Contracting Parties shall cooperate, bilaterally, regionally or multilaterally, in the prevention, containment, mitigation and restoration of damage resulting from:
  - (a) Pollution and/or environmental deterioration resulting from accidents;
  - (b) Pollution and/or environmental deterioration resulting from natural disasters, and
  - (c) Pollution and/or environmental deterioration resulting from deliberate man-made activities.
2. To this end, the Contracting Parties shall develop, individually or jointly, emergency and/or contingency plans, and shall adopt other measures where appropriate to respond to naturally caused or man-made disasters, including the probable effects of climate change and a rise in sea level.
3. The Contracting Parties shall provide the relevant timely information in cases of risk to coastal communities and infrastructure and of damage to the marine environment originating from pollution derived from man-made activities.
4. The Contracting Parties shall develop, individually or jointly, where appropriate, rehabilitation plans for fisheries that may require such, because of being affected by natural phenomena or pollution, and plans for the restoration of coastal habitats that may have suffered damage or been lost as a result of man-made activities or natural phenomena.
5. The Contracting Parties affected by pollution or other forms of deterioration of the environment resulting from emergency situations shall:
  - (a) Assess the nature, magnitude and scope of the emergency;
  - (b) Adopt appropriate measures to avoid or reduce the effects of pollution and other forms of environmental deterioration;
  - (c) Immediately provide information on the measures adopted or about to be adopted to combat pollution and other forms of environmental deterioration of the marine and coastal environment;
  - (d) Continue to observe the emergency situation while it lasts, and any changes thereto, and, in general, the changes in the pollution or other forms of environmental deterioration of the marine and coastal environment that may provoke emergency situations;
  - (e) Communicate to the other Contracting Parties and the Executive Secretariat of the Convention the information obtained as a result of those observations; and
  - (f) Initiate, once the emergency is over, a review of the effectiveness of the operation of the response mechanism to the crisis situation, as appropriate.
6. The Contracting Parties that may require assistance in combating, controlling, mitigating, diagnosing and forecasting the pollution and other forms of environmental deterioration resulting from emergency situations may request, directly or through the Executive Secretariat, cooperation with the other Contracting Parties, especially those that may be affected by the pollution and other forms of environmental deterioration.
7. Such cooperation may include assessment by experts and the provision of equipment and materials to combat pollution and other forms of environmental deterioration.
8. The Contracting Parties from whom assistance may have been requested shall consider that request as soon as possible, and, in the light of their capabilities, immediately inform the requesting Contracting Party of the form, scope and conditions of the cooperation they might provide.



Article 9

Monitoring of pollution and other forms of environmental deterioration

1. The Contracting Parties shall, directly or in collaboration with the relevant international bodies, establish and implement a regional monitoring programme for pollution in the marine and coastal environment of the Northeast Pacific.
2. To this end, the Contracting Parties shall designate the authorities responsible for the monitoring of pollution and other forms of environmental deterioration in their respective areas of sovereignty and jurisdiction, in conformity with international law.
3. In particular, when transboundary areas are involved, the Contracting Parties shall participate in bilateral and multisectoral projects and missions to assess marine pollution and other forms of environmental deterioration, in conformity with international law.

Article 10

Integrated management and sustainable development of the marine and coastal environment

1. As part of the implementation of their policies and strategies for the integrated management and sustainable development of the marine and coastal environment, the Contracting Parties shall incorporate into their economic development projects in marine and coastal areas those environmental criteria that provide sustainability in the use of resources and in the maintenance of the integrity of ecosystems.
2. Also as part of these policies, the Contracting Parties shall strive to implement integrated management and bring about the sustainable development of the marine and coastal environment. To this end, the Contracting Parties shall endeavour to:
  - (a) Formulate and implement plans and programmes at appropriate levels for the integrated management and sustainable development of the marine and coastal environment;
  - (b) Use environmental assessment and systematic observation as preventative and precautionary measures in the planning and implementation of projects;
  - (c) Encourage the preparation and use of methods of economic assessment of ecosystems and of marine and coastal ecosystems and of environmental goods and services at the national level;
  - (d) Integrate into a national plan and/or programme of integrated management and sustainable development sectoral plans in relation to coastal human settlements, aquaculture, industry, tourism, fisheries and ports that use or affect the coastal area;
  - (e) Adopt the use of an ecosystem approach in fisheries management measures;
  - (f) Promote the use of the best available techniques, including cleaner technologies appropriate to the conditions of the region, taking socio-economic factors into account;
  - (g) Promote the education, sensitization and participation of civil society and also the development of environmental information programmes regarding the marine and coastal environment;
  - (h) Establish protected coastal areas with the objective of maintaining biological integrity and diversity;
  - (i) Identify the habitats of living marine resources that contribute to the food security of coastal people and are of major socio-economic and ecological importance;
  - (j) Establish mechanisms, where appropriate, within their policies, plans and programmes for the integrated management of coastal areas, to review the problems arising from the assignation of uses and access to resources, from the coastal area, or from uses in which proper management is not observed.

3. The Contracting Parties shall endeavour to include an assessment of possible environmental effects when planning any activity that involves the implementation of projects inside their territory that may, especially in coastal areas, cause pollution in the area within the scope of this Convention or cause significant or harmful environmental alterations to it.
4. The Contracting Parties shall, in cooperation with the Executive Secretariat, work out methods for disseminating information on the assessment of the activities mentioned in the previous paragraph of this article.
5. The Contracting Parties shall adopt appropriate measures to protect and preserve rare or vulnerable ecosystems in the area within the scope of this Convention, as well as the habitats of species with low populations or that are threatened or endangered. To this end, the Contracting Parties shall endeavour to establish protected areas. The establishment of such areas shall not affect the rights of the other Contracting Parties or of third-party States. In addition, the Contracting Parties shall exchange information regarding the administration and management of such areas.

Article 11  
Information exchange

1. The Contracting Parties commit themselves, subject to their respective national legislation, to exchange with each other and transmit to the Executive Secretariat information regarding:
  - (a) The organization or competent national authorities responsible for the monitoring and control of pollution and other forms of environmental deterioration of the marine and coastal environment;
  - (b) The competent national authorities responsible for receiving information on marine pollution and other forms of environmental deterioration of the marine and coastal environment, and those responsible for carrying out assistance programmes or adopting assistance measures for the benefit of the Contracting Parties;
  - (c) Programmes being developed for research into pollution and other forms of environmental deterioration, with the objective of creating new methods and techniques to avoid, reduce and/or eliminate pollution or the deterioration of the marine and coastal environment, together with the results of such programmes and research;
  - (d) The competent national authorities responsible for planning the uses of marine and coastal areas.
2. The Contracting Parties shall coordinate the use of the available communication media so as to ensure the opportune reception, transmission and diffusion of the information that needs to be exchanged.

Article 12  
Scientific and technological information

1. The Contracting Parties shall cooperate among themselves or through the Executive Secretariat or another competent international organization, where appropriate, in the fields of science and technology related to the marine and coastal environment, and shall exchange data and other scientific information relevant to the purposes of this Convention. To this end, the Contracting Parties shall, among themselves or through the Executive Secretariat or another competent international organization, undertake the following activities:
  - (a) Encouraging scientific, technological and educational assistance programmes, and those of any other kind, for the protection and sustainable development of marine and coastal areas, and for the prevention, reduction and control of pollution and other forms of environmental deterioration in such areas. This assistance shall comprise, inter alia:
    - (i) The training of scientific and technical staff;
    - (ii) Participation in relevant international programmes;

- (iii) Capacity-building of the Contracting Parties to train teams and adopt those techniques and methods;
  - (iv) The supply of equipment and installations for research, monitoring and educational and other programmes;
  - (b) Extending the appropriate assistance to reduce to a minimum the effects of incidents or accidents that may cause pollution and other forms of environmental deterioration in the marine and coastal environment;
  - (c) Extending the assistance needed for the preparation of programmes related to environmental assessment; and
  - (d) Cooperating in the preparation of appropriate assistance programmes for environmental management, including monitoring and supervision of the marine and coastal environment.
2. The Contracting Parties, where appropriate, shall encourage and coordinate their national research programmes on all kinds and sources of marine and coastal pollution and other forms of environmental deterioration that exist within the geographical scope of application of this Convention, and shall cooperate in the establishment of regional research programmes and in the supervision and monitoring of marine and coastal area pollution and other forms of environmental deterioration in those areas.

#### Article 13

##### Liability and compensation

The Contracting Parties shall endeavour to adopt a protocol in respect of liability and compensation for damage resulting from pollution in the area of application of this Convention.

#### Article 14

##### Institutional provisions

For the purposes of the administration and implementation of this Convention, the Contracting Parties shall designate the organization responsible for carrying out the functions of the Executive Secretariat of the Convention. The United Nations Environment Programme (UNEP) shall carry out such functions until such designation is formalized. In the meeting held for that purpose, the geographical seat of the Executive Secretariat shall be designated, as well as the procedure and funding for the execution of that function.

#### Article 15

##### Meetings of the Contracting Parties

1. The Contracting Parties shall hold ordinary and extraordinary meetings.
2. The first meeting of the Contracting Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after the entry into force of this Convention.
3. Ordinary meetings shall be held every two years, in conjunction with the Intergovernmental Meeting (General Authority) of the Action Plan for the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific. The Executive Secretariat shall convene such meetings sixty (60) days before the date of the meeting.
4. Extraordinary meetings shall be convened by the Executive Secretariat at the request of any Contracting Party, provided that within six months of such a request being communicated to the Contracting Parties, it is supported by at least one third of them. The Executive Secretariat may also request the convening of extraordinary meetings, conditional on receiving the unanimous agreement of the Contracting Parties.
5. In their first meeting, the Contracting Parties shall adopt the rules of procedure for meetings of the Contracting Parties to the Convention.

(a) Decisions of the Contracting Parties shall be adopted by consensus, except in cases where the rules of procedure for meetings of Contracting Parties establish voting as the form of adopting decisions.

6. The meetings of the Contracting Parties shall have the function of keeping under continuous review the implementation of this Convention and its protocols, and in particular:

(a) The extent to which the Contracting Parties implement the provisions of the Convention, the effectiveness of the measures adopted and the need to undertake any additional action that may be required for the achievement of the purposes of this Convention and its protocols, including their institutional and financial aspects;

(b) To assess periodically the status of the environment in the area of application of the Convention;

(c) To revise and amend this Convention;

(d) To consider, adopt, revise and amend the protocols and their annexes;

(e) To establish such working groups as are deemed necessary to review any question related to this Convention, its protocols and annexes;

(f) The undertaking of any other function that may contribute to the achievement of the purposes of this Convention.

#### Article 16

##### Approval and entry into force of protocols

1. The Contracting Parties may adopt by consensus, in a meeting of the Contracting Parties, additional protocols to this Convention, pursuant to paragraph 2 of article 5. Such protocols shall enter into force once the Depositary has received the fourth instrument of ratification or accession.

2. Subsequently, protocols shall enter into force in respect of any of the States or regional integration organizations at the moment when they deposit their respective instruments of ratification or accession with the Depositary.

#### Article 17

##### Amendments of the Convention or its protocols

1. Any Contracting Party may propose amendments to this Convention or its protocols. Such amendments shall be adopted at a meeting of the Contracting Parties convened by the Executive Secretariat at the request of a Contracting Party.

2. Amendments to this Convention and its protocols shall be adopted by consensus of the Contracting Parties.

3. Amendments shall be subject to ratification or accession and shall enter into force in the form established for the Convention and its protocols respectively to enter into force.

#### Article 18

##### Special exercise of the right to vote by economic integration organizations

In areas of their competence, economic integration organizations that have acceded to this Convention and its protocols shall exercise their right to vote with a number of votes equal to the number of their member States absent, with prior consent of the Contracting Parties to this Convention and its corresponding protocols. Such organizations shall not exercise their right to vote if it is exercised by their member States.

Article 19

Reports

The Contracting Parties shall transmit reports to the Executive Secretariat about the measures adopted for the implementation of this Convention and its additional protocols, in the form and with the frequency determined in its meetings. The Executive Secretariat shall circulate these reports to the Contracting Parties.

Article 20

Relationship between the Convention and its protocols

1. No State or economic integration organization may be a Contracting Party to a protocol that may be established in the future unless it is, or at the same time becomes, a Contracting Party to this Convention.
2. Protocols to this Convention shall be obligatory only for the Contracting Parties to the protocol in question.
3. Decisions relating to any protocol pursuant to articles 15 and 17 of this Convention may only be adopted by the Contracting Parties to the protocol in question.

Article 21

Signature

This Convention shall be open for signature in the city of Antigua Guatemala on 18 February 2002 and in Guatemala City from 19 February 2002 to 18 February 2003 for States invited to participate in the Conference of Plenipotentiaries for the Adoption of the Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Areas of the Northeast Pacific and its respective Action Plan.

Article 22

Ratification, acceptance and approval

1. This Convention shall be subject to ratification, acceptance or approval by the signatory States. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Convention shall be subject to compliance with the internal procedures of each Contracting Party.

Article 23

Accession

1. This Convention shall be open for accession by any State from the date on which the Convention is closed for signature, and once the Convention enters into force, it shall be open for accession by the economic integration organizations that have been invited to form part of this Convention. The instruments of accession shall be deposited with the Depositary, who shall inform the Contracting Parties thereof.
2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

Article 24  
Reservations

Reservations to this Convention shall only be allowed in respect of matters concerning the sovereignty and territorial integrity of the Contracting Parties and interpretative statements to the Convention.

Article 25  
Settlement of disputes

In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the Contracting Parties concerned shall seek solution by negotiation or any other mechanism for the peaceful settlement of disputes established by international law.

Article 26  
Entry into force

This Convention shall enter into force sixty (60) days after the date of deposit of the fourth instrument of ratification, acceptance, approval or accession with the Depositary. Subsequently, this Convention shall enter into force with respect to States or regional integration organizations at the moment when they deposit their respective instruments of ratification, acceptance, approval or accession with the Depositary.

Article 27  
Withdrawal

1. At any time after two years from the date on which this Convention has entered into force for a Contracting Party, that Party may withdraw from the Convention.
2. Such withdrawal shall be made by giving written notification to the Executive Secretariat, which shall immediately inform the Contracting Parties thereof.
3. Any such withdrawal shall take effect six (6) months after the date of notification of the Depositary.

Article 28  
Depositary

1. The Depositary of this Convention and its protocols shall be the Government of the Republic of Guatemala.
2. The Depositary shall inform the signatories and the Contracting Parties, as well as the Secretariat, of the signature of this Convention and its protocols and the deposit of instruments of ratification, acceptance, approval and accession; the date on which the Convention or a protocol enters into force for each Contracting Party; notification of any withdrawal and the date on which it becomes effective; amendments to the Convention or any protocol, their acceptance by the Contracting Parties and their date of entry into force; all matters relating to new annexes and changes to any annex; notifications by regional economic organizations of the extent of their competence with respect to matters governed by this Convention and relevant protocols, and any modification thereof.
3. The original of this Convention shall be deposited with the Depositary, who shall send certified copies of it to the signatories and the Secretariat.

4. As soon as the Convention and its protocols enter into force, the Depositary shall forward a certified copy of the relevant instrument to the Secretary-General of the United Nations for registration and publication, pursuant to Article 102 of the Charter of the United Nations, and to the Executive Director of the United Nations Environment Programme.

IN WITNESS WHEREOF, the Plenipotentiaries, duly authorized to that effect by their respective Governments, have signed this Convention drawn up in one single original in Spanish and English, both texts of which are equally authentic.

DONE at the city of Antigua Guatemala, Republic of Guatemala, on the eighteenth day of February two thousand two.

FOR THE REPUBLIC OF COLOMBIA

FOR THE REPUBLIC OF EL SALVADOR

FOR THE REPUBLIC OF HONDURAS

FOR THE REPUBLIC OF NICARAGUA

FOR THE REPUBLIC OF COSTA RICA

FOR THE REPUBLIC OF GUATEMALA

FOR THE UNITED MEXICAN STATES

FOR THE REPUBLIC OF PANAMA

3. Montreal Declaration on the Protection of the Marine Environment from Land-based Activities

1. We, the representatives of (...) Governments, with the valued support and concurrence of delegates from international financial institutions, international and regional organizations, the private sector, non-governmental organizations, other stakeholders and major groups, met from 26 to 30 November in Montreal, Canada, for the first Intergovernmental Review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and declared that;

2. We are concerned that:

(a) The marine environment is being increasingly degraded by pollution from sewage, persistent organic pollutants, radioactive substances, heavy metals, oils, litter, the physical alteration and destruction of habitats, and the alteration of the timing, volume and quality of freshwater inflows with resulting changes to nutrient and sediment budgets and salinity regimes;

(b) The significant negative implications for human health, poverty alleviation, food security and safety and for affected industries are of major global importance;

(c) The social, environmental and economic costs are escalating as a result of the harmful effects of land-based activities on human health and coastal and marine ecosystems and that certain types of damage are serious and may be irreversible;

(d) The impacts of climate change on marine environments are a threat to low-lying coastal areas and small island States due to the increased degradation of the protective coastal and marine ecosystems;

(e) Greater urgency is not accorded to taking action at the national and regional levels for meeting the objectives of the Global Programme of Action.

3. We are concerned also about the widespread poverty, particularly in coastal communities of developing countries, and the contribution that the conditions of poverty make to marine pollution through, for example, lack of even basic sanitation and how marine degradation generates poverty by depleting the very basis for social and economic development.

4. We acknowledge that the United Nations Convention on the Law of the Sea and Agenda 21 provide the key framework for implementing the Global Programme of Action.

5. We declare that implementation of the Global Programme of Action is primarily the task of national Governments. Regional seas programmes also play an important role in implementation and both should include the active involvement of all stakeholders.

6. We will cooperate to improve coastal and ocean governance for the purpose of accelerating the implementation of the Global Programme of Action, by mainstreaming, integrating coastal area and watershed management, and enhancing global, regional and national governance processes.

7. We will cooperate to identify new and additional financial resources to accelerate the implementation of the Global Programme of Action, by building capacity for effective partnerships among Governments, industry, civil society, international organizations and financial institutions, and by making better use of domestic and international resources.

*Mainstreaming of the Global Programme of Action*

8. We commit ourselves to improve and accelerate the implementation of the Global Programme of Action by:



(a) Incorporating the aims, objectives and guidance of the Global Programme of Action into new and existing activities, action programmes, strategies and plans at the local, national, regional and global levels and into sectoral policies within our respective jurisdictions;

(b) Strengthening the capacity of regional seas organizations for multi-stakeholder cooperation and action, including through participation in partnership meetings focused on concrete problem identification and solution;

(c) Supporting the ratification of existing regional seas agreements and the development of additional ones, as appropriate, and promoting collaboration between existing regional seas organizations, including through twinning mechanisms;

(d) Calling upon the United Nations agencies and programmes and international financial institutions to incorporate, where appropriate, the objectives of the Global Programme of Action into their respective work programmes, giving priority in the period 2002-2006 to addressing the impacts of sewage, physical alteration and destruction of habitats and nutrients on the marine environment, human health, poverty alleviation, food security and safety, water resources, biodiversity and affected industries;

(e) Calling upon regional seas programmes, in the light of assessments of their marine environment, to:

(i) Identify priorities with particular regard to those set out at paragraph 8 (d) above;

(ii) Prepare action plans to address the implementation of those priorities and work, as appropriate, with national authorities to implement those plans;

(iii) Produce interim reports on the carrying out of these action plans with a view to completing full reports at the time of the next Global Programme of Action review.

#### *Oceans and coastal governance*

9. We commit ourselves to improve and accelerate the implementation of the Global Programme of Action by:

(a) Taking appropriate action at the national and regional levels to strengthen institutional cooperation between, inter alia, river-basin authorities, port authorities and coastal zone managers, and to incorporate coastal management considerations into relevant legislation and regulations pertaining to watersheds management, in particular, transboundary watersheds;

(b) Strengthening the capacity of local and national authorities to obtain and utilize sound scientific information to engage in integrated decision-making, with stakeholder participation, and to apply effective institutional and legal frameworks for sustainable coastal management;

(c) Strengthening regional seas programmes to play a role in, as appropriate, coordination and cooperation:

(i) In the implementation of the Global Programme of Action;

(ii) With other relevant regional organizations;

(iii) In regional development and watershed management plans;

(iv) With global organizations and programmes relating to implementation of global and regional conventions;

(d) Supporting this new integrated management model for oceans and coastal governance as an important new element of international environmental governance;

(e) Improving scientific assessment of the anthropogenic impacts on the marine environment, including, inter alia, the socio-economic impacts;

(f) Enhancing the state-of-the-oceans reporting to better measure progress towards sustainable development goals, informing decision-making (such as setting management objectives), improving public awareness and helping assess performance;

(g) Improving technology development and transfer, in accordance with the recommendations of the United Nations General Assembly.

*Financing of the Global Programme of Action*

10. We commit ourselves to improve and accelerate the implementation of the Global Programme of Action by:

(a) Strengthening the capacity of local and national authorities with relevant financial and other resources to identify and assess needs and alternative solutions to specific land-based sources of pollution; and to formulate, negotiate and implement contracts and other arrangements in partnership with the private sector;

(b) Calling upon international financial institutions and regional development banks and other international financial mechanisms, in particular the World Bank and the Global Environment Facility, consistent with its operational strategy and policies, to facilitate and expeditiously finance activities related to implementation of the Global Programme of Action at regional and national levels;

(c) Giving due consideration to the positive and negative impacts of domestic legislation and policies, including, inter alia, fiscal measures, such as taxation and subsidies, on land-based activities degrading the marine and coastal environment;

(d) Taking appropriate action at the national level, including, inter alia, institutional and financial reforms, greater transparency and accountability, the development of multi-year investment programmes and providing an enabling environment for investment.

*Other provisions*

11. We welcome the Strategic Action Plan on Municipal Wastewater and urge the United Nations Environment Programme to finalize this document as a tool for implementing the objectives of the Global Programme of Action.

12. We call upon Governments to ratify the Stockholm Convention on Persistent Organic Pollutants, the 1996 Protocol to the London Convention and other relevant agreements, in particular regional conventions, such as the 1999 Aruba Protocol to the Cartagena Convention and protocols dealing with the prevention of pollution of the marine environment, as a means of implementing the Global Programme of Action. We also stress the need for increased international cooperation on chemicals management.

13. We welcome the work done by the Global Programme Coordination Office, commend its 2002-2006 work programme to the Governing Council of the United Nations Environment Programme and encourage it to implement the programme at a strengthened level, subject to availability of resources.

14. We note the outcome of the first Intergovernmental Review of the Global Programme of Action as a valuable contribution to the implementation of Agenda 21. We request that the next Global Ministerial Environment Forum endorse this outcome. We commend the outcome to the attention of the Monterrey International Conference on Financing for Development. We commend the outcome to the attention of the Third World Water Forum in Kyoto, Japan, in 2003. We request the preparatory process of the World Summit on Sustainable Development to take full account of the outcome of this meeting and the objective of the Global Programme of Action as it considers measures on protection of the marine environment.

15. We request the Executive Director of the United Nations Environment Programme to convene the second Intergovernmental Review Meeting in 2006 and seek support for organizing the meeting.

Adopted by the Intergovernmental Review Meeting  
on the Implementation of the Global Programme of  
Action for the Protection of the Marine Environment  
from Land-based Activities at its first meeting on  
Friday, 30 November 2001

### C. Communications by States

#### 1. Note verbale dated 26 November 2001 from the Ministry of Foreign Affairs of St. Kitts and Nevis addressed to the Secretary-General of the United Nations

The Ministry of Foreign Affairs of St. Kitts and Nevis ... has the honour to refer to the Venezuelan territory known as “Isla Aves” and to the bilateral Maritime Boundary Delimitation Treaties arising therefrom and made between:

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

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

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

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

The Government of St. Kitts and Nevis protests the status granted to “Isla Aves” in the above-mentioned maritime boundary treaties and kindly requests the United Nations Secretary-General in his capacity as the depositary of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the Parties to the said Convention.

...

Basseterre  
26 November 2001

2. Notes verbales dated February 2002 from the Ministry of Foreign Affairs of Guyana addressed to the Ministry of Enterprise Development and Foreign Affairs of Trinidad and Tobago and to the Ministry of External Affairs of Venezuela<sup>2</sup>

The Ministry of Foreign Affairs of the Cooperative Republic of Guyana presents its compliments to the Ministry of External Affairs ... and has the honour to refer to the Treaty on Delimitation of Marine and Submarine Areas between the Republic of Trinidad and Tobago and the Bolivarian Republic of Venezuela signed at Caracas on 18 April 1990 and entered into force on 23 July 1991.

The Government of Guyana wishes to inform that it has concluded a review of its provisional maritime boundaries and of its potential claims to its extended continental shelf areas. It has emerged from that review that the aforementioned Treaty concluded between the Bolivarian Republic of Venezuela and the Republic of Trinidad and Tobago purports to give to the parties to that Treaty rights over certain maritime areas which are a portion of Guyana's maritime space.

The Government of Guyana wishes to draw attention to article II of the said Treaty, wherein the geographical coordinates of the maritime boundaries between the Republic of Trinidad and Tobago and the Bolivarian Republic of Venezuela as defined in the aforesaid Treaty are set out.

The Government of the Cooperative Republic of Guyana wishes to inform the Government of ... that the encroachment by [Trinidad and Tobago] [Venezuela] into Guyana's maritime space is contrary to international maritime law and practice and does not affect Guyana's sovereignty and its exercise of sovereign rights over its maritime areas which are subject to the encroachment.

The Government of Guyana further wishes to advise that the coordinates that represent an encroachment of Guyana's maritime space are not recognized by the Cooperative Republic of Guyana and cannot be opposable against Guyana.

The Government of the Cooperative Republic of Guyana wishes to bring to the attention of the Government of the Bolivarian Republic of Venezuela that the geographical coordinates forming the boundary lines which encroach upon Guyana's Maritime Space should be reviewed.

...

Georgetown  
February 2002

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<sup>2</sup> The two notes of identical content, one addressed to the Ministry of External Affairs of Venezuela and the other to the Ministry of Enterprise Development and Foreign Affairs of Trinidad and Tobago, were communicated to the Division for Ocean Affairs and the Law of the Sea of the United Nations, Office of Legal Affairs, by note verbale No. 31/2002 dated 7 February 2002 from the Permanent Mission of Guyana to the United Nations.

3. Note verbale dated 27 March 2002 from the Ministry of Foreign Affairs of Trinidad and Tobago addressed to the Ministry of Foreign Affairs of Guyana<sup>3</sup>

The Ministry of Foreign Affairs of the Republic of Trinidad and Tobago presents its compliments to the Ministry of Foreign Affairs of the Cooperative Republic of Guyana and has the honour to refer to the latter's note No. 102/2002 dated 1 February 2002, concerning the Trinidad and Tobago-Venezuela Treaty on the Delimitation of Marine and Submarine Areas which was signed on 18 April 1990 and entered into force on 23 July 1991.

The Ministry of Foreign Affairs wishes to inform the Ministry of Foreign Affairs that the Government of the Republic of Trinidad and Tobago has taken careful note of the timing of note 102/2002, and of its contents.

The Ministry of Foreign Affairs further wishes to advise the Ministry of Foreign Affairs that the Trinidad and Tobago-Venezuela Treaty on the Delimitation of Marine and Submarine Areas was negotiated and concluded in accordance with customary international law and the 1982 United Nations Convention on the Law of the Sea between two sovereign coastal States whose geographical relationship to each other is both that of oppositeness and of adjacency, and which resolved, equitably, their respective overlapping claims to territorial sea, exclusive economic zone and continental shelf jurisdictions in the Caribbean Sea, the Gulf of Paria, in the Serpent's Mouth towards the Atlantic, and in the Atlantic Ocean to a distance of 200 nautical miles, and beyond that to the outer edge of the continental margin.

That Treaty validly concluded between Trinidad and Tobago and Venezuela, and in respect of which the international community has had notice since its registration in 1992 with the United Nations Secretariat in accordance with Article 102 of the Charter of the United Nations, in no way prejudices the rights and interests of Guyana in respect of its maritime jurisdictions.

Further, it is a fundamental tenet of the law of maritime boundary delimitation that maritime boundaries cannot be unilaterally determined by any coastal State as Guyana is purporting to do in its reference to "provisional maritime boundaries", but can only be settled by agreement on the basis of international law between the relevant coastal States, as determined in accordance with the jurisprudence of the International Court of Justice and arbitral tribunals. Which States constitute the relevant coastal States in any particular geographical situation is an issue that falls to be determined by the application of customary international law and the relevant provisions of the 1982 United Nations Convention on the Law of the Sea.

In addition to the foregoing, Anselm Francis, a publicist and lecturer at the Institute of International Relations, University of the West Indies, St. Augustine, Trinidad and Tobago, writing the *International Journal of Estuarine and Coastal Law*, vol. 6, No. 3, at page 179, published in 1991, had this to say about the 1990 Trinidad and Tobago-Venezuela Maritime Boundary Treaty:

*"Venezuela is located between Trinidad and Tobago and Guyana and its north-eastern coastline is concave. These two factors conspire to make Venezuela zone-locked if the equidistance method is applied. The question which must be addressed is whether that method must be adjusted to provide Venezuela with a corridor to the open Atlantic or whether Venezuela should be left to bemoan the cruel treatment meted out to her by nature."*

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<sup>3</sup>The note verbale was communicated to the Division for Ocean Affairs and the Law of the Sea of the United Nations, Office of Legal Affairs, by note verbale No. 118 dated 28 March 2002 from the Permanent Mission of Trinidad and Tobago to the United Nations.

*“In order to answer this vexing question it is necessary to consider the status of the equidistance method in international law. It is now settled law that international law confers no special status on any method of delimitation, the equidistance method being no exception. In the North Sea Continental Shelf cases, involving, on the one hand, the Federal Republic of Germany, and on the other, Denmark and the Netherlands, both Denmark and the Netherlands contended that the equidistance method had to be applied in the delimitation of the common shelf of the three States. They based their argument on the fact that the equidistance method was a principle of customary law derived from the practice of States.*

*“The Court was unable to uphold the argument of Denmark and the Netherlands because it was insufficient to show any widespread practice in determining whether or not a customary law practice existed. It must also be shown that the practice was followed out of a conviction that it represented the law. Denmark and the Netherlands were unable to discharge this latter obligation.*

*“Having rejected the argument advanced by Denmark and the Netherlands that the equidistance method was a principle of law, the Court went on to consider what the rule was relating to delimitation. In the absence of agreement, delimitation must be carried out in accordance with equitable principles. This means that the method must be subordinated to the result reached. Once there is an equitable result, the method does not particularly matter.”*

Also, the Venezuelan publicist Kaldone G. Nweihed in the 1993 publication of the American Society of International Law, *International Maritime Boundaries*, vol. I, edited by Jonathan Charney and Lewis M. Alexander, in analysing the same Treaty, indicated at pages 676-677 the following:

*“It had been unofficially assumed that the main obstacles in the way of the agreement on the boundary across the open Atlantic Sector were the likely contradictory claims at the tri-junction where the maritime boundaries of Venezuela and Guyana would meet Trinidad and Tobago’s. This situation was dealt with quite satisfactorily as the Contracting Parties applied a technical formula which shifted the boundary a few miles to the north of the point that is equidistant from the States’ coastlines, thus leaving Venezuela and Guyana to decide for themselves where and when to delimit their marine and submarine areas and with regard to what baselines, taking into consideration their disagreement on a previous Venezuelan decree. Needless to say, the recent political rapprochement between Venezuela and Guyana, which has entered a promising phase, is facilitated by this solution.”*

The Government of the Republic of Trinidad and Tobago, in the light of the foregoing, does not consider that any aspect of the Trinidad and Tobago-Venezuela Maritime Boundary Treaty line requires review, including that part which delimits the marine and submarine areas where the two coastal States, possessing coastlines comparable in length to the coastline of Guyana, abut on the open Atlantic Ocean.

In keeping with the submission by the Government of the Cooperative Republic of Guyana of a copy of its note No. 102/2002 to the Secretary-General of the United Nations, an action taken twelve (12) years after the Trinidad and Tobago-Venezuela Treaty was signed, eleven (11) years after it entered into force, and ten (10) years after it was registered without protest, the Government of the Republic of Trinidad and Tobago will ensure that a similar treatment is accorded to this note in reply.

The Ministry of Foreign Affairs of the Republic of Trinidad and Tobago avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Cooperative Republic of Guyana the assurances of its highest consideration.

Port of Spain, 27 March 2002

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